

# Tomahawk Creek Board Meeting

## Monthly Meeting

APPROVED Meeting Minutes

Meeting Date/Time	January 23 <sup>rd</sup> , 2014 at 6:00pm
Meeting location	Club House Conference Room
Board Member Attendees	Gayle Voyles, Jennifer Breece, Karie Younger, Duffy Cunningham Tate, Jennifer Nearing
Tiehen Attendees	Jim Tiehen, Tim Rellihan and Michelle Swartz

### AGENDA TOPICS

- ❖ President's Report – Open line of communication with Building/Quad Captains and dog waste issue
- ❖ Approval of Meeting Minutes – December 12<sup>th</sup>, 2013
- ❖ Treasurer's Report – End of year numbers and Delinquencies
- ❖ Tiehen Management Report – Roof update, Bid discussion, Carport Update, Maintenance and Phone Log
- ❖ Committee Reports – ARC, Landscaping, Social, Nominating and Covenants
- ❖ Old Business
- ❖ New Business – Trash issues, Plumbing issues (freezing of pipes), Unit 11L, Parking during clubhouse rental and Fire in unit 12J

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### Email Votes:

#### **January 31<sup>st</sup>, 2014**

Motion made by Jennifer Breece to require resident to pay back dues and late charges

Motion seconded by Karie Younger

Motion passes with 3-2 vote

Jennifer Breece and Karie Younger – voted to pay back dues plus late fees

Duffy Cunningham Tate and Jennifer Nearing – voted for back dues, late fees and interest

Gayle Voyles – broke tie with a vote of back dues plus late fees

#### **February 3<sup>rd</sup>, 2014**

Motion made by Jennifer Breece to have Epic come out at 4 inches and then again at the end of the storm

Motion seconded by Duffy Cunningham Tate

Motion passes with 3-0 vote

1 member did not vote

#### **February 7<sup>th</sup>, 2014**

Motion made by Jennifer Nearing to have resident repair dryer vent via the floor and not re-routing

Motion seconded by Jennifer Breece

Motion passes with 4-0 vote

## **February 12<sup>th</sup>, 2014**

Motion made by Karie Younger to hire Marr and Company to prepare 2013 taxes at a cost of \$350.00

Motion seconded by Jennifer Breece

Motion passes with 3-0 vote

1 member did not vote

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### **Agenda Item – President’s Report:**

Gayle Voyles welcomed everyone to the meeting and thanked them for attending the meeting.

Gayle Voyles discussed the role of the building captains and indicated that the Board will send out requests for building captains to assist on issues. We want to ensure that the appropriate information is getting out to the residents.

Gayle Voyles discussed the issue with dog waste reporting that it has become a bigger issue due to the cold weather. It is a Leawood City ordinance that requires dog waste to be picked up. Gayle asks that residents with dog please remember to pick up after them.

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### **Agenda Item – Approval of Meeting Minutes:**

Gayle Voyles reported that the Board does not feel that the December 12<sup>th</sup>, 2013 meeting minutes are not accurate. It was decided that we would review and modify the December 12<sup>th</sup>, 2013 minutes and would vote to approve them in the February 2014 Board meeting.

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### **Agenda Item – Treasurer’s Report provided by Jim Tiehen:**

#### **End of Year final numbers:**

- \$38,840 in the operating budget
- \$391,188 in reserve
- Due to Michelle's work with Epic she was able to provide Tomahawk Creek with a \$6,000 savings in the Landscaping budget.
- With the change in vendor, \$4,600 was saved on irrigation repairs
- Due to the lower number of repairs, \$3,600 was saved for budgeted electrical repairs
- The income for the year was off by approximately \$7,900 due to delinquencies. Jim Tiehen reported that Tiehen (Michelle and Tim) have been actively seeking to decrease our delinquencies. Jim Tiehen thanked Tim and Michelle for their work on this issue.

#### **Jim Tiehen reported on the positive/negative overages for the 2013 year:**

- We had a positive overage in the amount of \$1,764 due to late fees.
- The cable income was a negative overage of \$2,700 due to a time issue.
- Overall we had a negative overage of \$50,000 for the budget. Jim reported on the following as they were the most significant cause for the negative overages.
- Snow was over budget by \$9,412
- Roofing was over budget by \$34,831
- Streets, curbs and brick work was over budget by \$19,172
- Insurance was over budget by \$12,929
- Ended the year with a net of \$113,000, however, \$100,000 of that was from the painting budget which was not used due to delaying painting until the roofs have been replaced. The painting which was delayed will be performed in the fall of 2014.

