

Pawnee Hills Community Association
Board of Directors Meeting
May 10, 2007

Board Members Present: Tina O'Bryan, Brian Cook, RC Cuellar, Steve Hamblin, Pam Schultz. Sandy Perry was present as Treasurer. Susan Laessig was not present.

Meeting was called to order at 7:05 p.m.

Motion was made to approve the agenda. Motion was seconded and passed.

Treasurer's Report: (Sandy)

Listing of checks written and discussed.

The bank balances as of today: Checking Account \$8,678.47, Savings Account \$21,194.20, Reserve Account \$17,149.79, CD #1 \$5,224.32, CD #2 \$5,172.43, CD #3 \$5,173.43.

Sandy: Our 2006 books are at the auditors and I'm going to try to set up a meeting with our new bookkeeper next week to discuss the format of the invoicing and our reports for the Board and things because what we received this time before she went on vacation wasn't quite what we needed.

Tina: I have talked with Sandy and with Diane, so after Diane gets back from vacation, there are a couple of things we are going to work on. The first thing is the statements. They are not as detailed as we had them when we had Susan with ABC. Diane had carried over a balance from 12/31 rather than giving a breakdown of what the total amounts were. The other problem that I saw was that she didn't give a credit forward so if someone paid a whole year's worth, it didn't show that credit at the bottom. So, Sandy and I will be working on that when she gets back from vacation so that our next billing will go out better and our reports will get done the way we need them to. Also, I don't know whether Sandy is willing to do this but, RC is a notary, I'm a notary, and I was thinking about getting Sandy set up to be a notary. We would just pay the cost of the filing which I think is \$25.00. The reason being is that we have our letter #1 that goes out, our letter #2 that goes out. The information then goes to Cheryl. She then puts a lien on the property if need be and I have to sign that lien and have my name notarized. Then get it back to Cheryl for her to file. Same with the release of lien and that is why if we had a backup like Sandy to be able to do it, she could be the treasurer and notary, we would be able to get the paperwork back and forth to the attorney quicker. I don't know what you guys think about that but—

Pam: It's fine.

Steve: I don't have a problem with that.

Pam: Whatever is going to make it easier.

Tina: Sandy, Diane and I have talked about doing coupons books for billing instead of monthly invoices. I just wanted to say that the other thing that we are looking at working on is the coupon books.

Motion was made to approve the bills as read. Motion was seconded and passed.

Communications from the Community Members:

Tina: We didn't have any communications from community members to us, although we do need to respond to Dawn Hill and Cliff Stephens regarding the complaint letter we received regarding the motocross course at 1174 Sioux Trail and 35246 Cherokee Trail. We read the letter at the last meeting and we said we would get back to them with our answer. We never did write you a letter, Dawn, with our answer and I apologize for that. We got caught up with some other things.

Dawn: Actually, I thought it got tabled to this meeting. I wasn't expecting a letter, how's that?

Tina: Do you have any additional input to the Board regarding your letter?

Dawn: You know, Cliff took Steve's advice and called them.

Brian: How'd that go?

Dawn: Not as well as I expected it.

Bill Curley: Could I interject here? Just briefly here. By RA1 regulations, it's a county violation to do what they are doing.

Dawn: Actually, it is not.

Bill Curley: It is. You can only designate so much of your property to improvements and they are in violation of that particular county ordinance.

Dawn: I have already been to the county and I guarantee you that this is not a county violation.

Bill Curley: No, they are not going to deal with it but it is, in fact, a violation of the county ordinance. The county won't deal with it, I know that's true.

Dawn: We brought it up to the Board as a nuisance, landscaping and driveway complaint.

Tina: Does anybody want to speak before—go ahead, Brian. You want to say anything?

Brian: No. Am I supposed to? I'm not ready.

Tina: The Board did discuss it and as we spoke to you at the last meeting, we felt that nuisance is subjective and we have gone through our covenants and we cannot find anything that would keep them from being able to do what they are doing. I know that they don't ride constantly. It is not a 24/7 deal. It is a few hours during the week, a couple times maybe during the weekend. Most of the time they are gone to do the actual races. Regarding the driveway issue, there was nothing we could do about a driveway, just because they go past their driveway or across their driveway, we didn't see anything as far as that goes so the Board had made a decision that it is not against the covenants and that the Board doesn't consider it a covenant violation and that we consider the matter closed.

Dawn: Okay, can I ask you then, to ask the other people if they think it is a nuisance?

Tina: You know, to be honest with you, I can get 20 people to say it is not a nuisance and another 20 that say that it is. The people who have the motocross on Cherokee Trail have talked to all of their surrounding neighbors and they don't have any problems with it. Asking somebody whether they think it is a nuisance who lives, you know, five blocks away is—

Bill: Shall I record it for you?

Tina: I'm sorry?

Bill: Shall I record it for you and play it back to you because I am all the way across the neighborhood and you can't hold a conversation.

Pam: I have one behind my house as well.

Steve: We talked about it and it is my worse nightmare. I mean, I will pay Linda's taxes not to move if need be, you know, unless it is like somebody with a motocross. There is nothing on the books that we can do.

Tina: It is subjective.

Bill Curley: This is not subjective, however.

Tina: Bill, it is subjective. I will tell you—

Bill Curley: What is not subjective is the reason we have covenants. Isn't it in fact to protect property values?

Pam: I think it is to protect our way of life; I don't think I would necessarily translate it into property values.

Dawn: Actually, it is to protect the viability and marketability of the property.

Bill Curley: That is generally what the covenants are for.

Pam: I stand corrected, Dawn.

Bill Curley: So four chickens that aren't seen as opposed to a motocross course, what do you think is going to affect the property values?

Tina: Well, there is a difference there. It specifically says no poultry in our covenants. It does not specifically say no motocross so to—

Bill Curley: You are blowing past the point.

Tina: If you want to make a statement I will go ahead and give you the three minutes to make a statement.

Bill Curley: I've made my statement.

Tina: Anybody else have anything that they would like to say before we go on to other things?

Steve: I guess my feeling is, I would have no problem on the Board writing a letter saying, "Hey, there is a complaint, that you are a nuisance and we ask you to—" I mean, I don't think we can say cease and desist. I don't think we can do that. They can say, "Blow it out your ear." If that's what they told you, they can tell the Board the same thing. So I mean, we can do it but there is no teeth in it.

Board: My neighbor's dog barks at night and I want you to take care of that because that is such a nuisance for me.

Steve: And there is a law. Call the county on that. That is a legal issue and they will take care of a barking dog.

Tina: And I can say that living behind the clubhouse and hearing all the noise of the splashing water, that's a nuisance to me.

Steve: I agree. I mean, it has no teeth. You can write a letter but it is going to do no good.

Tina: I won't write it, I don't feel comfortable telling a homeowner something that is not in the covenants and to tell them what they can and cannot do with their property. Nuisance is subjective. When you called them, what did they say?

Cliff & Dawn: They said that they would ride until 6:30 and to plan to have dinner any time after 6:30 on our deck on a weekday and they say that they don't ride on weekends but I recorded two consecutive full

weekends, Saturday and Sunday, before I actually wrote you that letter, so it wasn't like they weren't doing it on weekends. They were doing it from 8:30 a.m. when we were out starting to fix our fence until the time we finished it, 5:00, 5:30, 6:00 at night repairing our fence. So it wasn't like they don't do it on the weekend. It wasn't like we get to enjoy our property and I understand what you are saying about the barking dog but a barking dog doesn't have the ability to have somebody else build another motocross two houses down because you grandfathered this one and that one in. It is not like I'm asking you to take care of that. I have put up a curtain because of the light from a security camera. I have done that. I cannot do anything on my property to block this neighbor.

Tina: Okay, now let me ask you this. Are you saying that you want them to stop at 6:00 instead of 6:30?

Dawn: I want it to be gone.

Tina: Okay, how can I work with this neighbor and say, "Okay, can you shut it down at 6:00 instead of 6:30?" You are saying, "I want the whole thing just flattened."

RC: May I say something real quick?

Tina: Sure.

RC: I totally am empathic to what you are doing here, okay? Let me just say that right off the bat. I think I have probably looked at this backwards, forwards, inside and out. Everything, trying to figure out a way that we could be an advocate for you in this matter. But it is not there. I mean, it is just not there in the covenants and bylaws that we could do that. However, have you looked into the possibility of civil action? Because you are being denied, you know, in your opinion, use to your property. I mean, you do have that option.

Dawn: I have and they said that we needed to come to the Board first.

Tina: Okay.

Dawn: So we will need actually a formal letter saying that you don't feel covenants of nuisance you can enforce.

Tina: Okay.

Dawn: That is what I would like to have that say so I can take it to a judge.

Tina: Okay. We will write you that letter, absolutely.

Dawn: Thank you.

Tina: Well, we will draft up a letter, guys. I will draft up a letter and send it to you guys and then we will get that out so that they have some closure here so we can move on. Reports from committees:

Architecture Control Committee (ACC) – Judy Trawinski

Pam: We have an approval for a deck at 1500 Pawnee Parkway and a modified structure at 1040 Belgian Trail. A garden fence and a high planter at 35433 Cherokee Trail, a water retention bank and grading work on that property at 1124 Belgian Trail and a wheelchair ramp and a porch extension at 1145 Pawnee Parkway have been approved.

Tina: Okay, so there are two different ones at 1040 Belgian Trial.

