

Minutes of 5 January 2009

Attendees:

Chris Breest (President, Board), Dave Keller (Board Member), Jim LaBau (Board, Grounds), and David Riley (Accountant) were present. Michael Hanifen (VP, Board) and Kathleen Geller (Treasurer) were absent.

Deanne Tuckerman and Lita Martusheff represented Ben Marsh & Associates, Inc.

Quorum

The Board meeting was called to order at 7:24 pm. A quorum was established with three of five members present.

Approval of minutes

The minutes of the 17 November 2008 meeting were reviewed.

Motion by Jim LaBau to accept the 17 November 2008 meeting minutes. Dave Keller seconded the motion. Motion carried.

Treasurer's Report

Chris Breest noticed Deanne was copying the Treasurer's Report for the minutes, so he recommended that she say, "see attached" and attach the Treasurer's Report to the minutes. The Board approved the recommendation.

David Riley presented the Treasurer's Report (see attached report). He said that we have four homeowners who still owe dues for this fiscal year. There also are several homeowners who owe late fees.

Deanne reported she received a letter from a home owner who requested that her late fees be waived due to medical issues. The board agreed to remove the late fees. Deanne was requested to write the owner a letter stating the board's action.

Deanne reported that another homeowner asked to be called regarding fines and late fees. He paid the dues but not the fine for \$100.00 or the late fees. This homeowner has had several letters for improperly parked RV vehicles in the last two years. The board decided that the owner must pay the fine and the late fees. This homeowner is a friend of a board member and has had the rules explained several times. Deanne was requested to send him a letter stating he may pay the late fees and fines at his convenience. If he does not pay the amount due, the money will be withheld from the proceeds when he sells his house.

Deanne reported that a homeowner was very unhappy about the monthly late fees and did not want to pay them. He said that he would sue the association because there is nothing stating a late fee can be charged. Lita said the by-laws allow that the board to charge a late fee. Deanne was directed to send the homeowner a letter, including a copy of the page in the by-laws where it states that the association can charge late fees.

Motion by Jim to accept the Treasurer's Report. Motion seconded by Michael Hanifen. Motion carried.

Grounds Report

Jim LaBau and Chris Breest will use the as-built drawing for Deirdre Smith's property to determine if the Muni replaced her fence in the correct location. John Smith from the city has said that the new fence was not placed correctly, but that it was on the property line. Jim and Chris will talk with John Smith because the fence looks like it is off the property line by about seven feet, and the grade from the fence to the sidewalk needs to be corrected. The homeowner has not been made whole by the fence being put in the correct spot or by appropriate compensation.

Motion to accept Grounds Report. Moved by Dave Keller, seconded by Jim LaBau. Motion carried.

Road Improvement District (RID)

Chris Breest commented all the streetlights have been changed to LEDs per the Muni's contract.

Outstanding items in the RID are the landscaping and the post boxes being placed back where they originally were.

Motion to accept Road Improvement District report. Moved by Jim LaBau, seconded by David Keller. Motion carried.

Architectural Report: None

Vehicular Report:

Deanne reported a vehicle violation at the corner of Admiralty Bay and Bettles Bay. The vehicle is what Deanne considers an off-road vehicle with roll bars and very large tires. Such vehicles are not to be left in the driveways. The vehicle's owner has it sitting on the snow berm the city left, and the vehicle's grill is in the middle of a split-rail fence in the yard. Chris said he would look at the violation and talk to the kid who is the owner of the vehicle. Chris thinks the parents have left the house to the 23 or 24 year-old kid. Chris will have him park the vehicle in the garage.

Motion to accept the Vehicular report. Moved by Jim LaBau, seconded by David Keller. Motion Carried.

Welcome Committee: None

Tract I: None

Old Business:

David Riley presented the 2009 budget, which includes the prior two years of actual expenses and the proposed 2009 budget. The 2009 budget shows the dues increase that is required. The budget also includes money to have a mason cap the rock wall and some other minimal expenses for this next year. The proposed budget will be presented at the annual meeting after review by the board.

David Riley wanted to be sure he was correct in fining a homeowner every month for \$25.00. Per a letter the board sent to the homeowners at the beginning of summer, if they had not

completed painting their house before this fall they would be fined \$25.00 every month for the duration of the winter.