Leslie (resident) asked for an explanation for the negative overages for insurance. Jim Tiehen reported that they inherited the budget from Signature and he is not sure why it was not budgeted properly. Jennifer Breece reported that the insurance was purchased on December 28<sup>th</sup>, 2012 by Signature, which was after the budget had been approved. Therefore, it was not budgeted properly and was an increase from what was budgeted. Jennifer Breece reported that in January and February it was found that the insurance policy Signature purchased did not have the appropriate coverage so the Board had to vote to approve additional costs.

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## **Agenda Item – Tiehen Management Report provided by Michelle Swartz:**

### **Michelle Swartz reported the following:**

- Currently there are 5 residents with liens on their property due to a high level of non-payment of dues.
- Michelle has been working on setting up payment arrangements for other delinquencies.

Gayle Voyles thanks Tiehen and Michelle for their work on the delinquencies and that they have improved significantly.

### **Roofing Discussion:**

Jim Tiehen reported that we had hired Roofing Solutions as our roofing consultant. Roofing Solutions provided Tiehen with the specs for the project on January 23<sup>rd</sup>, 2014. Jim will send out the specs to the Board for review, to present questions and to finalize the specs.

Duffy Tate asked Jim Tiehen which 2 companies we had narrowed it down too. Jim Tiehen reported that the 2 companies were Bordner and Pyramid. Jim also reported that originally we had an additional 4 companies when it was originally bid out. Tim Rellihan corrected the statement and stated that originally it was 8 companies who bid the project out and Bordner and Pyramid were a part of the original 8.

Tom Scanlon (resident) asked how we came up with the 2 million project total when we didn't originally have the specs and only 2 bids. Jim Tiehen responded that there were actually 8 original bids not 2 and they were based on the preliminary specs, which included square footage, materials and labor (tearing off and putting the new tile on). Jim Tiehen reported that from the original 8 bids the Board narrowed it down to 2 companies. Tom Scanlon (resident) asked how we narrowed it down to 2. Jim Tiehen explained that it was based on who had the best reputation, which included longevity of the company and their reputation in the industry, and pricing was the other factor. Tim Rellihan added that it was also based on our consultant's advice, as the consultant was given the original 8 bids to review and make recommendations. Tim Rellihan reported that Tiehen had spoken with the tile manufacturer's and asked about their experience with the original 8 companies and based on that information it was narrowed down from 8 to 4 companies. Tim Rellihan then indicated the roofing consultant then narrowed the remaining 4 companies down to the final 2. Tim Rellihan reported that the consultant based his decision for the final 2 companies on them having the own crews and not hiring a large number of subs, as well as their ability to complete the project and quality of work.

Tom Scanlon (resident) asked Tiehen what the original price ranges were. Tim Rellihan reported it ranged from \$1.4 million to \$6 million. Tom Scanlon (resident) asked what the final 2 company's price range was. Tim Rellihan reported they were both around the \$2 million mark.

Tom Scanlon (resident) asked what the original bids included. Tim Rellihan reported that the original bids were based on square footage, cost of materials and labor costs (tearing down and putting the new roof on).

Tom Scanlon (resident) asked if the bids were broken down into categories (materials, labor, etc.). Tim Rellihan reported that they were just a total bid and that they were not broken down into categories.

Tom Scanlon (resident) asked if we were considering getting the tiles out of state, and looking at getting them from Mexico. Tom Scanlon (resident) also asked if we were looking at companies out of state to perform the work. Jim Tiehen stated that we asked the consultant about that and he did not recommend that we hire out of state companies to perform the work.

Jennifer Breece reported that the Board had looked at multiple materials, composite shingles, Divinci tiles, and tin/metal. Jennifer Breece reported that the City of Leawood is requiring that we use concrete tiles due to our zoning.

Tom Scanlon (resident) asked again why we wouldn't purchase the tiles from out of state or Mexico. Tim Rellihan reported that we do not want to be the general contractor because then the HOA would be responsible and would incur the costs and storage for the tiles. Gayle Voyles stated that we hired the roofing consultant to investigate all of our different options. Tom Scanlon (resident) stated that was not his question. What he wanted was for the consultant to investigate purchasing the tiles out of state. Jim Tiehen stated that we have and the consultant advised that we not purchase the tiles out of state or buy them ourselves instead of getting them from the roofing company.

