

Tomahawk Creek Board Meeting

Monthly Meeting

Meeting Minutes

Meeting Date/Time	February 27 th , 2014 at 6:00pm
Meeting location	Tomahawk Creek Clubhouse
Board Member Attendees	Gayle Voyles, Jennifer Breece, Duffy Cunningham Tate Absent - Karie Younger and Jennifer Nearing
Tiehen Attendees	Jim Tiehen, Tim Rellihan and Michelle Swartz
Guest Speaker	Jim Williams (Roofing Consultant)

AGENDA TOPICS

- ❖ President's Report – Roofing consultant Q and A
- ❖ Approval of Meeting Minutes – December 12th, 2013 and January 23rd, 2014
- ❖ Treasurer's Report – Delinquencies report
- ❖ Tiehen Management Report – Bid discussion, Carport update, Phone Log Maintenance
- ❖ Committee Reports – ARC, Landscaping, Social, Nominating and Covenants
- ❖ Old Business
- ❖ New Business – Bill Grady (Confidentiality Agreement)

Email Votes:

March 13th, 2014

Motion made by Jennifer Breece to approve Cobblestone as the new siding/building color

Motion seconded by Karie Younger

Motion passes with 4-0 vote

Agenda Item – President's Report:

Gayle Voyles welcomed everyone to the meeting.

I would like to introduce Jim Williams, Owner of Roofing Solutions and our Roofing Project Consultant; he will provide an overview of the process the board and management company have gone through to identify the best group to take care of our roofing needs. He will give a short presentation and then you will have the opportunity to ask questions.

My name is Jim Williams, I am the owner of Roofing Solutions; we are an independent consulting firm, we've been in business since 1990. We are not contractors; we are inspectors, specifications, and detailed drawings, and do construction observations. My company works nation-wide; we do everything from very famous, to not so famous projects: John Hancock Bldg. in Chicago, Sears Tower, World Trade Center, Bldg. 1, Sydney Opera House, in the 1980s. Locally, many schools, churches, everything from flat to steep roofs. Some clients, in KC, Tiehen Group, Hunter, and Lochner Company. Hospitals, industrial, manufacturing, commercial, and in residential apartment and homes associations.

We inspected your roofs; reviewed the eight original bids (having a wide range of numbers). Typically, that is when we are called in to narrow down the scope of work in order to assure the bids are comparing apples to apples. We narrowed down the specifications. We inspected the roofs and found some minor specification revisions necessary so that should be changed; minor specification changes to be sure we're getting the best roof system at the best price. Went back to 3 of the original 8 bidders: Bordner, Redhammer, and Pyramid (all in the middle price range). I am familiar with each of the

companies as they all have done work in the Kansas City region. Went back with them to review the specifications; some concessions to warranties. We were happy to see the numbers come in where they did. The value you are getting for dollars being spent is extremely good. This type of roof system is effective for this climate region. Tile Manufacturer chosen is Boral.

We interviewed, with the board, two contractors; making sure they were seeing what we're seeing on paper, negotiation to fine-tune the number. One example was by recycling materials and earning a credit back for your community.

Based on the interviews, discussions, and negotiations of the bids, our recommendation was Bordner Roofing; his number from the recycling helped get the job to the numbers within the acceptable range (\$40,000 project savings for our community). Bordner also has significant experience working with our roofs over the years. I know Bordner well; many roofers say they can do the project, but need to rent out labor, and don't have the understanding of the scope of the work. They may not have the necessary capital, either. Bordner has specific crews that the company uses year from year.

Homeowner Question: If someone from Roofing Solutions will be here on property during the project to ensure the work is being done to spec.

Jim Williams: I want to assure homeowners that we will be here (on property) many times throughout the installation; the manufacturer will *also* visit the site during the roofing process. We have clout nation-wide so we are able to get some inspections done for you without additional expense, by the manufacturer. We have some very difficult details in our roof designs that will need to be carefully checked, so they are done correctly.

Homeowner: Late arrival – What company are you with?

Jim Williams: Roofing Solutions

I am not familiar with the consultant's process. Qualifications?

Jim Williams: I am a professional member of Roofers Consultants Institute, since 1993 or 1994. I have owned my company since 1990; 15 employees – work nation-wide. We do a lot of famous projects as well as small projects here in town.

Homeowner Question: Your company does the consulting, not the roofing?

Jim Williams: We are an independent roofing consultant and do not do roofing. We signed an ethic statement with the Roofers Consultant Institute – we do inspections on roofs, we do construction observations, and often we serve as an expert witness for roofing related court situations.

Homeowner Question: What point does the economy of scale break (half as opposed to all at one time)?

Jim Williams: This is a very large project – take out carports and clubhouse won't impact your price, but if you don't contract multiple buildings you may see some material and labor increased pricing; it really depends on how busy the company is. It is also important to make sure they aren't handling multiple projects at the same time. Delta is an example of a company who is currently booked up and their bid was \$4 million but in Jim's past experience they normally would have come in lower than several of the companies who presented bids. Supply and demand dictates price for such a project; that is why we do the bid process.

