

Tomahawk Creek Condominiums Association, Inc.
Tomahawk Creek Condominiums Board of Directors Meeting Minutes for
July 25, 2013

APPROVED.

Present Board Members: Gayle Voyles, Karie Younger, Jennifer Breece, and Michelle Buchannan. Jason Purinton was not present.

Present Tiehen Management: Tim Rellihan and Michelle Swartz

Meeting called to order at 6:00 p.m.

Presidents Report:

Gayle Voyles began by thanking residents for helping beautify the community with potted flowers, and acknowledging the importance of community involvement.

The Role of Building Captains will be a useful tool in relaying important information to residents.

Participation by the homeowners at the board meetings is always welcomed.

The HOA Board of Directors will go over the items on the agenda including all the committee and management reports. Once the Board has presented all the information, the homeowner's questions will be accepted in an orderly manner.

Approval of June 27, 2013 Meeting Minutes:

Meeting Minutes of June 27, 2013. Motion to approve, Unanimous approval

Note: slight format change to future minutes: To make sure the topic/discussion reflects the beginning and ending of said topic/discussions.

Treasurer's Report:

Tim Rellihan gave a summary on the delinquency report. The June report showed delinquency near \$16,000. Lien notices went out to 15 owners; 3 of those owners paid. Liens will be filed if balances are not paid by July 31, 2013.

Budget report: Certain expenses are higher, repairs and maintenance on the roofs, snow removal, insurance premiums, and reserves. As of 6/30/2013 the operating account balance is approximately \$41,000 and reserve account is approximately \$363,000.

Jennifer Breece confirmed that figures encompass year to date totals.

Expenditures at Home Depot was questioned, petty Cash was utilized for a short period when Home Depot did not allow charges on the account.

The taxes have been filed with no penalties or interest paid. Prior management company filed an extension and Tiehen Group completed them in May.

Motion to accept Treasurer's report. Unanimous approval

Managers' Report: Tim Rellihan.

Annual Meeting will be held Monday, November 18, 2013, and notification will be sent out by October 28. Asking if there are any conflicts with the Board on this date to let us know. At that time, we will need approval of the 2014 budget and voting by owners for the 2014 board of directors.

Painting /Siding Proposal

Summary recommendation is to use Systems Solutions with a total bid for buildings 4, 8, 11, and 23 is \$136,635. Bid includes wrapping building with Hardie board; replacing any rotten wood; and a 12 year unlimited warranty, vs. 5 year on labor by the second contractor. The biggest expense is the labor.

Gayle asked if the bid was for pre-painted. Solution Systems bid is painting with the current color. Tim explained that approximately 20% of building 4 is already covered with Hardie board, so any additional painting would match the new Hardie board going on.

Discussion led to the trim being left cedar or replacing with Hardie board trim. Trim around doors and windows, not gutters, or soffits, etc. on all 4 buildings will cost \$161,000 with 12 year warranty on Hardie board. Currently every 6 years painting the cedar trim.

Karie Younger estimates cost comparison: replacing rotten wood cost \$18,000 x 4 = \$72,000. Consider that part of the rotten wood is due to bad siding, which may lower costs 10-20%. Jennifer comments that there is significant cost savings \$24,000 vs. 18,000 x 4, which is significant money.

Board opposes the continued plan of just patching siding. Gayle indicated a long term solution should be considered with a understanding of current budget constraints and the need to take care current repairs to the road and sidewalks. Cost benefits analysis when making decisions on the siding. Warranty is a top priority in deciding contractor. Tim explains; product warranty is limited but is 15 on pre-painted and 30 years on standard Hardie. Contractor 12-year warranty on labor vs. 5 for pre-painted or painted with existing color.