Resident (name unknown) stated that we hired a consultant and as Jim stated the consultant's recommendation is not to purchase the tile out of state or on our own.

Mark Gadzinski (resident) commented that hiring the consultant was excellent. Mark Gadzinski (resident) reported that from his experience the normal process would be to hire the consultant first, get proper specs and then have it bid out by at least 4 companies. Mark Gadzinski (resident) stated there are a lot of companies to choose from. Jim Tiehen stated that no there are not a lot of companies as this is a specialized area since it is concrete tile. Jim Tiehen stated there are only 3-4 companies who can do this type of job. Mark Gadzinski (resident) stated that we don't have to take the low bid but we should bid it out. Mark Gadzinski (resident) indicated all he is asking for is a competitive situation regarding the bids. Jennifer Breece stated that we had 8 bids. Mark Gadzinski (resident) stated we do not have 8 bids because the 8 we have were not based on the specs. Jennifer Breece stated that the specs do not change the bids as they are instructions on how to install like what nails to use, amount of underlayment, how to install the flashing, etc.

Linda South (resident) responded to Mark stating that she has confidence in the Board and the process that we followed. Mark Gadzinski (resident) responded to Linda South (resident) that no we only have 2 bids and it's not a competitive situation. Linda South (resident) responded to Mark Gadzinski (resident) stating that we do not have only 2 bids, we have 8 bids. Mark Gadzinski (resident) responded to Linda South (resident) that without the specs we do not have bids.

Linda South (resident) stated if you start from the beginning (tearing off and putting back on) you can't get more all-inclusive than we did.

Ken Patrick (resident) stated we do not have a bid unless we have hard specifications but rather just have estimates. Ken Patrick (resident) stated there are a lot of people out there looking for work.

Resident (name unknown) responded to Ken Patrick (resident) statement saying that she would prefer to rather work for a company that is good rather than a company who is desperate.

Tim Rellihan stated that we have not narrowed it down to the lowest or highest bidders. We have chosen companies that fall in the middle. Tim Rellihan also specified that the specs do not change the bids. The specs specify what nail to use, where to nail it in the tile, etc.

Karen Mann (resident) asked would the process take too long to get other bids as a means to pacify the nay sayers. Jennifer Breece stated that it would take another 3 months as that is what it has taken the other companies. Karen Mann (resident) stated that she personally trusts the Board and our decision. Jennifer Breece stated that if we hold off and allow more bids we will incur additional repair costs and in the end will pay more than \$2 million because we will be paying for repairs to our existing roofs while we wait for more bids. So the longer we wait the more expenses we will incur.

Leslie (resident) asked for us to expand further on the different materials that were considered. Jennifer Breece explained that the City of Leawood would not allow anything aside from concrete or metal roofing materials.

Jim Tiehen explained that we would be getting a 3<sup>rd</sup> final bid. Tim Rellihan stated that the 3<sup>rd</sup> final bid would be from Redhammer. Jim Tiehen provided the following timeline for the roofing project.

- Board reviews the provided specs
- Get a final and best bid from the 3 companies
- Receive the final bids and call a meeting between the Board and the roofing consultant to discuss
- Board selects a roofing company via a vote
- Finalize loan

Jim Tiehen reported that he would like to start the roofing project on March 1<sup>st</sup>. Jim Tiehen reported that the project should take about 6 months to complete. The plan is to start on the buildings that have active leaks now and then move to the 4 buildings that will be painted this year. Once those are complete the remaining buildings will be done.

#### **Discussion regarding the Removal of the Fake Chimneys:**

Jim Tiehen presented the Board with the removal of the fake chimneys. Jim Tiehen indicated that while the roofs are being replaced we would need to decide if the fake chimneys would be removed. Jim Tiehen reported that removing the fake chimneys would potentially save an additional \$50,000 in roofing costs. Tim Rellihan suggested that we also decide on the paint color since the real chimneys will need to be re-sided and painted.

