

**Tomahawk Creek Condominiums Home Association Board of Directors
Meeting Minutes for October 30, 2013**

APPROVED

Board Members Present: Gayle Voyles, Jennifer Breece, and Karie Younger.

The Tiehen Management: Jim Tiehen, Tim Rellihan, and Michelle Swartz

The regular monthly HOA Board Meeting held at 6:00 p.m. on October 30, 2013, at the Tomahawk Creek Condominiums Clubhouse.

Presidents Report: Gayle Voyles acknowledgement of the Management company getting out the Annual Meeting Notice and Board Election Information with Proxy & Ballots to owners; the success of the recent social event of Dog parade and party for Halloween due to two residents; Warning that repercussions of residents for reporting rule violations will not be tolerated; and Managements extensive work gathering information on replacing roofs,

Unanimous Board Approval of the electronic votes include the August 29th Meeting Minutes and Bid Expenditures due to not having a Majority of Board Members at the September 26, 2013 monthly HOA Board Meeting.

Motion by Michelle Buchanan and Second by Jennifer Breece, **Unanimous Board Approval via electronic voting.**

1. August 29, 2013 Meeting Minutes. Unanimous 3,0.
2. Sprinkler Repair by Greener Summers in the amount of \$2,375. Unanimous 3,0,
3. Roofing Repairs for 03E, 14E, and 19I by Bordner Roofing in the amount of \$9,851. Unanimous 3,0
4. Front Monument Repair by Sward & Sons in the amount of \$1,800. Unanimous 3,0
5. Engineer Report in carports in the amount of \$3,100. Unanimous 3,0
6. Adopting Confidentiality Agreement. Unanimous 3,0.

Treasurer Report by Tim Rellihan.

Income Expense Statement, Variance, and Budget Comparison Report provided to Board Members, asking for any questions from the Board. Delinquency going

down, lawn and landscape, irrigation is under budget, roofing repair costs continue, repairs and maintenance over budget due to concrete and asphalt repair, insurance is a big factor, capital painting is deferred till next year.

Delinquency report: Currently \$13,000 of which \$10,000 consists of five owners who have liens filed against them; still have special assessments outstanding from 3 people of approximately \$3,000,

Asking Board Approval to proceed with demand letter from an Attorney followed by the attorney filing a lawsuit against them. To file a lawsuit cost \$300-\$500 per resident. This amount goes against the owners account; however the Association will have to pay the expense of the attorney until collected. The largest amount due of is by the owner of 11610-H for \$4,077. Motion by Karie Younger, Jennifer Breece, seconds the motion. **Unanimous Board Approval.**

Business Manager's Report by Jim Tiehen. Working meeting to discuss budget and projections on the roof replacement. City of Leawood will not allow us to utilize asphalt roofs, have look at alternatives roofing material and concrete tile is expensive, 5 roofing companies, down to 2 with Bordner and Pyramid Roofing. Would like to hire a consultant to oversee roofing project. Roofing Solutions has the best reputation, does consulting work all over the country. Proposal. Look over specs and do a best and final bid to those roofing companies, ensure specs have everything necessary. This will be built into the roofing cost. Cost estimated at 1,900,000, with a decking allowance and contingency fee. 4 lenders to provide a loan at 4-4.25% interest on a 7-year note. Projections. 170,000 cash flow, 70,000 to reserves, and 100,000 to utilize for the loan, shortfall of 228,00 per year. Ballpark is around a \$55.00 average dues increase (plus or minus). Look at Budget, and issues of 8 more buildings to paint, and a possible carport expense issue. Concrete and Asphalt in budget, money will need to be spent every year. End year around 400,000 in Reserves. Plan to paint the 8 remaining buildings, \$300,000, once roof are done. Can possibly use reserves, or take the loan for a little extra. Brand new roofs save money on exterior repairs, brick, roofs, and damages interior of units. Plan of action must approve the 2014 Budget, but we need discuss it first, need a second meeting, and notify residents per Kansas Law. Set a date for a special budget meeting, the roofing, and increase in the dues.

This is a Board's decision, need to have 10 days for notification of special meeting to residents to discuss budget. Work session with Board receive Board feedback, and then have meeting with residents.

Majority of Owners can veto a board's decision with 67%.

Monday, November 11, 2013, will be the Special Budget Meeting at 6:00 p.m. at the Clubhouse.

New Bid Discussion: 3 Bids

1. Roofing Bid to repair 11610-B by Bordner of \$3432. Motion by Jennifer Breece, Karie Younger second motion, Unanimous Board Approval.
2. Maintenance Grind 20 Stumps, backfill, and seed by Epic for \$750. Motion by Jennifer Breece, Karie Younger second motion, Unanimous Board Approval.
3. Repair by Simplex Grinnell on the fire protection system and sprinkler closets for \$2375. Motion by Karie Younger, Jennifer Breece second motion, Unanimous Board Approval.