Motion to accept the Old Business. Moved by David Keller, seconded by Jim LaBau. Motion Carried.

New Business:

The annual meeting will be held 11 February 2009 at Bay Shore Elementary School at 7:00 PM. The board went over the package to be mailed out to homeowners by 11 January in order to meet the 30-day notice deadline. Deanne has already received the permit from Bay Shore Elementary School for using the school's multipurpose room for the 7:00 PM meeting.

The terms for board members Jim LaBau and Chris Breest are up this year. We will need new board members to fill their offices. Chris will stick around as a member to stay on top of the parking lot issue with the Mears School.

David Riley will send the mailing addresses to Deanne for mailing out the meeting packages. Deanne will take the packages to the printer by Wednesday at noon in order to meet all timeframes.

David Riley presented the association's Federal tax return (form 1120H). Deanne will write a check for \$275.00 to pay the Federal homeowners' association taxes. The state of Alaska has not released its corporation tax forms yet. David will complete the state returns when the corporate form is available.

Motion to accept the New Business. Moved by Jim LaBau. Seconded by David Keller. Motion Carried.

Next Meeting

11 February 2009 Bay Shore Elementary School Multi-Purpose Room at 7:00PM

Adjournment

Motion to adjourn moved by David Keller . Seconded by Jim LaBau.

Motion carried. Meeting adjourned at 9:00 pm.

Alaskan Bay Owners Association, Inc.

Annual Meeting

February 2009

Attendees: Chris Breest (President, Board), Michael Hanifen (VP, Board), David Keller (Secretary, Board) and David Riley (Accountant). Kathleen Geller (Treasurer) and Jim LaBau (Board, Grounds) were absent. Deanne Tuckerman and Ulita Martusheff represented Ben Marsh & Associates, Inc.

Homeowners present at meeting were Chris Breest, Michael Hanifen, David Keller, Marilyn Bjurstrom, Marina Jarvis, Guy Mapstone, Jeanne Phillips, Lisa Rogers, James Scherr, and Vernon Viramonts.

Proxies for 20 other homeowners were mailed in. The number of owners represented exceeded the minimum of one-tenth of the membership required by the by-laws.

Quorum:

The Annual meeting was called to order at 7:10 pm.

- ∞ Proof of the annual meeting notice was presented.
- ∞ The minutes of the 13 February 2008 Annual Meeting were approved unanimously.
- ∞ The minutes of the 05 January 2009 Board Meeting were approved unanimously.

Presidents Message

Chris Breest presented the President's Report.

- ∞ Deanne Tuckerman, the property manager and David Riley, the association's accountant, were introduced.
- ∞ The Mears Middle School project will be the primary concern of the incoming board. The Anchorage School District wants to remove the green belt between the school parking lot and the homeowners along Eshamy Bay Drive. The homeowners are going to have to make sure the school district knows that taking out the green belt between the two is totally unacceptable. The school district built the school in its present location over the protests of the homeowners who were concerned about the school's unsightliness. The school was acceptable only with the addition of the green belt.
- ∞ The board has involved only the homeowners on Eshamy up to this point. If the school district keeps trying to do away with the green belt, the rest of the homeowners will be asked to get involved. If necessary, we can call upon all of

South Port and Bayshore to confront the School District on this matter. The bond for this project will not be voted on until April. We can try to work with the school district until April and if the school district does not see it our way we can work with voter groups. The only problem with not supporting the bond package is that other projects that are wrapped up in the package.

Treasurer's Report

- ∞ Dave Riley presented the Treasurer's Report. He explained the proposed budget for 2009 (see attached budget). He showed comparisons of actual expenses for 2007 and 2008 on the same sheet. David then averaged the past two years and made allocations of funds based on his knowledge of what has been planned. The large deviations from the average are because of planned changes.
- ∞ There are other areas where we have spent heavily for a couple of years but now we will not have large expenses. One gray area is the lawn-mowing contract for common areas. We have had a two-year contract with an extension for one more year. It has to be rebid this year, and with the roadwork some of our common areas have not been mowed. We will have more grass to mow this summer with a new mowing contract.
- ∞ Last year we performed maintenance on the fence along W. 100th Ave., which should allow for about five more years of life for the fence. This is our only long-term requirement and Chris wants a reserve account large enough to replace the fence if it should be severely damaged.
- ∞ A homeowner asked where the rent received from the Municipality for a storage area showed on the budget. The money actually was collected in the year 2006 so it was not on the current budget she was looking at.
- ∞ The Treasurer's report was approved as presented.

