

TC HOA Board Meeting
Sept. 18, 2008
6:15 PM

Participants: Rochelle Mitz, Stephanie Easley, Jennifer Nearing, Carolyn McKelvey, Gayle Voyles, Cynthia Selder and John Clock of The Tiehen Management Company.

Minutes – previously approved via e-mail.

Welcome Pam H. – Discussion on interior damage due to exterior foundation leak. Cynthia introduced homeowner of 11602A – Pam H. I sent an email to the board, via Cynthia, regarding the flood in my condo, night of July 30-31st. Woke up at 4 am and walked into my living and dining room areas where there was about 2 inches of standing water. I believe the water came into the unit from the foundation. I called about 15 companies before finding a company to come dry out the carpet. I called Cynthia; she and Bill came and witnessed the damage from the flood. Serf Pro did come the following day; vacuumed and left driers and de-humidifiers and took area rugs with them. They removed the pad (soaked with water) and saved the carpet by treating it several times with anti-mildew and mold chemicals, and treated the walls. Mold and mildew did occur; I had an allergic reaction; my tongue was swollen up, rubbing on my teeth, and I could smell the mold and mildew so I had to stay away from my unit for the weekend, until Monday when the driers and de-humidifiers were removed. I told Cynthia I felt it was the HOA's responsibility to reimburse me for the interior damage. Cynthia informed me that it was my responsibility to pay for the inside. My response was that I was paying dues for the HOA to take care of the outside so that the inside would not be damaged. Work for St. Lukes—two attorneys (work benefit); I faxed him the pages in the HOA policy book and they informed me that I was correct that it is the HOAs responsibility. They said it would probably cost about the same to fight the issue. After reviewing the policy, when responsible and negligent they are also liable. You may ask them to pay; next step, if they say no---go to small claims court.

Rochelle- Do you carry homeowner's insurance; he said once the water touches the outside they do not cover it.

Stephanie: Negligence – was it a known problem? These By-Laws we're living with were from when the Pauls Corp. was managing; we haven't had enough
Where were we negligent?

Serf Pro Rep said there was a lot of space between dirt and foundation (about 10 inch place where the water could come in). The bug man said that, in addition, that darkness on the siding was from water damage.

Cynthia said that TC is well aware of too much water around the foundations. We keep trying to lay sidewalks and they keep buckling. She had explained the French Drains, etc. It isn't like the HOA is denying the problem.

Rochelle: Yes, it is our responsibility to fix any problems on the outside.

Stephanie: I had to have a different kind of insurance for KS from what was customary in MO.

John Clock: Had you advised Cynthia of a problem, prior to this event?

Pam: No

Pam: I had asked if the management company had regular inspections of the outside property. She had said that Cynthia had said the architectural committee and management company representatives walk the property looking for problem areas that need to be addressed.

Carolyn: We had that same issue.

John: You're alleging that we should have anticipated this particular problem. What we do, is when homeowners notify us of situations we do get specialists involved to analyze and then to fix exterior and community problems, as the budget allows.

It is the responsibility of the homeowner to fix the inside and then if the same problem happened again, the HOA would be responsible to fix the interior damage – if it was caused by exactly the same issue (and place).

It is highly unfortunate you had the problem that you experienced. John believes he has data that records how much rain the property had. We have fixed the exterior issue by putting in the French Drain. The HOA did fix the problem at at least \$1,000 expense.

I was told by your manager that you were aware of the problem.

Pam: Are you denying that you said that you were aware of the drainage issue by the buildings. Then, we will spread the cost out by all of the homeowners—you'd have to do that.

John: There are known drainage issues across the property that we are aware of. If we go through the expense 12-14 per building – burying and take them out to the street; then in the winter with the water going to the street you would have slippery roads. There are a few isolated buildings with concrete problems and we've been working with engineers to try to resolve the issues.

Johnson County is known for having underground water/streams that cause foundation-related issues. There are not water problems with every building on the property. 5, 15, and 18 are the buildings that we are familiar with drainage issues. We're working to resolve the issue.

John: Unless you have a document showing that you've notified the Management Company and/or HOA Board of a water problem, then we haven't been negligent.

Rochelle: What I don't understand is why your homeowner's insurance won't cover the interior damage; you'd have to have flood insurance for that type of coverage.

Have you had a recurrence of the problem? No.

My neighbor is an engineer and says that the fix won't remedy the problem, long term. He looked at it this past Sunday. I did notice that the way it is repaired there is a big black pipe that sticks up (from the ground) and is open. It looks dangerous and as if it could become clogged easily.

According to the weather channel the 29th of July we received 5.82 inches 4.35 inches; very significant storm.

Pam: My place was damaged because of something that wasn't properly maintained by the Management Company. I will go ahead and move forward with the lawsuit.

