

## Minutes for the July 19, 2007 Tomahawk Creek HOA Board Meeting

**Participants:** President South, Gayle Voyles, Ken Patrick, Jennifer Nearing, John Clock, Cynthia Selder, and Debra Smith. Approximately 25 homeowners were in attendance.

There were no votes taken by phone or e-mail between the June and July monthly meetings.

**June Financials:** Gayle had some questions that she e-mailed John.

1. How many additional expenses have incurred that haven't hit the books at the time of these financials? John reported that he didn't have any specific answer for question #1: work had been done in June on roofs, but not billed yet. Concrete work was done in June and billed in July; we've paid but held back 10% since they aren't finished. They were on the property yesterday. Cynthia has been on them to get them to complete all of the work. The last work needed some work to make it more eye appealing.
2. Positive comment: Income generated from bank interest, cable and maintenance income are all higher than budgeted.
3. Why are the clubhouse and trash removal expenses so much higher than the budgeted amount? Do you think there might be a connection between the number of dates the clubhouse was reserved for private events and their use of electricity, damage done, or additional cleaning services required? If so, do we need to reconsider the amount we charge individuals for private use of the clubhouse?  
John's response: trash removal was up due to purchasing the three pet waste stations (\$987), which weren't in the budget, but deal with trash. We had the neighborhood trash day, and repairs to the compactor, along with social's party, fitness center repairs at \$115 and petty cash at \$57, plus there was a \$258 billing that had to be re-classified for repairing the computers – transferred into clubhouse (expenses from previous month)
4. Landscaping expenses are higher than anticipated; is this due to the irrigation system repairs? Yes, \$7,000 worth.
5. Fire sprinkler test – higher—do we need to consider increasing the budgeted amount for next year? Remember the bitter cold and broken line and the sprinkler test. Yes, but Gayle pointed out that the line item shows large expenses for multiple months: Feb was \$696.41; March was \$1,573.85, April was \$66.67, May was \$2,325.78, and June was \$1,341.93. **John said he'd look into this.**
6. Electricity – Why do you think the electricity for our commons areas is higher than budgeted? There was an accounting issue; utilities have actually been under budget.
7. \$7,358 capital equipment expense was for the mule, as Gayle thought.

Debra - \$75.00 Tiehen Fee for the Hub 1 Form – it is in the management agreement

President South: Any other questions?

**Cynthia:**

**Irrigation Issues** – repairs on sprinkler heads and wiring have been done; some areas will be distressed due to a regional fungus. Cynthia read this article in KC Star.

When Gayle asked about the sprinklers having been on all night between buildings 27 and 28 (Saturday night), Cynthia responded that a valve had been stuck.

President South – I've noticed that the swamp by TC Pkwy is being over watered. This section is where we have the existing drainage issue. Could they close off that zone?

**Cynthia said she would check out.**

Cynthia reported that the **Geese line** had been put up; Bill was able to cover a larger area than originally planned. Homeowners near the pond think it is working. Lines are along 117<sup>th</sup> St. all the way past Bldg. 26 and to Bldg. 31. Linda shared that she was interested in how the landscaping crew would deal with the line. Cynthia said they would monitor the situation. **Grasses by electrical boxes** was only submitted to the contractor this week; to be done in the future.

**Pond clean up** was completed on the 17<sup>th</sup>. They raked out algae on the small pond, as they have done during the past two years. The fountain was cleaned out, but nothing was damaged. The two big ponds have also been treated for algae, you may have noticed the blue water.

Cynthia shared that the property had two remaining garages [11605(L) and 11629 (L)] where water goes inside. She would like to have the same work done as to Bldg. 15. (\$3,410), but each would have a different price. Trench drain has to go out farther for Bldg. 05/cost is at \$4,775 and Bldg. 29/cost is at \$5,210. No decision has been made yet. Cynthia thought we had a line item for drainage issues; Ken reminded the board that the only justification for doing Building 15's work, was that the asphalt work the HOA contracted may have worsened their condition and the condition was that way at time of purchase. Board members said this was the first time they had been told of this issue specifically. They needed to know how much money was still available in the budget for this type of work; and needed to re-check the wording regarding the precedent set by work done at Bldg. 15.. Gayle said she would check the wording for the precedent and get back with board members and Cynthia and John.

**Drainage Issues** on John's list: Epic's work for drainage; one by the tennis court has been done (south of tennis court) then will work on the areas by buildings 9 and 16 and 17.

**Delinquency Report** - President South reported that the same thing comes up each month on this report. **Cynthia said she would check into this.** John reminded everyone that the board had approved The Tiehen Group to start proceedings to sue the individual who owed a large sum of money. The attorney started the process and the individual asked if he could pay \$568 a month and was supposed to start paying on July 2<sup>nd</sup>. John has been trying to contact the attorney to instruct him to continue the lawsuit.

The homeowner hasn't contacted Cynthia or John with a reason why he didn't pay in July.

**Copies of Time Warner Agreement:** The contract was signed May 18, 2001 and is good for 7 years. The board will have a decision to make by May 18, 2008. Ken asked if any other properties managed by Tiehen have this type of set up. John said none do, but this used to be an apartment complex and it is often done in apartment complexes. Time Warner may not want to renew it; Ken would like to see if Everest would be interested in offering a similar deal. Linda said he should let them know we are currently under contract.