Pre-painted Hardie board, Diamond Contracting would replace the entire building. Diamond bid for building 4 is \$35,000 plus painting cost with only labor warranty of 5 years, Solution Systems is 12 years. Diamond offers 3% discount for additional buildings. Diamond will re-bid all 4 buildings Gayle voiced concerns about using different contractors and the warranty; wants to make sure that 1 contractor does the entire product installation Tim provided some of the pros and cons from other contractors with pre-painted Hardie Board: Nicks and scratches on pre-painted board have to replace the whole board, vs. painting

which you can always touch up. The manufacturer could change the color availability.

Trim: Smart board cost \$7,600, Azek \$6,075, and Hardie \$8,900. Smart board is not a cement based product, which is what makes the materials last longer.

System Solutions has been doing the siding and painting of buildings, and they're aware of what has already been replaced with Hardie board. It would be best to use the same contractor.

Owner comments that we are paying an extra \$8 per gallon to use 25-year warranty paint, so why are we painting every 6 years. With using 25-year warranty paint, and painting ever 6 years, there should be a refund

2nd owner comments: have specifications covering all details of the project. Generally speaking, warranty isn't worth the paper written on. Authorized contractors adhere to Hardie board standards includes Hardie inspection of work, and a warranty from a Hardie. The Board should educate themselves on the issues; spend time looking into the matter. Also explained that the trim had dry rot, which is typical of cedar. Cedar is a natural repellent to insects but water got in because of dry rot; and if hadn't replaced the windows, would not have known. Authorized dealers may be too expensive for us to afford, but Hardie inspects and approves. Monday afternoon 7/29, large contractor of Hardie board to discuss the product.

Gayle would like to speak with a community that has used Hardie to see whether it resolves our issues. This community in good faith paid their dues; our property is getting older. We keep having the same issue. We need to make sure we are making a sound decision. A Hardie board representative could come speak about the product, and the Board can have executive sessions to discuss the issues of roofs, siding, and wood rot.

An owner comments that an Ad hoc committee would be helpful.

The Board's response: the Board is held responsible for making decisions, and always asks homeowners who have a background in the area for their opinions. The Board does not need 50 people going around doing research; that is why we pay the management company. Trust and give The Tiehen Group a chance. We need a deadline; we do not need different ad hoc committees. Board is asking to delay the decision, until receive additional information

Stucco as an alternative to siding was brought up and given no consideration

Architectural standards will need to be amended to reflect that Cedar trim is no longer the requirement.

Carport

Information is required to ensure existing carports are structurally braced. Engineering estimates of \$180 per hour not to exceed \$3,200 by Norton and Schmidt; Rimkus bid \$220 hour not to exceed \$4500.

Signature did not inform the board the insurance company had an engineering report, and under the recommendation of Signature, an outside engineering company was hired to evaluate. The engineering consultant hired by Signature was not cooperative with the board; therefore the Board refuses to use them as a consultant. Board request, if Rimkus will match the lower bid.

Motion if Rimkus can match the other firm's bid offered amount of \$180 per hour and do not exceed \$3,200. Unanimous Board approval

Other Bids

Asphalt Bid.

Modify original bid to add for crack sealing of 17,897 linear feet and unit 27 and 7D total is \$18,250. \$19,544 is the secondary bid, difference is the entire driveway of 14 L to be replaced.

Remove the old asphalt, replace, and properly compact. Questions of whether there are specific standards for contractors to follow. Tim answered : we do rely on the contractors expertise to provide the specifics of what is needed. There is a warranty in place with the work and the contractor has worked on other Tiehen properties. Note from resident, warning of contractors cutting corners for example 21-K driveway, immediately after the work is finished, the asphalt has wheel ruts.

Curbs and sidewalks: There is not documentation or from Epic that this actually occurred. Identified the curbs that were damaged by Epic during snow removal earlier this year.

\$17,000 asphalt bid in budget this year will need to spend about \$10,000 every year on asphalt. Long term budget do re-do the roads.

Motion to approve, the asphalt bid.

