

**Third Special Meeting
Reflection Lane Homeowners Association
Minutes
27 July 2004
7:00 - 9:30 pm**



Location: Bailey residence (8982 Reflection Ln)

Attendees:

Dave & Kaye Kimbrell

Stacy Poyzer

Toni & Lisa DuGal

Steve & Margaret Marlatt

John & Peggy Green

Chris & Kim Bailey

Calvin & Elizabeth McDonald

Todd & Shelly Henry

Notes:

Lots not represented (in person) at the meeting: 40B (Hayhurst)

Proxy Votes: Lot 40B gave written voting permission to Dave & Kaye Kimbrell.
(document on file)

Lots not eligible to vote due to delinquent annual dues: None

PREMEETING ACTIVITY

Kim and Calvin met 30 minutes prior to the 7:00pm start time to discuss the property boundary issue. The plat map was studied as well as several of the lot legal descriptions. The goal was to get to the bottom of the confusion concerning the actual width of the roadway property and pertaining easements, etc - the basic question being who owns the roughly 17 foot strips of land on both sides of the pavement. This was accomplished and the basic question of misunderstanding was identified. Kim took an AR to connect Skinner Land Survey Company and resolve the fundamental uncertainty.

If the roadway is 60 feet wide and owned by the HOA, then we will simply need to amend the CC&R's to include wording that describes the conditions of landscaping in that area by each homeowner. If it is narrower than 60 feet and made a 60 foot via an easement, we'll need to abandon the easement across the private property of each homeowner then they will be free to landscape as they wish – according to the existing requirements of the CC&R's. The resolution will be presented at our next meeting and we will move forward from there.

PROCEEDINGS

Kim opened the meeting with a discussion about the pond and pumping system. It was reported that Burgess, when they came to install the pressure sustaining valve, discover that

the 3hp pump was burned out. Included in the cost of the service call they included an investigation of the problem and promised a report of findings and a proposal quote to correct them. Kim reviewed the Burgess quote (pump \$875, new controller board \$1003). The small 3hp pump is burned out. It is original and no longer under warranty. They also claim the controller board for this pump is of the wrong type and are recommending a new one that will be easier on the pump and the power bill.

Burgess recommends a service agreement for the yearly service check. The group had a discussion about deficiencies of the system. There are several categories of problems: 1. System not designed/installed properly. 2. Pond weeds/algae and water level. 3. Effectiveness of gaining water from the canal.

Some of the proposed solutions included: A pond sprinkler, adding a screen on the intake, digging the pond edges deeper to keep sunlight off the bottom, adding chemicals (organic) for algae control, purchasing the upgrades proposed by Burgess, digging a shallow well and pumping it into the pond.

There was a discussion about recourse against Porter for the deficiencies of the system (since it was new). Kim reviewed the CC&Rs which clearly state the developer is not responsible for the suitability of irrigation system. Porter and Mills are not responsible for any corrections to the system if it needs any due to improper design or installation. It was concluded that legally pursuing financial assistance to correct the system from Porter/Mills was not a good idea. It was also pointed out that the lack of a maintenance program on the HOA's part is certainly a contributor in the systems problems.

Kim recommended sending a demand letter to Porter to correct the system but later changed her mind. She pointed out that fighting it in court will cost more than fixing the problems. It was felt that contacting Porter on a friendly basis and seeing if he's willing to correct problems was the best method. Kim took the assignment to contact him. If he declines, we will drop pursuing assistance from him.

There was a discussion about why certain things weren't done in the past. This quickly ended when it was mentioned that we couldn't change the past. The discussion moved forward on current problems.

Kim reported that there needs to be a document drafted and approved to define the irrigation maintenance program. Kim pointed out a need to develop a pool of money to cover long term maintenance. She lobbied for a money pool and the power of the Board to use it without an association vote for smaller purchases. Most if not all agreed.

Kim pointed out that there is a responsibility to vote for funds, even if homeowners are having financial hardship.

Toni reported that our water rights can come from the closest ditch. Water rights are tied to the land.