Stephanie: There is a water problem – it goes everywhere. We're aware of water ponding in certain areas

John: How long have you lived there. Pam: 3 years. John: Have you ever had water come in before? Pam: I think there has been because of the man you sprays the bugs said it was water damage. John: You never let Cynthia know that you had a water problem.

Pam: This time, with the flood, I let Cynthia know.

John: How would we know that your building and unit had a problem?

John: An analogy: We don't remove snow until 2 inches of snow on the ground, because of our budgetary constraints.

John: I have worked closely with Cynthia for 3.5 years and she has never said that every building had water problems. I think there has been a mis-communication between you

Pam: Does everyone on the board agree? Yes, we all have had to analyze the by-laws and have sought attorney's advice.

Pam: She did not tell me that the board had decided.

Cynthia: We had a discussion; and as a follow-up I sent you the email with the By-Laws that specify that it is your responsibility.

Pam: I will pursue it legally—I'll file it myself.

John: Legal things to discuss: Delinquents –Sandy , Clark, Siebers, Shoob

Bobby Kramer – Lost cause – he filed bankruptcy – we'll have to write that one off.

Jennifer Clark – She filed for Foreclosure that past January; our lien was in March. We didn't have the knowledge—ours won't work. Federal Home Loan Corp. took over the property – slim to none that they'll pay off the balance. However, they'll be responsible for future dues.

Sibers – judgement on her; next step garnish her wages and assets; 300 – 500; if we knew where she banked attorney might be able to work with the bank. Last payment was in February – her bank will be pursued through the attorney. She is working two jobs -- old folks home and for two attorneys. The board approved going forward for garnishing her wages.

Shoob, Julius – in a nursing home – no assets; foreclosure is pending. Attorney advises to write it off.

Gadil, Sandy – owes \$137,000 on mortgage; unless home is worth \$160,000 no reason to go after this. If a townhome – move forward. Check with Tom Scanlon and then let board know the value

Study – Reserve Study – Working on this.

Water and Sewer Expenses were up – August no rain; used more water—explains water expenses being up.

The meeting was adjourned:

7:10 President Mitz Welcomed the TC Homeowners

We will have some committee reports. We've had an interesting quarter.

Gayle gave the highlights of the previous quarterly's minutes.

John: Financials – It shows we have a lot of money, but we're making significant capital improvements and spending that money. Utilities were a little over; insurance, was under; total expenses over \$100,000 less than anticipated; income \$500 more than anticipated. Problem: money budgeted for concrete – only have spent a portion and there will be another \$25,000 spent hopefully in the next week. We budgeted about \$25,000 for asphalt repairs; you see that work going on. Additional \$60,000; total of approximately \$80,000. The board wanted to get on top of this project; forecast of materials and oil prices to increase—wanted to get as much of the work done as possible. A priority check was done and the ultimate situation was \$144,000 will be spent in filling those requirements to take care of the A and B priorities and everything will be seal coated. We lost some good days due to rain, but asphalt work should be done sometime next week. The concrete vendor will probably take 5 working days; if 5 good days without rain. Then, we'll get the seal coat people out to seal coat everything and to re-stripe; things will look spiffy. Are there any questions?

Homeowner Concern: Number of people way behind on paying dues; I guess there will be more. Is the board doing anything about trying to get dues collected.

John Clock: Currently only 5 seriously arear with dues; board is addressing; policy in place; they've been turned over to legal. One is in nursing home and has no assets; one person will probably have income guarnished and some assets. We are moving forward.

Cynthia – Property Report: Asphalt repairs are going well; are there any questions on concrete and/or seal coating.

Homeowner: Seal coat will be on all asphalt covered land.

New landscaping contract for next year – Proposal on Landscaping – more weeding next year.

Homeowner Questions:

What about trimming the shrubs? - Landscaping Committee – Cynthia – budgeted three times a year. It is scheduled to be done in the next two or three weeks. Feel free to trim a shrub, or call me, if you feel the urge to trim the shrubs by your building.

Met with Epic and received a bid for some additional shrub replacement. Right now, we're concentrating on the concrete, asphalt, etc. Let me know if you really need new shrubs. Cynthia spoke with Epic about not transplanting – no guarantee. If residents want to try to transplant some we could.

Any landscaping planting, transplanting need to be approved through Landscaping Committee – Dig it has to be called out to mark electrical lines, et.

Homeowner: Our land has been more saturated this year.

Jennifer: There is a representative that is supposed to re-program in times of rain. When they mow, they ruin the property.

Cynthia: If they tear up the property Epic is responsible. Irrigation can be reprogrammed; even outside my door, I sink about two inches. Maybe need to redirect the heads.

Homeowner: Some areas get way too much water; like out in front.

We only have four zones. If we turn off the ones for the zone for front of the property it also turns off the water for other areas that need it.

Cynthia asked homeowners to let her know when they see problems and/or have concerns or suggestions.

A homeowner asked Cynthia to remind everyone that we need to watch out for one another. If you see suspicious behavior, please call the police. It is their job to check it out. Leawood Police Non-Emergency 913-642-7700; 911 answers, but it is the non-emergency number. They really believe they are protecting and serving.

