

**Pawnee Hills Community Association**  
**August 11, 2005**  
**Board Meeting**

Board of Directors Attendance: John MacArthur, Tina O'Bryan, Pam Schultz, Dawn Hill and Walt Day

Call to order: 7:10 p.m.

Agenda: Motion to approve agenda. Seconded, Passed (5 For – 0 Opposed)

Minutes: Motion to approve the June and the July Minutes Seconded, Passed (5 For – 0 Opposed)

Introduction: Board Members

Motion to appoint Dawn Hill to the Board of Directors. Seconded, Passed (5 For – 0 Opposed)

This is to fill the vacancy by Steve Richardson in accordance with covenants rule on vacancy. This appointment will run until January 2006.

Communication from the community:

Reading of Letters (Attached)

Linda Lee dated the 1<sup>st</sup> mailed 8<sup>th</sup> delivered to the board today. (Attached)

Reading of letter and the board will reply in writing to the letter.

Treasurers:

(Report Attached)

Checking \$10,496.19, Savings \$18,194.38, Unpaid Dues \$2,891.37, Deposited \$6,925.52

Reserve Account: Not showing will need to add at next meeting.

Renewal Certificate - \$5,600.00 wood roof charge will adjust and re-invoiced by agent, invoice will be changed.

Directory updates turned in.

Checks were signed.

Online E-banking has not been received, but will follow up with bank.

Treasurer did a reading of the current bills that are being paid.

Motion to approve the current Monthly bills as documented. Seconded, and Passed (5-For 0-Opposed)

Facility Coordinator:

Swimming Pool is leaking water still waiting on call back for repair from contractor. There is a leak from the roof located near the refrigerator. We are trying to find the exact location and are in the process of contacting a roofing contractor. Chemical cabinet has been installed so we will call the Fire Department for final inspection now.

Committee Reports:

ACC - 1272 Pawnee Parkway Joel Wendler-Master bedroom and new garage, which looks very nice. Approved by the ACC and accepted by the board.

Activities - No Report

Arbitration - Inactive

Budget - Inactive

Buildings & Grounds - Fixed the step going up to deck. The gate has been tightened and will apply LockTite to bolts. Handrail one set of boltholes has been drilled and two need to go deeper, then we can attach the handrail. Volleyball court & horseshoe pits have been hit with Round Up and the weeds are dying. Would like to look at a bid for a Sprinkler System and installation, fall maybe good time for system pricing. This could possibly help our bottom line by allowing us to compare the cost of paying an employee to water and the cost of the system. Solar Panels have been removed and just the posts are left. A member of the association has a tree spade and will help pull the posts, thanks again to this homeowner. Added recessed lighting for the

patio, sport court bolts covered and gazebo-lattice repaired on the front porch. List in the Newsletter of current projects and put contact for help [sgile@myawai.com](mailto:sgile@myawai.com). We have added non-skid stripping on the steps going into the pool. Looking to build a BBQ pit grate that can be moved up and down.

*Directory & Welcoming*-Some forms are in to get directory on street.

*Equestrian*-Bridal trail maps were placed in the shelter and in less then 24 hours they were gone. Suggestion was made to place a copy of the map behind the glass case in the mailbox. A copy is available on the website. The board was asked to add in the newsletter that the committee needs lumber 1x6 & 1x8 20" long. Special thanks to Linda Lee, Chuck Nichols and Diane Minion for lumber already donated.

*Newsletter*-no report.

*Bob Rowland*: Complaint that items at the mailbox not to be torn down.

*Nominating*-Jim Chandler noted that a board member has volunteered to join the Committee – Chair is now Pam Schultz working with Jim Chandler.

*Website* - [www.pawneehillshoa.org](http://www.pawneehillshoa.org)

### Open Forum:

*Board*: Please respect the person that is speaking and don't make side comments and do not interrupt. If you do interrupt you will be called out of order and after a second interruption you will be asked to leave. We need to keep this meeting running smoothly and maintain order. We will try to stay within our three minutes and if the board interacts with the individual we will try to extend their time accordingly.

*Sandy*: Question about the status of the Reserve Study and if the board has had a chance to review and look at it.