Pam: One is a change to a structure and one being fencing.

Activities - Karlene Herbrand. No report.

Buildings & Grounds - Stephen Gile. No report.

Covenant Committee - Chuck Nichols. No report.

Directory and Welcoming – Walt Day. No report.

Equestrian - RC Cuellar. No report.

Sandy: Can I ask a question about the Equestrian Committee?

Tina: Yes.

Sandy: Would it be okay if—my dog and I are starting to walk the trails and we are picking up trash. Would it be okay if I made notations about, like, where we have culverts or things that would be nice to have those, you know, like the reflectors and things marked? And would it be okay if the equestrian committee allowed some money to purchase some of these?

RC: The Equestrian Committee has a budget.

Pam: She wants to know if she can go buy it.

RC: You can compose a shopping list, sure.

Tina: Yeah, absolutely.

RC: It would be appreciated.

Sandy: Okay.

Tina: And you know, we have talked about signs and making the trails better.

Newsletter - Susan Laessig.

Tina: I am going to go ahead and make a motion to have the legal fees removed from the newsletter. Do I have a second on that?

Steve: Second.

Tina: Discussion?

Steve: Going once, going twice on discussion...sold.

Tina: All in favor?

Steve: Aye.

Brian: Aye.

RC: Aye.

Tina: All opposed?

Pam: I think it is a good idea because we were never clear enough on when payments were received. That is the only problem I had with it. That we needed to play it both ways.

Tina: Well, and I think that it will just have to be reflected in the minutes.

Pam: Yeah.

Tina: It is not like the information is not there. It is just in a different spot. So the motion passed.

Steve: Regarding the newsletter, my thought has always been, what about letting people use the back page of it, if we have only got a front page for classified ads, got a garage sale going, I've got a washer for sale, or something like that. It is the community that is paying for the paper and things like that. Let's solicit information that other people being able to input and use that for other community things just—rather than just a newsletter which sometimes we don't have anything worthwhile to say.

Pam: I'm a little concerned about putting more work on the volunteer that is doing it.

Steve: If somebody wanted to do that and e-mail me and get me—I've got this for sale, I'd be happy to do the back page of that and take care of the layout and be responsible for it.

Tina: Okay, tell you what we will do. Why don't we go ahead and just put that in the next newsletter then and solicit that-- you want us to put down your e-mail address?

Steve: I will give you my personal e-mail address rather than my business e-mail.

Tina: Okay. So you give me that and I will get that to you guys and we will see the draft anyway so if we write the paragraph and you want us to change something.

Pam: I think we need to put "as space permits."

Steve: I think that's fine.

Tina: If somebody didn't get their stuff in, they would be angry because they—

Pam: I mean, it probably wouldn't even happen but it might.

Tina: Sure. Well, let's give it a try and see how it goes.

Pam: If you are willing to do it, I think it's a great idea.

Steve: I think that's fine and—I for one didn't mind—in fact enjoyed the former newsletters and not get into that but I would certainly like to put the newsletter back to being more of a truly community newsletter rather than just a Board—a rehash of minutes is really what it comes out to—is what the newsletter is now so I think that would be great to give it back to the community.

Tina: And realize that there is a deadline so—

Steve: Yes.

Tina: You miss the deadline, it goes out without you. Notice in the newsletter and I needed to talk to you guys about this, as far as putting the mold report onto the website and putting a notice in the newsletter saying that it is available for you to review it. So Sandy, before you leave tonight, I have got to give you that report to go ahead and scan and put it on the website and then you can get it back to me back into the kitty litter box.

Nominating – Pam Schultz. Inactive.

Website - Sandy Perry. No report.

Steve: Can we do open forum before we get into Board business?

Tina: Absolutely. Let's go ahead and go onto Open Forum.

Open Forum:

Tina: Does anybody here have anything that they would like to bring to the Board?

Linda Lee: I don't know what all you guys but I would like to put up a portable 10 x 12 steel building and then an arbor.

Tina: Okay, on this, what we need to have is actually just—and you can even draw like a triangle or however you think your property lies and then your house is kind of over here and about where you are going to be putting it and then the setback so where, like, if it is on the edge of your property, you would say from here to the edge of this would be like 50 feet.

Linda: Setbacks are 25 so, I mean, I'm definitely within—

Tina: Yeah, for them to approve it you just have to draw it and just put all of your setbacks and how big, and it can be very rough.

Linda: I don't need to draw the arbor or anything like that? I mean, everybody pretty much knows what—you know, there are all sorts of different names for different things.

Tina: Right but you need to draw it on—about where you are putting it on the property and about where it sits from your—edges, so yeah, if you could do that, Linda, that would be great.

Linda: I will do that and then I have handouts for everybody.

Linda: Okay, we are still trying to finish this dispute of attorney's fees and ABC fees and all that stuff. I have talked to several people, you know, Sandy and Steve, to try and figure out what these bills are from ABC, the \$50 here and there. This is everything that I have gotten and I want you guys to see it. I have my invoices from October all the way through February where my balance was. And then all of a sudden you had a page starting February 26th that starts clear back from September of last year taking me back with late fees, all those other fees that we were disputing, so there is February 26th. She did another one February 28th, another one March 6th, another one March 22nd, another one March 28th, and then there was another one on April 1st. And they have all got different fees, they have all got different things and the \$10 fee, I can't figure out where it is? I didn't get a bill from ABC those months for \$10. And a letter that you sent to me, Tina, this recent one, I mean, the way she describes it on here, it is \$10 late fee and interest bill. So, like, okay, I thought we were squashing all the interest and late fees and all that stuff. So I'm a little confused and then as of April 1st, if I didn't dispute it any more, it was going to be the \$241.83 but then my most recent bill in a month and a half has gone up from \$241.83 to \$422.78.

Steve: That's some interest, isn't it?

Tina: No, it was—okay, so you're saying what bill was the \$400—

Linda: The most recent one I just got.

Tina: Okay.

Linda: The very last page in there that it went from \$241 which I have never—it has never reflected a balance of \$241 on any of these invoices anywhere. If you can make heads or tails of all the invoices from ABC bookkeeping, be my guest. Here is one thing. I will cut you a check tonight for \$191.83 for court costs if you guys will waive everything else and we can be over and done with it and we will never have to talk about it again.

Pam: Well, does that include the hard costs?

Tina: No, only the \$191.83 was the legal costs. This is the letter that we had sent her. And then we had the five \$10 fees that ABC Solutions charged us for doing all of the accounting work for this account which brought it to the \$241.83. And you saw that bill, right? Where it added up to the \$241.83?

Linda: No.

Steve: That was the \$50. That was the first letter that you received. We were looking at—

Tina: So we basically said to you, we will waive the interest but we weren't going to waive any of the hard costs that was taken out of Pawnee Hills's pocket for your account.

Linda: Right. I understand that.

Tina: On your behalf.

Linda: I understand. Then the next letter I sent you was disputing not necessarily the attorney's fees, even though the judge didn't grant them that day which she could have asked for. She didn't ask for them but I am willing to pay them but the \$50 that ABC is billing me for, I don't see where it is. I don't see—

Pam: You mean what the cost is for? Is that what you are saying? What is it for?

Linda: I mean, the way Sandy explained it, is that it was her typing in my account something for legal fees.

Sandy: Yes. I was making that assumption because I tried to contact Susan and she is also on vacation so from looking at the dating of the—you will see that on her statement, it says, like, interest or legal costs associated with this and she puts it down and then right below that it is your additional billing charge.

Pam: Well, let me ask you this to help me out. On this April 18th letter, you know, where we state the \$241.83?

Linda: Uh-huh.

Pam: You are agreeing to the \$191.83 but you are disputing that \$50? Okay as of that date before we go anywhere else.

Linda: Yeah, I'm disputing the \$50—

Pam: I mean, I think we should take it from this date.

Tina: Let's back up to the first letter that we had sent you—or, you sent the letter and we said pay the \$191.83.

Linda: No, back in March, you said I still had to pay the \$241.

Tina: Okay. So \$241. And we said that if you paid that by April 1st, then we would be done.

Linda: Right.

Tina: And we would be back to square one. And that didn't get paid so additional fees—

Linda: Because I am still disputing it.

Tina: Right. But then that's fine, but understand that even if you are disputing it, the bills still come. We still get charged by ABC Solutions. We still get charged by TBO. And the interest is still there.

Linda: But Tina, the thing that I am disputing are \$50 charges that ABC has charged me and charged you which you guys have paid. What is it for?

Steve: And I went for this and I guess my issue with this is that you go through the invoices and as it is shown here that you have a five-month track of nothing past due, no reference to the judgment and things like that. And then, you know, 28 days later, they prepare this statement. Now maybe that's what the \$10 is for. Realistically, that is probably worth more than \$10 but I don't know where in our bylaws we can charge—how we can charge somebody for standard accounting fees.

Tina: No. This isn't what the \$10 is for. The \$10 is when somebody does not pay and we have to send an additional invoice to that homeowner, additional accounting has to be done because they are 30 days in arrears. They are past the 30 days.

Linda: I never received anything from ABC. She is charging \$10 from something that I never got. I never received a bill from ABC in October, November, December, or January or even February. I never received a bill for \$10 and if she is adding it to my account some place, then she has got me set up with two different accounts; one with my HOA dues and one with all the legal fees.