ROAD IMPROVEMENT DISTRICT

- ∞ A homeowner asked if new postal boxes would go in when the boxes are put back in their previous locations. She said she had heard a rumor they would be replaced because the old ones are rusted out (and have other problems). The answer is we do not know if new boxes will be put in or not. Chris Breast did say the concrete pads were poured in October. It appears the Post Office was not informed of the new concrete pads. Deanne Tuckerman called the Post Office in November and was told a work order needed to be put in, and the boxes would be put back in the correct spots. Deanne asked what was required to start the work order, and the post office worker said she would do it right then. Deanne will follow up on this in February.
- ∞ All of the roadwork was completed, as well as all of the driveways for the individuals who requested their driveways be done. The landscaping will be done this spring, as was stated in the contract. Please Note: The new road was graded at a different

level than the old road, so where there once was a gradual slope there is now a drop-off. Homeowners are going to have watch carefully when the Muni's contractor installs the landscaping to be sure that the ground is contoured gradually to avoid having a sharp drop-off on their property.

- ∞ The next board will have to work with the contractors on the contouring and landscaping this construction season.

∞

Tract I Committee

- ∞ Chris Breast recapped how the homeowners bought the Tract I property from the city so that the association could maintain the property as a greenbelt rather than having it sold and used for whatever a new owner might want to do with the property. A few years later, the board got the property listed as owned by a nonprofit organization and got the property taxes reduced to zero.
- ∞ For several years nothing was done to Tract I and few homeowners used the park. Two or three years ago, Chris and some other homeowners started improvements and planted the grass. Now people are using the park for youth soccer, kids hitting plastic golf balls, and homeowners playing with their dogs.
- ∞ A homeowner asked about the rules of use for Tract I. Chris explained that nothing formal had been adopted. Basically, rules that pertained to city parks were being used; nothing after 10 PM, etc. If problems occur down the line then Chris felt sure the board would write something appropriate for Tract I.

Grounds Report

- ∞ Chris explained that ABOA and the Muni are in partnership for KFQD Park. The city mows the property, picks up the garbage cans, and takes care of the large maintenance items. The pavilion is permitted from the city. We walk through the park and pick up the litter and other small things. Jim LaBau, one of our homeowners, has planted trees around the park and has taken care of them for the past several years. He has sprayed the trees and netted them in the winter to keep the moose from feeding on them. Now the trees are large enough to survive on their own.
- ∞ The park in the past has been partly mowed by the city and left wild on the south end. Late this past year, someone went in and mowed the south end of the park. The city continued to mow it, which pleased some of our homeowners as it helped with the mosquitoes in the area.
- ∞ The rock wall at the corner of Bayshore and W. 100th Ave. will be professionally capped this summer. Money was put in the budget for this work.

Property Manager's Report

- ∞ Chris Breast explained that two years ago the board was having problems getting homeowners to volunteer and accept a position on the board because of all the work and time involved. The then-board went out for bids, and about a year later hired Deanne and her company, Ben Marsh & Associates, Inc., as property managers.
- ∞ With the management company in place, the board had slowly handed over more responsibilities to the manager. Deanne now handles all of the Treasurer's functions such as writing checks, posting any money collected, collecting mail, Vehicular Complaints, and Architectural requests. The board still meets and knows what is happening, as the management company reports to the board monthly and as otherwise needed. The property manager does the basic work for the association, so that overall a board member has to spend less time with association items than used to be the case. David Riley is the accountant and oversees all spending of ABOA monies and sends out all invoices.