*Board*: I don't know if we are ready to talk about it in any great detail it is about 50-60 pages long. We have looked at it and we have a couple of changes that need to be fixed. We had advised the company that we needed to make changes to the barn section. The reserve study needed to include the barn changes that were recommended and we need to know if we don't make those suggested changes how that would reflect in cost/study. There is a letter going back to them to reflect the board's changes and then they will provide us with the final report and we will put it on the website for everybody. It is very easy to understand and we will get it as a .pdf file, so everybody can read it. Although we are not prepared to talk about it in detail there are some parts that we would like to highlight. They went through and did not only a physical analysis of our facilities, but they also did a financial analysis. While some of this sounds alarming we have some issues, but if we handle the issues in a timely fashion we can handle this. Their point was from their report perspective the financial reserve of the association is only 14% funded to what they determine to be ideal, which would mean we are severely under funded in our reserve. Their point is when an association gets into this kind of trouble we are susceptible to special assessments and other costly issues. They are saying this is a problem that needs to be addressed, but I want to make it clear that the board is in no way, shape, or form considering a special assessment. The board was aware that we were under funded and it would cause us some issues in the future. We did not have the exact numbers, but we had more then an inclination that our reserve was under funded and that this could cause us some difficulties in the future. Our research supported this and along with all of the other issues we have supported the dues increase. I am doing this from the top of my head, but we have several other items to base the increase on. We have a problem and the board needs to address it and if we handle it in a timely manner we will be fine. Once the report is final it will be posted at the same time for all the community to see.

*Stephen Giles*: When you say posted to the website is this something that we want everybody in the world to know.

*Board*: It is public information.

*Stephen Giles*: I mean it is good for the people in the association and board to see, but everybody else we may not want to see this. Can we do a members only on the website.

*Board*: It is possible to do. If we recover from this, won't it be good information for everybody to have? I see the report as very alarming, it is very specific and you all will understand our concern.

*Stephen Giles*: We only just started the reserves, so we should expect to be under funded.

*Board*: But this will show us how we need to address and plan for the reserves.

*Stephen Giles*: It makes it sound like we have had this for years and we are under funded, when we have only just started this account.

*Board:* No, this is saying we are under funded in all aspects Checking, Savings, and Reserve's. The current reserve account was just taken out of our savings and checking. They are talking the entire Association is under funded currently.

*Linda Lee:* What accounts were they talking about where all this is necessary? If we are in such bad financial state why are we looking at a sprinkler system?

*Board:* We are looking at it to save money. We are paying somebody hourly to water and move hoses around. This could save us some money. We are just getting bids to see what the cost would be and how would it save us money and do a comparison with current expenses.

*Susan MacArthur:* Website member's only area location. I thought about that when I visited other sites and many have them. I volunteered to do this and the issue I saw when I did the site was that 167 homeowners would have individual passwords. When somebody forgets their password, who is going to maintain the passwords. We are all volunteers and somebody would have to maintain these passwords and service the site.

*Homeowner:* We can just assign the address as the password and that would be simple.

*Susan MacArthur:* That would be very easy to crack by anybody, so why even have it.

*Board:* I don't see anything that would be that confidential that we would need to hide it. If we do not fix the issues it would be bad, but if do fix the current problems and get financially sound then it would be a good thing for others to see.

*Susan MacArthur:* If they are checking us out to move here then they can get access to all our information. It is all public information and will be made available by the public records.

*Bob Rowland:* The board has said that they will very soon allow the homeowners/members of the association to see the Reserve Study on the website. Are you or do you intend to take any action or make any decisions using the Reserve Study before we have a chance to look at it?

*Board:* The Reserve Study is not full of bad news. There is some good news that we can get from the study about the condition of our facilities. It does contain some information we can use that will help us make a more educated decision. We are not in a position to make decisions directly related to items contained in the study, but I am not going to tell you that something might not come up that we have to deal with. Does that answer your question?

*Bob Rowland:* It does except that it goes to the heart of the question when are you going to let us see something that we paid for?

*Board:* When we have the final copy of the Reserve Study.

*Bob Rowland:* Okay, but are you basing decisions on the study before it becomes public knowledge to all 167 of us? Are you going to make a decision with it and if you do why would you do that before we have a chance to see and discuss it?

*Board:* What I said was and I have tried to be very careful with what I tell you. If something comes up and we have to deal with it we may refer to the study for reference. Do we have plans to go through here and make decision as the study stands right now? No. Does that make it clear?