**Revisit a motion that we tabled last month regarding phones by the swimming pool.** Debra printed off information printed off from a website. You can see #2 \$462.69 for a phone and box you buy and have the local service line after that. It is Allen Tel Single Line Pushbutton Tone Dial Phone. You wanted options...there's options. I don't remember what the information John shared previously was. Debra said she could print out product brochures if the board wanted.

911 phone was \$320 with a basic service charge of \$45 a month, plus \$45 to install. We'd have to call to find out more information. Gayle suggested that Cynthia could e-mail the comparison information, after making calls on the phone that Debra shared, and then board members could vote via e-mail. The results of the vote would be included in the minutes of the next meeting.

Debra: What is our website and when did that information go out? President South gave it to Debra and is on the newsletter.

Darline Terrell will give a brief presentation at the August TC HOA Meeting.

Debra: I have a problem with us stating a motion is made and accepted during HOA Meetings; we don't have a quorum so we are not able to do any official business.

John shared that at other properties the board does their business and homeowners listen; some properties will ask if a homeowner wishes to bring something to the board's attention, and others have homeowners submit, in writing ahead of time, issues to discuss. This is the only property that has two sets of minutes (TC HOA Board Minutes and TC HOA Meeting). Debra is correct in saying that to conduct business we need a quorum.

Debra then shared that she felt she was being publicly defamed. We are a KS Corp; we need 119 people to do business. You are allowing this petition to be held in the management company's office. Our 7 PM Meetings were done correctly when Steve was President and the meeting was only an informational meeting.

President South: If the community wants to start any type of petition they have that right. However they want to go about that is up to them.

Debra: I've had individuals ask me how they could start a petition to get rid of you.  
Linda South: We didn't call a special meeting to remove you.

Debra: You told me twice it was because I started a petition.  
President South: That is not what I've said. There were two motions; it doesn't make it an illegal motion because the community is allowed to make motions. They asked if they could have a vote to see if most of those who were in attendance were thinking a like.

Debra: I don't think that was explained properly.

Debra: I want to make a motion that the board should vote that the property management office will not be allowed to hold homeowner petitions. The individual should keep it until he/she has 89 votes.

President South: Is there a second on that motion? Hearing no second; we don't vote. Now, let's continue our discussion on the website: Do you want to post notice regarding Darline Terrell's Presentation at the August Meetings, more detailed calendar, and pest control? Cynthia stated that she hates to put it down for sure, because it may rain and they wouldn't show.

President South: Meeting Notices: Other than regular HOA Meetings – Yes. Linda will let Gerald know. Did Ken have other ideas? Gerald would like owner to owner personal property sales.

Debra stated that she had recommended from the beginning that there be a simple password that anyone could enter and post information. Ken said he felt that is a possibility. Some websites have a public part and a password for another portion of the site. Gerald said we have capability that each homeowner could have an email. Is there a place where people could post comments regarding the By-Laws and possible changes before we waste time and money to print out and certify mail it.

**Violations and Fines Procedure:**

- 1<sup>st</sup> complaint – Cynthia calls homeowner and informs them of the complaint and most of the time she follows up with a letter.
- 2<sup>nd</sup> complaint – Homeowner is issued \$25 fine with a detailed explanation of the complaint

Examples of things people have been issued fines: noise from parties, people coming and going up and down the stairs for an extended period of time.

Debra: Declarations say they are able to present their view to the board. Debra suggested that Cynthia include that statement in the letter sent to homeowner when they are fined.

President South reviewed the rules and clarified what they were. Cynthia shared there had only been 6 fines in 3 units; all for noise. Two residents in the building met with the individual that has had several complaints; Cynthia told him he could contest the complaints, but he chose to visit with neighbors; they gave him a second chance.

President South – Tree trimming? **Cynthia will check into this.**

President South: All trees by the sidewalks need to be trimmed for walkers and by garages. The one by 115<sup>th</sup> branches cover the signs as you enter the property. Cynthia will check.

Gayle shared ideas from a homeowner: Concern regarding Debra's scare tactics and her posting in the mailroom which intimidated homeowners. Homeowner had suggested the board get a second attorney's opinion to see if there wasn't something we could do to protect homeowners from the bullying and scare tactics. The homeowner also suggested if the individual with the petition is able to get the required number of signatures, that the letter announcing the special meeting should include in large bold type the number of votes required in order to remove Debra from her board position.

**Audit:**

President South stated that each board member should submit the names of two possible companies; the management company could then receive their bids. Gayle submitted two at the original time. What is the process the board would like to follow?

John asked why the board felt it necessary to have an audit done.

Linda: The governing documents allow for this, and we haven't done that.

John: My request would be to do it for next year. It would be an extra expense that isn't budgeted. John feels the expense is \$3,000 to \$5,000. Audit should happen towards the later part of the year. Other properties have their tax preparer conduct the audit.

President South asked if each board member would suggest possible auditors and we could explore the possibilities. Let's plan that for August. Names will be collected at the August Meeting.

Newsletter – Review and submit any suggestions by Monday.

Debra: Why did we get new Declarations and By-Laws?

President South: Due to the meeting Wed. night when a few corrections were made.

Meeting was adjourned at 7 PM

Submitted by,  
Gayle Voyles,  
TC Secretary and Treasurer