

CLWII Homeowners Association, Inc.

Meeting Minutes, March 7, 2011

Directors in Attendance: K. Brown, L. Lee, M. Ritchie, E. Ruegg, C. Weber

H/O in attendance: Approx. 22

Meeting held at Barretts Elementary School

Meeting called to order at 7:05 p.m. and adjourned at 8:25 p.m.

1. Trustees/Directors thanked Keith Brown for providing the projector. This saved CLW II about \$175 ± including the school providing the screen.

2. Proof of Notice of Meeting

3. Reading of minutes of preceding meeting (March, 2010).

Lynn Lee read the minutes of the 2010 corporate meeting. Minutes were accepted and approved.

4. Reports of Officers:

Introduction of Directors/Trustees included Eric Ruegg, President; Mike Ritchie, Treasurer; Carol Weber, Secretary; Keith Brown, 1st Vice President; Lynn Lee, 2nd Vice President.

-Residents who made a difference in 2009 included

- § Karen Paszek, Easter Egg Hunt
- § Nancy Pound, Tennis lessons & 7/4 mixed doubles exhibition
- § Don Dippold, Tennis Courts & 7/4 mixed doubles exhibition
- § Carol Weber, *Country Times* newsletters
- § Lynn Lee, Clubhouse Rentals
- § Keith Brown, Webmaster

2010 Updates

- § Added 20 cu. yd. of mulch to picnic area, provided free by Hanson's Tree Service-Channel A work.
- § Mowing costs were \$14,730
- § Tree removal costs were \$6,645
- § St. Louis Country required re-inspection of all pools costing \$250
- § Kitchen was remodeled with new cabinets, appliances, lights, floor
- § Banquet room remodeled with new floor, lights, baseboard & fan
- § Reused old refrigerator and counter from kitchen for pool patrons
- § Multi-color camera security system with DVR installed

§ -Financial Update-a financial overview was given by Treasurer, Mike Ritchie. He reviewed CLWII's income and expenses and detailed the financial management and the budget processes for the upcoming year.

§ Account Balances:

Account	Balance 12/31/09	Balance 12/31/10
Checking	\$ 33,919	\$ 36,143
Money Market	37,061	139,103
<u>Cert. of Deposit</u>	<u>101,217</u>	<u>0.00</u>
Total	\$172,197	\$175,246

§ Income-Expense Summary

	2010 Budget	2010 Actual	2011 Budget
Total Operating Income	\$141,360	\$140,045	\$135,640
<u>Interest Income</u>	<u>\$ 2,500</u>	<u>\$ 852</u>	<u>\$ 1,500</u>
Total Income	\$143,860	\$140,897	\$138,140
Total Expenses	\$141,895	\$137,738	\$136,970

Complete the following 2011 Projects

Complete Clubhouse interior renovation-budgeted at \$2,500

Issue pool management RFPs for 2012-2014-3 bid minimum

Issue lawn mowing RFPs for 2012-2014-3 bid minimum

Manage Expenses to Meet Income

5. Reports of Committees:

§ Architectural Control Committee—Joel Kray, Chairperson, thanked all the members of the ACC for their hours spent in reviewing and approving homeowner remodeling and replacement requests. Members include Karen Kenny, Eric Nestel, Mary Dippold, and Kathy Rayfield. 27 applications were submitted in 2010 vs. 37 in 2009. Letters written to homeowners regarding, mailbox posts, fence height, fences backing to Big Bend, & non-compliant colors on cedar terrace homes. Photo updates to be done in spring. Also offered reminder to contact ACC prior to any outside work is done

6. Election of Directors

§ Eric Ruegg was elected a trustee & director serving until 1/13

§ Mike Ritchie was elected a trustee & director serving until 1/13

§ Carol Weber was elected a trustee & director serving until 1/13

7. Unfinished/New Business:

- § Clubhouse refurbishment,-foyer tiling approx. cost \$2,500 (project in 2011 assessment)
- § Channel A-Completed 12/10, Review of new tree survival, Spring 2011, Trustees attended a follow-up meeting with the City on 3/2/11, Issue with rock specs, replacement will be done ending 6/11.
- § Channel B-Ameren Missouri has removed all electric cables from the creek bed as of 1/11 at the request of the Trustees; 2/22/11-Introduction of Bill directing City staff to prioritize all storm water projects. This will probably be defeated. Priorities already established in via study in 2005.
- § 2010 Lawsuit update-2006 a lawsuit filed by 4 residents and later enjoined by 12 others against the Trustees and Directors of CLW II

Results of the lawsuit

- § The court ruled that indentures are attached to the land and cannot be superseded by corporate bylaws
- § Our corporate bylaws were adopted in 2005 and ratified by the homeowners by a vote in 2009. These are the governing bylaws of our Homeowners Association
- § The elections held by the plaintiffs to remove the Trustees and Directors were declared invalid
- § The court ruled that indentures are attached to the land and cannot be superseded by corporate bylaws
- § Our corporate bylaws were adopted in 2005 and ratified by the homeowners by a vote in 2009. These are the governing bylaws of our Homeowners Association
- § The elections held by the plaintiffs to remove the Trustees and Directors were declared invalid
- § The court ruled that the duly elected Trustees and Directors of CLWII were Eric Ruegg, Keith Brown, Lynn Lee, Mike Ritchie and Carol Weber
- § Court costs were assessed against the plaintiffs

Plaintiffs file a motion

- § July 2010 Plaintiffs file a motion for a new trial and to reconsider the previous judgment
- § The court denies the motion

Appeal by Plaintiffs

- § Plaintiffs file a notice with the court that they plan to appeal the case
- § An appeal has been filed with the appellate court

Small Claims Court

- § On Dec. 30 resident, John Osthus filed a small claim's case claiming that he had to unlawfully pay assessments in excess of \$250 for the years 2007, 2008, 2009 and 2010. He also claimed that indenture amendments were not correctly passed and the value of his house had decreased by the new restrictions.
- § The case was heard on Feb 2, 2011. The subdivision attorney filed two motions to dismiss and a counter claim for "abuse of process".

§ The court upheld the motions to dismiss and awarded CLW II HOA \$500 in the counterclaim

John Osthus has requested a "Trial De Novo," an appeal in small claims court

8. Homeowner Comments & Adjourn:

-After each subject in agenda, there was a question/answer period for homeowners.

Meeting adjourned 8:25 p.m.