*Bob Rowland:* Thank You.

*Jim Chandler:* Missed last meeting I was out of town, but my wife volunteered me to the covenant resolution committee. I do support all of us working together and becoming a happy community once more. Chuck was supposed to be the chair and he has called each of us individually and made an outline on how he would like to go about it. Knowing that electronic records are easier to deal with. I went through and re-typed the covenants and bylaws and I went through and researched all the current changes from county records. I went back through them all, even the 1996 changes that were made. I would like to make a gift of that to the board in hard copy and electronic format. So, the next step is to decide what's been done in the past and what needs to be done in the future. We will be putting a lengthy polling together about what you think about covenant changes. We want to get all the questions asked at once.

*Board:* We would like to help with the mailing and posting it on the website.

*Jim Chandler:* The more information to the community is the best for all.

*Board:* We would like to have a letter of explanation for goals and planning with the questionnaire.

*Jim Chandler:* In the past anger and miscommunication has made so many issues and it was dropped due to arguments in the committee.

*Board:* Piece mill the changes and then they can vote on separate issues.

*Jim Chandler:* He will learn as we go.

*Board:* Are you planning on getting this done by the January board meeting?

*Jim Chandler:* He will get back with us on the next meeting after they have met and talked with Chuck and other committee members.

*Linda Lee:* Why has our insurance tripled?

*Board:* We are putting it out for bid, so we can check against the other companies. We are not sure if this is just us or if every community is seeing this. We also have two other bids to check. The board has not changed the coverage and we are not going to sit still for an increase of that amount. We have budgeted \$1,900.00 and this is the first we have heard of it. We are going to get involved in this very quickly. First time we have heard the number and we are not happy about it and we are investigating it.

*Bob Rowland:* There were some of us that were concerned about the coverage and I am not sure if this includes the bonding. The guidelines are pretty clear on what coverage is needed for indemnification. I don't know if you are looking at more coverage, but some of us are concerned.

*Board:* If you could specify your questions and turn them in, we can get them into the agent.

*Bob Rowland:* I thought you increased them last year to \$2/mm

*Board:* We looked at it and the agent advised us that we were in line.

*Bob Rowland:* Indemnification for the homeowners is a good question for your agent. It is a requirement of the law from January 1, but you should ask and it may be included in your new cost.

*Board:* Is that the basis of your question?

*Bob Rowland:* Yes, I just carry extra coverage specifically for indemnification.

*Susan MacArthur:* I want to address an incident as a homeowner and as John's wife. As a homeowner I am personally offended by some of the postings at the mailbox and a lot at the mailbox are lies. They are lies about what is said in these meetings and lies about what the board is doing. This has escalated to verbal abuse and people threatening to kick other peoples butt's. Then they try and justify it by saying it was provoked. Bob Rowland was asked Sunday to stop sending Emails to our home and he has continued, this is an invasion of my home and people cannot do this. He has other ways of making contact with the board members besides using our personal Email. I do not like having my home invaded by a man that I feel is out of control. He has followed a person around the neighborhood to see where they are going, that is obsessive behavior. He also knew what time my husband came home and how would he know this unless he is spying on the board members. People are attacking each other and Mr. Rowland supports this and he was asked to stop sending Emails to our home and he has been notified. He has invaded our home and we will not have that obsessive behavior by any individual, and I am nervous and he scares me. He has crossed the line and is spying on the board members. How does he know when my husband is home? The police officer told me that this is not okay behavior. He was going to talk to Mr. Rowland and ask him to stop this behavior. He has also advised me for my own protection to file a temporary restraining order on Mr. Rowland. The judge has found grounds to implement this restraining order. I want this to be in the minutes, so he cannot say he was kidding or it was just a misunderstanding. I want it known by the entire community what he has done to cause this. He was asked to stop contacting our home and normal people would have stopped.

*Board:* You have run up against your three minutes.

*Bob Rowland:* No Comment

*Linda Lee:* I would like to comment.

*Susan MacArthur:* You could be added to the restraint for acting in his behalf.

*Linda Lee:* I would like you to act on this restraining order.

*Susan MacArthur:* I have a restraining order and can call to have it implemented. (Police were called by Susan MacArthur to serve Bob Rowland)

*Bob Rowland:* Let's do it. Call them let's get this done. Do it.

