

Unapproved 2018 Annual HOA Meeting Minutes

Meeting Held 11 January 2019

Called to Order at 5:32 pm

Present: (All telephonically)

Robert Carr 2655B
Mike Thomas 2665C
Anthony Wiles 2685C
Susan Dupont 2690B
Bob Carr 2665A
Caroline Mau 2700A

Agenda:

Call the meeting to order
President's opening comments
Vice President's opening comments
Secretary's Reports
 Anthony
 Susan
Treasurer's Report
 Proposed budget
Past Meeting Minutes
 Minutes were unrecoverable
 Quoted to cost \$35,000.00 to transcribe
Board Contact with Tenants
 Boards position
 Owner's responsibility
Privacy Slats
 Owner's responsibility
Certification
 Continued by new board
Annual Meetings
 Move to October to realigned with by-laws
Nominations
 Seat B Term
 Seat C Term

Opening Statement from President:

Has been an extremely busy year. Thanked board members for their efforts, dedication, and willingness to serve on the board over the year.

Vice President not present

Secretarys' Reports:

Anthony – Putting together bids for water meters. When done will forward info to the owners.

- Trying to redo decks, blacktop, and siding on the buildings

Robert board actively pursuing the water meters

Susan – Read the minutes from the Annual 2017 Homeowners meetings (available on Eagle's Nest website.

Motion made to accept minutes as read. Motion carried unanimously.

Treasurer's Report:

Mike read the proposed budget for 2019.

Motion made to accept budget as read. Motion carried unanimously

Past Meeting Minutes:

Request had been made to make past minutes meetings available. Robert stated the minutes were unrecoverable due to failure of a hard drive. Reached out to vendor and found that it would cost \$35,000 to transcribe past meeting minutes. We can discuss spending or budgeting the funds for the transcription of the minutes. We currently post the minutes on line so they are available to the owners.

Caroline advised point of contention is that there were significant things done in 2016 and owners are wanting the minutes for these changes. By-laws indicate things were revised in 2016 and because of these changes and without having the backup documents it is hard to historically know what is original and what was changed and why.

Robert pointed out that during the time in question if Caroline was on the board, and when she stated in the affirmative, asked if she felt the board had acted outside the by-laws. She stated she remembered the board doing things that the board questioned whether they were done in the proper procedure. Robert stated that if the majority had voted against the changes they would not have gone forward. He asked if she was stating that the changes were not approved in accordance with the by-laws or the declaration. She stated it was hard to say specifically what was changed without the backup evidence and if they should stand. Robert stated the board would not have voted if the proper motion was not made and seconded, and if the board had voted nay then it would not have happened. That's what the documentation would show. Robert stated this took place at the annual homeowner's meeting. She stated a lot of homeowners do not feel things are being done above board by the homeowner's board.

Robert advised she has the opportunity now to make a motion or come up with a suggestion and we could move forward. Her suggestion would be that without proper back up documents, the revisions to the bylaws and such should go back to the original and if the board wants to make the changes then do it in the proper manner. Robert advised her to make a motion at the meeting to vote on now.

Motion made that the 2016 revision to the by-laws be undone, and for the board to discuss whether to make those revisions with proper backup documentation for the owners peace of mind.

Bob Carr stated he was secretary during the time in question and when he went out of office he was told that they could be recovered. His computers are inoperable but he will attempt to see if he can get them recovered. As well as having some paper documentation. Suggested tabling the motion until he sees if anything is recoverable.

Robert asked Caroline what specifically are the issues that owners have trouble with. She stated there is no original available to see what has been changed. Just that on-line it states there were revisions made. Doesn't add up.

Robert stated when each person purchases they are provided with the documents and if not, then it is the fault of the title company. These are recorded documents and can be obtained through the state website. The originals can be obtained. Caroline advised the declaration is recorded but cannot find the by-laws. She requested Robert post a copy of the old by-laws on the web.

Anthony Wiles advised that the audio could be accessed/recovered but the transcription would cost \$35,000. The board had looked into this. Robert advised he will get the original documents (by-laws) to Daphne, the Webmaster, to get them scanned into the website.

(Caroline dropped out and back on in approx. 4 minutes).

Anthony advised in reference the by-laws posted on the website, that he has the original ones sent to him in 2013, and they end with Jeff Ballek's signature. The first five pages of the by-laws from 2013 and what is currently on the website are identical. Everything below Ballek's signature, is what was changed/added and adopted by Mike Thomas' signature in 2016. They correspond with the ones on the web. The only change is the fines and violations portion of the by-laws.

