

# Board Meeting

Minutes  
June 9<sup>th</sup>, 2005

Board Attendance: John MacArthur, Tina O'Bryan, Pam Schultz, and Walter Day

- 1) Call to Order 7:07 p.m.
- 2) Agenda: Motion to approve the agenda. Seconded and Passed (4 For - 0 Opposed)
- 3) Minutes: Approval of May 12<sup>th</sup> Minutes will be postponed due to the length.
- 4) Open Forum

Bob Rowland: I don't know if you are in receipt of a letter from an attorney representing a group of us. If not I have a copy of the letter. In that letter we asked to have two items placed on the agenda for the homeowners meeting on July 30<sup>th</sup>. We would like to know what the process is to make sure we cover P's and Q's to get this on the agenda. We have two proposed items and we want to make sure we don't miss anything.

Board: We are in receipt of your letter. The Pawnee Hills attorney has your letter and the Pawnee Hills attorney will reply to your attorney.

Bob Rowland: Does our letter from our attorney cover the request to have the two items added to the agenda?

Board: I believe the board understands what your attorney said and the Pawnee Hills attorney will reply to your attorney.

Homeowner: I would like to request a restatement of what this is. I need clarification and what are you requesting from the board?

Board: Mr. Rowland can reintroduce it, he asked the question.

Bob Rowland: We have two items to add to the agenda. That we have asked for the reversal of the Board Members action and vote to raise the dues effective July 1<sup>st</sup> and a vote to recall board members.

Board: Other items from floor?

Homeowner: I have a question. I would like to know where we are at with the study on the status of the clubhouse and other facilities and whatever needs to be done to get them in ship shape. Do we have a report on that for the homeowners?

Board: We expect that in a few weeks.

Homeowner: What was the delay on that?

Board: There is no delay. That is the time frame that the contractor was allowed.

Board: It is a very big turn around time and we do not have an interim report if that is what you are asking.

Homeowner: It has been a while, so I was asking.

Board: Just to clarify we had to compile information to get to them before they could start. Then they had to ask some questions before they started, so that is why we had part of the lapse in time.

Board: Can we ask you to introduce yourself before you start? We don't know everybody.

(Introductions)

Roland Dale: Tina said 5% accumulative increases for the dues that we would get the official paperwork to support the increase that were voted on every year by the Board.

Board: That I would get them or that I have them?

Roland Dale: You have them, are they available?

Board: Are you saying your requested them?

Roland Dale: No, you have them or do you have the documentation?

Board: We are a little unsure if we are in litigation on this item or not.

Rowland Dale: How do you mean litigation?

Board: Pardon? Do you not understand the word litigation and what Mr. Roland just said about the attorney?

Board: We have received a letter from their attorney, but to our knowledge a lawsuit has not been filed at this time. The Pawnee Hills attorney will need to reply to this because Rowland Dale was named on the letter from the attorney. This is one of the subjects in the letter and your attorney specifically asked not to respond to you and to direct all communication to the attorney.

Rowland Dale: So, the thing on that letter, are we just going to go around them or are you going to share them?

Board: You can share the letter with anybody in the community. The letter is not on the agenda, but you can bring up what you would like. We had not intended to read the letter aloud.

Homeowner: Can we read letter and don't we read letters?

Board: We normally read letters from the community into the record. Letters from our attorney or your attorney is not from the community because they are not members.

Board: We can read the letter, but we had not intended to because it is not from the community. If Bob Rowland sent something to his attorney and we want to make sure not to violate his rights to not have the letter read. This is all new ground for us and we want to make sure we do it right.

Bob Rowland: The people involved do not object and you can read the letter.

Board: Since Bob has the copy of the letter would he mind reading it for us?

Reading: By Bob Rowland - (Copy Attached)

Board: We recommend that all communication on this subject be directed to the attorney's as the letter requests.

Board: As we stated earlier the Pawnee Hills attorney will respond to your attorney.

Greg Hahn: Minutes of the meeting are taking so long why?

Board: I am a bad typist.

Board: We can only send out the approved minutes. We are trying to get them out and they are always one month behind. We take the minutes and then at the next board meeting we have to vote on them for approval. Then they are mailed out.