*Linda Lee:* I can't believe this. I have lived in this neighborhood for 13 years and have never before seen this stuff: police at meetings and restraining orders. We have never had board members call police on homeowners.

*Pam Schultz:* Correction the board did not call the police on a homeowner. Susan is not a board member she is a homeowner.

*Linda Lee:* But, her husband is a board member. The board is getting an Email about people tearing things down at the mailbox bulletin board. He should be able to send the Email.

*Bob Rowland:* I filed a police report myself on the truck in the neighborhood.

*Pam Schultz:* I am not sure you heard everything she said. The Email she is talking about is the one that said "I see you got home early today" and that concerned all of us.

*Linda Lee:* Yes, that was inappropriate and he got an automatic reply that they blocked his Email.

*Pam Schultz:* That is a problem and a big problem.

*Bob Rowland:* On the 6<sup>th</sup> of August he said it is blocked, so how did he get it.

*Pam Schultz:* I will tell you that this is totally inappropriate and is stalking. Board members did not call the Sheriff his wife called and she is not on the board.

*Bob Rowland:* You are entitled to your opinion and I am sorry at how it was perceived. Everybody is attached to it and I hit reply to all and I cannot control what is happening. I am sorry that this is happening and I also shared with them an act of violence on documents that I have posted. Mr. MacArthur had told me it was blocked and this will not be an issue. A restraining order better be accurate information and I will take it to the mat. I will take that to the mat. I don't want to threaten anybody, but if you want to take it to that level then let's go.

*Susan MacArthur:* We have already taken it to that level.

*Bob Rowland:* Then lets go. My posting whether you like them or not does not matter.

*Eric Laessig:* This is just crazy.

*Board:* ORDER.

*Eric:* Everybody has had stuff torn down, you have had stuff torn down and what is the final end to this. What are you after, when does this end?

*Bob Rowland:* They let us vote on this dues increase you will never hear from me on this issue again.

*Linda Lee:* We would like to see this all stop.

*Bob Rowland:* If we get this vote done you will never hear from me again as long as I live in this neighborhood. I am sorry the board interrupted me.

*Walt Day:* He asked me if I got what you just said and I said yes every word.

*Pam:* I have a question on the dues increase. If we do our job and show you why we need this increase would you have an open mind?

*Bob Rowland:* If you can convince this community of 167 and me of this increase then I may even vote for it myself. It is going to be a hard sell, but I will listen. I want this over with, I am sick of it.

*Eric:* You see people on both sides of this and then it gets ridiculous.

*Bob Rowland:* John, I will make you an offer right now that we can both walk out of here and we both never return. I'm serious you will never hear from me again.

*Board:* John?

*Bob Rowland:* You and I walk out of here and I will buy you a beer and you will never hear from me again.

*Homeowner:* What is going on here? I don't understand the how the 5% increase works. How does the past lawsuit affect the 5% increase?

*Eric:* We spent \$2,000 on an attorney last month and we are in a big match back and forth. If you explain the number then we go forward.

*Bob Rowland:* Chuck asked me if we could negotiate and then he called me and ripped me for putting out a petition. I told him that I was not going to stop the petition. We are going to challenge the current dues and we offered to go to \$36.50 or \$37.00 and go on from there. We got 25% of the homeowners to sign a petition to hold a special meeting and put those three items on the petition. We only gave you 17 days to put it on the agenda for the homeowner's meeting.

*Board:* We did not have time to get this done.

*Bob Rowland:* We have acknowledged that.

*Board:* Bob you have thrown out \$37.00 how many people are you representing by throwing that out or can you speak for those other people?

*Bob Rowland:* That we think we can get 2/3 of the people to rescind the increase. Those 49 would support the 37 roughly and I will tell you where I am coming from. People have to work out their problems and we feel totally shut out. I cannot speak for those people, but I would speak to those people at the meeting and tell them to settle.

*Board:* Part of your underlying reason for your rejection of the dues is that you feel that we cannot increase the maximum allowable. That is what your contention was the 5% and I don't completely understand your offer to settle for more than 5%. Even half of the increase exceeds the 5%, so what are you saying.

*Bob Rowland:* I feel that your interpretation is incorrect and it was never intended that you could save up 5%. That there was never the intent of the 1986 ruling and the judge said you all have to resolve the issue and the board is right and you are right now go back and settle this amongst yourself. It never happened, but it is time to put it to rest and in every resolution we have give and take. From now on the board gives us a 5% increase every year going forward and we never deal with this again.

