

PALM LAKE HOMEOWNERS ASSOCIATION

BOARD OF DIRECTORS MEETING

NOVEMBER 2, 2022

Board members present: Ned Timmer, Steve Hunter, Mike Ketchum, Fred Lenz and Ben Ellis

Homeowners present: Steve Maloney, Sal Haider, Joan Ziegler, Rose Ann Ketchum, Tom Dugan and Russ Carlson

President Timmer called the Emergency Board meeting to order at 7:10 pm.

Timmer responded to an inquiry from Steve Maloney on why an Emergency Board meeting was necessary and could not wait until next year by stating it was scheduled with less than the customary ten days' notice due to the need to address a number of pressing matters before the end of the fiscal year.

Steve Hunter, citing recent occurrences, stressed reinforcing the need for vendors to clean up afterwards and not leave behind their trash.

Turning to the current wall repair issues, Timmer reported the east wall was inspected with some minor work still remaining there and elsewhere costing \$2,580. Further east wall inspection will take place in the near future with hopes all work will be done in 2022. With respect to the wall repairs needed for a section recently damaged by a vendor doing work at Lot 18, discussion occurred on whether to require a licensed contractor to perform the work. Lenz disputed the need for a licensed contractor and advanced the willingness of Joe Saunders to perform the work. Board members called to Lenz attention Saunders was not a licensed contractor. Lenz maintained that Palm Lake volunteers had previously performed work in Palm Lake frequently without a license. Timmer responded by saying their work was not such that it required a license. Steve Hunter reminded Lenz that there would then be an unacceptable double standard set by not requiring licensed contractors for the Lot 18 work when it was required by the board for the recent Lot 6 wall repair.

Fred Lenz opined the future use of volunteers would have to change stemming from potential liability issues. Steve Maloney suggested owners be required to sign a waiver taking responsibility for the wall repair. Board members indicated they could not agree to that approach. Sal Haider was asked by Fred Lenz to weigh in on the matter. Haider indicated it was actually the homeowner's responsibility. With respect to the question of volunteer liability, Haider further suggested the HOA annually issue a "hold harmless" indemnity agreement. Timmer indicated it would supplement the existing PLHOA liability policy covering volunteers.

To resolve the Lot 18 wall repair issue, Ned Timmer offered a motion stating that should our mason not be used to repair the wall, the only person that may repair the wall is a licensed mason with proof of insurance. This would allow the Lot 18 homeowner the latitude to secure an acceptable mason to perform the wall repair. Any wall repair will be subject to board approval before the Lot 18 homeowner's liability is lifted. The motion was seconded and approved on a 4-0 vote with an abstention registered by Fred Lenz.

Fred Lenz reported the sidewalk spraying could wait until drier weather and he had observed no real safety hazards currently.

Timmer next requested from Fred Lenz the status of quotes on certain projects. Regarding the possible tree removal and related work at the Dugan residence, Lenz indicated quotes were received of \$1750 for tree removal, \$250 for stump grinding, \$250 for apron removal, \$250 for road bed work, \$250 for road grinding and \$250 for the apron. Timmer noted there is currently \$54,000 in the Road Reserve Fund and advised he had received a recent quote of \$100,000 for the re-surfacing of Crestgate Circle. Use of a Bio Barrier option was discussed to avoid a removal of the Dugan tree. Noting the real possibility of future tree issues, Timmer requested Fred Lenz head a committee to determine a long-range solution. Steve Hunter offered a motion that Dugan handle the apron repair with the HOA paying for the root removal plus the Bio Barrier. It was further agreed the tree would not be removed at this time. The motion was seconded and approved without objection.

Fred Lenz reported the recent guardhouse roof repair had been addressed. However, Rose Ann Ketchum observed a rake tile needs to be re-mortared on the roof. Lenz will follow up.

Lenz had no further information to provide at this time on the Retention Pond work.

Discussion next occurred on the formation of a board policy to determine the urgency of gate repair when the gate fails. While Fred Lenz saw the security camera as offering a better security option than the gate, Joan Ziegler felt the reliable operation of the gate should be seen as a high priority. Steve Maloney stated that Ziegler should get a security camera like he has. Board members offered their views on what might constitute an appropriate time to wait for the gate to be repaired. The discussion resulted in the approval of a board policy stating that if the gate is not operating properly and it is determined that it is more than three business days before a repair vendor can be secured, an emergency fee will be paid the vendor as long as the scheduled time for repair is no greater than one day.

Steve Hunter provided an ARB update. He noted the non-response by the Lot 23 homeowner to previous board communications on ARB issues. Ned Timmer requested Fred Lenz initiate a contact with the Lot 23 homeowner in an effort to achieve compliance. Lenz indicated he would be unable to do so. The board determined one more compliance letter would be sent and if there is no indication of compliance within one week the matter will be turned over to legal. Possible ARB issues at several other residences are undergoing further review. Fred Lenz advocated specific ARB standards need to be developed. Mike Ketchum reminded Lenz that specific board-approved landscaping protocols with enforcement provisions found in our Palm Lake Planning Criteria were board-approved in 2002 and 2007. Hunter concluded his report by indicating the visible water softener issue at Lot 35 had not yet been resolved.

Timmer presented for review the 2022 budget estimates indicating a \$4,174.25 shortfall if the needed road repairs are done. If the road repairs are not done this year the \$6,600 earmarked for them would be removed and delayed until next year and result in 2023 dues increase to \$1950. Should it be decided to fund the shortfall, the provisions found within Section 7.8.5 of our governing documents

allowing for a Supplemental Assessment to be levied by the board made would be utilized should the membership vote down an increase.

Fred Lenz re-surfaced previous contentions regarding certain PLHOA legal expenditures which, in his opinion, led to distrust and a questioning of any dues increases by some. Timmer disputed the assertions by Lenz on the legal expenditures. Mike Ketchum noted the continuing failure of a previous Treasurer over time to timely perform his duties which included providing the board with needed financial information was not helpful to the board and often helped fuel the misinformation.

Following the discussion, no decision on the road repairs was made.

Regarding the 2023 budget which contemplates retention of a Management Company, Timmer noted that Sal Haider, Russ Carlson and him were on a Search Committee to seek a Management Company to present to the PLHOA membership for consideration. Following the budget discussion, Steve Hunter offered a motion to approve the 2023 budget pending PLHOA approval for the Management Company and if not approved, by the PLHOA the money would be taken out. The motion was seconded and approved without objection.

The meeting concluded with a discussion of the proposed zoning variance being sought by the planned Montessori School to be located on Palm Lake Dr. Sal Haider, with a recognized professional expertise in these matters, was recognized by Timmer to provide insight into the several ramifications of this zoning variance for Palm Lake and to share his strategy recommendations. Haider will prepare a petition for Palm Lake homeowners to sign opposing the variance. Steve Hunter offered a motion to learn the will of the PLHOA membership on the proposed zoning variance. The motion was seconded and carried without objection. Mike Ketchum will work with Haider on the petition and other steps that will be needed to successfully oppose the variance at upcoming public meetings.

The meeting was adjourned at 10:02 pm.

Respectfully submitted,

Mike Ketchum, Secretary