Homeowner Question: Is there a Performance Bond that has been asked for by the manufacturer?

Jim Williams: No performance bond, because we know these contractors fairly well and because of the way they get paid: When we do our inspections, as well as Boral's inspections, that is when they get paid upon completion of satisfactory work.

Homeowner Question: How long will the project take?

Jim Tiehen: This project is expected to take six months; the roofing company will work on two buildings per week.

Jim Williams: We didn't want to bring in six crews and try to do too much at once because we don't have sufficient staging and parking areas. Safety issues are top priority; everything will be done following OSHA Guidelines (stack and place on pallets and the materials will be separated for recycling). The work is all the way done to the wood decking.

Much of the wood is bad and will need to be replaced; the previous installers didn't use elevated batons, which allows water to travel below. The tile are than nailed into the elevated batons but that was not how it was done on our roofs but rather nailed directly into the decking with no way for the water to travel.

Homeowner Question: It appears that the original roofs were not to city code. So what is the process that will be in place to keep that from happening?

Jim Williams: We have specification, about 100 pages– contractor takes those to the city; applies for a permit; it will be reviewed. That was probably done last time but the key difference is we are not sure the city than came and inspected. Codes have changed since the previous installation. We're using International Building Code and Roof Tile Institute Codes for our specifications. They will be looking for elevated batons, drainage, additional vents (lacking proper number of vents on current roofs), etc. The existing roofs were installed by a Texas contractor and Texas crews; and they do things different in Texas and their weather is very different from our regional climate conditions.

Homeowner Question: Fees are going up for 7 years and he was wondering if this is a typical length of time for this type of project/loan?

Jim Williams: This is the typical length of time for this type of loan. Jim indicated that he has a condo downtown, Metropolitin, and since he has owned they have had the roof replaced last year and the parking deck over a 2 year period of a total expenditure per unit (250-260 units total). So yes this is common.

Gayle added that it is an investment for the entire community.

Jim Tiehan asked if there were other questions.

Homeowner: Do you know the name of the Texas General Contractor?

Jim Williams: He could not recall the name of the contractor. It is on a document that the structural engineer had.

The board thanked Jim for his report. Hopefully, that helped everyone better understand the process and relieved any concern that your board and management company have done a lot of research and worked with the expertise of our consultant to get the best deal for our community.

Agenda Item – Approval of Meeting Minutes:

The following meeting minutes were presented to the Board for approval:

December 12th, 2013

January 23rd, 2014

Motion/Vote

Motion to approve meeting minutes for December 12th, 2013 and January 23rd, 2014

Motion seconded

Vote

Motion passes with 3-0 vote

Name

Jennifer Breece

Duffy Tate

3-0

Agenda Item – Treasurer's Report provided by Tim Rellihan:

- Increase amount of dues collected this month due to residents pre-paying dues.
- Insurance reimbursement for about \$5,000 for the damage done to the compactor (reimbursement from homeowner's insurance company paid to Tomahawk Creek Association for damage)
- Snow removal is slightly over what we projected for the month but we should be on fine for total budgeted amount for the year.
- Operating Account balance to date is \$23,000
- Reserve Account balance to date is \$424,000

Tim Rellihan reported on the delinquencies:

- Tiehan has been able to decrease the delinquencies down to 3 outstanding (previously was 8). One of 3 has worked out a monthly payment plan.

Agenda Item – Tiehan Management Report provided by Michelle Swartz:

Michelle Swartz reported the following:

- We continue to deal with the ongoing pet ownership issues.
- We have sent emails to owners who are leasing to receive new leases to update our contact records and to help with consistency of following rules and regulations.
- Trash compactor issues continue and furniture being thrown away (mattresses, chairs, etc).
- We've had the Fire Department out a couple of times
 - Once having to do with dust on heating coil of furnace.
 - Reminder to homeowner to have maintenance work done on furnaces annually.

Maintenance and Phone Log:

Gayle asked about the notation about a resident asking for a 2nd fob for a new tenant. In the past it was 1 fob per unit so that the owner and renter couldn't both be using the facilities.

Michelle reported that she does provide a second fob at a cost to the resident of \$10 but that the original fob is shutoff.

Homeowner Question: Is the pool gate fixed?

Michelle: Pool gate has been repaired; Bill changed the code on the back door to get in and tomorrow we are getting a quote on putting a fob system on the back door.

Gayle Voyles: Business office that there is a data port that burned up and one of the computers is broken. Time Warner is supposed to upgrade?

Time Warner is supposed to be giving pricing on upgrading cable and they also have a security system to see if it is available for commercial use. Also working to provide information about the program available for owners.

Gayle Voyles: Explained that we get money from Time Warner quarterly based on the number of owners who use their service. These funds help us with our operating budget.

Michelle: Siding Color Survey –83 homeowners voted (23%) currently 15% of the 83 that want to change the color and 8% want to keep the color, as is. Cobblestone color is leading, at this time.

Gayle Voyles: There is a sign-up sheet for anyone who hasn't voted to vote tonight. Deadline for voting is March 10th.

Jennifer Breece: Once all homeowner votes are received, the board will take an email vote to select the siding color.

