

MINUTES OF THE OAK CREEK HOA BOD MTG. JANUARY 17, 2023

Location: Davis' house

Attendees: Bill Davis, Mitch Kolenovsky, Katy Anderson, Wendy Parker, Warren Nossaman

Call to Order: Bill Davis

New Board Members were welcomed by Bill Davis

Election of Officers: The floor was opened for nominations. Bill Davis had volunteered to remain President and Mitch Kolenovsky had volunteered to serve another term as Secretary. Mitch Kolenovsky moved that Bill Davis be elected President and the motion was seconded by Warren Nossaman. Motion passed unanimously. Katy Anderson then moved that Mitch Kolenovsky be elected as Secretary, and the motion was seconded by Wendy Parker. Motion passed unanimously.

Warren Nossaman made a motion that the minutes from the last meeting (Annual Meeting) be approved. Motion was seconded by Wendy Parker and the motion passed unanimously.

Mitch Kolenovsky presented the Financial Report from December 2022. He noted that some, but not all of the dues for 2023 were reflected in the report. Dues are not due until January 31. Mitch Kolenovsky moved that the report be approved, and Wendy Parker seconded. The motion passed unanimously.

Warren Nossaman brought up a suggestion that the POA look into establishing a Money Market account in which to place our Emergency Reserve Funds in. They are now in a simple savings account. Warren Nossaman pointed out that the interest rates on Money Market Funds has gone back up recently and the added revenue from interest would be beneficial to the POA. He did not suggest a particular fund nor institution in which to place the funds, rather suggested that it be something we research. Everyone agreed that this was a good idea. Warren Nossaman and Bill Davis were asked if they would research different funds and recommend to the full board which Money Market Fund would be best. They both agreed to do so.

OLD BUSINESS:

Bill Davis gave the following reports:

1. He is looking into the possibility of the city taking responsibility for the cleaning out and future maintenance of the overflow channel running from the lake to the creek. The inflow to our lake comes from runoff water from property outside of our subdivision and the city engineered the drainage plan. Bill Davis will keep the board updated.
2. The perimeter fencing is a concern. He has contacted those property owners that have yet to erect a fence keeping in line with the covenants and those who have installed a gate within the perimeter fencing and let them know that they need to bring their property within covenant directives.

3. The pier at the lake has been brought into compliance with our insurance directives and a “No Swimming” sign at the lake has been installed. Bill Davis made the updates to the pier himself to save the POA money.
4. Bill Davis has contacted the city’s Code Compliance Officer concerning the lack of sidewalks in front of some of the homes. Sidewalks are not mentioned in our covenants, therefore enforcement of the city codes concerning their requirements will be left to the city.
5. Three POA members own lots that have been combined. Article IV of the Covenants states that when two or more lots are combined into one building site, the owner of the lots remain responsible for paying dues and assessments on all lots as if they had not been combined. This has not been enforced in the past by the previous POA directors. Katy Anderson made the motion that we strictly enforce this covenant and Wendy Parker seconded the motion. Bill Davis shared that of the three members who own combined lots, one has already paid their entire annual dues, one has not paid for either lot, and the third has paid for only for one lot. A vote was taken and the board unanimously passed the motion to enforce Article IV of the Covenants. Bill Davis said that he would address with owners all unpaid dues.
6. There was discussion concerning members keeping an RV parked at their residence in open view. Steps to enforce the covenants need to be taken, but there is a question about how to do so. The matter was tabled until some research can be done regarding violations and the method(s) that the POA will use to enforce violations, including fines and their amounts.
7. Bill Davis shared that the well pump located in the lake area and owned by the POA recently had to have repairs made. He contacted the DeHarde Water Well Service and they came out and made the repairs. He has not received the bill as of this time, but two capacitors in the control box had to be replaced. This is the well pump used to maintain proper water height in the lake.

NEW BUSINESS:

Several rules of the POA were adopted and will be emailed to all members. These rules will also be posted on the POA website.

1. Warren Nossaman made the following motion dealing with use of the common areas and it was seconded by Katy Anderson:

Be it moved that the Board of Directors hereby adopt the following rules to be effective immediately and applicable to all members of the Association:

1. The common areas, generally referred to as the Lake and the Park, are for the sole use of the Membership, their families and invited guests.
2. Invited guests using the common areas and unaccompanied by a Member shall have in their immediate possession a currently dated note signed by an adult Member giving permission to use the facilities.
3. Access to the park and lake shall be made only through the access area which includes the sidewalk and walkway. No access to the park or lake is allowed through

the private property (yards) of members without the member owners expressed consent.

4. Fishing is allowed only from the pier and adjoining common areas. No fishing is allowed from the privately owned property which make up the banks of the lake without the expressed consent of the property owner/member. (ie: Fishing is allowed only from the common areas around the Lake without consent of property owners. Do NOT trespass!)
5. No swimming is allowed in the lake, overflow channel, or creek at any time.

The motion passed unanimously.

2. Katy Anderson made the following motion dealing with members, other than Board members, contacting attorneys, CPA's, or other professionals on behalf of the POA and Wendy Parker seconded it:

Be it moved that the Board of Directors hereby adopt the following rules to be effective immediately and applicable to all members of the Association:

1. The only persons authorized to communicate with, enter into any agreement with, and/or to authorize work to be done on behalf of the association with regards to Association related business shall be the duly elected Board of Directors serving at the time of said communications, agreements, or work authorization.
2. Any member of the Association may contact the Association's Attorney(s), Certified Public Accountant(s) and/or their staffs for personal counsel or assistance, however the individual member shall be solely responsible for any professional fees incurred.
3. The Association will not be responsible for any professional fees nor work incurred at the request of any member other than those duly elected and serving as members of the Board of Directors.
4. Any member of the Association having a question for or concerning the Association's retained attorney(s), Certified Public Accountant(s) and/or their staffs should bring said question(s) to the attention of the Board of Directors, preferably in writing, and the Board of Directors shall decide if said question(s) warrant a billable contact with those professionally retained. Any member who contacts an Association retained attorney(s) or Certified Public Accountant(s) will be solely liable for the costs incurred.
5. In the event any business bills the Association directly for services or product ordered by a non-authorized member of the Association, the Association will have the right to bill the member for all charges made incurred on behalf of the unauthorized agreement. Said billing shall be payable to the Association within thirty days.

The motion passed unanimously.

Mitch Kolenovsky shared that we had received several bills from our Attorneys and that currently they are showing that all bills are paid and we have a zero balance in our escrow account. There was discussion concerning adding another \$1,000 into the account for any future needs. Bill Davis shared that he had talked to Hunter Hewell and Hunter wanted us to understand that their firm does not do litigation. Mitch Kolenovsky shared that he is not sure

that the zero balance in the escrow account is correct, because there seem to be discrepancies in the billing. The board members were in agreement in requesting Mitch Kolenovsky to further investigate the billing and if we are at a zero balance, or close to it, that Bill Davis be authorized to deposit \$1,000 into the escrow account.

There being no other business, Wendy Parker moved that the meeting be adjourned. Warren Nossaman seconded the motion and it passed unanimously. Meeting was adjourned.

Signed by:

Mitch Kolenovsky

Secretary