Steve: Here's the point. It says she received bills every month showing she was current. She never received a secondary billing and never showed that she was past due, how can we be charging her \$10 in arrears for bills she never received? And that is where the \$50 is and that is what the problem with the \$50 is.

Tina: It says, "cost of additional billing to property owner for legal fees."

Steve: She didn't receive it.

Tina: So what happens is, every time she has got to send paperwork, she sends it to Cheryl. No she sends copies—she has to physically go, "Oh my, Linda Lee. She is behind." She has to take the paperwork and she has to take all of the backup and she sends it to Cheryl—

Pam: So is that the \$10?

Tina: I'm thinking, well this one is the cost of additional billing to property owner for legal fees. This one is cost of additional fees, judgment, interest—so she is billing PHCA for doing accounting work on somebody that is not paying their bill. If PHCA has to pay for a homeowner not paying their dues and it costs—it causes additional accounting work, I can't control what our accountant charges us for doing accounting work.

Linda: Tina, I was paying my bills, though.

Bill: If Linda had said that she is disputing these charges, that should immediately put a hold on everything. If then your accountant and you, the Board proceeding as though she was still in arrears even though she had said, "Wait, I'm disputing this," and you don't accept that as a suspension of a case while you resolve the issue to allow your accountant to beat you to death with \$10 charges, I don't think it is fair for you then to charge her for your failure—

Tina: Now let me ask you this. If Linda paid her bill, paid everything that she owed and then disputed it, we wouldn't have all of these extra charges. I mean, think of it that way.

Steve: Linda, let me ask you one question because these show post-dated charges of \$10 that she never received. I am looking at her March 6th statement. And if you look under March 21st, there is a whole list of things including the \$10 cost of additional billing to the property owner for fees, \$10. Now, you go back to her

October statement here, there is nothing that talks about additional fees, so my question to you would be, if we had charged you the \$10 for fees, would you have paid it then?

Linda: Um-hmm.

Steve: Okay. I mean, I think we have to take that at face value and that is the issue. You can't back date charges and then charge interest on it.

Pam: Well, we can't charge interest on it. I agree with you totally. But I think we can charge it if they were appropriate.

Tina: We sat here and I highlighted all of the hard costs and I said—

Steve: And I agreed to it.

Tina: Understand the reason why I do not believe that I, as a homeowner, should have to pay for you not paying your bills because you are in discrepancy. But you understand that because now I'm saying, Pete, guess what, you have to suck up all of the fees, we are going to waive all of those fees. We will waive the \$50 fees, and I'm going to make Pete have to pay part of those fees. Go ahead.

Pete: But if she is not receiving a bill and doesn't know if she owes it when she is getting billed for—

Tina: We gave her all of this.

Steve: Not in October when it occurred and that is my problem. Yes, I agreed for the \$50 when we talked about it, there are hard costs, until I saw this. If she says she is going to pay it, if I was a gambling man, I would bet against it but I have no way to dispute that now.

Pam: Um-hmm.

Tina: Okay, so what do you want to do?

Steve: Say the legal fees are \$191 and some cents and say let's be done with it and she is current and over with it.

Pam: I have a question. Okay, that was a motion, right?

Steve: That is a motion. So I make—that we accept that to bring current except for any monthly dues outstanding on a normal basis and that would bring her current from \$191.83.

Pam: Yeah, that is where I was going with it. I'll second.

Steve: Okay, any discussion?

Pam: Yeah. I just want to make sure that we are wording it clearly—

Tina: Totally clear.

Pam: We are making it clear that we are not accepting that amount, period, because I don't know what you owe or don't owe from that date, is my only question.

Linda: When I write this check for \$191.83, the only thing that I should expect to owe from here on out is my monthly dues.

Pam: Assuming you have—I don't know if you have paid your dues?

Steve: Here is her current statement, yes. There is her current statement showing that they were paid. It is a May 1st that hasn't been paid yet. The rest of these are late fees and other things. This bill is hard to read.

Linda: I paid April's payment. I haven't paid May.

Pam: So May is not due yet.

Linda: Yeah, May is not due yet. I have not paid my \$45.20.

Steve: Okay, sorry. And so that is the motion.

Brian: Any more discussion?

Pam: Well, we need to word it in such a way that—

Linda: Yeah, because I don't want to get a bill again next month—

Pam: We need to word it in such a way that we are acknowledging that that does not include total payment for monthly dues. That is the only catch. We can do that. We just have to do it the right way.

Linda: Can you word it as such that with \$191.83 will completely clear it up for case 05CD117 I think.

Steve: And all related late and interest charges—

Tina: I would just say that the \$191.83 takes care of all of your legal costs—

Pam: Legal fees.

Tina: Legal fees.

Linda: All late interest and penalties, everything, Tina.

Steve: How about current through April 30th because the bill went out May 1st, that \$191.83 will bring Linda Lee current through April 30th.

Tina: Period.

Pam: That'll get it.

Tina: We have a second, we had a discussion and we still have Sandy--

Sandy: Just so that you know that the bill that I just received from the lawyer does not include any charges for the Lee case so she will not—I won't be sending anything to bookkeepers to add on to her bill.

Steve: We have a motion on the table. Let's keep moving forward.

Tina: All in favor. Aye, aye, aye. Motion passes.

Tina: Does anybody else have anything else for open forum?

Bill: Yes. I went through this before but I have a serious problem with the Policies and Procedures document that is published by you guys because it states...

Tina: We've got a lot to cover, Bill. No offense, but we really do.

Bill: I will be very brief. It is just the cover letter for that suggested that this was mandated by the state, that we had to make all of these changes. It was in the cover letter mandated by the state requiring that we make these changes in our Policies and Procedures. This was incorrect. Perhaps an ugly falsehood but it is false so that entire document stands on fairly shaky legal ground and we have pursued people and cost them money based on some of the tenants in that policy and procedure. I suggest the Board take this seriously because I am. That is all I'm saying.

Tina: Okay, thank you, Bill.

Dawn: I am actually going to request that the motocross be put through as a covenant thing for the July Homeowner's meeting to see if we can add that on to the covenants as a clause, put it on there.

Tina: Okay, what do you—

Dawn: I would like to have it be mailed out, mail out ballots—

Tina: I know but what do you want it to state? I mean, do you want—

Dawn: That motocross is considered a nuisance and in violation of covenant. And if all homeowners approve it, great. If some homeowners don't approve it, then we know. And all of the other stuff you do for a covenant change. Do I need to rephrase the language?

Tina: If you'd like. It is up to you. Otherwise I can just put that motocross is considered a nuisance.

Steve: I think that is a great idea.

Bill: Can I poll the Board on the topic? Do you even think it is a nuisance? Would you want to live next door to it?

Brian: No.

Pam: I live next to one.

Tina: I don't have a problem with it.

Bill: You're kidding.

Tina: No kidding. Yeah.

Steve: I guess my problem is that, you know, it is an equestrian community and my wife went out on her horse and, you know, having something like that, I think this is an equestrian community so I do think it is an issue and it is heart felt when I say I am sorry that there isn't something that we can just go there and say it has got to go away. But we don't have that.

Bill: I'm not asking for—I wasn't asking for a legal opinion on this. I was asking whether you would consider it a nuisance—

Tina: And I look at it this way. There are kids that are exercising and doing a positive thing and they are on their property, they are not over here vandalizing and, you know, smoking cigarettes and I think it is a real positive thing for kids to be able to ride their four-wheelers and their three-wheelers and their dirt bikes on their property.

Bill: That's all I was asking was an opinion.

Tina: I just think it is a positive great thing.

Pam: I live beside one but I have something for you very quickly, that's an SB-100. It says—

Dawn: I think we need to finish the one and then go back to the other.

Pam: Okay, we will finish.

RC: I wouldn't like it. I would be on the police every day.

Dawn: And when I spoke to Mrs. Flatley, she said she wouldn't live next to one either.

Tina: Oh, I don't think so. I don't think she said that. Go ahead.

Dawn: The person that has the motocross over here.

Linda: She wouldn't live next to one but she's got one?

Dawn: Oh. Okay.

RC: Yeah, I would be on the police every day but I don't think, again, that we have the bite to do anything.

Dawn: Right.

Brian: Do I think it is annoying? Yes. It can be. People are being inconsiderate and riding, especially when you requested a time. It would be annoying. Do I think it is an actual nuisance? Per the definition of nuisance, no. But I do believe it would be annoying and I do feel that, you know—

RC: You know, I bet my neighbor really thinks it is a nuisance on Saturday mornings when I am out working the horses and I've got my salsa music just playing full blast but it is my property and—

Brian: That is where I stand.

Tina: Okay, we will put something on the ballot for the July homeowner's meeting.

Dawn: Okay.

Tina: Okay, Pam, you're on.

Pam: Bill, In response to your statement, SB-100 and article 38-33.3-209.5 states the Associations must adopt policies, procedures, rules, and regulations regarding, collection of unpaid assessments, handling of Board member's conflicts of interest, conduct of meetings with reference to applicable provisions and the nonprofit act or other recognized rules and principles desired, enforcement of covenants and rules including notice and hearing procedures on the schedule of fines, inspection and copying of Association records by unit owners, investment and reserve funds and adoption and amendment of policies, procedures, and rules.

Bill: Yeah, I know all that.

