

TC Board of Directors Meeting
March 15, 2007
6:00 PM

Participants: John Clock, Cynthia Selder, Gayle Voyles, Linda South, Ken Patrick and Debra Smith.

Homeowners Observing the Board Meeting: Jim Stasieluk and Larry South.

President South called the meeting to order at 6:00 PM.

Financials Report: John Clock started his report by sharing that one of the association's CDs was about due to renew. He then asked if the board wanted it to roll over, at current financial institution, Heartland Bank, at 4.9% interest rate, or convert to a nine month CD at Bank Midwest @ 5.4% interest rate. The board agreed that John Clock should transfer CD #500118 (\$26,196.97) to Bank Midwest. A board member asked if John had compared rates at other financial institutions. John Clock reported that the accounting department of The Tiehen Group searches out the best rates they can get.

Financials are good; income is up \$6,054 year to date, primarily due to prepaid dues and from the interest collected and an increase in the maintenance revenue earned. From an expense standpoint, year to date, we projected a \$19,701 loss due to the January insurance payment being paid all at once. However, the actual loss year to date was \$10,638 which was an improvement by about \$9,000. The \$20,000 snow removal expense is included in the expense standpoint. There was a late February or early March snow expense that will still show up next month, but it was only about \$4,000.

Board member question: What are the expenses-Repairs and maintenance Bamford?

John Clock: sprinkler lines/excessive cold.

Board Member: How did we know those were broken?

John Clock: Each building has a sprinkler closet; building 10's pipes broke. Bamford was called in to minimize the damage to a garage and master bath and bedroom closet. We also bought extra heaters, to have on hand now. This property has only been a condo association for two years; the excessively cold weather which lasted a long period of time of this year had not been seen in that period of time. It was the cold for a long time that caused this issue. Thirty days of extremely cold temperatures.

Board member question: Roof and gutter – repair and maintenance—isn't that being done along with painting?

John Clock: Wood rot is done with painting. We have several roof repairs monthly- which have been budgeted. When we are using Bordner roofing they are improving the roof over time. Over time we'll spend less on leaks.

Board Question: Water and sewer expenses?

John Clock: It is a timing issue. If you look at year-to-date columns you'll see we're pretty much on target. Bills don't come in as budgeted, sometimes. You have to look at the big picture (year to date).

Are there any other questions?

What are MSF fees? Fees we pay for checks that bounce.

Board Question: Page 1 – AP Expense Distribution - Hughes snow removal?

John Clock: This was for us purchasing Ice Melt for Bill to spread around clubhouse, as needed.

Deffenbaugh Trash?

John Clock: Repairs on compactor. While they took the compactor, we paid a fee for the use of another compactor during the time ours was being repaired. Transport out, repair, transport back.

Board Question: Page 2 – Keys and locks – Did we make new locks?

John Clock: No, this is a contract fee.

Board Question: Rent roll report still has blanks

Cynthia and John: Accounting is still trying to get books finalized for the end of the fiscal year.

Board Comment: 10L – Change name on the account

Linda South – wondering if it could happen on some of these reports (what we budgeted for the year)

Delinquents – We can't talk about it now – private information. John passed out a copy of the updated report; lean on the large amount due shown near the bottom of the page.

10L – Legal advice—Attorney said do whatever you want. It is up to us whether to accept the late fees, or not. It is the late fees from July 1st they want us to forgive. Special assessment came after July 1 and we could also charge that.

Foreclosure marks off prior to June 30th.

Ken Patrick - Homes association fees – mortgage companies worry that HOA fees get in front of their mortgage balance. We are entitled to everything after—the late fees June 29th and Feb. 15th - when Pyramid Real Estate services got involved. Jim Tiehen wanted to assure us that HUD being involved wasn't a bad thing. They are working to sell the property.

The amount Pyramid is asking us to forgive is \$225.

The board voted on whether to forgive the \$225; 3 said no, and 1 said yes. Outcome of the vote - The board didn't see why they would want to forgive the money owed TC HOA. President South asked John to let Pyramid Real Estate know the board's decision. Is there a charge for a copy of the By-Laws that we will provide them? Cynthia said, Yes.

Board Question on what the policy on liens was, at what level were they placed?

John Clock: A letter is sent when someone doesn't pay their dues by the 15th of the month. The next month – on the 10th - if still haven't paid, John Clock sends a letter and invites the homeowner to call him to discuss the issue. After about 2 weeks if nothing happens, John sends a second letter and notifies the homeowner that if they don't call to work out a payment plan, send money, etc. we will file a lien. Next month, if no money or phone call is made we file a lien.

Board Question: Is that last letter mailed a certified letter? John – No – enough time passes that we'd get the letter back if the homeowner didn't get the letter. Cynthia also calls and sends late letters. It is also stated in the declaration that this is the procedure.

