

## **Hellgate Meadows Residential Neighborhood Association**

**2625 Dublin Street ♦ Missoula, MT 59808**

**Special Board Meeting**

**July 13, 2021**

**6:38 pm, via ZOOM**



Board Members Present (via ZOOM): Debbie Goertzen, Drew Rieker, Laurie Fliger, Kathie Snodgrass, and Roberta Smith. Carol McKenzie, Hannah Sackett, and Jim Polk were unable to attend.

**This meeting was for the sole purpose of discussing Ground Squirrel and Sprinkler problems. Regular agenda items will be addressed at the regular Board Meeting on July 20, 2021.**

### **New Business:**

**Ground Squirrels:** Laurie briefed the rest of the Board on the Columbia Ground Squirrel situation. One neighbor has been affected more than others. See the attached email note from Laurie, with the property owner's name blacked out. A few other property owners and a Board member also reported problems with the ground squirrels. Would the City or the property owners/developers of the area west of Hellgate Meadows be willing to help solve this problem? Drew suggested engaging an attorney to find out HMRNA's degree of responsibility, degree of liability exposure, and advice on how to encourage the City or property owners to take some responsibility for this problem.

Roberta's attorney's specialties include land use. She volunteered to ask that firm whether they'd be willing to meet with us to discuss this issue, or to provide references to other firms if not.

Laurie will update the property owner and the Board will discuss this further at the regular meeting next week.

**Common Area Sprinklers:** Debbie reported that she contacted Dirtman July 6<sup>th</sup> about water, because she hadn't seen any sign or irrigation. He responded on the 7<sup>th</sup> that he found a loose pump-start wire in the controller, and fixed it. He manually ran the system to make sure it was working and get a little water onto the common areas. He also mentioned the south boulevard at 2600 O'Shaughnesy seems to have a root kink, and he'd be dispatching his crew to find that problem and fix it. He also felt that the Dublin common area should be split into two different sprinkler zones and a couple more sprinkler heads should also be added there. Dirtman will get back to Debbie with an estimate for that work.

There are more and more problems with the common area sprinkler system as time goes by. We may eventually have to either re-do the entire system or else abandon all the boulevards and have the adjacent homeowners water those. The problem with having the homeowners do that is that, as in Pleasant View, not all homeowners will care adequately for the boulevards, and the HMRNA Board may not become aware of the problem until damage has been done to the vegetation. Laurie suggested that we should consider setting funds aside each year towards replacing the system, using increased dues funds or perhaps consider getting a loan.

The meeting was adjourned at 7:30 pm.

*Kathie Snodgrass*, Secretary

## Hellgate Meadows HMRNA

Hi all,

It appears we have a problem occurring, which it would be wise for us to address ASAP, as one of our residents is very upset and has felt that our board is not giving the situation adequate attention.

**Christine Hastings**, who lives north of the park, next to the field, brought up her problems with ground squirrels at our General Meeting. When we didn't respond, she contacted Roberta individually. (When I met with **Christine**, she said we don't have an email on the website. We do, but it isn't very clear, and I wasn't going to deal with that issue when talking to her. She was upset that it has been difficult contacting the HMRNA.) I texted her and she related some of her concerns, but at that moment she was dealing with her dog dying and wasn't able to talk. She later texted me, and in a phone call Saturday, June 19th, related some of her difficulties with the ground squirrels. I met her at her house that afternoon. She showed me the places where the rodents have encroached, I took some pictures, and said I would try to talk with some of our board members before the next meeting to help answer her questions regarding her legal rights, the possibility of the HOAs involvement and public notices about the ground squirrels. I had been planing on eliciting feedback from residents about the issue via an informational poster, as was discussed at our last meeting.

On Monday, she called me twice at work and left voicemails. As I was unable to meet with her, Kathy generously agreed to do so.

Here are Kathy's careful notes on her discussion with **Christine**. I've added a couple of additional notes in italics, adding any details which came up in my own, very similar discussions with **Christine**.