There was a discussion about water rights not being associated with the pond. Toni reported her discussion with Jack (Ditch-rider) and he reported that the dredging of the canal is not a frequent event and can't go any deeper. Jack said that all the HOA members getting their water rights from the canal into the pond is OK. Bailey's have an issue with this because there isn't an easement for the members to get their water across their property. Bailey's reported there is no easement for the pond on their property either. Some were concerned about this as it doesn't protect their water source. The only written easement for the irrigation system on the Bailey property (lot 42B) is a 15' path east of the fence toward the pump house. It's not even wide enough to include the pump house. This appears to be an error in the original legal description. It is unclear the intent of the original easement to the irrigation pump house.

Bailey's requested that homeowners or any service persons contact them before entering their property. This brought up the topic of how homeowners were to restart the system when the power went off. There was a proposal to have the system upgrade to restart itself or to have a start button installed someplace near the fence so the system could be restarted with entering Bailey's property. This also led to the idea of just keeping the pump house locked and giving the key to Burgess or other service companies so they know that no one has been in there messing around, vandals or homeowners. There was no resolution reached in the meeting other than Bailey's don't want unannounced trespassers.

It was suggested that we get another bid for the pump work, other than Burgess. There was no assignment given or taken to do this.

Kim next presented 3 bids for maintenance programs for the pond. A fourth bid is forthcoming. She and Chris are still gathering data on content of maintenance programs. Kim reported the need for aeration, pumping and chemical plan for the pond. The quotes in general are for a Weir (shallow well) and initial water quality treatments to start an ongoing water treatment plan as well as weed control.

One option not investigated in any depth yet is digging the pond deeper around the edges so the sun can't hit the bottom. This will be looked into further as Chris and Kim continue to refine the quotes and content. There was concern that weeds/algae/silt are getting into the pump. A CleanScreen was talked about. More information will be obtained about need for one in our system.

Kim line-item reviewed the 3 quotes and each was circulated around the room. It was decided to not include or distribute these quotes as they need clarification and revisited by the service provider before they would be useful.

Kim reported that if a Weir were installed, the pump would be turned off in the winter months.

Todd proposed that it might be cheaper to drop the whole pond irrigation methodology and drill an association well. This idea, even though it has some merit, was dropped as there didn't

seem to be a good place to put it (HOA owned land) and the cost incurred to clean up the pond project.

Concern was expressed about the division of responsibility between the pond and the lot owner – specifically on the subject of maintaining the water level. This is a key issue because the division is not clear in the minds of the association’s members and is not consistent from member to member. This is the key to the controversy about the irrigation system in general. Some feel that Bailey’s are asking for the HOA to assist in funding strictly cosmetic issues that should be their responsibility while others think that the HOA has been deficient in their obligation to maintain the pond, inflicting a cosmetic problem on Bailey’s. During the meeting this was cleared up considerably, but is not completely resolved.

It is most every homeowner’s belief that the HOA has been negligent in maintaining the system as a whole since we incorporated. It was pointed out that the high initial costs to get the system back in good working order will be high due to lack of maintenance in the past - this in response to the sticker-shock of the 3 quotes that were reviewed.

Several times during the meeting discussions broke out about issues/solutions with duck weed, fish, windmill aeration systems, etc. Bailey’s, who are pursuing service providers for quotes noted ideas and will study these as they work with these providers. It was suggested that we need to contact Burgess about doing the Weir.

During the last few minutes of the meeting we had a short discussion about insurance. In a previous meeting the HOA had approved the spending of funds to purchase liability insurance. Kim suggested that we don’t need any. Reason: we have nothing to protect. Margaret suggested that we need insurance to protect against vandalism and to cover our irrigation system. There was concurrence that there may be a need for another type of insurance (casualty/hazard?) to cover the HOA’s assets. It was concluded that we need to look into this further. No formal assignment was given or taken. We need to explore this in the future.

ASSIGNMENTS TAKEN

Kim Bailey: Talk to Porter
Continue getting pond maintenance bids
Contact Skinner Land Survey

Todd: Find out about info on ponds from his contacts