Resident (name unknown) asked about changing the real chimneys to vented fireplaces. Karen Mann (resident) stated that would require all owners with real fireplaces to change their fireplaces to vented one's and that the Board could not require everyone to do that as it would be at the owner's expense. Gayle Voyles stated that she bought her condo because it had a real fireplace.

Tim Rellihan suggested the residents in attendance should be asked what their preference is on removing the fake chimneys.

Gayle Voyles asked the residents in attendance to raise their hand if they would want the fake chimneys removed.

- 12 residents (more than a majority present) raised their hands in favor of removing the fake chimneys.

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#### **Motion/Vote**

#### **Name**

**Motion to remove the fake chimneys if City of Leawood approves**

**Jennifer Breece**

**Motion seconded**

**Karie Younger**

**Vote**

**3-1**

**Motion passes with 3-1 vote**

**Jennifer Breece, Karie Younger and Duffy Tate – voted to remove fake chimneys**

**Jennifer Nearing – voted to leave the fake chimneys**

**Roofing Repairs/Bids:**

Tim Rellihan provided the Board with 2 current roofing issues that needed to be repaired. Tim Rellihan stated that since we are going to replace the roofs Bordner provided a temporary solution for the repairs that would keep interior damage from occurring until the roof was replaced for a total cost of \$1,150. Tim Rellihan asked the Board for a motion to approve the repairs.

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**Motion/Vote**

**Name**

**Motion to approve the temporary repairs for 211 and 05G for a total of \$1,150**

**Karie Younger**

**Motion seconded**

**Jennifer Breece**

**Vote**

**4-0**

**Motion passes with 4-0 vote**

Michelle presented the Board with the Maintenance and Phone Log report.

Board reviewed the monthly Maintenance and Phone Log.

Board reviewed the monthly Maintenance and Phone log. Gayle mentioned the parking for the visitor lots as the Phone log indicated several calls. Every condo came with one specific parking spot. The remaining parking spots were setup as visitor or can be utilized by owners. Visitor parking is "first come first served" and the vehicles need to be moved every 14 days.

Karen Mann indicated that there is a resident who has required medical care. The resident has asked the other residents not to park illegally. The resident was not very receptive. The concern is if the resident parks illegally and the medical vehicles can't get access to the resident in need of medical care. Michelle reported that a fine is incurred if the resident has been informed once and they are shown to be in violation a second time. Michelle also stated that the vehicle can be towed if needed as well. Michelle reported that Johnson County Towing is the towing company we utilize for our property.

Jennifer Breece reported that there have been vehicles in the visitor parking by the dumpster have had flat tires, bad in appearance, and exceed the 14 days.

Resident reported that she is tired of the trash issues as she lives by it. What is the normal process for complaints.

Warning sticker is placed on the vehicle and the hope is that they will contact the office as the sticker states it will be towed.

Linda South outlined in Dec section 11 Use Restriction, subsection M on page 14. Once notice is given its towed after 2 days.

No other questions from the Board.

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**Agenda Item – Committee Reports:**

**ARC** – No new business, however, Michelle and Rochelle had a discussion regarding the trash issues. A solution they came up with fining the units closets to the trash left out improperly. Board and residents indicated this would not be a viable option. More options are being investigated.

Option of putting security camera's on property. Gayle reported that the previous lawyer indicated that by having a security camera we are giving the impression that they are more secure and can lead to legal issues.

Karen Mann suggested we take the compactor out and just put a dumpster in and have the trash dumped more.

Jennifer Nearing suggested another dumpster be placed on the property. Tim Rellihan explained that then the monthly costs would double and we would still have trash issues.

Part of the issue is that cardboard boxes are not being broken down. Cardboard boxes can be placed in the dumpster as long as they are broken down and flat.

Karen Mann requested the costs for the repairs over the last couple of years. Tim Rellihan will investigate and report in the February meeting.

The Board deferred the decision until more options are investigated.

**Landscaping** – No new business

**Social** – No new business

**Nominating** – No new business

**Covenants** – Addressed any questions the Board had regarding the fire on the property, as well as duct work. Regarding the duct work - any changes would be an application to the architecture committee. A report would then be brought to the Board for a decision. Another option is the Board could mediate a solution between the residents if the repairs need to be done through the units bellow ceiling.