Last month's Board Meeting \$11,044 was approved, Total for all asphalt work including what was approved in June's meeting plus all three drives on 14K is \$19,544 Unanimous Board Approval

Notify the residents of the upcoming asphalt work in buildings: 14, 15, 7, 27, 9, and 14 C. Concrete work will start next week, and the asphalt will be after the concrete is finished.

Roofing:

New estimates on units 28 H-F, 21G, 24H, 7C, 4I, 11L for roof repairs where all units have interior damage. The 7 residences total for repairs is \$14,275.

Bordner has finished all previously approved bids.

Bid is only for the roofs that have subsequent interior damage. Roofing repairs are following same pattern of all the other repairs, cracked tiles, under-layment and plywood deteriorating, water is not draining, etc.

Liability of the Homes Association for roof damage that caused damage to the interior of units is again clarified. The HOA takes care of the roof damage, not the interior. The homeowner is responsible for the interior repair. If you have a 2nd leak in the same place than the HOA would be responsible.

Does Bordner protect the tiles while they are working on the roofing issues? Do we know if they are cracking the tiles when they are working on the roof? May have been an issue with System Solutions, but have no proof of that. Must have proof of the tiles being broken by the contractors. Please do not use hearsay. Past president needs to come forward and make a statement if he has proof of damages caused by contractor. Any residents that have knowledge of inappropriate behavior must let us know.

Article 6, section 2. Read in reference to the HOA's responsibility and owners responsibility. Having an attorney explain our documents, cannot expect the management company know in advance that there is going to be a problem. It takes time to get estimates and repairs done after a problem is reported.

Current estimates from Bordner total \$14,275 for roof repairs. The repairs are being tracked. Motion to approve \$14,275 for Bordner to make roof repairs. Unanimous Board Approval of \$14,275.

Irrigation Repair Bid:

Epic sprinkler system repair bid. Walk through 4 controllers at clubhouse, 5, 10, and 24, Had an outside vendor inspect area and consult on necessity of bid and amount. The amount of the bid is \$2,115.65 to repair and it is a priority. For example Clubhouse has 5 rotors, lateral lines, areas where heads need to be moved, etc. Motion to approve repairs. Unanimous Board Approval of \$2,115.65.

Comments from owners that sprinklers do not seem to be working. The grass is dead. Reply is partly AT&T is responsible to repair the area disturbed along 115th and Tomahawk Creek. The repair of the system is for functionality like master valves, lateral lines, etc.

Rochelle stated Epic destroyed the grass while mowing at 16 A-D the week of July 25, 2013. Discussion of that anytime anyone is on the property and cause damage, they will be beheld responsible.

Clubhouse Rental Agreement:

Modified the clubhouse rental agreement, Pro-rated rental fee according to the number of guests and a rate for continual meetings. The greater the number of guest, the greater the probability of damage. Maximum number of people is 200, cannot be during business hours, and doesn't include the pool or fitness center. Key exchange on the day of event and return the day after. Also must park in designated parking spots only.

All in favor, Unanimous Board Approval.

Brick Repair:

19-F brick work with Board approval last month to repair for \$6,800 and should be complete this week.

Maintenance Phone Log:

Maintenance Phone Log by Michelle Swartz of the ongoing issues, complaints, and calls. Question from Board on 01A fence around the patio, to prevent the geese from getting on the patio. Advising that trying to be consistent across the community. This is a gray area, and will be speaking with the Architectural Committee to review. Dependent on whether it is on the concrete or the grass.

02J: Pavers from extended patio are being removed, new owner is aware and will resolve the issue.

15A: Pavers will be removed from the patio.

Architectural Committee: Rochelle Mitz

Continue the inspection of windows and e-mails to owners regarding violations of the Rules and Regulations.

18B: Windows installed by previous owner, Krantz, after new owner moved in, her brother will be taking care of the windows. Owner has to meet our standards. Because it happened prior, no indication of a fine, cannot levy one.

