

Saturday, October 20, 2018

## Michigan Hill HOA

### Board of Directors Meeting

Website: MHHOA.com

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Attending

Board Members: Mike Lemasters, Jenna Baker, Steve Johnson, Richard Ratigan

General Members: Lori Lemasters, Robert Skelton, Larry McClymonds

Lonnie and Denise

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Call to Order 9:00 am

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Welcome - Jenna Baker

Welcome. Intro of board to new members.

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Secretary's Report - Paula Morgan- Was excused

#### **Approval of the July Board meeting minutes**

**Moved by- Mike**

**2<sup>nd</sup> by- Richard**

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President's Report - Jenna Baker Skelton

**Happy email- Kudos:** Phone call- culverts look great, members are happy with the pond,

**Questions:** Who does driveway plowing on the hill?

\* Call Joann at the real estate office.

**Century Link is on the hill.**

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Vice President's Report - Mike Lemasters

**ACC Activity –**

**Approvals:**

**June 2018**

Lot 182, 183 184 Replace roofing on house garage and shed

**August 2018**

Lot 78 Replace roofing and skylights

Lot 27 Garage addition

Lot 181 replace roofing

**September 2018**

Lot 153 Gutter and downspout installation re-staining of siding

**October 2018**

Lot 181 Repainting deck, siding and foundation

Lot 140 House construction

**Denials:** No denials.

Updates: Lot 217 Sent letter acknowledging compliance with warning letter

**Lot 140 Selkirk-** Transfer to the HOA.

**Lot 239 warning letter-** Unapproved shed, excessive trailers, and scrap material structures. These still remain on the property. It was discussed that a fine would be enforced after the full 60 days. Mike will send a follow up letter. 2<sup>nd</sup> lot owner is in NY-current residents are using this 2<sup>nd</sup> lot.

**“Paula’s Blog/newsletter”** – Fishing pond- people who aren’t members are using the pond.

Possible put a gate up and get a code to get in. Put it on Business for Feb.

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Treasurer’s Report- Steve Johnson

**Road sign** on order still they will put it up when it comes in.

**Leon will work on the grader-**

**Truck will go to Rob Skelton for plowing**

**Approved mowing on lot 167 for snow fence**

**Account Balances and Expenditures**

Next meeting need to have a proposed budget-

Checking \$6083.16

Savings \$59,070.96

Past dues- \$969.40

ACC violation \$800.00

Total- \$1769.40

**Will lien \$800 on property. #217**

**\* there will be 4 liens issued this year.**

**Recovery of costs from Century Link - \$2,325.00; gravel has been put on and graded.**

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Report of the At-Large - Richard Ratigan

**Road Maintenance Activity** – Culverts done, Roads graded.

**Pond** – Email from Garver- amount of water to be drained out- can complete it today- will submit final report and photos when done.

**Weed Control** – Richard has gotten most of it.

**Burn pit-** NOT on restriction for burning; we are at a stage 1 and must have a permit to burn- which we do have. -

Discussion on how will we do this- water truck – how long will we be there

First get permission to burn- get the truck from 74- waiting for 6” of snow. Someone there to monitor it- Leroy Cortez, Matt A. will help.

Will notify the Fire department. Post something on the internet- Posing at the post office , and store, 24/48 hours before hand- Email all residents let them know if health.

Richard, Mike, and Rob would be there to help- \$25 and hour Need a list of phone numbers for emergency.

Needs to be burned before Jan 1<sup>st</sup>.

Richard will write the letter - Give a current email list to Larry from Judy.

Old Business

**Snow plowing -**

More drivers needed? Rob- Patrick. The trucks are ready. Briefly talked about the log on what to do. Talked about the “wings” on the plow.

There are trees in ditches that need to be pulled out.

Opening Drifts: Buying a loader or not- still looking for a good deal.

Walt and Tom Clinton can help for this season.

**Vehicle Storage/Shop building-** Can keep it at Steve’s or the pit with the grader. Rob doesn’t have room to store plow on his property.

**Other facilities:** Pond Shelter - Quote for shelter? Proposal- Leon will have one for us- and fill in the ditch. Check in in February.