Carport Update. Waiting for the engineer report.

Maintenance Log by Michelle Swartz provided to Board Members, Issue on foundations moving and brick bowing. Arrow has come out to look at them. Hits on the roofing where there is water getting in around the foundations causing problems. Building 08, 19, 11 are having issues; Engineer should be contacted that did the original report on foundation of 18.

Window Installation by Window World had to come back. Want to have the installation companies come to the office and check in and out. Making sure the contractor can sign acknowledgement of the specifications required by Association's governing documents. All contractors have to check in to office when come on property; verify insurance of contractors, etc. Work with the Architectural Standard committee to come up with an application process where the contractor will sign acknowledgement.

Process of Improvements where we contact owners if there is a problem with the installation or when it is approved.

Reservation of Tennis courts, only one person has requested a reservation.

There was a Bulletin Board to place notices at the courts for reservations, but has been removed and not replaced due. Common areas, and pool cannot be reserved so should the courts be allowed.

Committee Reports.

Architectural Standards Committee Report: Mark Gadzinski report. Rochelle Mitz, not present. Discussion of Contractor Permits to have some type of recourse or pulling a permit so that a contractor can no longer work on site. Asking Board for direction. Insurance requirement and sign off acknowledgment form; Do not use permit term, ensure that Association removes themselves from recourse against the contractor; the association has recourse against the owner. Material is approved and has insurance. Issues of wood rot of siding or cedar trim; need to inspect the window trim and siding when an application is submitted prior to the window installation.

Dryer vents are another issue with the cover; Screens may not be to code and possible fire hazard. Different types of dryer vent covers, colors, and there is not standard of uniformity in community. Swallows building nest; louver type are about \$10.00. Asking for Board direction. What is the standard? Safety is a

concern; it is homeowner responsibility to maintain and the clean vents. Need to have consistency.

Landscaping Committee: Karen Mann not present. Michelle Swartz report of the stump grinding; the replacement of trees would be about \$480 each; and Master Plan development is necessary.

Social Committee: Daphne Reitz, Chair. December 5th as a possible date for Christmas Party and Held Off-Site. Holiday Party at a different location than at the clubhouse. 3 Restaurants are being discussed to hold the celebration. Pot luck or buy your own at a restaurant.

Nominating Committee: Report given by Darline Terrell, Chair. Robert's Rule of Order, as reference to the nomination of committee members as candidates for the Board from the floor at the annual meeting is possible. There is a Candidates Meeting Thursday, November 14, 2013, from 7:00 to 8:00 p.m.

Covenants Committee: Linda South not present, Gayle Voyles read report.

This month's report provides information regarding the annual meeting and the ability of the Board to borrow monies for the roofing project. The Kansas Bill of Rights Act, and our Declaration and Bylaws have been reviewed.

Borrowing monies - In the Declaration, Section 5 (beginning at page 6) outlines the definition of Limited Common Areas, which include the roof, roof decking and supports units. Section 9 (beginning at page 8) defines the allocation of Liability for Association Expenses and the last sentence of that section indicates that maintenance of exterior Limited Common Areas shall be allocated as a common expense.

In the Bylaws, Article I, Section 3 (page 1) authorizes the Board of Directors with the Responsibility of administration of the association and Article III, Section 14 (beginning on page 7) elaborates on the powers and duties of the Board, specifically subsections (c), (h) and (l). Section 16. Borrowing, (page 9) speaks specifically to borrowing. Article VI, Section 2 (page 16) requires the Association to maintain and keep in good repair the roofs, roof decking and roof supports. Based on all the information contained in our governing documents it appears that the Board of Directors may borrow funds for repair of the roofs and anything associated with the roofs and other maintenance, without a vote of the members.

Annual Meeting - Parameters for the annual meeting: notice of the annual meeting must be received at least 21 days before the meeting. Any budget for fiscal year 2014 must be presented at least 30 days before new fiscal year begins. A brief statement of qualifications of each candidate must be included with the notice of the annual meeting. Nominating Committee for 2014 must be announced at the annual meeting. New board must meet with 15 days of annual meeting and elect officers. A quorum of approx. 119 units must attend the meeting in person or by proxy and proxy must be specific. Meeting can be continued by vote of those in attendance for 48 hours in order to secure quorum for vote on election of officers to be counted. At the conclusion of that time, the meeting can be adjourned. Contrary to our governing documents, units who are in arrears on

assessments cannot be precluded from voting, per Kansas Bill of Rights Act. Any owner of a delinquent unit may not run for a position on the board.

Respectfully, The Covenants Committee

Old Business: Approval of 08K repairs of siding in the amount of \$1,006 by Solutions Systems. Electronic Vote, **Unanimous Board Approval**, 3,0.

New Business

Vendor Check-in requirements as reported under Architectural Standards Committee.

Meeting adjourned at 7:10 p.m.