Trash Dumpster Weekend: October 24, 25, and 26th. It will be posted on the dumpster what can not be put in it.

Homeowner: Do you have a number for hazardous waste; where we can get rid of those items?

Cynthia: Yes.

Homeowner Observation: Trash compactor situation has been much better later.

If you see people putting in inappropriate items and/or leaving things outside the compactor, get their license number and report them.

Paint on the concrete slab – Do NOT place items here.

President Mitz: We were at a meeting regarding the Rezoning Issue – Mr. Petersen presented his plan and the commission came back and said there were certain things that needed to be addressed; therefore, they were given a continuance until Tuesday, Sept. 23rd. If homeowners would like to join us at City Hall it would be helpful. We could meet homeowners out front and car pool.

Homeowner: They wanted two entrances; city didn't want another access off of Roe to drive in. Another concern was regarding required green space before the buildings come. It would require some work. The HOA Board did give the City Planning Commission a copy of the board minutes that illustrated what Petersen had promised TC HOA homeowners.

Homeowner: Is there something that Leawood or the County could do to help us with our pond/silt issue? Could we alter the format?

Cynthia: Morgan Group took full responsibility for the upkeep on our ponds. We have to maintain it as a storm retention center.

Rochelle: When the Morgan Group developed they made a deal with the county.

The board could have Cynthia look into this again.

Committee Reports: Rochelle left messages with various committees.

Social – End of Pool Party – More people than in previous parties. Although we had meat and beans catered, homeowners brought other foods.

Afternoon, 3:00 on Sept. 28th—Doggy Swim.

Next people party, Halloween Party – on Halloween 6:00. Anyone interested should let Cynthia know. Post a notice on bulletin board to see if more would like a Pet Parade.

If people want more activities – let Cynthia know. We could have more pot luck type activities.

One building is having an October Party (neighboring buildings).

Saturday morning coffee: 10 – Noon is enjoyed by several homeowners.

Homeowner Idea: Would anyone be interested in Bunco games? We could put a notice on the bulletin board – Good way to get acquainted.

Technology Committee: Looking for someone who could help us with the website. Kathy Stewart is on the committee, now. We will put a notice up asking for a volunteer. Cynthia got ahold of John Dula, who set up the website; he will meet with you to see what else we need.

Newsletter: Any ideas or things to advertise; recipes, activities – submit those to Cynthia and she'll give them to Daphne.

Nomination Committee: Two board members are leaving, as of Dec. 31st – Gayle –we need someone who can take good notes. Carolyn will be leaving; she was taking Ken's term which expires at the same time as Gayle. Stephanie, Jennifer, and Rochelle will each serve for one additional year. Cynthia had someone show an interest today. Kathy Ward is here from the committee: She'll put the requirements on the back of the applications and put them in the mail room. The bios have to be in 30 days before the election, which will be held on Dec. 18, 2008. Each homeowner will receive information concerning the election and proxies will be available for homeowners who are not able to attend. Homeowners can be nominated from the floor, if they fail to get their bio in on time.

Covenants Committee: John McKelvey said that the committee had not met, as far as he knew.

Landscape Committee: We haven't met, but are planning to meet next week.

Architectural Committee: One complaint; the homeowner was notified of the infraction. If you see infractions report them to Carolyn or Cynthia. Linda Taylor joined this committee; two or three questionable issues: storage issues on the patios and/or deck. If you feel it is unsightly, bring it to Cynthia's decision.

Homeowner Question: The board has not reversed its decision.

President Mitz: We were told that no flag poles

Signage – political or otherwise – not allowed.

\$1,500 required for the lighted flag and pole.

Cynthia – I will make a list of things in windows

Covenants and Architectural Committees study the issues concerning what's allowed and not and make a recommendation to the Board.

President Mitz: The board has many issues to deal with each year.

The city sent a letter out to Leawood Homes Associations inviting two representatives to attend a meeting in early October to learn more about recycling plans for Leawood.

Homeowner: How many empty condos we have on the property?

Cynthia: In August we had 16. It isn't as high now, as it was then. April – there were 27.

Homeowner Concern: Renting compared to ownership – How is that going? I am concerned about some renters not respecting the property. Renters can be kicked out and homeowners can't. Let Cynthia know if there is evidence of someone not showing respect to others and/or the property.

Radon Issue: Was there Radon?

We had a homeowner who bought a unit, during inspection learned for a radon level a little above the acceptable level. We tested five or six units (similar to the one with the higher level); we did the test – hers had an issue; the others did not have a level of concern. Ventilation is recommended. Stephanie read the report: Not a complex problem. The HOA attorney reviewed the report and said that the HOA was not responsible for correcting her unit's issue.

New Business: None

The meeting was adjourned at 8:16 pm.

A homeowner thanked board members for serving the community.