Pam: Well, you said they didn't require it and—

Bill: Because our covenants already stipulate to every single one of those things. Every single one of those things stipulate in the covenants and some of them are specifically stipulated and the Policies and Procedures of the past are in violations of the covenants' stipulation.

Pam: Well, we would disagree on that.

RC: I think what we have here is a matter of continuing—

Pam: And it does say Associations must adopt policies, procedures, rules, and regs which we did. We published rules and regs. You just don't happen to like them. But we are entitled to do them, I believe.

Tina: Okay.

Linda Lee: Can I interrupt so I can go home? Do they like my drawing? It's not to scale or anything.

Tina: If Judy has any questions, she will call you.

Tina: Do we have any other open forum? Okay, let's go on to Board business. We are going to go ahead and talk about the Beireis complaint, an update regarding the Housing Authority and Colorado Civil Rights Division and RC, that is you.

RC: Let me start with this. First of all, we've got the letter from—the complaint, actually it is a complaint from the Housing Authority and the Colorado Civil Rights Division. Colorado Civil Rights Division actually acts as sort of a contractor for the Housing Authority so they are an intake office, okay? And what that means is that they simply, regardless of what the complaint is, who makes the complaint, whether it is valid or not, they don't judge it at that particular moment. They simply intake the complaint and then send out what we receive. Okay? So after talking to the investigator multiple times, it was determined that we don't fall under the requirements required to have to take on the financial responsibility for altering our premises.

Pam: Can we just, real quickly, can I interrupt for a second?

RC: Sure.

Pam: A community member, Larry Beireis, has asked us to install a wheelchair ramp into the clubhouse and to make the restrooms accessible and to provide safe parking at the mailboxes for him, just so you know what we are talking about. I'm sorry.

RC: That's okay. That's a good thing.

Brian: Thanks.

RC: So the information, it is called a Request for Information, was sent out to us and that is what—we kind of went over it a little bit at the meeting. I took it as a task to complete the information and answer their questions for them. And it is questions like, you know, who lives here as far as, you know, what type of homes are they, things of that nature. We answered all of their questions and we did return that form back to them and basically now at this point we sit and wait. From my conversations with Fair Housing First, which, Fair Housing First is, they are like, not a mediator but there is somebody that you go to to ask questions about fair housing, you know, like a consultant or something. We are not required financially to actually put this—to make these alterations. However, if the Beireis' want to do that, then and they want to take on that financial responsibility—

Pam: That was my interpretation. We would allow them to alter it at their expense.

RC: Exactly.

Brian: Yeah, we can't deny them to alter—to put it in.

RC: Now I did check into—we did talk about looking at finding out what a ramp is and the portable ramp that is similar to the one that the Beireis' have, I did get a quote back. I'm sorry, I came unprepared for this meeting. But I do have a quote and to build that ramp would be approximately \$4,500.

Pam: Okay, that was pretty flimsy stuff, too.

RC: To build that ramp would be about \$4,500.

Tina: Did they say how long it was going to take to get back to us for the answer or we are just—

RC: Well, the procedure—the reason I'm laughing is because they give you a deadline to turn this thing in and then you turn it in and I walked it down to their offices, you know, because I wanted to make sure that they had it and I said I would like to give this to Investigator—well, she is on vacation for—so, no, they don't give us—I do know that the process now is that they will—they investigators will look at our information plus they will forward our responses to the Beireis' and then we hear back from the investigators.

Pam: But a third party told you what they expect the investigator to say?

RC: Yes. Fair Housing First was the third party that told me that.

Pam: Okay. You might mention what he formally requested.

RC: Yes.

Pam: At a meeting that we had.

RC: We actually, you know, we received the complaint, you know, the Board only meets once a month and as soon as we met as a Board, we set up an appointment to meet with Larry and Alta Mae. And—

Pam: Can you read that?

Tina: You better read it, Pam, because that's your handwriting.

Pam: At the meeting RC and I had with Larry Beireis and Alta Mae Jackson regarding the mailboxes, he said he needs a safe place to park. He would like us to remove a portion of the median so he can park at the end of the building out of the way of traffic. In regards to the clubhouse, he wants a ramp into the clubhouse and access to the restrooms. We wanted to make sure we understood exactly what his needs were before we went any further.

RC: Before we could try to, you know, to figure out what could be done. So that is where it stands right now. We are just waiting to hear from the investigator.

Bill: I'm just curious. The ADA doesn't cover this over here?

Steve: Have we checked with the post office and any delivery if they make any concessions and that might be something to check for to where he would not need, you know, for handicapped, if they would deliver on site. I mean, they are in the neighborhood anyway and I mean, that is one thing that we might want to check with.

RC: You know what—

Pam: Well, I think it is inappropriate to make the suggestion at this point in time.

Tina: Yeah, that's a good idea.

Pam: Because we need to see what they say we have to do.

Steve: Yeah, okay.

Tina: Yeah.

Pam: Do you hear what I'm saying? I think it is a good suggestion but I think we need to hold it under our caps—

Tina: Until we can find out exactly what they are requiring us to do.

Tina: Also for the news—I don't know who is writing it, I guess I will just sent all the newsletter stuff to Susan then. So the other thing for the newsletter that we need to put in, I know it is early but we do this, we make sure that everybody is notified, July 28, 2007 is going to be our homeowner's meeting. That is on a Saturday. We do the mailing. We put the notes in the newsletter and we put something up on the website so everybody knows and it is standard, we basically do it where check-in is from 9:00 to 9:55 and then the meeting promptly begins at 10:00 and then if we do not have a quorum, then the meeting gets adjourned. So—

RC: Are we going to have a quorum?

Tina: We didn't at the time. We do now. We didn't have anything that we wanted to put for a vote. Is there anything else other than the motocross thing that we want to put on here for a vote for July?

Pam: I'm not sure what we are asking the people to do with the motocross.

Tina: She wants to make a covenant change to say that motocross is considered to be a nuisance—

Pam: So she wants it to be a covenant vote?

Tina: Has to be a covenant vote.

Pam: Okay, gotcha.

Tina: So that would require 112 yeses.

RC: And I still want to clarify that Dawn is going to provide the language.

Tina: Oh I said I would.

RC: Oh, you are?

Tina: Yeah.

RC: Okay.

Tina: I mean, I will run it past her.

RC: Yeah.

Tina: Yeah. I will run it past her and make sure that is exactly what she is looking for to vote on. Is there anything else that you guys have? I will send you what I have so far which is the cover letter, the proxy, and the agenda which I will add in what the vote will be.

RC: Will you need copies again?

Tina: Yeah. And then what we will end up doing, RC, and that is totally up to you if you want to make copies and send it over to Elizabeth Business Center and then we will have the ballot and do like we did last time. So I will get that to you and the only reason I want to make sure that we get it out because I want it to go out by at least by June 30th because we have to give 30 days. Well, we only technically have to give 15 days but my policy is that we give 30.

RC: As soon as we can get it together I will get it—

Tina: And with vacations and everything, I just want to make sure everybody knows that they can get that proxy out if they are going to be gone on that weekend. And then we can vote on who has to bring the refreshments which, I don't know, it is either RC, Brian, or Steve since they are new. Okay, so I will get the information to you guys to look at and determine what you want to do with it. The ACC Rules and Regs, we still have to go over those and review and make our comments and changes and stuff. Pete, are you going to be on ACC? Now you are official?

Pete: I don't know, you tell me.

Tina: I'll tell you.

Pam: Yes, you are.

Tina: So, is this the number that you want us to give out to people?

Pete: Yes.

Tina: So in the newsletter, we are going to go ahead and put that and I need you to meet with Judy because she has all of this information that she needs to hand over to you and I will hand you all of this.

Pete: Okay.

Tina: And that will be your beginning task. I guess you need to check with Judy to see if Ted Kell and Bill Herbrand still want to be on the committee. They don't want to be a Chair so that would be you. So I will put that in the newsletter and we will just kind of go from there. Let me know if you have any problems or questions or anything and I'll make sure you have my number. So call if there is any problem. Changes to the pool sign. We talked about that. We are going to have to work on that because we wanted to add some additional signs. The one thing that I do want to talk to you guys about is putting a notice up regarding our mold. I need you guys to give me your opinions on what you think is a—that you would like to have put up on the outside of the building so that we do notify people that there is mold in the building and we also, when somebody does a reservation, there is going to be a thing there that they just sign that says that, yes, they are aware of the mold in the building.

Pam: First of all, third sentence, here is what it says—"An inspection of mold was completed and mold is present in this building. The complete mold report is available online at pawneehillshoa.org. The Board of Directors is actively pursuing remediation." I'm thinking we can't put that third sentence until we discuss it tonight but I'm also thinking, "An inspection of mold was completed and mold is present in this building" this may or may not be a hazard to your health. I mean—

Tina: Write all over it.

Pam: No. I'm just throwing it out there. I'm just thinking of—

Tina: How about if I just send this out to you guys and you guys can make the changes. It is just something that want—

Pam: I think we can knock that out tonight.

Tina: Okay, well, what do you want to say?

Steve: Can I take a look at that?

Tina: Because we can take whatever out. It is not hurting my feelings.

Pam: I mean, our problem is that it needs to be done now.

Tina: Okay, well, what about what you want to put on the reservation thing when they sign off on it?

Pam: Whatever we said on here.

Tina: Then they just sign that they have read that?

Pam: Um-hmm. Whatever we put on here.