The reason I asked, one of the men said he never got the survey sent out. The last letter should be certified, signed receipt.

Cynthia shared that she often finds Tiehen Group communications in the trash in the mail room.

The point was made that certified is still via the mail.

Yes, but what If they aren't ever there, or don't go pick them up?

John: We used to certify, but later decided it was a waste of money.

Three board members of the four board members agreed that the current procedure was sufficient and appropriate.

Liens put on; what is the ratio of those who will start to pay. If they sell their property where the lien is placed on we get our money. However, if they file bankruptcy we won't get the money—if they don't have equity or assets we won't recoup our funds.

Sometimes people just don't want to pay dues; when they sell, we recoup those funds.

Lien – Management Company and Board are doing due diligence.

Board members discussed that if a homeowner suffers a divorce, loss of job, or illness that the board would work out financial plan with the homeowner.

Results of the survey – Linda will announce at the meeting. Basically, second time, same result, not enough yes votes to allow storm doors on the front of buildings. The board members discussed that if people are still interested in having the storm doors on the front they can do like the by-laws say and get signatures representing at least a quarter of the homeowners, asking for a special meeting.

Architectural Committee Issues -

Concrete – Bldg. 15 – do we have additional bids?

Cynthia – McConnell is our best bid. Two other bids: \$5,250 from ADS CO; Calvert’s Paving’s bid came in at \$8,750.

President South asked, of those three companies, what company does Tiehen recommend? John said we have experience and leverage with McConnell. Trench drain bid from McConnell came in at \$3,410. The justification for the TC HOA paying for this work is due to the drainage issue which is an HOA responsibility. The work done will re-route some of the guttering next week. John will schedule the drain work to be completed, as soon as the weather conditions are appropriate, and Cynthia will contact homeowners and coordinate the work.

Building 5 and 18 – Linda thanked John for the letter; also building 4L had a little bit of an issue; cracked tile inside the foyer. Soil engineers suggested interior insulation and to install AB3 (dust up to 1 inch rock) under the sidewalk. Also redirect water drainage. The foundation company engineer suggested piercing, but others disagreed. Expansive soil may have been only part of the problem. John suggested we examine all L units sometime in the near future. A meeting has been scheduled for March 26th to resolve the three units that are having the sticking door issue.

Board Question: Depending on the cost to resolve, should we re-think some other capital improvements in order to get these homeowners’ needs taken care of?

John – Let’s get a handle on how much concrete needs to be replaced and the associated costs. We need to then make a decision. We may not have to hold off on some of the regularly scheduled concrete or asphalt work. We do need to seal-coat streets this year.

Cynthia – additional budget questions

Additional signage – Cynthia drove the property and budgeted for 32 signs – we probably only need half of those. Do we proceed, or wait to see how expensive some of these other issues are?

The expense for the 32 additional signs is \$2,500. Safety issues – the board approved moving forward with the signage because it is important for emergency vehicles to be able to find the appropriate unit quickly.

We will also spend about \$2,000 painting the wrought iron behind building 18 (March)

and Building6 (April). The board voted to move forward on repairing rusted wrought iron.

Native grass bid came in at \$13,800 for the west side of both ponds.

Board Question: Would we go ahead and mow around the edges of the pond? Yes, Epic said it would be bad not to mow.

Another option is to spend about \$1,600 for rebar, stakes, and string line along the waterline. LionGate subdivision has used this method; we would consider trying this. Find out more about the stake and lines method – do not move forward with nearly \$14,000 for native grasses.

Other Board Questions –

Are we putting out the vacant board officer slot? Not yet.

Did we find out about the insurance?

Yes, carports are insured, and buildings are insured from outside measurements.

Marshall and Swift Company sets the nationwide replacement costs – costs go up each year – based on outside measurements of the buildings (garages, too) Square footage inside varies because of studs. That makes a difference in the living space measurements; they will be different from sq. footage used for insurance purposes.

We are insured for 114 sq. foot. \$56.02/sq. foot is the insured amount for garages, and \$48,760 per carport – insured amount

Debra announced that she would *not* be making her presentation during the open meeting because she is still collecting data on the square footage issue.

MINUTES
7:00 PM

March 15, 2007

Tomahawk Creek HOA Meeting

Participants: approximately 45 homeowners and all board members, Cynthia Selder, John Clock, and board members.

President South called the meeting to order promptly at 7:00 PM

Welcome, we'll be doing things a little out of order this evening due to our guest speaker, Mark Chudik, from the Leawood Police Department, who is here to inform us of services the Police Department are able to provide, their procedures, and to answer questions you might have.