*Linda Lee:* From me personally I would vote my support and that the 5% accrual never be voted in.

*Pam:* If we can show you why we need the money to uphold the community and keep it running would you vote for it?

*Linda Lee:* If you convince me then I will vote for the increase, but I want to vote that you cannot get more than 5%.

*Eric:* Why are you continuing to argue about the past legal case. Why do you continue go back and forth and can't you find some common ground? I believe that we can find common ground and settle. I feel the board is honorable and they are not trying to deceive us.

*Walt Day:* My question is that we as a board represent 167 homeowners and we cannot follow the direction of the 15 at a meeting or the 47 that signed a petition. We can have 120 that support the decisions that we have to make and support the increase and see the need we have. How do we decide to do what the few want and not represent the entire community?

*Eric:* He thought it was too much. He is concerned about people in the community and what is happening all over the \$41.00. There are a lot of community members that will just write the check and I just want to get down to business and put this all behind us.

*Jim Chandler:* As one of the signers of the petition, I wanted the information on why we needed a dues increase. I would like to get the covenants fixed regarding the 5% and other issues. I don't mind if we need the money.

*Board:* We may have not done the best job explaining it, but we do need it.

*Stephen Giles:* You go back to this case and both were right and the judge tried to get this resolved in the past. He was clear that this would not happen again. I am going to take and raise the dues and if you take and don't explain it they get mad. Say that we need to do this and this to get this done and we need more money. Take it to the community and ask the people, is it what it boils down to. You ask the folks what you want us to do. I agree with Jim on getting the covenants done.

*Board:* Question, what exactly do you have on the petition. Petition was given to new board member to read. Every board meeting we hash the same stuff over and over again. We just need to move forward. Second thing is, Bob why did you say that if John left you would leave. We tried to get a dollar one year and got killed for that. Bob why did you say if John left you would leave, do you feel that John is doing all of this, because it is all of us. It is hard enough doing this job, but you put time and energy into this and then you attack each individual member.

*Bob Rowland:* I said this in jest and I guess John and I won't be exchanging Christmas gifts this year.

*Board:* It is hard enough to do this and be up here and have them being attacked.

*Bob Rowland:* Several meeting ago you asked me why I use all this energy to be so negative. I have certain things that I feel passionately, and it is important to understand what I feel. I want this resolved, I am old, and my heart cannot take it.

*Susan MacArthur:* You said to Pam several meeting ago, and was documented in the minutes, that your intent was to dissolve the board. We elected this board to enforce the covenants and to run this community. This area is selling for more than Cimarron and they are trying to get the board back because the community is going down hill.

*Pam:* Going back to the dues increase, I as a member of the board, would have liked to have explained the dues increase better. I have failed in that light. I feel that I did not do as well as I could have.

*Diane Minion:* I will continue to support the board, but the board really blew it explaining the dues increase and something that alienates the increase and people is misinformation moving from neighbor to neighbor. I don't know what to think and I am really frustrated and just would like to get everything resolved.

*Board:* We get so inundated with other issues and they bring out the guns and use them.

*Diane Minion:* It is out of control and you need to present it to people and then get it done

*Linda Lee:* I heard rumor that you may have someone else do the budget.

*Board:* Susan from ABC Solutions will do an initial budget and then we can go over it with the Board and with Sandy.

Note: During open forum a homeowner asked the board if they could work with them regarding back dues. The homeowner was working on refinancing their home and was hoping to get their dues paid up at the time of closing, if the refinancing went through. The board agreed to give additional time to this particular homeowner since the closing was to be within a few weeks. Detailed information regarding exact homeowner and exact conversations with the board has been kept confidential respecting the homeowner's wishes.

Closed the Open Forum.

*Board Business:*

State Farm estimated bill for bonding six people \$289.00 year retro to July 13<sup>th</sup> 2005.

Aspen Reserve Specialty anything to add: Electronic copy would worth inquiring about.

Board will get a copy of the current insurance policy too Leslie Varnicle to bid and Steve Giles to get a comparison.

*Motion to adjourn the meeting: Seconded and Passed (5 For – 0 Opposed)*

Adjourned at 10:22 p.m.