Bill Curly: The mailbox shelter has from the first days I have been here has been a place for peoples postings for small kids for selling items and looking for lost animals. We all know what happens to those animals, but still helps the small kids. There has also been posting for people working and selling cars. Lately there has been posting of people with public opinions and this since time immemorial has been an American tradition. This shelter belongs to all us as a community and in the past a place for public speech and gathering. Who ever is tearing down the items that are posted is in violation of our American freedoms.

Board: The board is not tearing anything down.

Bill Curly: Then who is doing it?

Board: We agree and would like to find out, we have had complaints in the past also.

Bill Curly: They have torn down everything; do we know who is doing this?

Board: We do not know who is tearing them down. Do you know and if you do please tell us?

Bill Curly: There is no policy to remove item?

Board: No, we do not remove items.

Homeowner: What about writing on them? I walked in when you were writing on them.

John MacArthur: I was expressing my American right to an opinion.

Homeowner: At the last meeting you said you would put up another one if you had anything to say. I walked in and you pulled your hand away and looked guilty.

John MacArthur: I have no compunction or reticent in saying that I wrote on a couple of those. I was expressing my rights.

Homeowner: I agree, you have a right to express what you are thinking also.

Homeowner: Don't write on anything I put up.

John MacArthur: I will put it on anything I feel like according to my American rights. I did not deface anything I wrote an opinion. I saw where somebody had crossed out something with red magic marker all across it and to me that is defacing.

Steven Giles: Build box and then someone cannot get to it to deface it and I can keep the key and open it for them.

Bill Curly: What has caused the necessity for all this to happen?

Leslie: We have seen horse poisoning in the troughs and was not in our neighborhood. That had good information and we did not get to see it.

Board: Was it in this area? No

Leslie: The number was for the Police to contact and it was gone.

Board: This has happened in the past and we don't know why it is still happening.

Leslie: Notice that somebody is poisoning and may be important information.

Bill Curly: This is an issue and why is it happening?

Board: If the person is here then ask that they stop doing this now, but they probably are not here.

Homeowner: I thought it was the board that removed after 30 days.

Board: It is not the Board.

Rowland Dale: John you make comments have written on other people's postings?

John MacArthur: I have in the past and I have no problem admitting to that.

Rowland Dale: I find it the same as tearing them down.

John MacArthur: Well, you are entitled to your opinion.

John MacArthur: That is my right and I have done it before.

Bill Curly: Do we need to post a guard?

Board: Can the board solve this? It is their job?

Bill Curly: Do we have a responsibility to this community to protect it?

Board: Are you volunteering, we will get a sign up sheet for you?

Bill Curly: No.

Board: Somebody would have to watch it 24/7 in order to protect it. We can look at an encasement, but somebody will break it.

Bob Rowland: I clearly have been one of the people who have posted a lot of them and most of them have been torn down two or three times. Maybe the best way to solve this is with what we have just done and talk about it. I am not going to tell you that I am going to stop putting up opinions. Cause I feel we need to communicate and we have lost the newsletter and we needed that to communicate. Maybe, we can have a sign for advertising and one for opinions to still communicate.

Board: They are taking down everything not just Bob Rowland's postings.

Bob Rowland: We need to respect each other opinions or how else can you do it. A glass board will not work they will still tear them down. I am not going to get a key I will stick it wherever I can.

Board: I don't think your postings are the problem.

Bob Rowland: I will try to be less inflammatory in my postings.

Board: Small group of homeowners it may not only be one person it could be several.

Linda Lee: Can we put up a third signs to put on the other side?

Leslie: We have had signs before that indicated opinion and sale, but this did not happen.

Leslie: Updates on the covenant violation information.

Board: Reading of violations currently handling. (Attached)

We will be slowly sending letters out on this as we get them finished. We are a little inundated with violations at this time. All February ones are done and we just need to get letters out.

Greg Hahn: How did the ACC approve the second building I would like to know how it was passed?

Board: So would we, but we were not there.

Greg Hahn: According to the covenants the Servants Quarters are to be attached to the dwelling and second out building is supposed to have power and everything else. I have contacted the county.

Board: These were actions that were taken in 1994.

Greg Hahn: Okay then I will tell you what I am going to do. Since you guys are grand fathering those in then I want.

Board: No, we are not grandfathering in anything.

Greg Hahn: Are you saying there okay?

Board: We said nothing.

Greg Hahn: Are you saying there okay?

Greg Hahn: Are you saying there okay?

Board: The only thing we are saying is the ACC documents on file show the XYZ building was approved on such date that is all this board is saying.