Summary of Mark Chudik's Presentation

- Feel free to contact our department to inform us of every little thing, even when something doesn't look right, screeching tires, etc. If you call the station to inform us of something we don't have to have your name and won't report back to you, if you don't want us to. We've been able to catch the bad guys with help from citizens of our community.
- Basically, I am leaving an informational binder for you here. It informs you of our procedures, things that happen around here, contacts for residential alarms, animal control, etc.
- People like to sell in Leawood, so I have *No Solicitors* stickers for you, but I am not sure if you're allowed to have these on your front doors. President South said that the board would figure out where homeowners could post these. Spring and summer seem to be bad time for solicitors. If you post the No Solicitors sign and they still knock on your door, you can call us.
- Board Member Question: What if they (No Solicitors Signs) are visible at each entrance point to the complex? The officer thought that was a good idea. The officer said maybe we'd want signage stating that all city ordinances are applicable while on the property. President South said she would check with the Leawood Police regarding this matter. The officer then shared that the Leawood City Ordinances are available online.
- Informational book will also have sheets that list the types of police calls they've had on the property. I've circled (and coded) the type of calls we've responded to on your property. Bldg. numbers are there, but not condo unit letters, for privacy.
- The notebook will also contain pamphlets on topics such as Self-Defense, Identify-Theft, Consumerism, Alzheimer Patients (inform the police and report if you see disoriented folks) Tele-marketing Fraud.

- Homeowner Comment: We need your help with stopping motorcycles from racing on the parkway; they are driving in excess of 75 miles per hour, which is illegal.
- Officer: It *is* reckless and illegal; mufflers are a nuisance, but we don't chase them. If they crash we catch them and throw the book at them then. A homeowner stated that the trend is for the motorcyclists to race down the parkway on warm nights, and it lasts for about 10-20 minutes. The homeowner also said he had seen them going all the way down to Nall and Metcalf. The police officer stated that an officer will come to the site if we report their pattern, and nothing else is going on at that time. We turn on our lights, but they don't pull over. The officer stated that the reason the police department's policy is not to chase them is because the motorcycles can go in excess of 160 miles per hour. We don't want to be responsible for them killing themselves running from us. That opens the city up to an expensive lawsuit, and is also dangerous for others on the roads during the chase.
- Homeowners were advised to call the police department whenever they saw something that needed the department's attention; 641-7700.
- Reminder: 911 should be called if there is a serious injury, or crime in progress.
- Mark encouraged homeowners to stop by the clubhouse to look through the informational binder, and to contact him, markc@leawood.org, or the department, if they had further questions.
- Best policy regarding self protection for elderly is avoidance and to call for police if you feel you need protection.
- General Safety Forum – We could call the department to schedule one.
- City Ordinance Questions 1) do bicycle riders belong on sidewalks? Yes, everyone should stay on the right, unless in the act of passing. 2) Walking on the road is only allowed IF a sidewalk is not available; then walk against traffic. 3) Vespas must be on the road, if they have lights, siren/horn. 4) Kids scooters are allowed on the sidewalk.

February TC HOA Minutes were read, and approved.

Financial Report

- Income Year-to-Date was up \$6,054 primarily due to pre-paid dues.
- Expenses Year-to-Date were \$5,138 under budget, as we did not incur expense to send out the new Declarations.
- Net income – planned loss of (due to Jan. insurance) \$19,701 was actually only \$10,638. That is a good thing; we are doing really well.

- Specific problems with month of February include
 1. Snow Removal expenses of \$20,360 in February, when we only budgeted \$3,500. Hopefully, there will be no more snow this season or a bad winter at the end of the year. We'll try to minimize some expenses throughout the year to offset
 2. Building 10 – a water pipe broke in one of the building's closet, due to the abnormally long cold spell, which caused a significant expense for the month. Other than that everything is in good shape.

Cynthia's Report:

- I'll be going on vacation next week, March 19 – March 23rd. The phones will be forwarded to The Tiehen Group; John will receive phone calls and handle situations. Georgia will be here from 1-6 PM (M-F) and 10-2 on Saturday, to accept packages.
- Dumpster – Coming last of the month; please review what is not allowed.
- Exterior painting is about to begin tomorrow. Notices have been placed on buildings where they'll start (bldg. 04). Three buildings' wood rot is done first, then start the painting process, cleaning and staining decks.
- Dog Waste– Help; report those not cleaning up after their dogs.
- Eggs thrown again, last week. Different area; one was the same place. Watch and report if you see this happening.

President South asked for Committee Reports:

Architectural Standards Report

Jori announced that the committee met on Thursday, March 8th.

This committee had worked on the Storm/Screen Door Survey: Prepared and mailed out the survey, and analyzed and reported the data collected. The committee's meetings are always held on the second Thursday of each month.