Legal action from new owner to get the previous owner to correct the windows is being considered. Rochelle is verifying with the Board where owners must comply with the standards. This is a gray area because the new owner was not aware or was it disclosed during the sale that the windows were not in compliance. Patience is not my question.

Emphasize that as soon as the improvement applications are complete to notify the office so that it can be inspected and approved, just in case it is not correct.

Landscape Committee: Karen Mann

Taking pictures of all the buildings and notations of what is dead and needs replaced. Working on an application for homeowners to be able to have landscaping done. Deriving certain plants, a detailed list, that can be purchased for installation by one company. Homeowners will not be doing this themselves; this is an application to have things planted at the unit. We can use another company; we don't have to use Epic. Licensed company, with a warranty for landscape plants and installation.

Sprinkler is not working by 02. From the sidewalk, down and clearly the grass is dead.

Owner asked about a couple of trees by the basketball court that were cut down, and why. There were 2 Hawthorns, both diseased and dying. Discussion about trees being planted too deep below the root flare causing root girdling issues.

Social Committee: Daphne Reitz not present.

Pool Party at 4 PM, Sunday, August 18th and a City of Leawood event on August 12th. Both are included in the current newsletter.

Nominating Committee: Darline Terrell

19 Building Captains for the 31 buildings, which submitted to the Board President for approval. Responsibility of the building captains? List to sign-up for Building Captains. Will utilize at the annual meeting for proxy, and a systematic way to collect data and receive information. President gave example of a student council spokesperson for the assigned building. Darline said Captains could get together on their own, potluck dinner, or other issues.

Asking to appoint the list of building captains as the nominating committee has presented. Officially all listed are now Building Captains, as Residential Coordinator, Darline will make sure the list is correct and add any new volunteers.

Nominating Committee members have met twice since the last board meeting. Discussed having an Emotional I.Q., that the Board is a body of 5 people representing 356 people and an important task. Expect to nominate to attend board-meetings ahead of the election. Nominees fill out questionnaire and submit a resume. Announce candidates well before the annual meeting of Monday, November 18, 2013.

Old Business

Problem with doing all the roofs at one time, classified as commercial vs. residential. Will need to change the code with the city. \$45,000 per building for the roofs to get done, to have them all done at the same time would be expensive. Eventually were going to have to replace the roofs. Check with consultants to see if we can get it all done. Checked weather maps to see if there had been any hail, or windstorms for insurance coverage.

Commercial code is about getting city council to change their minds on how to change the classification.

Serious problem, and we at Tiehen are taking it serious.

New Business

19F: Owner present and stating that it has been going on for a year where the brick is bowing out on the unit and having water damage. Owner has done the window replacement, and added a temporary steel plate to try preventing any further water damage. Otherwise, owner has been issue free for 8 years until this. Bugs, flies are coming in to the unit. The owner's insurance Company gave him a check for \$2,000 to replace carpet. I have requested the HOA to help with the issue and to reimburse my damages. The drywall, baseboards, studs etc. are damaged and the insurance will not cover those damages. I want a check cut for \$900. What was the cause? The brick bowing out away from the foundation and an inch gap is apparent on the side. Insurance will not compensate for any exterior issue. The Boards' point of view is that this is interior damage. However, it may be a gray area, since the previous management company didn't do anything. Now the contractor is due to come out this week to repair the brick. Board Decision as to whether to reimburse the owner for damages will be delayed until the attorney can be consulted.

21L: Owner present and asking about why the insurance premiums going up for the complex? Reply it is the cost of doing business. Also asking, how many claims have been filed on the insurance? None. Is wanting the Board to cover the costs of repairing the interior damages caused by a roof leak on Memorial Day. Claims that it is from the roof not being tarped or fixed prior to the damage occurring. Stating that it was not handled by the Management company, and does not understand why the cost to repair should not be the HOA. The roofing company was called out as soon as it was reported to the office, and was scheduled to look at the roof on Tuesday following Memorial Day. There was a span on 8 days including the holiday weekend.