Michelle Swartz reported that the unit below has refused to allow their ceiling being cut into so the above unit can repair the dryer vent. Michelle Swartz stated that the owner has had camera's used to see if they can determine where the vent is broken and nothing was found. Michelle Swartz reported that Bill has looked at it and suggested that the vent be re-routed to vent out on his deck above his patio door.

Jennifer Breece indicated that the vent would be vented out on his patio and would vent down to the patio below his unit. Gayle Voyles as stated that the venting would end up being blown below down to the below unit's deck.

Owner of unit in question (name unknown) stated that his floor is concrete and it would require him to chisel out the concrete to determine where the issue is. Placing the vent above his patio door would not be visible like the current vents.

Jennifer Breece stated that it would still be imposing on the owner below his unit. Jennifer Breece asked if instead of venting it over the patio door could it be vented out the roof.

Gayle Voyles asked Linda South what the governing documents stated regarding this issue. Linda South stated that the owner would need to apply to the ARC committee and then the committee would bring it to the Board for the decision.

Tim Rellihan asked Jennifer Breece if the below unit owner was ok with the vent being blown in her unit would I be ok with the vent being placed above the door. Jennifer Breece said yes.

Jennifer Breece asked the question of whether or not the vented moisture would cause wood rot or siding damage. Linda South said it's the same as the vents on the front of the building. Jennifer Breece said no this is an enclosed space. Tim Rellihan stated that yes it could cause issues but he will have that question investigated.

The Board deferred the decision until further information was gathered.

Linda South discussed the fire that occurred. The section in the Decs and Bylaws on insurance states that owners are required to have insurance coverage for the content of the unit and the associations insurance deductible. Tim stated the type of insurance is called loss assessment insurance.

Linda South asked if there was any exterior damage due to the fire. Tim Rellihan stated that all the damage was done to the interior of the unit and the unit next to the unit that had the fire.

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**Agenda Item – Old Business:**

No old business to discuss

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**Agenda Item – New Business:**

Gayle Voyles stated that we were now moving onto the freezing pipe issue.

Tim Rellihan reported that during the last cold spell a pipe in Buidling 18 froze and caused water damage in unit 18C. Tim Rellihan also reported that there was minor damage in unit A and E as well. Tim Rellihan reported that the pipe has been fixed and the wall has been fixed that had to be cut into to repair the pipe.

Michelle Swartz reported that the owner in 18C asked for the garage to be replaced. Michelle Swartz reported that they were made aware it was their expense.

Tim Rellihan indicated that cutting a hole in the sprinkler closet wall would allow warm air to circulate through the hole and keep the pipes from freezing.

Jennifer Breece asked if any other options have been looked at. Tim Rellihan reported that another option would be to place a heater in the closet and have it pushed through the hole.

Tim Rellihan asked for a motion to be made to have a hole cut into the wall in the sprinkler closet.

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**Motion/Vote**

**Motion to approve cutting a hole in the wall of the sprinkler closets**

**Name**

**Jennifer Nearing**

**Motion seconded**

**Jennifer Breece**

**Vote**

**4-0**

**Motion passes with 4-0 vote**

Gayle Voyles brought up parking when the clubhouse is rented. Gayle Voyles reported that there have been several instances when the visitors park in homeowners parking places. Gayle Voyles asked Michelle Swartz if she talks with the people renting the clubhouse and makes them aware of where they can and cannot park. Michelle Swartz stated that she is going forward.

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**Resident Open Forum:**

John McKelvey asked how the fire started. Gayle Voyles reported that insulation was placed in a box in front of the heater at the bottom of the stairs.

Jennifer Nearing asked for a note to be placed in the newsletter letting owners know they should have them checked.

Karen Mann asked if Tiehen has anyone that can come and look at them. Michelle Swartz stated that it would be cheaper to have a new one installed. Tim Rellihan stated that Tiehen does have someone who could come and check them. Karen Mann asked if Tiehen would give a group discount if multiple owners had Tiehen come out at the same time. Tim Rellihan stated that he would investigate it.

Karen Mann asked if the damage that was done to the fence around the compactor and landscaping was being replaced due to the car that ran into it. Tim Rellihan stated that yes the insurance is covering the costs, he believed we would be getting \$6,000 to make the repairs.

Owner (name unknown) asked if renters are being given copies of our Decs and Bylaws and Rules and Regulations. Michelle Swartz reported that she is for those units they are aware of.

**Meeting adjourned at 7:50pm**