Bid Discussion(s):

Tim Rellihan reported that they are currently working to get FHA approval. The last thing needed is to raise the fidelity bond to \$600,000 per FHA requirements. Tim is asking the Board to approval increase of fidelity bond to \$600,000 with a cost of \$690 in additional costs.

Gayle reported that there have been residents who are concerned that we lost our FHA approval and Tiehen has been working to get the approval back.

<u>Motion/Vote</u>	<u>Name</u>
Motion to increase the fidelity bond to \$600,000	Duffy Tate
Motion seconded	Jennifer Breece
Vote	3-0
Motion passes with 3-0 vote	

Jim Tiehen is asking the Board to approve a roofing contractor. Bordner came in with the low bid by about \$40,000. Jim Williams (Roofing Solutions Consultant) is recommending we approve Bordner.

Homeowner Question: What is the amount?

Jim Tiehen: Replace all roofs and the clubhouse but not replace the roofs on the maintenance building and the carports, is \$1,743,000 million.

We also need to replace fascia boards, re-side the chimney's, and replace decking so the total is \$1,941,000 million.

<u>Motion/Vote</u>	<u>Name</u>
Motion to approve Bordner as roofing contractor	Jennifer Breece
Motion seconded	Duffy Tate
Vote	3-0
Motion passes with 3-0 vote	

Carport Update:

Jim Tiehen reported that the contractor has submitted the plans to the City and we are waiting on approval.

Tim Rellihan reported that it will take about 2-3 weeks once approval is obtained.

Homeowner Question: The other carports are still going to be braced?

Tim Rellihan: Yes, the contractor already has the permits but waiting until the City approves the rebuild and will do all the work at one time.

Agenda Item – Committee Reports:

ARC – No Report

Landscaping – Karen Mann reported waiting on master plan from Epic. Karen and Michelle are working on getting the application process in place.

Social – No Report

Nominating – Rosemary Santner reported that the committee met to discuss the basic election process and the upcoming vacancies on the Board of Directors as well as current committee vacancies.

- ARC committee made of 3 members who assist the Board with maintaining
- If the Board so chooses to have a Covenants committee it must consist of no less than 3 members but no more than 7 members.
- Nominating committee consists of 3 members - Jori Church, Darline and Rosemary
- At this annual meeting we will have 2 opening and they encourage residents to serve as building captains, a committee member or a Board member.
- New Building captain for building 11 – Andrew blessing

Covenants – No Report

Agenda Item – Old Business:**Security Camera's for Dumpster and Gate:**

Tiehen reported that they did have a company on property today and that they have calls into other companies regarding security cameras for the dumpster and the gate by the pool.

Homeowner Question: Camera's at the dumpster?

Tim Rellihan: Yes at the dumpster and the pool gate.

Homeowner Question: Does it record and for how long?

Jim Tiehen: Yes and usually kept for 2 weeks.

Gayle Voyles: Tiehen would be looking at the video periodically and if an incident occurred.

Trash Compactor:

Homeowner Question: Have we looked at how much it costs to repair the compactor, dumping more times?

Tim Rellihan: Looking at additional dumps during holidays and have looked at recycling. At this time we are not going to replace the compactor.

Homeowner Question: So the trash piled up outside the compactor, is it because it full, broken?

Michelle: Residents aren't turning the key when they put their trash in the compactor.

Jim Tiehen: Camera's should help with the trash issue.

Agenda Item – New Business:

Bill Grady, homeowner, shared his concern regarding the board's confidentiality agreement

- Three page legal contract – stated that homeowners would be foolish to sign without a lawyer reviewing it.

- Transparency Issue – KS Senate Bill 2472 (2011) (section 15 (b.)...all records retained by an association must be available for examination and copying by a unit owner or the owner's authorized agent. Bill Grady said homeowners don't have to sign the contract to see the association documents
- Bill continued to question the board and the management company if they had really done due diligence concerning the roofing.
 - Were they absolutely sure that they couldn't go back on the original developer, the city, etc.?
 - Why didn't they know the name of the original contractor and developer?
 - Why hadn't they spoken with the insurance commissioner?
 - Why should homeowners have to pay for a new roof when the original roof was not installed correctly and the files had been defective?
 - What is the statute of limitations on such a job?
 - Why can we not go back on the developer?

Jim Tiehen shared that there were several legal opinions on these issues. He continued to say that we couldn't go back on the builder who developed the property. The tile company was bought out twice.

Jim Tiehen said that he would get the names Bill Grady was asking for and could engage another attorney to re-check the KS Act and Confidentiality Contract issue. In regards to the Confidentiality Agreement issue anyone can come up to the office at any time and you do not have to sign the Confidentiality Agreement to view the documents. If you want a copy of the contract/bids to take with you then you have to sign the Confidentiality Agreement. Most homeowner's associations are doing this because its good practice.

Resident Open Forum:

No discussion as it took place during the New Business part of the meeting and during the consultant's report.

When the same questions and responses were being provided, the HOA President adjourned the meeting.

Meeting adjourned at 7:15pm