Vehicular Report

Most of the homeowners know what is acceptable and what is not. Deanne drives through the association once a week to see what is going on. If there is a violation Deanne will call a board member and ask for verification if a RV has been moved before notifications of violations go out. The board will entertain any complaints from homeowners. Letters are only a reminder to the homeowner of the association's covenants, conditions and restrictions (CC&Rs).

Architectural Report

Deanne reported that she and the board have approved garage doors, an addition to a house on Eshamy Bay, several paint jobs, some roofs, decks, and storage sheds in the back yards. All of the requests were acceptable.

Election of Officers

The following people were nominated for Board Members:

- ∞ Guy Mapstone
- ∞ Marina Jarvis (this is for the remainder of Kathleen Geller's term, one year)
- ∞ Lisa Rogers

The members present voted and the above were unanimously elected to the board.

New Business

- ∞ A homeowner asked about the mosquito problem, which he had seen mentioned on the association's website. He has a vegetable garden and does not want his area

sprayed. Chris is hoping that the mowing of KFQD Park will help to resolve the mosquito problem. The homeowner said he felt the roadwork and the installation of fin drains has helped resolve a lot of the standing water problems.

- ∞ A homeowner asked about the costs of hooking up the stub-outs with the sump pumps that he had seen on the association's website. Two board members explained what they had found in their investigations. The board members are trying to get cost estimates, but it appears that each lot is so different that it will be hard to get a universally representative cost. For example, one member went with heat tape and other bells and whistles, while another member just called a landscaper and dug a small, shallow trench, put a pipe in, and tied it to the sump pump. Their costs were quite different. More information will be forthcoming this spring as it becomes available.
- ∞ David Keller thanked Chris Breast for all his work as President and Chris's willingness to stay on to help with the Mears School problems and historical information for new board members.

Meeting Adjourned

Chris accepted a motion to adjourn the meeting.

Moved by, David Keller seconded by Guy Mapstone. Carried.

Next Meeting

February 2009, 7:00 p.m., at Chris Breast's house

Meeting adjourned 8:50 pm.

Minutes of 23 February 2009

Attendees:

Chris Breest (Outgoing President, Board), Michael Hanifen (Outgoing VP, Board), Lisa Rogers (Board), Marina Jarvis (Board), Guy Mapstone (Board), Jeanne Phillips and David Riley (Accountant) were present. Dave Keller (Board Member) and Jim LaBau (Grounds) were absent.

Deanne Tuckerman and Lita Martusheff represented Ben Marsh & Associates, Inc.

Quorum

The Board meeting was called to order at 7:12 P.M.. A quorum was established with four of five board members present.

Election of Officers

The new board members elected officers. Lisa Rogers informed the board there are two officer positions under State law that must be held by separate individuals, the President and Secretary.

Michael Hanifen was elected President, Guy Mapestone was elected Vice President, Marina Jarvis was elected as Secretary, Lisa Rogers was elected Treasurer, and David Keller remains a board member and was mentioned as a possibility for Grounds Committee person.

Motion by Lisa Rogers to close the election of officers. Motion seconded by Michael Hanifen. Motion carried.

Motion by Lisa Rogers to appoint Jeanne Phillips to head the Mears Improvement Ccommittee. Seconded by Marina Jarvis. Motion carried.

Jeanne Phillips moved that at least one officer be present at all meetings regarding Mears Improvement. Seconded by Michael Hanifen. Motion carried.

Approval of Minutes

The minutes of the 11 February 2009 Annual Meeting were reviewed. A correction is needed to page four, second paragraph, last sentence, which should read "David Riley is the Accountant and oversees all spending....".---

Motion by Marina Jarvis to accept the 11 February 2009 meeting minutes as corrected. Lisa Rogers seconded the motion. Motion carried.

Treasurer's Report

David Riley presented the Treasurer's Report in two formats, accrual basis and cash basis, and asked the board which format they would prefer to see each month. (See attached report.)

Lisa Rogers moved that the Treasurer's Report be presented in the cash basis format, with the additional disclosure of the receivables due. Motion seconded by Michael Hanifen. Motion carried.

Motion by Lisa Rogers to accept the Treasurer's Report. Motion seconded by Marina Jarvis. Motion carried.

Grounds Report

No Report.