Greg Hahn: Okay, so then are they going to get a notice stating that they are going to have to remove that second out building?

Board: All we are saying is the ACC approved that (Pam Schultz)

Greg Hahn: I understand what you're saying; I am asking her a question.

Board: We are actually researching this (Tina O'Byan)

Greg Hahn: Your Researching?

Board: The Pawnee Hills attorney is (Pam Schultz)

Greg Hahn: I am not talking to you I am talking to her.

Board: Well you know what? (Pam Schultz)

Greg Hahn: I want to hear her. I want to hear her.

Board: That's what I am telling you. The Pawnee Hills attorney is researching this second building issue.

Greg Hahn: Are we going to find out that this is a problem?

Board: Our attorney is (Pam Schultz)

Greg Hahn: No, no, no I want to hear her. Please.

Board: I am not getting your question? (Tina O'Byan)

Greg Hahn: I would like to know is there going to be a response letter to the second out buildings?

Board: You know Greg if you could be (Pam Schultz)

Greg Hahn: No, no I am not talking to you.

Board: WELL, I AM TALKING TO YOU. If you could do this in a less badgering way I sure would appreciate it. (Pam Schultz)

Greg Hahn: KISS MY ASS BITCH, SHUT UP.

Board: You need to leave.

Bob Rowland: I apologize for that.

Pam Schultz: It's not yours to apologize for, but I appreciate it.

Dan & Sue: I moved in October we love this neighborhood. We attended the annual meeting and we love what is going on and people are communicating. People are nice to us and wave and so forth. I just had to come this meeting and my god attorneys are talking to attorneys. People aren't talking to people this is absurd I sorry, but I am leaving this meeting. I may come at a future date.

Board: They are not all like this you can rest assured.

Dan: I apologize and I don't mean to be rude, but I have to leave.

Break: 10 min

Resume: Order

Board: We were in the middle of the open forum and who had the floor? You got it.

Steve H.: I just like to say after that last little thing I have been talking to Bob and I disagree with the dues and there is an attorney and that is to get some resolve and unify the community. Lets get some of the issues that have been simmering and get them resolved. Nobody thought that this was called for and we would like to deal with them professional and move on.

Board: I think that everybody feels that these are closely held issues and a lot is involved and they get drawn into situation and these got acrimonies and we all need to step back and take a breath and continue on more professionally.

Ryan Keith: Steve resigned is there a way to fill that spot and is it going to be filled and what happens from here on.

Board: There is in the covenants that we can fill by appointment and can serve out the remainder of Steve Richardson's term and nobody has stepped forward. We are weighting our options and we are considering whom we would like, but nobody has stepped forward.

Bob Rowland: What was the term?

Board: We thought it was up in July and then realizing that our bylaws and covenants state that board members are elected at the annual homeowners meeting in January only his term would go to January.

Steve Gile: I remember that we voted he was over in July at one of the meetings.

Board: At the June Special Meeting we did the election. That was when we decided he would not run through January meeting.

Linda Lee: Didn't we vote to change in July and January to stagger your terms.

Board: We voted to change the years served to 3, 2, and 1 in order to stagger our terms. We decided to leave Steve Richardson alone, but we did not change the bylaws to match the change on Steve Richardson.

Linda Lee: Is Steve still up in July?

Board: What we need to do is to go back and research the minutes to see if we can straighten this whole mess out. Then figure out what is the best way to get us back to where we need to be in a fair and even handed way.

Bill Curly: Do you feel it would be better for the community to vote a new board member in July?

Board: That may be better, but it is not up to the board to make that decision it is outlined in the bylaws. We are governed by the rules and bylaws.

Bill Curly: We decide a fair number of things beyond the bylaws and covenants.

Board: No, it is pretty straightforward Bill.

Linda Lee: How about we add to the agenda that we are going to have a second vote one in January and one in July? I know Chuck Nichols has brought it up before that somebody is going and somebody is coming in.

Board: We did vote on the 3-2-1. We also need to have a quorum to make the vote and we barely get it once a year. We may not be able to have the meeting in July. We are trying to figure out the best and fairest way to get out of this and we need to have the community involved. Bill said we make a lot of decisions and will need to get this clear.

Linda Lee: Will it be in the July meeting.

Board: We don't know how to word that and put it forward, so that it makes the most sense to do.