Tina: Okay. That's fine with me.

Pam: One statement.

Steve: How about just—I mean, they have got it right here in a mold report, what mold is and certain molds and, you know, we have found an indication that, you know, a certified inspector has indicated that mold is present in the building. And then we just go through under, you got two paragraphs right here.

Pam: No. We are saying it is available online to read the whole report. Do we really want to put all that in this?

Tina: Because I just want a notice like something real quick so someone can just glance and so you know kind of like, NOTICE – NO SMOKING. You know, just something—

Pam: We want something they will actually read. You know what I am saying?

Tina: I know that the complete mold report is available online so we can keep that, right?

Pam: Yeah, definitely.

Tina: Okay, so what do you want the—and we don't want that last statement so—

Pam: Well, we might. Let's see what happens here tonight.

Tina: Oh, okay.

Pam: "An inspection for mold was completed and mold is present in this building." Okay? Everybody okay with that? "The complete mold report is available online at pawneehillshoa.org." Everybody okay with that?

Steve: Yeah.

Pam: What else do we need? Do we need to say something about health or can we leave it there? There may be health risks involved and—

RC: Entering this building at your own risk.

Pam: May be is the optimum word, not "there is." There may be because none of us can say that there is or there isn't.

Steve: "Certain molds and mold spores present on any property can result in mild to severe health effects in humans. And I think that we just put that in—

Tina: That is too—

Steve: Well, I think so. I don't—I think we need to, you know, first off, do we buy into it? Why are we sitting here having a meeting if it, you know?

Tina: I don't know but I'm dying.

Steve: I might be having a mild reaction, who knows. But anyway, certain mold and mold spores present on a property can result in mild to severe health effects in humans. I think that if we are going to say that there is mold present, that we have this report, that we are going to be spending community money to mitigate the mold, then we ought to tell them why.

Pam: I don't think that's too much. I think that is a good health statement.

Steve: I think we have—yeah, I mean, the fact that there is mold present, I mean, there could be dirt present but that is not going to kill you. I don't think mold will either.

Pam: I think that's good. Now, we need to discuss that last sentence. I guess we can't until Cynthia comes, can we?

Tina: Well, I think we can. Let's try it and see.

Steve: Do we want to talk about—

RC: We can't talk about it if we don't have any clue of what is going to—

Tina: Okay, I'll tell you what I am thinking. I just want to know from this Board if we really feel that we need to remediate the mold. Brian?

Brian: Yes, you have to.

Tina: There you go.

Pam: I think we need to take care of the building.

Brian: It would be very foolish for us to test our building facility and have a bunch of people come in here and then not remediate it and take the chance on somebody getting sick whether for God's name it was required or not.

Pam: We've tested.

Brian: We have tested this building. It is in the building. We need to do the best that we can to remediate it. Is it going to be gone forever? No. But what we need to do is do the best we can to transfer liability which is through this testing company after we take care of the stuff that we need to take care of, he will sign off on the building saying that, you know, the stuff that he inspected and found in this building ensuring that it is gone. Now, to say that it is going to come back or it can't come back. It will. I won't say will, it can come back. But what we've done is what we need to is take care of all the issues, the drainage, the leaks, the stupid stuff, the minor. There is no structural damage to the building. It is cosmetic.

Pam: We will be tearing out some walls and replacing them.

Brian: Yeah, they are not structural. They are just cosmetic.

Pam: Okay.

Brian: We won't be tearing out 2 x 4s and bearing walls and stuff like that and foundation. We don't have to do that. Yes ma'am?

RC: I feel very strongly that spending these kind of dollars, you know, going through a remediation company is completely unnecessary.

Brian: Do I like it? No. I think it is—from what I have heard about it?

RC: Yes, you do have to fix it but the fix, in my opinion, is much easier than going through remediation. You know, you fix the drainage problems, you identify the areas that are contaminated, you have a contractor, not a remediator, a contractor come in, remove those places, and, you know, and resolve the issues and you put new wallboard back up in those places and you're done. It is removed.

Pam: I'm not understanding. Are you saying that you are positive that hiring a separate contractor is going to be cheaper than using a remediation company?

RC: Yes.

Pam: You're sure of that?

RC: I can almost lay money on it.

Brian: You can find somebody to do it, more power to you. That would be great. But still, we need to have someone sign off on this building saying that the mold, the spores and fungi and the other red flags that they found, that after we remediated it is gone.

RC: Okay, let me ask you this. Serious food for thought here so, they come in here, they remediate. As we know, molds, fungus, spores grow everywhere in our society and they have throughout our entire lives and probably before humans and after we are gone, right? So, this guy signs off. In five years, are we going to retest the building? And if we do, are we going to find mold and are we going to do it again?

Tina: The only reason we tested this building is because it started with that corner where you can actually physically see the mold.

Pam: If we see mold, we will probably retest if it is aggressive like that.

Tina: I think we should test this building. That is not the way it started. It started with literally mold, a big old splotch of it and everybody is going—we had a homeowner that looked at it and went, "I think that's mold." And that is all it took.

Brian: The problem is that it has gone too far.

Steve: A couple things— Do we have any quotes even on the remediation?

Pam: We are not going to get quotes.

Steve: Okay, so we have no quotes. We don't have a plan. We are coming into the summer season. The cost is going to go way up if we are working around people. Kids running around in wet bathing suits and dripping water everywhere. Unless we get rid of all the carpet and get some good drainage on the floor, there is going to be more mold so I guess I don't have a solution but I think until we have some quotes from a remediation company and have some quotes from a contractor.

RC: Why don't we have quotes on any of these?

Pam: Here's the problem, because we didn't do the asbestos testing.

Brian: That is one of the problems, the contractors that, we have looked at so far, not my contact but the other contacts, are saying that they will not do anything without testing for asbestos. It is not required by any mandate or any legislator any legislation so my contact was curious as to why they are requiring that.

RC: Because they are remediators. That's what they get paid to do.

Pam: Well I think, my understanding was, I don't have an answer except what I thought I heard Cynthia say was that, I thought their bid would be different depending upon whether there was asbestos involved or not because they would have to approach it differently. That is why I think we haven't gotten a quote, is because a quote would be different based upon the asbestos test.

Brian: The changes are a minimum, then that is what my friend said that after the whole installing materials that formed that type of dust.

Tina: And I think this Board is in agreement that we need to take care of our drainage problems and we need to take care of the damage that has been caused by the water. Are we all in at least in favor of that? RC, you are okay with that?

RC: Yes.

Tina: Okay.

Brian: So let me offer a plan real quick.

Tina: Go ahead.

Brian: Let me outline the plan in a short way. What you've got is, we tested, we found it, he told us where it is at, what it is through the lab tests and through photos and whatnot. At this point, we have to fix everything; the drainage down here is the big one. We've got some flashing to fix here and there, wherever, the plumbing leaks are done. At that point, once we have fixed all of the issues, the leakage and all that crap that is going to make it come back—

Pam: Um-hmm.

Brian: Once those are done, then we can go forward with getting a bid for the remediation, okay?

Pam: Um-hmm.

Brian: After we get a bid for the remediation, then we have to get a bid for the repairs, okay?

Pam: Um-hmm.

Brian: And then after that, once the remediation company comes in and does all of their stuff, then we have to retest. This guy, Ron, at Environmental Solutions has to retest everything and at that point if everything is gone, if the remediation company has done their job and they have to do it until it is, I mean, until it is done, he will sign off on it with a certification saying the mold that he inspected or the stuff that he inspected has been evaded and is gone. At that point, then we start putting everything back together and that was part of my e-mail was asking you guys should we not put some things back together. Should we just put the wallboard back up, do a quick texture, paint it, and call it good like the kitchen up there and the toilet, and basically the house that is up there does not need to be there. We don't use it and it is a big cost to put it back together because all of it is going to have to come out. Pretty much all of it has to come out. It is going to make more space for us, you know, we can make that room a closet storage, whatever. So we need to decide at that point what we want to replace. Obviously we need to replace the carpet in the basement and whatever wallboards and cabinets, I don't know. I imagine the cabinet downstairs in the basement has got to go.

Tina: We have to put a fan in the steam room.

Steve: Get rid of the steam room.

Pam: No, I think it is used.

Steve: Well I don't doubt that people use the steam room but it is—where does it become cost effective? And even backing up just a little bit on this statement here because I wasn't quite done there is, I don't know if we need to put some very stringent warnings or something that says enter at your own risk and the only reason I say that is there are certainly member of this community that will come in and they will swear that they are dying and that we didn't give them ample notice. I mean, truly my feeling is that we shut this place down until it is done because when you issue this report and it goes through and it starts telling about the percentage and, I mean, this guy is paid to put the fear of God into you.

Pam: That is correct.

Steve: And that is what his report is going to do and people are going to see that and if we don't put something up there that says mold can be dangerous—

Pam: Enter at your own risk.

Steve: Enter at your own risk.

Pam: Well, why can't we just do that?

Steve: Well, I think we need to in big red letters and have it bolted to every door.

Pam: But instead of closing the building, why can't we just let them use it at their risk?

Steve: You know, that is one that I think we could do that.

Brian: Once you let that cat out of the bag, once you put this—"There is mold in this building," once someone comes in here, whether they have signed something we have drawn up here tonight which is not going to—I'm not a real big fan of but—

Pam: Well, we are not done with it.

