

**Twin Creeks III & Twin Creeks III Extended
Homeowners Association
Board of Directors Minutes**

July 29, 2008

Attendees: Board: Christina Wertz, Harry Ashbaugh, Matt Gabrielson and Paul Fredette

Meeting Called to Order

Secretary Report

Minutes approved as posted on the website. Paul made a motion to approve, Harry second.

Treasurer Report

- \$50,473.18 bank balance as of EOM June 2008 (CD balance is \$5121.34). Review of budget still has us projecting a \$2500 shortage.
- Christina made a motion to approve, Matt second. Approved

Committee Reports

- Beautification & ad-hoc fence –
 - Six of ten trees are dead at entry. Paul spoke to Steve Welsh at Southwoods for replacement trees to be planted in September when the weather cools. Trees need to be watered more for the first two summers. Discussion about to properly water the trees with a suggestion to have a plumber add a sprinkler zone or setup drip hose. Edging on the outside flower beds wasn't done right (edging did not include the light fixtures as planned). This will be looked into as well as the dead shrubberies on the right hand side of the entrance. Suggestion to extend water sprinkler times to 30 minutes 3 times per week and Matt will check on it.
 - Reopen discussion about staining and cleaning fence. Mention of using the \$2500 that was previously budgeted for the 2008 Fence CD. Board chose to discuss options of the fence staining at the next meeting.
- Pool & social – Christina Wertz
 - Committee suggested a wish list
 - Labor Day Party will be held on August 30th 7:00 – 10:00. HOA to provide live band or DJ, and the hotdogs/buns. Attendees are asked to bring a dessert or side dish. Harry will talk to a Coney Island owner about catering. Budget \$650 max and increased the social committee budget to cover the shortage. Approved 5/0.
 - Cleanliness of pool was in question as was some of the behavior of the life guards. Recommend next year's pool contract include spot checks

- from management and by board with penalties attached.
 - Splash-In Theatre showed *Cars* and had over 75 attendees
 - Sun-visors arrived (see Christina for yours) and Christina will try to sell 100 surplus visors to Twin Creeks II
 - Matt made a motion to accept report, Renee second. Approved.
- Architectural & compliance –
 - City of Bixby replaced sign on 89th
 - Harry addressed alternate shingles inquiry from homeowner
 - Tamko shingles are required.
 - Harry to send a compliance letter to 9277 E 119th PI regarding trailer parked in driveway for extended periods (max 24 hrs allowed)
 - Rezoning of park and pool application has been requested by Harry and will be filled out.
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 - Report was Approved.
- Directory & welcome – Renee Mullikin
 - 6 new owners received Blockbuster cards, visors, and coozies
- Website & communications – Matt Gabrielson
 - Several updates

Existing Business

- 11957 S 92nd - Treasurer audited the legal bills for correct assessment and presented to the Board. The correct amount should have been \$1137.80 and the homeowner paid \$1481.00. A refund of \$343.20 will be paid to homeowner. Approved 4/0 (Matt Gabrielson abstained from the vote)
- Update on outstanding dues and action items were tabled until next month
- Look into Rezoning park and pool. Harry will get plat and see how it is currently zoned.
- Exterminator suggested not spraying for ants at pool
- Discussion about the recommendation of the Architectural Control Committee regarding 11937 S 89th driveway that is out of compliance with the HOA restrictive covenants. Reviewed the legal opinion with recommendations dated July 14th, 2008, from David K Wheeler of Butler & Wheeler (attached below). Board voted 4/0 (Christina Wertz abstained from the vote) to take the following action based on the legal recommendations:
 1. Denied the request from the AC committee recommending that the driveway extension be “grandfathered” and remove any previously filed lien. (based on page 3, paragraph 2, *“I do not believe that the association has the right to “grandfather” anything to the prejudice of any other homeowner in the subdivision”*)
 2. Send a letter written by Butler & Wheeler explaining issue & terms of resolution to both homeowners whose driveway extensions are out of compliance (11937 S 89th and 8817 E 119th) with a 30-day grace period. (based on page 2, paragraph 5, *“I do not see anything in the covenants that allows either the developer or the homeowners association to waive violations of covenants on behalf of every owner*

in the subdivision.” And page 3, paragraph 2, “Accordingly, anyone that relied upon the permission of the HOA to violate the covenants would be doing so at their own peril.”)

3. If the driveway(s) are not removed then the HOA will file a “Notice of Covenant Violation” that will need to be resolved prior to sale of the property. (based on page 3, paragraph 4, “*Such a filing might well be advisable...*”)
4. Investigate if a prior “lien” has been placed on 11937 S 89th and remove if improperly filed.

New Business

- Discussion on Randy’s email about the accuracy of the Board Minutes from March & April 2008. After review, the Minutes were deemed accurate and are already approved as they stand.
- Will invite the Neighborhood Watch group to annual meeting to discuss a Twin Creeks III & Twin Creeks III Extended implementation plan.

Next Meeting

September 10th at Renee’s house (11960 S 92nd E)

Motion / Accepted to Adjourn