

Minutes

Lake Marcel Board Meeting-Virtual Meeting via MS Team Chats Audio/Video

August 9, 2022, 7:00 PM

Board members present: **George Petrov (Treasurer), Michael McClary (Secretary), Rick DeBlock**

Board members absent: **JW Gorman (President), Paul Gibian (Vice President)**

Office manager: **Julie Braun**

Community members present: **Karen Giluck, Carol Luft, Laurell Ramirez, Dale Keltner, Butch Varga, Peter Templin, Doug Lapchis**

1. Call Meeting to Order
by **George Petrov, Treasurer at 7:09 PM.**
2. Rules of Order THE CHAIR PRESENTS RULES OF ORDER FOR THE MEETING —OR ALL AGREE THE RULES ARE KNOWN AND UNDERSTOOD.
3. Approve July 12th, 2022, Board Meeting Minutes
Motion to approve minutes as presented: Rick DeBlock
Seconded: Michael M.
No discussion. Voted, passes
4. Community Member Comments
THIS IS A PLACE HOLDER FOR MEMBER COMMENTS. WE WELCOME YOUR COMMENTS. NO MINUTES FOR THESE ITEMS WILL BE RECORDED. LMCC MEMBERS WHO WISH TO HAVE THEIR COMMENTS ON FILE WITH THE OFFICE, ARE INVITED TO SUBMIT A WRITTEN COPY OF THEIR COMMENTS TO BE KEPT ON FILE AT THE OFFICE.
*****RICK D – OUR INSURANCE COVERS OUR VOLUNTEERS WHILE THEY ARE WORKING FOR THE CLUB. REQUESTS MENTION IN MINUTES AND IN NEWSLETTER**
5. Treasurer's Report - George Petrov
Revise agenda – after treasurer's report we'll do action items and committee report first. George P. make a motion that we move the action items earlier in the agenda, following the treasurer's report and before the committee reports. MM seconded. No discussion. Voted – passes.

Treasurer's Report: **George P presented the same usual reports. Balance sheet: more in the bank this year than the prior year. Profit & Loss: we've gotten more in annual dues and fees. Julie has been reaching out to members and trying to collect owed dues. We've offered a few members payment plans. We've also had some pay off dues large balances and release some liens. Expense: we are in line with prior year. Budget vs. Actuals: Unapplied cash payment income item exists because our financial year runs from January through December, but we start collecting dues in December. Some dues come in in December. This is a glitch in the reporting and we do have those funds in the accounts. George will check to see what the high Office Expense amount is. Julie B. commented it is probably the new laptop. George will check on this. July 4th Entertainment \$ was approved in separate votes to reallocate some from production to entertainment. Overall it is far under the overall amount budgeted. Expenses by Vendor: insurance is higher than last year, CBS is higher, reimbursements, landscaping is here, not specified amount is partly the handyman payroll. No questions.**

Action items presented now:

6. Action Items:

- i. 576. Combine lots 1-96, 1-97 & 1-98 into tract C, B, or A – **Need lead volunteer**
***** Laurell R. will write up a blurb for Julie to get volunteers. – will put in the newsletter**
- ii. 585. Reserve Study - Peter Templin
Peter - Onsite visit scheduled for 8/24. Laurell and Peter will attend with Jeff Samdal at 9 AM. He'll make an inspection and produce a report
- iii. 610. LMCC Record Retention Policy – Need lead volunteer
Rick D. suggested that Governing Docs would like to take a stab at that. Volunteering the committee. Rick D. will lead.
- iv. 612. Warped Dock Boards – Butch Varga
Butch – we got the lumber and have worked 11 days from 2 to 10 people helping. Thanks volunteers. People worked very hard. Just a few minor things need to be finished like the bench and a couple of boards that we need to fix. Next we'll do the swim platform. We're looking at the weather but don't want to do it in 90 degree heat. Our goal is to finish in 2 days. A lot of people worked very very hard. Don't have to worry about it decaying. 50 year warranty on the new material.
- v. 613. Dam Compliance – Peter Templin
***** Peter – there will be a notice in the newsletter that LMCC needs a project leader to help with the dam outlet.**
- vi. 614. HOA Dues Payment Methods for 2023 – George Petrov
George – received some feedback from the community regarding PayPal and fees, we are retiring PayPal as an online payment method. George and Julie have been in contact with treasurers in the area from HOA clubs and there are not a lot of great options. There are electronic payments with credit cards but they typically charge fees which will eat into our amounts or we would have to increase fees. There is the option of using Zelle, which is essentially free for electronic payments from bank account to bank account. The challenge will be to have a uniform set of instructions. This is our number 1 option. A few others that we're investigating have fees. That's where we are now. Rick D. mentioned organization CondoLaw and they have weekly Q&A and some have talked on this topic. He will try to go back and collect information on that.
- vii. 615. Audit – Peter Templin
**Peter – table went out to board members. 4 firms were contacted. We've received 2 proposals. Van Dow and Lori Maust. They are similar. No BBB information. Would ask for approval for Vandal. Response was impressive and fee lower and they have offered to prepare the tax return. Because of the time frame, would like to go ahead with the Van Dowe
Rick D – comparable but neither includes as much as he was expecting. Dale, do you feel these are covering all of the things you've talked about? Is this covering our procedures and all the aspects that I thought we'd be covering. Looking for more input.
Dale – documents are dry. Peter and I have reviewed. Van Dow is also interested in our taxes. That streamlines their process for doing it again.**