Brian: I'm just saying, if someone comes in here and they do get sick and certain people can, some people it doesn't affect, some people it does affect, they get sick, we are done. I put it in my e-mail. I didn't specifically say that I wanted the building closed down but I wouldn't recommend it.

Pam: Well, let me say something about this.

Brian: Just from what I've learned about all—

Pam: If we decide to close this building, we better get off our asses and get in gear and take care of our business because this has been on the plate now for some time.

Tina: Um-hmm.

Pam: And I'm a little irritated that we have let it go this long and we should have been taking care of our business so now we are going to inconvenience all of these people and that irritates me. That's all I'll say.

Brian: It is all in my e-mail.

Steve: Right, and we can put some Port-A-Potties out by the pool and, you know, there are some other things but I don't think that a warning is enough. If a supermarket says there may be some liquid, be careful around the dairy case because you might slip—

Pam: Let's put it this way. I am okay with that plan if we leave here tonight knowing exactly what steps we are taking and we have a serious time frame in mind, I can live with it. Otherwise, it sounds ridiculous to me because it could go on for six more months the way we have been going with it.

Tina: And we have a homeowner's meeting that we are going to have where? Outside?

Tina: We took a vote—we had a 3 to 2 vote to go ahead and have the asbestos test so that we could get those bids in so we can see what we are even looking at to get it done and you said give us a couple of days. So we gave you a couple of days, a couple days, a couple days. Are we now back to doing the asbestos test so we can—do we need to get a motion to get this asbestos test done so we can get some bids so we can get rocking and rolling? Because we have nothing right now.

Brian: No ma'am. I wanted to figure out—what we do, what we can and should figure out tonight is what we want to put back together. If we do it at that point, I can call my contact and tell him what we are not going to back together. He can give us a bid for the remediation and the repairs. At that point, we have a good time line and a good bid for what we—

Tina: Then we only have one bid.

Brian: --for what we have to take care of. That is correct. That is what I am trying to accomplish is one contractor in and out. He is done and get it signed off and it is good.

Tina: Okay, see I like that. I don't want to do this in piece meal like one month we fix the vanity and then three months later we fix upstairs and then four months later we fix that downstairs. Did you have something, Susan?

Susan: Yeah, I was just going to say along the lines of closing the place down, when the middle school had mold and I was a parent over there, they did shut down but they were open in eight days. So it can be done and it can be done quickly and it can be done without inconveniencing the community if you guys go ahead and—

Pam: And make some decisions.

Susan: And move on it.

Tina: Absolutely, Susan.

Susan: You know, I'm sorry, I haven't been here in months but this was on the table when I was on the Board.

Pam: Exactly.

Tina: Um-hmm.

Susan: That is just my opinion.

Tina: Dawn?

Dawn: I spoke with a homeowner that—and this is just throwing it out there. She said that as far as she is concerned, the clubhouse could actually be mowed down.

Pam: Oh, we have a couple of people would like to do away with all of this.

Steve: Until we get a cost, how can we have those discussions and that is the issue but I agree that we need to say, "What are we going to put back together" and are we the Hilton? Are we a four star hotel? Are we a three star?

Pam: We also need to say tonight before we leave, is one bid acceptable?

Steve: I have an issue with that.

Pam: If it is not, then we order the asbestos testing right away.

Steve: Do we get more than one bid or do we set a not to exceed price?

Brian: I can get a bid from my contact. Everyone else that Cynthia, poor Cynthia has, you know—still have to try and figure out—

Tina: Did we do Restoration Services?

Brian: They will not give us a bid.

Steve: I would just, I think just to protect ourselves that we need to get a second opinion. I don't care if we get Joe Blow, writing it down on an Etch-A-Sketch and giving it to us. I think that we need to have two bids to choose from.

Brian: That's fine.

Pam: We have to do our due diligence.

Brian: That's great. I agree.

Pam: It delays us further.

Steve: It does delay us further.

Tina: But we have to do our due diligence on this, guys. We can't just—

Pam: But, there is no reason we have to wait and spend another month to proceed, right? The asbestos test gets done hopefully next week, the bid, you know, the guys come in and make their bid the following week and you guys make a decision.

Brian: Yeah, we can do that too. We can just agree to get the asbestos testing done and I hope to God that there is nothing in here. I don't think there is but—

Tina: Then we'll know. It will always be on record.

Brian: Then at that point—

RC: I would like to make a motion that we get the asbestos testing done.

Tina: I second. All in favor? Aye. Aye. Aye.

RC: Okay, what we should do is just get that done immediately.

Tina: And then she can get the bids.

RC: And as soon as we have bids, we can meet faster as a Board.

Tina: Right, get the bids and then we do it. Now—

RC: Not next month. As soon as we have the—

Tina: Right. As soon as we have all the bids, we will do closed bids and we will meet. I think it could be done quickly but—

Pam: Let me just say real quick, I am going to be gone for an extended period of time so I am going to miss all the fun.

Tina: No, I'll call you.

Pam: Yeah, I know you will and you might—

Brian: We'll send you pictures.

Pam: You guys are welcome to call me too because I do like to know what is going on because we are in the middle of a lot of stuff right now which is really important I think. But, my personal feeling is that we need to remediate the mold. Okay? You guys are going to make the decision. I'm not going to be here. I'm telling you how I feel. I think we have to make our building well. So just consider me in your decision when you are making it.

Steve: So, then it gets to, what do we do with the kitchen toilet upstairs? What do we do with the carpet downstairs?

RC: We can't even discuss that right now.

Tina: Let me just ask real quick. So, Cynthia, I need you in here real quick-like. We have, and I just want to make sure you guys know this but, we have had a renter up there who has paid us rent to use that as a place—we usually get the deputies to come in here. Well, what happened was, they stopped paying their rent. But it was good because we had someone here watching over the place—

Pam: Bottom line is, we don't do that anymore.

Tina: So, as long as we don't think we are ever going to use that for a renter—

Brian: Guys, we can put it back together if we want to at another time.

Steve: How about this, that we get bids to remediate the mold, restore it to an as-is condition. If that comes in at \$100,000, we say, okay, and maybe they have to itemize what it is going to take piece by piece so we can say, let's throw out the toilet, let's throw out recarpeting, whatever it might be, but let's just so that we are all trying to—my only concern is, when we get bids, we have got to play on the same ball field for everybody.

Pam: Yes.

Steve: So, let's just bid with as-is. Then we can pick a contractor. Then we can negotiate the price down.

Pam: Except that we know what we want to do—

Brian: That's fine. That is just going to add time to putting it back together and think Cynthia can attest to that. It is going to add time.

Pam: I don't think it is going to be that hard to make a couple of decisions. Do you?

Tina: Cynthia, what do you think about the toilet and the sink?

Cynthia: I am with Brian.

Pam: Let's take them out.

Cynthia: We have to take them out. We don't have to put them in right away. We do not have to shut down the building—

Pam: We are talking the cabinets and stuff, right, also?

Tina: The cabinets go.

Pam: Just get rid of it.

Tina: The sink goes and the toilet goes.

Cynthia: If we decide we want to do it, I, you know, for those of us that work here use that upstairs.

Pam: Well then—

Cynthia: But, we can live without it for a while and then if we find that we have money. I think that it is something that we don't have to do right away. I believe the remediation has to be done right away. We fix the leaks, we fix the problems that are causing the issues, then the aesthetic things we have time. Downstairs, we don't have time. People use that every day.

Tina: Okay.

Cynthia: Upstairs? We have time.

Brian: I'm just trying to, you know, try to get—

Steve: Could you do a turnaround by the end of May? I mean, we are supposed to open the pool in three weeks. Two weeks. Two or three weeks. If we said go today, could he turn it around and have it, the downstairs to where we could seal off the top but have the downstairs totally remediated and put back together to where it was in usable condition?

Pam: In three weeks?

Steve: Yes.

Brian: Can it be done? Yes, but I don't think that—I'm not going to put my name on it, though. I'm not going to say that we can do it.

Tina: Okay, Cynthia, you weren't here so I will just tell you that we already made a motion that we are going to go ahead and get the asbestos testing done. So-

Cynthia: If this guy, whom I would like to talk to, but I got their number and I got the other number two weeks before that, but—

Brian: Sorry about that. I forgot.

Cynthia: No, it's okay.

Brian: To put it on there.

Cynthia: I would like to talk to him before I just automatically go with Boulder Environmental, if he does asbestos testing, I did go online and I did read all of his qualifications and I actually have some of the same background in remediation and stuff that he does.

Tina: Okay, so as far as the asbestos testing, we need to get that done in order to get the bid so.

Cynthia: Well, some people are going to require it. Our bids are going to come in higher if we don't get it because they are going to assume we have it based on the age of our building.

Steve: How soon can we get it and turn it around to keep this thing moving? Could we get it in a week?

Cynthia: The bids?

Steve: No, the asbestos. Turn around the reports?

Cynthia: The asbestos test? I'll talk to Jeff tomorrow.

Pam: We are now officially in a panic mode. We now feel the need to get busy. You missed all that but.

Cynthia: My goodness and I started this in January?

Tina: I know.

Cynthia: One thing I am absolutely adamant about not doing and that is what I was stating.

Tina: Well, I think now that if we need the asbestos to get the bids, we do it. And we get the bids.