Road Improvement District (RID)

Deanne will follow up with the Post Office to find out when the mailboxes will be put back in their proper locations. She will try to find out if there will be new boxes installed because of the age and rusted out areas on some of the old mailboxes.

Architectural Report:

No report. Michael Hanifen called the attention of the board to the house on the corner of Bettles Bay and Admiralty Bay, where the garage door looks bad. It seems as though the child of the house has been hitting hockey pucks against the door. Deanne said she would get the correct house number on their inspection of the area tomorrow and get a letter out to the owner requesting repairs.

Guy Mapstone asked if there was anything in the house rules or CC&R's regarding clearing the snow from the sidewalks. The answer was no. He then asked about city ordinances and board members felt it was doubtful, especially since the city plows put snow on the sidewalk. The snow is construction grade at that point and is too heavy to lift. Chris did mention that several years ago the association paid a local youth to clear the walkways to the school. It is not a cheap proposition. Guy's concern is that the children are walking in the streets because the sidewalks are blocked by snow.

Chris Breest advised that the lawn-mowing contract is up this year. One of the board members requested a statement of work, thinking her children would be interested in the contract. Another member is interested in keeping the bid within the association because there is a vested interest in the appearance of the neighborhood. Chris said he would e-mail the statement of work for the last contract to Deanne. The mowing contract should be awarded before the end of May.

Vehicular Report:

Chris Breest spoke with the owner of the "off road" vehicle, which had been illegally parked for some time. The owner agreed to keep the vehicle in the garage when not in use and to follow the CC&R's.

Marina asked if we could get any signs stating "Children Playing" at the entrances to the neighborhood. Michael said he had not followed up with his neighbor lately, but they might be

able to get signs posted in the neighborhood faster than ordinary because of the presence of a special needs child.

Motion by Lisa Rogers to accept the Vehicular, Road Improvement, Grounds , and Architectural Reports. Motion, seconded by Marina Jarvis. Motion carried.

Welcome Committee:

No report.

Tract I:

The homeowner at 3018 Bettles Bay complained that the trees in Tract I have fallen and she is worried about her fence. Once spring comes we need to prune the trees and make sure the fence has not been damaged.

Motion to accept the Tract I report. Moved by Lisa Rogers, seconded by Marina Jarvis.

Old Business:

Chris Breest told the new board that Jordan Weiss had done a fantastic job of typing the CC&R's, House Rules, and many other documents, and placing them on the Association's web site. Mr. Jordan also made individual physical folders for every address in the association and put the paperwork pertaining to that address in the proper folder. This information was given to the property manager in four boxes when her company took over management of the property. The property manager now maintains these files. The current contract also calls for the property manager to maintain an electronic file copy of everything.

New Business:

Chris Breest noted that Chris Robertson maintains the association's web site free of charge. It would be a nice gesture if the board acknowledged all his efforts with a gift certificate for dinner or some other recognition. Jim LaBau was also mentioned as deserving recognition for his 18 years on the board and chairmanship of the Grounds Committee, perhaps with a gift certificate for dinner.

Deanne notified the board that the homeowner at 10040 Eshamy asked that the association send him everything in his files leading up to the fine of \$100.00 for his parking. (This involved leaving his boat and other recreational equipment in the driveway of his home in violation of the House Rules.) He stated he was going to fight the fine. The property manager sent him a package of about three inches thick, including copies of pertinent drive-through inspection reports and letters of violation.

David Riley was notified the owner is being foreclosed on and the house will be sold at auction May 1st. The total of what the owner owes is \$175.00 (for a \$100.00 fine and a \$75.00 fine). The board decided to not to file a lien or take other action at this time, but to just let events proceed as they may for a month or two.

David Riley reported receiving a phone call from a homeowner who says that the payment of dues is a hardship for them since they are a military couple stationed in New York. The owners have been making dues payment and are not selling the house. They have a renter. They would like the late fees accrued so far to be forgiven. The balance of the dues will be paid on the 24th of March. Marina made a motion to waive the late fees if the dues have been received by the next meeting. Motion seconded by Guy Mapstone. Motion carried.

David Riley stated there is no contact number or email address on the statements. David wants to add his office contact information on all statements. The board agreed to this.