Julie – CBS just completed our 2021 taxes for \$675 fee. That would be included in Van Dow's fee of \$2600.

George – if we go with Vandal, we will need to let CBS know that Van Dow is preparing taxes.

Rick – I think this audit will be beneficial for us.

Rick – would like to move that we approve Vandal as our auditing CPA firm and begin the process. MM seconded. Any discussion?

Butch – question – can someone give brief 1 sentence summary of what our goal is with the audit.

Peter – audit the financial statements of 2021, future major repairs, comparing information with accounting and statements themselves. An authorized person will sign the engagement letter and return to the firm and no payment until they provide a draft report. Then payment accepted.

Butch – so, review the numbers in our financial statements and then review the procedures.

Peter – it's not as specific in regard to the procedures. My hope is they will be included.

MM – it's a requirement so we can have the checks and balances and make sure we're doing things properly.

George – we can forego it if the membership votes to. That's why we haven't done one in a while. This year, the election has not been made. We are required to do the audit.

Rick – annual unless the membership foregoes it. We did not do it for 2021. Board feels it we need to do it periodically.

Laurell – it is the HOA act that requires it. We did vote to waive it in 2021 at the annual meeting.

Rick – the vote didn't specify which year to waive it for – 2020 and 2021, so with that reasoning we decided to do it for 2021. In the future, we will specify which year if we decided to waive it.

Doug – there are probably some issues in the process and that's why we want to move forward.

Dale – financial learning opportunity. We are not a small organization.

George - If no more comments – we can call for a vote.

Close the discussion. All those in favor of Rick's motion. Rick – yes, MM – yes, George abstained. Passes.

7. Committee Reports-

Lake and Dam – JW Gorman (absent)

Peter – Lake Stewardship 2021 report is on the website and Julie will put in newsletter. Peter gave a brief summary. May be an opportunity to get more signage so people will know if there is toxic algae. Milfoil can be as early as 8/14. Will make the date available to everyone. Notices will be placed on the docks. Notices were sent to entire community and to those downstream.

*****Doug – notice says doing this to eradicate milfoil. I don't think we should say that. This is an illusion because some will be missed. (DONE **Julie – change to "attempt to eradicate" in upcoming newsletter article)**

Community Relations – Rick DeBlock

i. Complaints and Violations

Rick – swimmer's itch in the lake. Julie put in e-news.

Drivers speeding on 106th street. Suggested we request a KC electronic speed monitoring sign. Should board make this request or should we have the member do it.

Rick DB – make a motion the CR committee be authorized to request a KC supplied radar speed trailer to be placed in front of lot 1-016 and placed there and the member

be the sponsor for it as long as there is no cost to the member or the club. MM seconded. Voted passes.

Rick – people feeding deer and wildlife, attracting predators and parasites. Would like to ask this member to write an article or appeal to community for newsletter. GP – don't think we need to vote on that. Go ahead.

Neighbor dumped RV gray and black holding tanks on driveway. Letter was approved, drafted and sent out. We didn't hear anything back.

RD -Logging operation on Fay Rd. has apparent approvals and nothing the board can do to improve the situation. Make a motion that having researched our options that the board take no further action on this at this time. GP – not in favor of limiting the board. If new information comes up, we would have to make a motion to resume. Should be in minutes but not a motion to stop the board if there are other options out there.

RDB Motion: I make a motion that having come up with no viable options, the board take no further action on this matter at this time. If we later become aware of options, we can discuss those at that time.

MM seconded.

GP – there are only 3 board members so it is important that we all 3 join in. I'm not going to sit on the sidelines. This affects our community.

Voted – passes unanimously.

Rick - Lots 1-101 and 1-102 have recently had significant clearing. Not knowing if this was trees. Or affect on lake. Not knowing if ACC or lake committee should investigate. I don't think it's an eyesore. Anyone have information.

GP – pass it over if you think it should go to a different committee. Pass it to lake and dam

Member complained about dogs running around lakes without leash. Committee will be seeking better signage.

Would like to do annual drive-through soon. Looking for violations of governing docs. Can I solicit volunteers? No volunteers

ii. Safety and Security

RD – haven't made much progress. Will report back to board.