Cynthia: Well, the age of our building and with the concerns of several people and, I don't know if you know this, but one of the cards that should have been in the pile that I know I gave you and you perhaps handed off, that I had in here, I actually had a separate industrial hygienist come in here to evaluate, to do exactly what you were doing and so that is why I stopped because we were duplicating efforts and went, uh, not going to do that. So I went on hold until you got more information. And so far, I haven't heard anything—I've gotten no new information including the 32 square foot thing that we talked about. That's in my April report so I really didn't get any new information from your contact, from what you have communicated to me that I already had. So, I feel comfortable. I really like that guy's qualifications, though, when I read them. I would like to check him out for our asbestos testing.

Tina: Then we are a go with whatever you guys decide for asbestos testing, we just get it done. And then just keep Brian apprised of what is going on as well as me and we will get that done. We will get the time thing done and then we will get the bids because now they can start doing the bids. And I don't care how you do it, but it has to be consistent like Steve said. So either we bid it with the stuff, put it back the way it is or we do it without it, I don't care. It just has to be exactly the same.

Pam: If we are not going to put the cabinets back, let's not have him bid the cabinets.

Tina: Yeah.

Cynthia: I have some suggestions for the basement. If we get the remediation done, we don't have to have the rebuild done in the game room before we can open it to the public. We do not have to have both restrooms open to the public. We can close off the ladies restroom while we do the rebuild and use the men's for both genders for a little while and it will give us maybe until the end of June. I would much rather give it the time and effort it deserves to do it right than to try and rush through this.

Tina: But we want it done.

Cynthia: And I also don't want to—he did go to a lot of work. I would like to honor that.

Tina: Okay.

Cynthia: I have asked to be honored otherwise.

Tina: Okay, so we're good? Brian, we are good?

Cynthia: And if you guys are okay with all of that—

Pam: So you had his contacts and you are ready to go—

Cynthia: As of yesterday, I have all the numbers and everything but I really didn't want to start that one when I knew in two days I would be standing with the Board and—

Pam: And if we can get three bids, great. So if we end up with two and they are similar, we are fine.

Cynthia: We are going to wind up with three plus. I did have this one guy back out so I am down to two of my three but with his is three. Rebuild, we have time. They will set up their containment areas, they will clean what they need to clean that is not—and that part will have to be in clearance anyway before we do the rebuild. I don't see the issue here.

Tina: Okay.

Steve: Well, we talked about closing the building down. Are we going to do that or not?

Tina: I kind of want to see what they come back with. I mean—

Cynthia: I did notify—

Tina: Because right now I am just not ready to close the building.

Pam: Well, wait a minute. Whether we close it or not, let's get a statement before we leave.

Cynthia: The people with reservations—

Pam: We need to give them a statement letting them know the mold is here. We have got to do that.

Cynthia: The people with reservations, one of them said, "I would rather not use it because I do have kids with allergies" and they were in here anyway. I think they probably talked to the parents, the parents go, "We don't care. We've been there and didn't have a problem." So—

Steve: I just think that we are opening ourselves to up to liability by keeping it open.

Cynthia: And we might be.

Steve: I just think that if we are going to say that mold is dangerous, if we are going to put a mold report on the website that says mold is dangerous, I don't buy it.

Tina: Well, do we have any reservations?

Cynthia: One.

Tina: We have one?

Steve: Here's another problem, scheduling. If someone wants to put—bring their party in here and we've got a contractor scheduled.

Brian: I can see it being a nightmare.

Tina: We are not going to accept any reservations.

Cynthia: I handle the contractors and the reservations so I could—

Pam: Well, we'll cover this when Cynthia is done but I don't—I can't

Tina: I think we are all in—I mean, I don't know whether we want to close the building or not. I guess we can think about that and see how we go with it. I am not ready to close it yet because we don't have that many people here yet and I am hoping we can kind of get it done before we have to close everything down and I think we can maybe work with, like Cynthia said, may clean part of it and we are still working but we are not going to stop our contractors for a reservation in here. That is not going to happen. The contractors come first.

Brian: That's correct.

Steve: Are we going to get a couple of Port-A-Potties brought in the pool? That type of thing?

Cynthia: I am hoping I can—well—

Brian: It's not a bad idea.

Cynthia: Get the approval for a Port-A-Potty. We don't need more than one. A Port-A-Potty and—

Pam: As needed?

Tina: Yeah.

Cynthia: I will try to get remediation bids done by the end of May. We're pushing but I'll do my best.

Tina: If we are close, that's not bad.

Brian: So we have—and we can go over this at another time, but we—

Cynthia: And I e-mail Tina updates on where we are on this so, every time something changes or new happens, Tina gets an update, so someone on the Board knows at all times. Arapahoe Pools, they are a concrete company. They didn't come out this far so I had to quickly find a concrete company and because we work with Mile High and they have always been one of our lower bidders that did exceptional work and did the initial sport court, they were contracted to come out and do the contract work so what they removed all the concrete where the drain—well, where we had leaks, where the first leak was located by American Leak Detection and what the pool guy said is that it finds the first leak. Then once they repair that leak and they pressure tested, if there is a leak farther down the line, it is not going to be found until they fix the first leak. So he said it could be from the main drain all the way down to that skimmer and as far as in the pump house. So, he said just cut up this amount of concrete but we may wind up having to cut an additional amount of concrete out and may have to go out to the fence and up and get it out from under the concrete so we didn't have to do, like, that whole line, and I know we talked about plugging off the drain but that wouldn't take care of subsequent problems so I went forward with having the whole thing repaired instead. When I got the estimate from the concrete company, he said to come back out would be almost twice as much to remove this little section of concrete and then if they decided it had a leak somewhere else in another section, so I—and it would be half again as much if I just had him do the whole thing at once. I opted for the whole thing at once and as it turned out, we did need it, so it cost us less money in the long run so he didn't have to come out

twice. So currently, we have a completely new plumbed main drain that goes out from under the fence and up the outside of the fence so the concrete thing will no longer be an issue unless it is right at the pool again and into the building. I would like to recommend that we, when we get the bill from the pool company, that we mail it to the pool company who winterized it the last two years and see if they will stand up to it ethically. We don't have a leg to stand on to actually go after them for it because we can't prove anything, but the main drain was frozen in the pump house, basically where it should have been drained by the pool company who did the winterization. So, I would really like to see if we can recoup any of that money by going, just in good faith, sending it to this company and see if we can't get some money back.

Pam: I have a question. I don't know if I'm following you very well. Are you saying the concrete was taken out, all the leaks were repaired, and the concrete has been replaced and we are ready to go?

Cynthia: We will be ready to go next week. We have been pushed out because of rain and weather.

Pam: But it has happened. I mean, we are in good shape.

Tina: Yes.

Pam: Who did we finally use?

Cynthia: Arapahoe Pools.

Pam: And they did a nice job?

Cynthia: Yes they sure did.

Pam: Good.

Cynthia: We had a problem with the heater last year and I wasn't really doing the pool at that point but we had a flash fire and I have a heating and pool friend who said, "You know, Cynthia, it is probably plugged. You need to have it checked." Well, someone else did the repairs and we had a company and friend that came out and just fixed what was damaged but never went back into that heater to look at it. This guy took apart the heater and cleaned the heater. He is amazing and it really was completely plugged. We were so lucky we did not have a fire so now all of our equipment has been checked and in good shape. So I am very confident with these people. They are exceptional.

RC: The pool will be ready to go?

Cynthia: Yeah. I got Diversified Underground which we have used before to come out and do all the locates and I have actually made copies and put them in our file so we would have them on file if we have any projects going forward that we need that information for so that we don't have to do that again. So, Mile High Contracting, back to the concrete people. They are giving us estimates for the drainage and had come in way lower than any of the other estimates we had so far and they would give us almost \$300 off if they could do the drainage while they were doing the pool concrete so they were approved to do the drainage so that they will be tearing out the trees, redoing the concrete. All that has a target date of May 19 which is a full week before we have to have the pool open. Also, the electrician has the same target date to have all of his stuff finished and there are two lights. There is one back here that, if you guys like that, it is staying. And the one out here, if you like that, that is what is going to be replaced on the other side as well. He had this one down here on the outside of the building. I drove home that night and I was so afraid I was going to forget to look at the light. There was no forgetting that that light was there. I could see it coming down the road. You get up here and it wasn't bright at all but you came down that hill and it was just because of the angle of that wall, it was horrible. It was just way too bright. So he is now, he says everywhere else he would like me to use this and that one had to be replaced was actually a fixture hanging there so it is currently right here to here. If you are okay with that one, that one stays. If you are okay with this one, then he will replace that one on the other side to match it. Now he really recommends the kind that we already have so if you guys want to do that, he will replace—he

will put all new motion detectors that we have contracted, just like this one. So what I need from you guys tonight is to go out and look at that light, and if you approve that, and if you are not opposed to this type of motion detector, going on those other places that he is scheduled to put them in, then he will go forward with that.

Pam: You are saying the motion detectors that are not installed yet are what is going to light the parking lot?

Cynthia: Correct.

Pam: Okay.

Cynthia: So when people walk out there it will come on and we have had some security issues on this side so they are going from—these lights, they are going to motion detector.

Pam: Okay.