Homeowner: Can we table this for now it does not seem we can solve this.

Steve Hanblin: If they 303-885-6818 would like to volunteer to be on the board.

Bob Rowland: Our bylaws has language about past due accounts and how it effects our voting ability. Have suspend voting right for non-payment and a homeowner cannot vote should the same number be taken of the lot of 167. What is the board policy and we operate on a simple majority and if the number of eligible voters changes does the number of votes needed change.

Board: The day before ABC Solutions posts and gives the board a list of past due and that generates a list. They can write a check to become eligible to vote.

Bob Rowland: If I do not pay that month then I would like and then the 30<sup>th</sup>.

Board: If I am delinquent on the 25<sup>th</sup> and we pay on the 30<sup>th</sup>

Bob Rowland: 20 people are ineligible to vote is the majority reduced by the same amount. What constitutes a quorum and what is a majority.

Board: There are 167 votes 2/3

Bob Rowland: 2/3 majority 112 is that fair voting

Board: What the covenants state. We cannot answer that tonight. Bob,

Bob Rowland: What he thought. He does not have the answer and we still have to have 112 and then clarify that. It is very important. We need to have it clearly and we have laws that we think you cannot keep the threshold if we are limiting the people by unpaid dues.

Board: We will check it and see if we can get this checked. What do we do with the ones that don't vote and they do not affect the count.

Steve Hanblin: Covenants contradict the state law.

Board: We will check into it.

Linda Lee: Treasurers position I believe back in February are you filling that position?

Board: We have asked at meetings if anybody would like to take over. Sandy may take over. It is an appointed position and we will appoint her tonight.

Board: Bill Curley can we please put the locks back on the barn.

Bill Curly: Yes, they will be replaced.

Board: Thank you please put back and let us know.

Bill Curly: I will do it tonight.

Homeowner: Need a key.

Board: Done

Homeowner: I also need a key

Cynthia Cregger: I will take care of it.

*Open Forum - Closed*

5) Community Letters:

Letter; one home in the community went through foreclosure and will go through July the 13 at the Public Trustee in Kiowa and a second home and went through on June the 8<sup>th</sup>. The Pawnee Hills attorney has a super lien on these and we will recover the dues from this action. (Attached)

Reading letters: Not picked up for last meeting (Attached)

6) Report from Treasure:

Attached. Copy May 31, 2005

Balances: Checking \$17730.18, Savings \$18,185.41, Unpaid Dues \$2715.40, Total Deposited for month is \$4004.52

*Motion to approve the payment of submitted bills. Seconded, Passed (4 For-0 Apposed)*

7) Report from Facility Coordinator:

Light vandalized and replacement has been donated and will be installed. (Thanks to Cynthia and Steve)

Pool is losing water and is being investigated.

Weed control to be done and will be green in color-Liability Insurance proof given to board as requested.

Water filters at Club House has been replaced.

Bid submitted for ground maintenance- aeration and treatment

8) Reports from the Committees:

1) ACC: Nothing

2) Activities: Nothing

3) Arbitration: Inactive

4) Budget: Inactive

5) Buildings and Grounds:

Light and Solar will try to do tomorrow (rain)

Bare ground treated.

Limbs on walkway and Barn taken care of for the insurance.

File Cabinet drawings are missing.

BBQ will be changed and should last longer

6) Directory:

Bill Curly will give what information he has to the board.

7) Equestrian: Letter attached

*Motion: to spend up to \$150 dollars for flagging and expenses by the equine community Seconded, Passed (4 For-0 Apposed)*

8) Newsletter: Will have notice of HOA meeting minutes and balance sheet

9) Nominating: Inactive

10) Welcoming: Nothing

9) Board Business

Bonding of directors and officers through research and investigation we are not bonded and we should be and we would like to bond the Treasurer. For 5 for the year and 6 for the year .

*Motion to bond officers and directors for the year in the amount of 50/m coverage at the cost of \$262.00/year 5 people \$289.00/year for 6 people. Seconded, Passed (4 For-0 Apposed)*

Bolt on Sport court or plate – will install and repair

Job Description-Sent out letters and they were received the next day. (Attached)

Motion was made to adjourn, motion was seconded and passed. Meeting adjourned at 9:15 p.m.

Note: Sign in Sheet is missing if you took it by accident please return it to any board member or slide it in the mail. Thanks for your help.