



Mill Creek Farms Homes Association Annual Meeting Minutes June 8, 2009

The 2009 annual meeting of the Mill Creek Farms Homes Association was called to order at 7:35pm on Monday, June 8, 2009, at the Grace United Methodist Church, 11485 Ridgeview Road, Olathe, Kansas, notice of such meeting having been properly sent to the membership via U.S. Mail within the time frame proscribed by the Association Bylaws and Articles of Incorporation, and via additional notice through email to the current membership email list and through the Mill Creek Farms newsletter. Board members Bob Jewell, Kevin York, Randy Garvey, Tony Niedens and Paul Russell were present.

At 7:00pm, only 36 homes were represented. Telephone calls were made to residents and, by 7:35pm, a quorum (minimum 45) of 48 homeowners was achieved. The following residents were in attendance or represented by proxy: Allen, Ashley, Becker, Blatz, Briggs, Christensen, Cloud, Copeland, Elsner, Fiscus, Gansen, Garvey, Gehlbach, Grove, Hanaway, Hance, Hart, Harter, Hawks, Hodges, Jewell, Knittle, Knop, Kruse, Kuebler, Kynion, Lefholz, Lindsey, McKee, Mitchell, Mooney, Moormeier, Musgrove, Niedens, Prater, Quick, Rishworth, Russell, Schaper, Schlegel, Schwermann, Smith J., Sowers, Ulmer, Unruh, Vacek, York and Zschoche. The following 27 residents were not in attendance or represented by proxy: Amirahmadi, Baumgartner, Cox, Crifasi, Curtis, Dean, Dennis, Espe, Evans, Gray, Hargrove, Hassinger, Holton, Kanosky, Kass, Kurth, Langdon, McGeorge, Miller, Murphy, Owens, Roatch, Saulnier, Seymour, Shum, Smith M., and Spiegelhalter.

A motion was made, seconded and approved to waive the reading of the minutes of the Annual Meeting of June 9, 2008, and to accept the minutes of that meeting as submitted. The motion was approved unanimously.

Reference was made to an informational meeting regarding roads, held on Thursday, May 21 at 7:00pm, also at Grace United Methodist Church. Association Engineer Max DaMetz made a presentation to the membership concerning options for the road improvements. Bob Jewell repeated the highlights of that presentation for those in attendance at this meeting.

A question was asked about what the total cost of the project would be. The answer is approximately \$750,000.00. Dan Gehlbach stated that he felt the roads are not in need of extensive repair work and requested that a second opinion be obtained before extensive repairs are made. When asked, Gehlbach said the asphalt company that he worked with to obtain information and form his opinion wishes to remain anonymous.

Katherine Blatz suggested that competitive bids from engineers might be in order. George Knittle asked about pavement depths in cul de sacs. Greg Unruh commented that the lack of engineering on the last repair work probably cost the association money that it might not have otherwise have had to spend. Unruh also suggested that opening the back gate should be considered. Jewell remarked that the Association would still have to upgrade the roads for the City to accept them. Arlen Briggs suggested that more information needed to be obtained about the long range plan for Lone Elm. Ron Quick remarked that he agreed with Gehlbach and that overlaying the pavement on cul de sacs was a waste of money.

Stephanie Hanaway remarked that she disagreed with earlier comments and felt that this was the best plan she had seen in all her years living in the neighborhood. Tony Niedens suggested that doing nothing or further delaying work was the worst option open to us. Diane Kuebler noted that the Association had not done enough in years past to keep the roads up to standards. David Ashley remarked that maintenance was the only long term solution and that work should go forward. George Knittle said that he questioned whether or not heavy

trucks would tear up the roads and that, perhaps, the plan should be constructed in phases so that construction vehicles did not do damage to the roads as repair and maintenance work was done.

Bob Ulmer said he thought it was an excellent plan but that phases be re-ordered on a priority basis. Ken Hanaway said he supported the plan because it committed and levied funds in an orderly fashion over a longer period of time. Mike Copeland asked if an inflation factor had been figured in for "out years." The answer was that no inflation factor was included and that the plan was to increase dues by an inflation factor to cover that contingency. Arlen Briggs suggested that the Association consider purchasing asphalt futures to hedge inflationary costs. George Knittle remarked that futures were a gamble and if prices fell the Association would, in fact, have a possible loss on futures.

Randy Garvey presented the Treasurer's Report, a copy of which is posted to the Association's web site and is attached to these minutes. George Knittle asked about the \$750 paid for tax preparation. Arlen Briggs asked the Board to ask the tax preparer why it cost so much to file the taxes, calling the increase in fees a possible "bait and switch."

Ken Hanaway remarked on and complemented the new split rail fence replacement at the entrance to the pond.

Bob Jewell asked for a motion to approve the proposed budget. George Knittle moved and Bob Ulmer seconded a motion to approve the proposed budget. Mike Copeland clarified that the motion was only to approve the budget and not to expend road maintenance funds. The motion passed unanimously.

Jim Vacek thanked the Board for their efforts and then asked if the engineer gave input to the Board regarding prioritization of the road maintenance work. Randy Garvey remarked that the Board's engineer, Max DaMetz had suggested that work on the 105th and Chesney intersection and culvert be done first. The problem with that approach is that the failure of the dam on the Kurth property holding back the pond owned by Kurth, Evans, Smith and Fiscus be addressed prior to work being done on the intersection. Bob Jewell reported that DaMetz noted water was seeping up through the pavement between Chesney and Woodland Road and that a priority existed there. DaMetz also noted water seeping through 105th Street North of Rishworth and East of the new culvert. Maria Copeland asked about the plugged culvert from the island West of Blatz, Northward between Saulnier and Blatz. Shannon Cloud asked about speed bumps, citing effective speed bumps that exist in Whispering Hills. Hodges remarked that the existing speed bump at Chesney and 105th is ineffective. Nick Prater commented that various forms of traffic speed by his home on 105th and that speed is dangerous and is a liability for the Association.