Discussion of audio recording of various cameras that are around the office. Statute 973 does not allow an implied consent by the presence of signage. Someone should verbally tell the people that are talking that they are being recorded. Suggest we consult with our attorney if we need to turn off audio recording or can we post a sign to let people know so we can record.

GP - legally ambiguous. That should go to JW as president. He should reach out to legal counsel.

iii. Volunteer Recruiting

Would like to collect and store data on individual member interests and skills. To match members with community needs. There are no laws that would prevent us from doing this but should have a privacy policy. Would like to defer to the attorney to have a privacy policy written up to us. Will consult with JW on that.

GP – sounds like a good idea but if this is collected information on private individuals, skills, personalities, and LMCC is storing that, we are then liable for that information being misused or leaking out.

Butch – NO, I don't want anyone collecting my information.

Julie – no – don't want anyone collecting my info. Or potential breach of files/privacy and that being stored in the office as office manager responsibility. May have the opposite effect on getting more volunteers.

MM – hint of storing things on people, can understand backlash. Liable if any of it got out. Would still like to have a privacy policy from the attorney anyway.

RD – no volunteers offered to help with garage sale. Determine number of volunteers for an event and if we don't get enough volunteers by the day of the event then the event would be cancelled.

GP – putting in rigid rules, what is that going to serve? Setting reminders would be more proactive than having these rules and then we cancel the event. Why do we want to stop the event if a small group decides they want to do it. Adding reminders can be put on calendars. Calculate how far back is reasonable to start talking about these events.

MM – communications problem there are efforts to fix the problem and the same people are doing it and a community issue. Love the Volunteer Spotlight in the newsletter. We should be prepared for some things to not happen if we can't get people to help with it, but I agree, it doesn't need to be a process. Just a level of communication.

iv. Emergency Preparedness

Carol Luft is here with us, taking a lead role. She may accept an offer to be on the committee or board. Given Josh's work from 2019. Carol has some questions to find the board's objectives. At what level do we want to participate as the board? Do we want to be parents to the membership?

Not sure that we have the resources and capacity to become a major service or take responsibility for potential hazards. The big deal for us is the dam; if it's damaged the downstream residential areas could suffer. Any emergency preparedness that we could take would be in notifying people, contacting authorities.

Dale – would like to sit on the group and help.

Carol – plan would outline what the community does before, during, and how to respond to various emergencies. Chain of command. Communications piece – maybe some guidelines could help and how we can move forward as a community.

Carol – got some clarity to forge ahead and bring back some recommendations.

Butch - signs committee – digress.. topics. Have taken photos of all signs at B1 and B2 and from that collection of photos he will mark them up and present which need to be removed and which need to be cleaned, and which be replaced.

Community Events – Rick DeBlock

Rick – garage sale we had it. Posted 26 signs. Direction signs around committee. Under budget. Next year for same budget we'll have much bigger signs 11x17 and in a bright color and still be under budget.

****Next event – Halloween – Rick needs information and contact**

GP – Halloween is in the budget \$350

(DONE – referred Rick to 7/13/2021 Teams folder with Halloween PowerPoint presentation)

Adopt -a-Road – Butch – county still has it on hold.

Architectural Control Committee – Michael McClary

MM – will look at the lots Rick mentioned. Shed outbuilding approval. Tree removals in the last month. Tree removal article will go in the next newsletter.

GP alluding to it's getting late and prioritize remaining discussion.

RD made a motion to cover old business and new business before governing documents. MM seconded.

Facility and Grounds Maintenance – No chair

Butch – nothing to report. Dam ops yesterday, everything was good.

LR – already rearranged agenda once and it's all well and good but we wasted a lot of time in Community Relations because there were not motions set before the board.

Vote on the motion?

RD withdrew motion.

Governing Documents Committee – Michael McClary & Rick DeBlock

i. Community Relations Committee Resolution

Karen G – we need instruction on the ACC because the bylaws say the ACC should have anything to do with tree-cutting apps. More definition would be helpful.

Laurell –with only 3 directors present to vote on these resolutions. I suggest you postpone a vote. It sounds like there are questions.

RD – we have a quorum. I suggest we vote.

MM – we should discuss after the meeting. Resolutions aren't being reviewed. If George abstains, I don't feel comfortable with 2 of us just voting and we are the 2 on the governing docs.

ii. Finance Committee Resolution

Has been waiting for 2 months for review of the latest version, the problem we need to solve is that of a response and getting accurate.

RD – would you ask JW to put together a special meeting for that purpose.

GP – go ahead and ask for that. We've also been focused on finding a new office manager. That will take priority over some of these other things.

GP – we are skipping the finance committee.

MM – yes, it is going to the next meeting.

iii. Access to Governing Documents on website

GP – 2 things to separate; meeting minutes discussed, etc.