Old Business:

- President South gave homeowners the results of the storm/screen door survey
 - 168 responses were received (less than 51% of community)
 - 103 for storm doors
 - 64 against storm doors
 - 1 not yes or no
- The board feels we can take no further action on this. If the community wants to take it up again, the by-laws have a provision for calling a special meeting. If ¼ of the total community feel so strongly that they should have storm doors on the

front of their units, they may submit a letter with signatures representing 1/4th of the total homeowner population.

Homeowner Comment: Last month there was a question relating to questionnaire going out. If homeowners wanted HOA to pay for it the process would have to be according to by-laws and someone had indicated if they sent out 100 questionnaires and you got at least 50% of that group back you would then be able to take it to the architectural standards committee. That is how I interpreted what was said last month.

President South shared that we didn't get 51% of the vote, which would be required. She then said that if homeowners wanted to revisit this issue there is a method to do so.

Board Member Comment – Honestly, the board can make the decision on their own. However, they felt it only fair to get the homeowners' feelings on this issue. We were trying to get everyone's feedback.

- Under another old business item - we've reached an impasse and are not able to go forward with the revisions of the By-Laws and Declarations. We've tabled that process. A homeowner asked the question of how long a time did the board thing the process would be tabled.
- Ken Patrick's Comment: Probably until there is a change on the board. With the current board members we can't move forward. In the by-laws, super majority is required to make a change. As it should take a super majority to change what we all bought into. One way to handle this situation would be to only make a "housekeeping change" changing them from Pauls Corp. to homeowner ownership. We could change no policy and just clean up the by-laws for condo association and later deal with specific revisions. The policy changes could be handled as they are brought to the board's attention.
- Debra Smith's Comment: I disagree. I am hopeful that the board will be able to move forward within the next month.

President South asked if there was any other old business.

Homeowner Question: The existing declarations and by-laws won't stop us from conducting HOA Business, right?

We are at an impasse on the declarations and By-Laws at this time. We will be getting more information to you in the future.

President South: We can still run things.

Homeowner Comment: Then wait until you get the information you need.

Is there any other old business?

There was none.

New Business:

- Director, John McKelvey, submitted his resignation. Linda stated how much of an asset he has been to the board. He resigned due to his business schedule. She stated that the community owes him a huge debt; he provided excellent counsel for the board. If anyone is interested in serving on the board they should notify Cynthia.
- Homeowner Question: Why can't we have an independent mediator to work with the board in order to resolve the impasse? Debra stated that the board was still gathering information now. Another homeowner's comment: There is no injury in waiting.
- Why have some curbs in my area been painting yellow for the purpose of restricting parking, but not all. Cynthia and Bill Gates are working on that project, as weather permits. Leawood Fire Marshall instructed the management company and board to paint the fire lanes. The decision was made by the City of Leawood. Discussion then focused on whether the towing company would tow cars in the fire lane took place. The management company will look further into this issue.
- Homeowner comment - I assume you have a lot of confidentiality that you won't tell us. Like Pauls Corp is putting in a safety deposit box. President South's response: We are operating from the Declarations booklet which each homeowner received when they purchased their condo. Another board member reminded homeowners that all board meetings are open for homeowners to observe.
- Homeowner: Can you tell us the status concerning driveway repairs. Cynthia will have that posted, as the weather warms up. The work requires a sustained temperature of 50 degrees. The homeowner then asked specifically about Building 15? You will be hearing from the board.
- Homeowner: 16J, K, and L Asphalt repair – it has come apart. Cynthia – we are aware, and will have it dealt with. Cynthia – reminded homeowners to report any issues they are concerned about.
- President South then stated that if homeowners felt the board was hiding something, or if homeowners felt their current board wasn't working for them, Article 3, Section 2 has rules for getting rid of the board member(s). One board member stated that the board might call that a mercy killing. President South continued that the special meeting request would require ¼ of total homeowners' signatures along with a letter requesting the special meeting to address their issues with the board. If there is an impasse with the board, is it because you are short a board member? President South: the impasse does not have anything to do with

the number of board members. We aren't at a disadvantage for not having 5 members. Homeowner Question: Will the board decide on the new board member, or homeowners? President South shared that the board has the right to replace a board member who resigns, according to governing documents.

- President South asked if there was any other business, or announcements.

Homeowner: What about the talk about dues increases and measuring driveways?
President South: This board has not had a discussion of special assessment or dues increase. Homeowner Comment: This talk is coming from talk in and around the mailroom. We need it to stop.

Ken Patrick: Regarding budgetary issues, we're getting information to consider while making decisions on capital repairs. The board is not lobbying for dues increases.

President South asked if there were other comments. There were none. She then thanked homeowners for coming and told them to have a great evening.

The meeting adjourned at 8:35 pm.

Respectfully submitted,
Gayle Voyles
TC HOA Secretary/Treasurer