Deanne is to update the web page this week. Each board member can choose whether or not they want their address and phone number on the website. If members want to use the property manager's office number, that is acceptable.

Mears Improvement Committee

Marina has contacted the city attorney, who is a 35- year family friend, and asked him for any information that he has seen on Mears Middle School improvements because we are not receiving any information from the school district's engineers. She is hoping to get something from him this week.

Next Meeting

17 March 2009, 10051 Eshamay Bay Drive, at 7:00 P.M.

Adjournment

Motion to adjourn by Lisa Rogers. Seconded by Marina Jarvis.

Motion carried. Meeting adjourned at 9:18 P.M..

Minutes of 17 March 2009

Attendees:

Guy Mapstone (Vice President/Board), Marina Jarvis (Secretary/Board) Lisa Rogers (Treasurer/Board), Jeanne Phillips (Mears Improvement Committee), David Riley (Accountant), Chris Breest and Jim LaBau (Grounds) were present. Michael Hanifen (President/Board) and Dave Keller (Board Member) were absent.

Deanne Tuckerman and Lita Martusheff represented Ben Marsh & Associates, Inc.

Quorum

The Board meeting was called to order at 7:13 P.M. A quorum was established with three of five board members present.

Approval of Minutes

The minutes of the 23 February 2009 meeting were reviewed.

Motion by Lisa Rogers to accept the 23 February 2009 meeting minutes as written. Marina Jarvis seconded the motion. Motion carried.

Treasurer's Report

David Riley presented the Treasurer's Report. He explained that the expenses for March were only \$21.00. Deanne was leaving for vacation late in January so she wrote the checks for February 1st of the month in January and David reported them in January. The year to date is correct in March. The Accounts Receivable report shows one person has not paid any dues, one person owes \$25.00 in dues, one homeowner owes \$125.00 in fines for not painting his house, and there are \$425.00 in late fees owed by five homeowners for a grand total of \$850.00. (See attached treasurer's report.)

Deanne reported that the fine for the boat in the driveway was paid last week. The homeowner still owes the late fees for not paying his dues on time.

Deanne reported the homeowner who asked for forgiveness of late fees on the dues did pay the dues on 24 March as promised so the late fees will be forgiven.

David Riley asked the board to look at the CC&Rs to see when it is appropriate to forgive late fees. The board decided that all board members should read the CC&Rs and all other association directives so they can establish policies on forgiving fees, fines, or dues owed. The issue will be taken up at the next meeting.

Motion by Lisa Rogers to accept the Treasurer's Report. Motion seconded by Guy Mapstone. Motion carried.

Grounds Report

Jim LaBau was introduced to new board members. He told them about the Adopt-a-Park agreement between the Municipality of Anchorage (MOA) and ABOA for care of KFQD Park. ABOA is responsible for picking up the trash weekly and reporting maintenance issues to the Muni Parks & Rec. Dept. We are also responsible for digging the saplings out of the center of the park so that it stays open as a recreational area.

We have the city's permission to keep the trees we dig out. Dimond Nursery will take the larger saplings that we do not use around the park or in Tract I.

Jim LaBau monitored the mowing bills in the past. Jim will email his tracking spreadsheet to Deanne for her use in monitoring mowing costs. She will give a copy of the spreadsheet to the next grounds chairman.

Chris Breest brought the mowing contract that Jordan Weiss had used for the previous grounds mowing contract. (Jordan was the president of the board for many years.) Chris also had a one-page summary of the seven-page contract, along with descriptions of the nine different areas that the homeowners association takes care of. Some of the areas are actually MOA-owned, but ABOA takes care of them because of their proximity to the association's property and their appearance when the areas are not taken care of. The contract also provides for hourly work such as fertilizing, weeding, seeding, tree pruning, planting, and so on.

Chris explained that the usable size of Tract I increased in 2007 from 52,000 square feet to 76,230 square feet because the board authorized placement of about 24 dump truckloads of soil to fill in bog holes and to level the area. The added soil allows the whole area to be mowed, whereas before only the center was mowed.