Robert pointed out that the Rules for a Proper Property Environment section is the portion changed in 2016. Caroline stated that if the backup documents are not available then they should be removed, and redone, so there is historical backup. Mike suggested the board come together for a discussion and vote: to recertify them. Caroline stated that the by-laws state that to make changes the homeowners need to be notified, so it would be a matter of notifying them.

Robert called for a vote on the motion for the board to go back and recertify. Anthony suggested it might be necessary for the board to listen to the entire audio

Restated motion: To have board review the revisions of the by-laws and to recertify them in accordance past records (to listen to the recordings). Motion passed unanimously.

Board Contact with Tenants:

Robert stated it is the board's practice not to contact tenants directly. It is the owner's responsibility to insure the tenants are doing things properly.

Caroline advised in July her tenant informed her they had certain things posted on their door from the board. Tenant didn't keep it and she wasn't familiar with it. That someone from the board had direct contact with them and advised they couldn't rinse off their lawnmower. This was before the board meeting where it was discussed whether cars could be washed. She is concerned about the contact without her knowledge.

Caroline motioned that unless an emergency or something requires immediate attention, she wants the board to contact the owners and not have contact with their tenants, unless they have permission to do so.

Robert advised it is not the board's job to police tenants. Board is not the condominium police. If a board member does advise a tenant that something is against the by-laws without identifying themselves as a board member is that okay to do? She agreed that is okay.

Bob Carr against the motion because who clarifies what is an emergency.

Question brought forth if it is always necessary to contact the owner? Outside painting, snow removal, etc.?

Susan stated it should be a case-by-case basis.

Motion made that the board cannot contact the tenant directly unless emergency. Cannot post on doors without owner's permission. Motion passed with two nays, four ayes.

Privacy Slats:

Caroline wants board to advise where the fence slats can be purchased since the board has made it a requirement. She cannot find the correct color in the area. Wants to know if the board has confirmed if they are available. Susan advised the people who put the slats in her fence put them in after she advised they had to be installed.

Caroline has had trouble finding the slats; that is why she has put it back to the board. Robert advised it is in the Declaration that the fencing slats would be installed and the board has not changed that requirement.

Robert gave her the number for a fencing company in Fairbanks, as he has to have them installed on his property.

Certification:

Robert advised still trying to get the association recertified. Susan has worked on this and gave Dwayne the paperwork to review but he has not returned it yet. She will pull it up again and forward to Robert for review.

Robert advised probably won't get recertified because we are not over 50% owner occupied. There is a cut off for eligibility and we are probably out of that cut off. But board still working on it.

Annual Meetings:

Move the annual meetings to second Tuesday in October. Had been moved to later in the year, but that doesn't seem to be working.

Section 1.6 of Declaration states by-laws can be changed from time to time with majority of the quorum in attendance.

Article 17 of the Declaration: Amendments to Bylaws: Following Notice and Comment to all Unit Owners, the Bylaws may be amended by vote of two-thirds (2/3) of the members of the Executive Board at any meeting duly called for such purpose.

Change tabled until new board can send notification of the proposed change to owners and then new board will vote on the proposal.

Nominations:

Seat B – 2year term*

Seat C – 2year term *

**secretary's note while transcribing: these are both 3year terms*

Bob Carr nominated Daphne Hofschulte for Seat C

Robert Carr nominated Anthony Wiles for Seat B

Mike Thomas nominated Caroline Mau for Seat B

Susan Dupont nominates Dwayne Hofschulte for Seat B

Caroline accepts nomination. Anthony had accepted earlier via telephone conversation with Robert. Daphne had accepted via text to Robert.

Nominations closed

Robert Carr states nominations: Anthony for B, Daphne for C, Caroline for B, and Dwayne for B

Discussion over who is running for what, if Daphne is eligible (confirmed later by Susan via FNSB Property database that she is listed as co-owner)

Nominations restated by Robert Carr

Robert reads email send to him by Hofschulte that he wishes to withdraw from the board.

Susan withdrew Dwayne Hofschulte's nomination due to email read by Robert Carr

Nominations restated by Robert Carr excluding Dwayne Hofschulte's nomination

Discussion begins over only three people running for two seats.

Motion made that the three names nominated should just be placed on a ballot and the two with the most votes will fill the two vacant seats.

Vote called for on whether the two people with the most votes should fill the two vacant seats.

Caroline, Anthony, Mike all vote AYE

Bob, Susan, Robert all vote NAY

Motion does not carry

Robert Carr made motion to table the ballot until the recordings can be listened to. All present (Caroline has dropped off phone call) vote affirmative. Motion carries.

Mike Thomas thanks Dwayne Hofschulte for all his work over the years as a board member. All concur.

Meeting adjourned at 8:11 pm.