Julie - stated that escrow and new buyer used to be able to access these documents on the website and that has changed. Julie requested it be available to public and when filling out paperwork for escrow, office manager denotes to escrow where to find these documents and they can access them and buyer can see what they are buying into.

RD - Make a motion that the LMCC governing documents not be restricted to members on the LMCC website. MM seconded. Voted – passes unanimously.

iv. Director access to Committee SharePoint sites and Distribution Lists

RD – put to next meeting

v. Potential amendments to Bylaws for November Special Membership Meeting (Heads up)

RD – issues with article 5. Put together a set of recommended amendments to the LMCC bylaws that would need to be approved by the Nov. membership meeting.

MM – we should have a second meeting or discuss at sept. meeting.

RD looking for approval to take to the attorney.

GP – if need legal opinion, that should be forwarded to JW.

LR asked if all the amendments re: article 5 of the bylaws.

RD – no. 4 of the 7 are around article 5, 3 are around article 10

8. Old Business:

i. Fay Road Development

GP read Kristine report (in Teams folder – see this file and write a summary for the minutes)

Kristine was thanked for taking on this project.

***** let JW know that Kristine is not on any kind of a committee, she is gathering information as a community member and not as part of an LMCC capacity *(DONE)**

ii. Request email addresses and consent to receive notices by email

RD – should be a separate communication, so let’s do it. Nobody has consented to receiving notices of meetings by email because we have never asked them.

GP – are we reviewing language?

RD – we put together a consent form and an email asking for consent. They were presented to the board 3-4 months ago.

MM – we sent that out for review. It sounds like we should send it to the board again and make a decision to have it reviewed. We’ll send a reminder of that for review.

9. New Business:

i. Karen Giluck LMCC Board member nomination

RD - I nominate karen giluck to be appointed to Jay Knowles’ vacated director seat which expires at the end of the 2024 annual meeting.

MM seconded

Passes unanimously

ii. Ratification of popcorn machine decision

GP – move to next meeting

RD – statute requires ratification at next board meeting

RD- I make a motion to ratify the board’s decision to not lend or rent the club’s popcorn machine.

MM seconded.

Voted - passes

iii. Amendment of May 2021 Membership Meeting minutes

RD – Laura Davis was elected...

“I make a motion to amend the previously approved minutes from the May 23, 2021 Membership Meeting which currently say ‘Laurell R. nominated Laura D. for Vice President.’ but should say ‘Laurell R. nominated Laura D. to be re-elected to the Board.’”

MM – seconded

Voted – passes unanimously

**** RD will work with Julie on how to document that**

iv. ADA compliance

RD – because for parks and lake for private guests we are not required but we may wish to do so voluntarily. May need to run by FHA. Add it to the list to investigate. Check with lawyer

v. Process for beach reservations

GP – put off to next month

vi. Policy for file organization on SharePoint

GP – put off to next month.

vii. Director Orientation and Notebook

RD – put proposed information in our folder. We now have Karen as a new director. Paul and Rick never had training or orientation and things that we think need to happen. We have a president’s orientation and technology orientation.

MM – we’d like to have everyone review that.

****** GP Propose we add an action item that has to do with the logging that is going on. GP will be speaking with the forester and what sort of treatment the loggers will use and likelihood of herbicides and may affect water quality. Add action item: an inquiry or document written up to logging company to request they share their plans with us, and not use herbicides that are damaging to downstream habitats. Water quality group – Peter – write letter ? connect peter and George *(DONE – action item created: 616. Logging Operation & Herbicide Usage. Peter and George put in contact with each other.)**

LR – copy info to Herrera because this is in our watershed.

LR – encourage new directors to read all the policies, amendments, and everything. It is imperative that the directors re-read things on a frequent basis.

MM – should provide the paper binder. Don’t want to disadvantage somebody because they are not comfortable with electronic copies.

Karen G – can you copy MM and I in on the tree cutting; taking too many trees down and not doing anything to try to establish a good balance.

10. Additional Member Comments THIS IS A PLACE HOLDER FOR MEMBER COMMENTS. WE WELCOME YOUR COMMENTS. NO MINUTES FOR THESE ITEMS WILL BE RECORDED. LMCC MEMBERS WHO WISH TO HAVE THEIR COMMENTS ON FILE WITH THE OFFICE, ARE INVITED TO SUBMIT A WRITTEN COPY OF THEIR COMMENTS TO BE KEPT ON FILE AT THE OFFICE.

None

RD – Community Relations committee, I need a second director. I need another to volunteer. Think about it and get back to me if you’re willing.

RD made a motion to adjourn the meeting

Seconded: MM

Voted: yes passes

George adjourned the meeting at 11:14 PM

Next up: Monthly Board meeting is scheduled for Tuesday, September 13th, 2022, at 7:00 pm.