**Audit of the MHHOA Accounts -** Still on for May? YES. Haven’t heard from Judy- the guys who did it before he was reasonable. Will use him again.

**Parking on the subdivision roads –**

Advice from the attorney:

“... for any private roads this restriction may be enforceable, but we recommend defining what “habitually” means. The Declaration does not identify whether any of the streets are private, but it does mention the County Road and other public roads. If there is a question as to whether the association owns a particular street as common property then the plat map for the community should be reviewed. Please let us know if you would like our office to try and obtain one on the Association’s behalf.”

- Mike said that the Roads are OURS (Private)- Habitually- Put in the blog that – parking is discouraged- temporary basis- parked vehicles can be a liability to the owner and can be a nuisance.
- Larry Brought up having a policy of an hour or 2 and then go into a fine policy. Could be per/ 5<sup>th</sup> wheel. Can follow lien process Possible pass this along to the

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lawyer. Talked about KIOWA spelling it out – we can put it out at the annual meeting.

- Mike made a motion about getting policy drafted about reaching out to lawyer 2<sup>nd</sup> Rob- it was passed . ROADS are private roads.

### **Covenants and By Laws** - updating, revising

Response from attorney on fees for revisions:

“A limited amendment to the Declaration addressing parking only can be prepared for a flat rate of \$595.00. A full rewrite of the Declaration can be prepared for a flat fee of \$6,000.00, which includes:

- A 30 minute telephone or office consultation to discuss the Document Amendment Questionnaire we will provide to you to determine the specific provisions and terms you desire be included in the amended and restated Declaration;
- Preparation of first draft of the amended and restated Declaration; and
- Up to two hours of attorney and/or paralegal time for review and comment on written questions and revisions from the board or document amendment committee or an in-office working session or meeting with the Board or committee to review the first draft and discussed desired changes.

A meeting with the Board or committee to review the first draft in Jefferson is available, but is an additional \$500.00 plus travel time and expense.”

Need to fix it all- look into our building guidelines- metal siding that looks like logs- What looks like rustic and was isn't. Half of it refers to the developer. Put Covenant on Hold- for now- could revisit in June and get the members opinions on changes.

### **Operation of 4-wheelers and similar vehicles by unlicensed/underage drivers on MHHOA roads** - is a sign enough to relieve our liability? Response from attorney:

“If these are private streets then the Association has a duty to regulate the streets in a manner consistent with the restrictions in the Declaration. The Declaration’s Nuisance provision states: “Obnoxious behavior on property with motor vehicles, whether from careless driving practice or from excessive noise, is prohibited... Trail bikes, scooters and motor vehicles will be used on approved roads only.” Therefore, if owners are driving in a manner so as to cause a nuisance then the Association should follow its enforcement policy. Nevertheless, under either case underage driving is illegal and should be reported to the local police and code enforcement.

Associations are not guarantors of safety in a community. Nevertheless, the Association may want to consider adopting a policy regarding parking and use of roads to clearly identify to the owners what the association is and is not responsible for. This policy could include a disclaimer that under no circumstances is the Association guaranteeing or responsible for the personal safety of owners and any owner observing illegal or dangerous activity is encouraged to contact the police. This disclaimer can also be

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added to the Bylaws. Again, if any of the roads in question are private then the Association is responsible to regulate the roads and enforce its covenants. Therefore, if it is aware of a nuisance or safety risk it should follow its enforcement policy to try and deter such behavior.”

\* Road use POLICY- 25 MILE HOUR POST LIMIT- POST where to post them. Mike will look to see where to post them Will have it for Feb meeting. It was mentioned in the blog.

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## New Business

Marking culverts for budget next year-

More extensions for next year

Put on gravel in the spring, not the fall.

Maintenance - skim the ditches- Culverts-

County meeting with commissioners at 9am in Fairplay on Thursdays. Go complain about the culverts and county roads. Georgia Dr and Red Hill Rd-nl

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## Additions to the Agenda from Members Present

Larry said we are doing a great job

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Adjourned 10:02 pm