

**MADWA BOARD MEETING**  
**Wednesday, November 7, 2018**

Present: Tom MacGibbon, President; Greg Gurewitz, Treasurer; Rosanne Miller, Secretary; Nicole Doeden, Account Manager, Omega Property Management; and association members Barbara Braaten, Bob Cavello, Shirley Dalgaard, and Dick Merrill

Location: Tom MacGibbon's home, 2355 Lehman Lane NE  
Tom MacGibbon called the meeting to order at 6:30 p.m.

**Homeowner Input**

An unsigned, undated letter from Carri Johnson was read by Shirley Dalgaard and given to the board. Topics included in the letter are:

- The board should ensure that, if the current caulk is not under warranty, caulk work would be warranted and performed by a competent, licensed and insured contractor.
- A substantial amount of insurance obligation could be transferred to homeowners.
- Conditions upon which a management company would not be needed.

Shirley Dalgaard addressed the Board with her following concerns:

- How to remove MADWA board members
- Dissatisfaction with the manner of notification that her property was in violation of MADWA Rules and Regulations, Architectural Requests & Exterior Restrictions, Section E, Subsection i regarding the prohibition of outside storage of personal property
- Feels it is unfair she is being singled out to comply with the Outside Storage of Personal Property regulation and other MADWA members are allowed to violate the policy regulating the length of time trash bins are allowed at curbside (Declaration, Article VII, Section 1, Subsection D; and Rules and Regulations Approved 2016, Architectural Requests & Exterior Restrictions, Section C)
- Wants to change the Rules and Regulations so that any rule changes go through the membership

Nicole Doeden stated that boards are elected by the membership to decide on matters for the membership. She has not seen the changing of bylaws to limit the power of a board. A change in Bylaws would be needed to do this.

A committee is a method for members to work on an issue and present findings to the board.

Tom MacGibbon indicated he has not heard a complaint regarding the trash bins but has heard complaints regarding outside storage of personal property. He indicated rules about trash cans will be enforced uniformly upon complaint.

A Declaration spells out the elements that an association manages. Rules and Regulations (R&Rs) must conform to the Declaration and Bylaws. Since our Declaration mentions trash cans, our R&Rs mention them.

An observation was made that when people purchase property in a homeowner association they are agreeing to comply with the HOA rules and regulations, bylaws, etc.

Barbara Braaten provided history behind the Rules and Regulations Approved in 2016. Cedar Management, MADWA's former management company, had said that prior R&Rs were legally out of date. The intent of the 2016 R&Rs was to be prepared for modern technology, e.g., satellite dishes and solar panels.

Shirley Dalgaard asked whether items in the Bylaws, specifically the existence of an architectural committee, are not being followed. Currently, board members comprise the architectural committee.

Barbara Braaten provided more history. In the early 2000's, the architectural committee evaluated the choice of flowers and treated the crabapple trees. Difficulties arose in:

- Reimbursing people who bought apple spray
- Determining the person to call the snow removal company when it snowed.

The association chose a management company to manage such issues.

Dick Merrill remembered helping Cedar Management draft the 2016 R&Rs. Rather than relying on "boiler plate" declarations, Dick said that an association considers its property and systems and crafts a declaration toward it. An instance when an association would draft a full, restated declaration would be to comply with new state law.

The sequence of changing documents would be first the Declaration, then Bylaws, then Rules and Regulations. Drafting a full, amended and restated Declaration or Bylaws is a thorough and expensive process. Our Declaration is 25 pages in length, the Bylaws are 18.

Nicole Doeden cautioned that, if there is an intention to investigate changing the governing documents, it would not be worthwhile to change wording for new R&Rs.

Tom supports having a rules committee made up of MADWA members to review rules for possible revision. Barbara Braaten will send an email to all homeowners that a committee will be formed to review the rules and ask for volunteers. A member of the Board will be on this committee.

The committee will be formed at the next Board meeting, January 10, 2019.

The committee will submit for the Board's review its suggested revisions by March 20, 2019. Proposed revisions must comply with the MADWA Declaration and Bylaws and all governing documents of Deacon's Walk Homeowners Association.

Home Owner Associations attract people who prefer the association to care for property but who want to own property. Our association has the authority to care for the view of the exterior of the property, including the color.

## **Approvals**

A motion was made to approve the Minutes of the September 18 meeting (1<sup>st</sup> – Greg Gurewitz, 2<sup>nd</sup> – Tom MacGibbon), which passed unanimously.

A motion was made to approve the Consent Agenda (1<sup>st</sup> – Rosanne Miller, 2<sup>nd</sup> – Greg Gurewitz), which passed unanimously.

## **Treasurer's Report**

Our 2019 assessment will be \$344/month, a 9.9% increase. Our monthly expenditures are greater than \$344; therefore, we are running a deficit. The transfer of insurance coverage to individual homeowners was discussed.