The following motion was made by George Knittle and seconded by Greg Unruh: Move to authorize the board to select a contractor and to spend approximately \$152,000, during the 2009 construction season, for the repair of roads, at the discretion of the Board and the homeowners' association's engineer. Multiple bids should be taken. The motion passed without dissent.

This would be the first year of a nine year master plan to maintain the roads. Kathy Vacek noted that the Association could continue to petition the City to take the roads at a future time.

Tony Niedens delivered the At-Large report noting that we have had very good success with residents cleaning up brush piles, high grass, noxious weeds, etc. A few more items need to be addressed, however, and he will continue that work.

Kevin York delivered the grounds report. Electric service, rock repair and other work was done to the front monument. Chain link repair and tennis court surface repairs have been done. Pond work continues. Volunteers were sought to help plant flowers at the front monument. Ann Sowers volunteered to lead that effort. The mowing company has been contacted regarding mowing, trimming at the ponds and tennis courts, and other areas where they do maintenance. The Board is working with the homeowners who own the leaking dam and pond. The dead tree limbs at the pond have been removed. The question was asked about whether basketball goals should be installed at the tennis courts. Craig Gansen, a tennis professional, remarked that basketball play would probably not hurt the surface but that roller-bladers and other hard activity should be discouraged and that basketball goals attract such conduct. Signs and enforcement would be needed to protect the surface. Paul Russell reported that enforcement of non-resident use of the facility would fall to the neighbors who live near the tennis courts. Nan Schaper remarked that tennis lessons used to be offered and expressed hope that such a thing could happen again. She noted that abuse of the surfaces existed then but was not too severe a problem.

Nominations for the three vacant Board seats include Bob Jewell, Kevin York and Brian Evans. These nominees were elected by acclamation.

Greg Unruh asked about the City of Olathe mandated Camelot Reserve buffer between their subdivision and Mill Creek Farms. Kevin York said he understood that Camelot Reserve was to install the berm. Unruh said they have told him that they gave the land to the City and that completed their obligation in that regard. Greg Unruh asked that the Board follow up on this issue. The Board agreed to do so.

Craig Gansen asked about de-annexing from the City due to the apparent dichotomy of paying real estate taxes to the City for services but with little or no services being provided. Jewell reported that such an action was complex and that 100% of the neighbors would have to agree and that the City did provide governance value to the neighborhood. The matter will, however, continue to be a priority of the Board. Jerry Smith asked about possible dual taxation to both a rural fire district and to the City of Olathe for fire protection. The Board is also studying this situation through advice of paid counsel. Kathy Vacek thanked the Board for their service.

Mike Copeland reported that the City has changed its rules regarding outdoor burning which would allow brush fires. Randy Garvey said the Board would investigate. Nick Prater requested that neighbors control their dogs.

There being no further business before the Association, at 8:50pm, it was moved by Jerry Smith and seconded by Bob Ulmer that the meeting be adjourned. The motion passed unanimously.

MILL CREEK FARMS HOMES ASSOCIATION

2009 / 2010 Budget Proposal

	08 / '09 Budget	June 30, 2009' Projected	Proposed 09 / '10 Budget
REVENUES:			
Base Assessment	\$112,500.00	\$111,000.00	\$112,500.00
Special Assessments	\$0.00	\$0.00	\$0.00
Interest on Investments	\$0.00	\$1,182.03	\$0.00
Interest on Assessments	\$0.00	\$0.00	\$0.00
Other Income	\$0.00	\$0.00	\$0.00
Total Income	\$112,500.00	\$112,182.03	\$112,500.00
EXPENSES:			
HACCD Base Fee	\$1,800.00	\$1,800.00	\$1,800.00
Other HACCD Services	\$158.00	\$50.00	\$125.00
Insurance	\$775.00	\$426.00	\$500.00
Legal Fees	\$1,235.00	\$0.00	\$1,200.00
Tax Preparation/KS Annual Report	\$100.00	\$733.00	\$750.00
Common Area Maintenance	\$5,000.00	\$4,423.22	\$5,000.00
Mowing/Lawn Care	\$13,650.00	\$12,933.82	\$13,500.00
Road Maintenance	\$3,150.00	\$0.00	\$3,000.00
Snow Removal	\$6,055.00	\$3,639.76	\$5,000.00
Office-Postage,Copies,Supplies	\$400.00	\$354.62	\$400.00
Meetings	\$200.00	\$200.00	\$200.00
Entertainment/Community Activities	\$150.00	\$0.00	\$150.00
Utilities (KCPL & WD#1)	\$0.00	\$463.50	\$1,000.00
A/R Written Off	\$0.00	\$0.00	\$0.00
Miscellaneous	\$0.00	\$1,420.55	\$0.00
Total Operating Expenses	\$32,673.00	\$26,444.47	\$32,625.00
Road Reserve Contribution	\$80,000.00	\$69,656.20	\$80,000.00
Total Expenses	\$112,673.00		\$112,625.00
MCFHA Annual Dues	\$1,500.00		\$1,500.00