June 21, 2021

Today I visited with **Christine Hastings** for over an hour about her concerns about Columbia Ground Squirrels invading her property. **Christine's** property abuts an alfalfa field on the west. She said that although there had been sporadic appearances of ground squirrels over the years, the invasion of her property began to accelerate about the time the contractors began work on the Hellgate Village subdivision west of Hellgate Meadows, and has intensified since. The natural ground squirrel predators (foxes, herons, osprey, eagles) have disappeared since work began on Hellgate village, so the squirrels have really multiplied with no predators thinning the juvenile or adult population. She is also convinced that the squirrels formerly occupying the 8 acres now under Hellgate Village have migrated south to where she lives. She says the ground squirrels have dug tunnels under her foundation and have emerged into her crawl space, and she is concerned that their activity may compromise the integrity of her natural gas supply, cause her foundation to subside and crack, and perhaps also affect her water, sewer, and electrical systems. Additionally, she is immuno-compromised and is concerned about pathogens from the squirrels' waste.

She is afraid that she will have to sell her home (basically her only asset), which would probably be worth less due to the squirrel activity, and move, but there are no affordable homes or apartments available. *Regarding this I offered to meet with a local real estate agent or perhaps Jason Suchecki, to learn whether she needs to provide a disclosure statement about the squirrels if she does decide to sell.*

**Christine** says she has spent countless hours attempting to politely encourage the adjacent property owner (who lives out of state) and the farmer who leases the ground to control the squirrels, to no avail. She finally got permission to access an 8-foot width of field adjacent to her property to cut the vegetation and have an exterminator gas the tunnels and set traps to catch the squirrels, in an attempt to eliminate the population of squirrels in the area. There are probably 30 squirrel tunnel entrances in that area, and every time the traps are emptied and reset, they catch from 25 to 30 squirrels. Attempting to not adversely affect the lessee's harvest, she is waiting until the first mowing to have the contractor set another round of traps. (NOTE: the mowing began later in the afternoon after I talked to **Christine**.) **Christine** *has made every reasonable attempt to control the squirrels on her own property...filling in holes, natural deterrents etc. none of which worked. She says she has paid over a thousand dollars to the exterminators, so far. The exterminators gave her an estimate of \$20,000-25,000 to treat the entire field with CO2, but this is only a possibility in the spring and with the landowner's permission. It's also cost prohibitive. The property owners are, according to **Christine**, worried about any possibility that issues like the ground squirrel population may reduce their land value, and that individuals who might profit from that devaluation would take advantage of the problem.*

**Christine** is convinced that if something isn't done to significantly reduce the squirrel population, they will over-run our entire subdivision. She thinks the Homeowner's Association should address this issue with the property owners, the Hellgate Village developers, and the City Council. The reasoning is that if the property values all along the west side of Dublin street are lowered, that will lower the values throughout the neighborhood... Also, she believes the squirrels will inevitably overrun the entire neighborhood if not stopped soon, which of course would be really bad for the neighborhood. *She was advised by MSU extension agents who deal with ground squirrels that with this size of a population poisoning is the best/only option that will realistically control their current numbers.*

I told her I would ask a lawyer friend of mine for referrals to lawyers who might be able to advise the Homeowner's Association on what our options might be for addressing the problem.

06-22-2021

My lawyer friend recommends contacting any of the following, although she doesn't think that this is an issue for the Association (she is a Hellgate Meadows resident):

Tom Orr, Principal, Thomas C. Orr Law  
Offices; <https://www.tcorrlaw.com/>; 406-543-0999 (this is the lawyer that  
successfully represented Rattlesnake property owners in a dispute with the City  
over costs of the Rattlesnake sewer)

Will McCarthy or Chris Johnson; Worden Thane  
PC; <https://www.wordenthane.com/>; 406-721-3400

Chuck Hansberry or Jenny Jourdonnais; Hansberry & Jourdonnais,  
PLLC; [Missoula | Business Law | Hansberry & Jourdonnais, PLLC](#); 406-203-  
1730; (practice includes environmental litigation, although mostly defending  
corporations from government & activists)

So, that's a recap of the situation. If the rest of you have any ideas about how we should  
help **Christine** and/or deal with the problem as a community, please, share your thoughts  
here. I would be willing to have a short zoom meeting about it, if the rest of you are.

Thanks,  
Laurie