The Declaration (Article IX) requires association insurance. The benefits of association insurance are:

- Uniformity of repair
- Maintenance of the integrity of the homes during work by ensuring work crews are licensed, bonded and have experience performing quality work.

One account is delinquent. Greg will talk with the homeowner.

## **Caulk**

BAC and Construct-All have submitted bids. Nicole Doeden will call painters to examine the project and submit at least two other bids with per/home pricing.

Concurrently, the board will investigate a warranty for the caulk as a part of the siding installation.

## **Water Usage/Landscape Care**

Greg Gurewitz met with City personnel about the August water invoice of \$4,027.99. The City will remove a late fee. MADWA will pay the bill in 3 installments, beginning in November.

The amount of water on 2018 invoices was applied to our property. Since wires had not been properly connected to the controller, the meter reading was inaccurate for the entire season. Should inaccurate readings occur in the future, the City has Greg's contact information.

Nicole will obtain bids for new grounds care (to monitor irrigation, mow, plow snow, plant and trim shrubs, and fertilize and treat weeds). The optimal date to change companies would be April 15, 2019. The board seeks 3 references for potential vendors.

## **Budget 2019**

There was a motion to approve the 2019 budget (1<sup>st</sup> – Greg Gurewitz, 2<sup>nd</sup> – Rosanne Miller) which passed unanimously.

### **Reserve Plan**

A motion was made to approve the Reserve Study (1<sup>st</sup> – Greg Gurewitz, 2<sup>nd</sup> – Tom MacGibbon), which passed unanimously.

Reserve funds may be used for big projects such as tree removal and replacement.

### **Gutter Cleaning**

When creating a Property Management Plan, the Board will discuss cleaning of gutters.

### **Repair of the June 11, 2017 Hail Storm**

As reported in the Minutes of the September 10 meeting, American Family Insurance (AmFam) Coverage does not include coverage of damage caused by the contractor or related secondary damage.

*Interior repairs that resulted from the storm are between the contract signer and the contractor. Disputes are between the homeowner and the contractor.*

*If AmFam allocated money for Allstar to perform interior work and that work is unsatisfactory, then Allstar should remit the cost of corrective repairs to the homeowner. Allstar should not make the homeowner wait until it has received its final payment from MADWA.*

Although the color of the garage doors throughout the neighborhood is the same, the sheen differs. Nicole will ask Allstar which sheen was used on garage doors replaced during the storm repair. To have uniform appearance, the Board will investigate painting the remainder of the garage doors.

Tom MacGibbon will consult an attorney regarding MADWA's obligation to have Allstar continue its repair of fan vents in the attic. As reported in the October 8 Minutes, each home has three fan vents that exhaust air from the master bath, laundry room and powder room. Shingle nails have pushed fan vents away from the roofs.

Between October 31, and November 2, Structure Tech examined vents in 25 attics. Structure Tech identified twelve homes whose vents leak air significantly. Evidence of moisture was reported in 3 attics. Further, although Allstar attempted to secure fan vents in some homes, some vents continue to leak air.

A motion was made, seconded and passed unanimously that the association is not responsible for any related damage in homes whose attic fans are not inspected by Structure Tech. Nicole will send letters to inform homeowners who have not scheduled inspections.

### **Trees/Grounds**

A motion was made to approve 2019 tree care by YTS and Shermik Tree Farms. This motion passed unanimously.

YTS' proposal includes:

- Removing and stump grinding 3 ailing trees: 2 spruce trees and 1 crabapple
- Pruning 52 trees (Priority 1 pruning, i.e., to an acceptable distance from structures)
- Treating for Crabapple Scab, Japanese Beetles, Rhizophaera, and Spider Mites
- Treating for Emerald Ash Borer (a biennial treatment that is due in 2019)

Shermik Tree Farms will plant 4 trees: to replace one removed in 2016, one lost in 2017, and the 2 spruce trees mentioned above.

The Board has responsibility to maintain the property, including trees, which enhance the value of property. Trees should be removed only if dead, dying or a threat to people or structures. Nicole will draft wording about trees for use in a future Rules and Regulations.

At the annual meeting, Prairie Restorations presented information about the use of natural vegetation. This presentation was for future reference.

The Board approved a bid to repair the foundation of a home after the homeowner has installed gutters and downspouts.

Nicole will meet with a Nature's Care representative to evaluate the grading of its repair in a back yard. Board members may attend this meeting.

The Board approved repair to level the block walls facing Tournament Players Parkway. Bids for future replacement of these walls will be block, not rock.

### **Property Maintenance Plan**

The Board will create a Property Maintenance Plan. The State of Minnesota has enacted a law requiring every common interest property to have in place by January 1, 2019 a property maintenance plan.

Once the Property Maintenance Plans are made, associations must follow their direction.

### **Next Board Meeting**

The next Board Meeting will be January 10, 2019, tentatively 6:30 p.m. at City Hall.

### **Annual Meeting 2019**

The October 2019 meeting will be scheduled at City Hall. Date TBD.

The meeting ended at 10:30 p.m.