Tina: Okay, what about that one that is right outside the door? Did we figure that out because remember that is the one that broke because the door swings open and breaks it? Do we have—

Cynthia: We can actually put it above where the doors swing in and have a motion detector. So you can either have a motion detector or you can have the one like is out here. I asked if he is trying for something directional out here because the one that was so stationary, we have no way to direct it away from the neighbors over here. It wasn't adjusted just right so I asked if he could get something somewhat directional so we could actually point it where we needed it to go and not blast the neighbors because he has been told to be very conscious of that. It does shine into people all around the building. You guys can look at those. We do have to have a state inspector come out for all the trench work and the lines that are going to go to the pavilion. He is not going to do the trench until the day before the inspector is scheduled because he does not want to leave an open trench. And that is all scheduled early next week so everything has gone very slowly. I have one contractor that would begin to do his thing, the other contractor was in and we'd get rain or snow. And they have been very good about fitting me in and doing their best to schedule me first and on my deadline which I very much appreciated. Okay, now, the pool company doesn't feel like we have to have American Leak Detection come out. He thinks that his—because he rechecked it and he is willing to put the paperwork in and get that to Tina if you are ok with that.

Pam: Saying that it is fixed.

Cynthia: Yes.

Tina: And I'm fine with that.

Pam: But if he can certify it. I mean, the state will accept that, right? That's the point.

Tina: Yes. All the state wanted was to show that we had an invoice showing that so-and-so company actually came in and did all the repairs and then I have to send a copy to the state and to the county. So as soon as we get them paid and we get all the invoices and the paperwork, then I send all that paperwork off to the state and to the county and then we are done.

Cynthia: I have the anchor to the pool handrail on order. We have a very nonstandard one because it is in the bottom of the step of the pool which is really not supposed to be done that often because it is an oval pool and they don't do that anymore and the concrete guy had set the anchor, what the distance is and where it has to be so he can go ahead and put the anchor in it and just put the handrail. He did check for continuance to make sure everything was bonded correctly and all the anchors, all the ladders and made sure the bottom anchor had continuance over the handrail. Coping stones will not be done until the fall. I did talk to Mile High Contracting to see if they could maybe do a patch on them to take off any sharp edges just to be safe.

Tina: Does anybody have any questions for Cynthia?

Pam: Cynthia, could you describe a coping stone for us?

Cynthia: Those are the stones the—

Steve: Around the edges so that when you come up, you don't crack your head on the side of the pool and get the stitches like I used to.

Cynthia: Just know that when we take out coping stones, the tile next to the coping stones, we will be replacing those.

Pam: So we are replacing the apron, basically.

Cynthia: Yeah.

Pam: Okay.

Tina: But we have needed to do that for a long time. We just kept putting it off.

Cynthia: And they really are deteriorating and we didn't have to replace more tile this year again. I replaced some of that side and a little bit over here and when they came, we had more that were loosened and they used the stuff that I bought two years ago.

Dawn: Actually it is more a concern statement this goes way back to the rebuild for the remediation type of thing. Does everybody want to go back over there?

Tina: We can be I guess.

Pam: No, I want her to finish first.

Dawn: Well, I was just going to say, I had my hand raised before she started her report but she was already started so I just thought I would wait. Are you done?

Tina: I think so.

Steve: I would just like to say that Cynthia, three weeks ago I would have bet money there was no chance in hell that the pool was going to open and I think that is an excellent job. I think that is impressive.

Tina: Thank you, Cynthia. Yes. Okay.

Dawn: So back to the remediation and that you were going to be replacing everything and I believe that you said that certain things could be put off until later. I think this community has way too much of that. The main one is the coping stones.

Pam: You know, let's just get it done.

Dawn: I mean, it is just a continuous "let's put it off and let somebody else deal with it" and it is just going to get more expensive if you put it off time wise.

Tina: Well, and you're right, Dawn. Because if we would have taken care of the corner downstairs when Cynthia told us to take care of that corner, we wouldn't be doing what we are doing today.

Pam: Do it right and move on.

Dawn: Yes.

Steve: That just comes out of the reserve anyway.

Cynthia: I am very much in agreement to that most of the time. This is esthetics stuff that no ones else uses other than the people who work here and use it now. I'm not talking about putting off anything that the public uses. I'm talking about the toilet and cabinet upstairs.

Pam: If we are talking about a toilet and a cabinet, if we have it literally down to two items, why on earth can't we make a decision and get an accurate bid on two items?

Tina: Well, I'm fine with taking it out. I don't care.

Pam: No, I mean seriously, am I missing something important?

Tina: No.

Pam: I mean, why not let them bid the job the way we want the job done?

Cynthia: They will probably save us probably about \$200 or \$300 dollars.

Pam: Well, those cabinets will cost more than that to replace.

Dawn: Cabinet and the toilet? You are looking at a half bath, that's it, right?

Tina: Right.

Pam: Oh, I thought we were also looking at the cabinets on this end of the kitchen. I thought those had mold as well and we were talking about replacing those.

Brian: My question was, do we use it and do we have to put it back together?

Tina: I'll tell you this, I have never used it.

Brian: That was all I wanted to do. I'm not trying to put anything off. I don't want to put anything off because you're right. This place has been—everything has been, you know, put back and put back and that's not due to any one person or whatnot.

Tina: So do you even care?

Brian: My question is, does it need to be put back together, I mean, do we need—

Tina: Do we even need to keep replacing everything?

Pam: I think we need to just tear it all out and repair the walls and it's done.

Tina: Like he said, repair the wall and paint it and you're done.

Brian: Drywall, texture, and paint and that's—

We need more storage; we need a new cabinet.

Tina: Yeah, then we need those—those cabinets—

Pam: I mean, it is not going to cost us that much to throw a toilet in there. I mean, if you want a toilet, throw a toilet in, a hundred bucks.

Cynthia: How many times have we said, "Oh yeah, we should have more storage. Wow, we need more storage." It would be wonderful.

Brian: And I've heard that.

Cynthia: If we could do that.

Pam: Build some shelves and such.

Tina: Yeah, just shelves are supposed to—

Cynthia: This old refrigerator here is not going to last forever. They have a nice refrigerator here. The cabinets down here, they pull out of the wall and the drawers are broken on it anyway. Yank out the old ones out and put the refrigerator down here.

Tina: Yeah.

Pam: Okay.

Tina: So, we have a motion that we bid, we do the bid without the cabinets and the toilet upstairs.

Pam: No, she wants the toilet.

Tina: Oh, I'm sorry. Okay, without the cabinets upstairs, okay, I'm going to redo—make a motion that we remove the cabinets upstairs. Do I have a second?

Second.

Tina: All in favor?

Aye.

Tina: Oh, discussion. Anybody? All in favor. Aye, aye, aye. We got it. Okay there you go. Now you guys know what to bid. There we go.

Steve: Moving on.

Pam: Restoring the restroom without the cabinets.

Tina: Yes. Restoring the restroom, taking out the cabinets.

Steve: Okay.

Tina: Anything else that you need from us Cynthia? You guys have anything else? Brian had sent out a resolution regarding commercial activity—not that I am putting it off, but I think I would like to end this meeting before 11:00 and actually have a nice evening, so—

Brian: I brought a copy for everybody.

Tina: Everybody has got a copy and I think it is just something that I would like to see the remediation and everything else get started and then we can move on to—

Steve: What are we looking at here?

Tina: He drew up a document that would solve our definition of commercial activity.

Steve: Are we going to be talking about commercial activity and declaratory judgment?

Tina: Well, Brian has a different way to go which is to adopt a policy and procedure for it, a resolution just like we have with everything else. I don't think anybody has enough time to do all of our research and look it over and figure out what is what.

Steve: I agree with you there. I think what I would like resolved tonight we resolve and know that as a group that we can come to some sort of resolution on defining commercial activity and put this whole declaratory judgment and class action suits to rest.

Tina: And I think we can. I just don't think that we are all on the same page as far as what the definition is and how we go about doing it. So, I am in agreement that, yes, I just am not in agreement that we have exactly what the wording needs to be and I think we need to work on it a little bit more.

Steve: I don't argue that. What I'm saying is—

Brian: Did you get it?

Steve: Yes, I got it.

Brian: Oh, okay.

Tina: Okay, but real quick, before we go on to anything else, this notice that we need to put up, do you guys want me to type this up and e-mail it to you or do you want me to say—

Pam: Let's make a decision on it.

Tina: Let's make a decision on this real quick. So the notice is basically "An inspection for mold was completed and mold is present in this building. The complete mold report is available online at pawneehillshoa.org. Certain mold and mold spores in a property can result in mild-to-severe health effects in humans." I don't know if I want to put "Enter at your own risk" because I think that is, you know, but—and then put the Board of Directors are actively pursuing remediation.

Pam: I think that's fine.

Steve: Yeah. I do think that we should put "Enter at your own risk." I don't—

Brian: Yeah, why don't you want to put that?

Tina: I don't know, I just—

Brian: I mean, really, Tina, you won't even go to that room down there, I mean.

Tina: I know and I can't breathe tonight and I think I'm—

Steve: I say "Enter at your own risk" has to be in bold letters.

Tina: I will put "Notice" and I will put this and I will do the draft of it so you guys can see it because that is what is going to be done.

Pam: The purpose of this is two-fold; to inform them and to protect us. Right?

Tina: Alright. That's what we will do then. And we will put the same thing on their reservation and they have to sign that they have read that.

Motion was made to adjourn the meeting. Motion was seconded and passed. Meeting adjourned at 10:17 pm.

Respectfully submitted.
RC Cuellar