Each spring the mowing contractor will do a spring clean-up. The clean-up tasks change from year to year. Normal weekly tasks include picking up trash and mowing. Hourly rates are charged when there is additional work to be done, such as removing downed trees. The contract period generally runs from May 1st to September 30th, but the actual dates vary as the mowing season is driven by the weather.

The contract requires that mowing be done weekly. However, weather can have a major impact on the work schedule. There are times during dry periods in the summer when there is nothing to mow because the contractor is not required to water the grass. Other times, when it rains, mowing cannot be done on time because the grass is too wet. Chris also recommended that the board tell the contractor to stop mowing an area when there is construction or some other kind of interference. He also said that there should be no weed-eating along the trees because this can kill the trees if done incorrectly.

The bid winner will provide all equipment, haul off all bags of grass, and clean up all areas of debris. The contractor will be required to bill monthly. The contractor will also be required to carry a \$2,000,000 liability policy. Chris recommended we only go out for one-year bid with an option for some additional number of years. The board might want to add requirements to the mowing contract for valid Alaska drivers' licenses and vehicle insurance because of the debris-hauling requirement.

Chris is concerned that the amount of mowing required on W. 100th Ave. might be changed by the roadwork being done this summer. Guy Mapstone noticed the current mowing contract could be extended through December 2009. Chris did say that his boys would do the contract for another year but the amount paid for Tract I would need to be renegotiated since Chris is no longer on the board and the area in Tract I had doubled in size. Chris left the meeting so the discussion could continue.

Lisa moved to extend the contract with Matt Breest with the provision that the board and management company will all read and review the contract prior to the next board

meeting so we can identify areas for renegotiation such as the mowing of Tract I. Marina seconded the motion. Motion carried.

Deanne was asked to contact Chris and get a proposed new price for Tract I for the 2009 mowing season.

Motion by Lisa that Deanne get cost estimates for the dumpsters in Rocky Bay and Whale Bay for one month starting the 15th of May. Motion carried.

Motion by Guy Mapstone to accept the Grounds Report. Seconded by Marina Jarvis. Motion carried.

Road Improvement District (RID)

Deanne called the post office about replacing the mailboxes. The P.O. representative said that as long as the pads are in place, the new boxes would be installed when the weather allows. Chris said that the new pads were poured in October.

Motion by Lisa Rogers to accept the Road Improvement District report. Seconded by Marina Jarvis. Motion carried.

Mears Improvement Report:

Jeanie Phillips has not had a meeting with the project person yet. She called the school district several times to find out when the next meeting concerning the Mears parking lot would be held and got a runaround. She has not gotten an answer yet. She knows there will be a meeting on 18 March 09, and possibly another meeting on 30 March 09. She will make a call next week and see if anyone can answer her question better.

The Klatt-Bayshore Community Council is meeting on April 2. The Mears project engineering firm asked for time to speak about the Mears Improvements. Someone from our association should attend the meeting to find out what other residents of the area are thinking. We need allies to join forces with us to keep the trees in place as a sound barrier. The Klatt-Bayshore C.C. meetings are the first Thursday of each month. Deanne mentioned that there was a Federation of Community Councils. She tried to put Jeannie in touch with them to get the phone numbers for all the chairs of the councils in the area.

Guy Mapstone recommended someone contact the engineering firm and find out what meetings are going to be held regarding the Mears Improvement between now and April 7th. Does the school district have a project manager? We need to keep bird-dogging the project manager to get information on how the project will affect our area homeowners.

Marina Jarvis is going to approach other homeowners on Eshamy Bay Drive to encourage them to go to the meeting at the school 18 March 2009.

Guy Mapstone moved to mail postcards to all homeowners if a meeting about Mears Improvement will be held on 30 March 09. Seconded by Marina. Motion carried.

Deanne will purchase cardstock postcards and print and mail them. Marina will email the wording and Deanne will mail them out at postcard rate.

Architectural Report:

Deanne approved a garage door replacement. She also sent a letter to the house with the beat-up garage door (think hockey puck hitting the door) asking that the owner replace the unsightly door.

Lisa Rogers moved to approve the Architectural Report. Marina Jarvis seconded the motion. Motion carried.

Vehicular Report:

No report.

Welcome Committee:

No report.

Tract I:

Guy Mapstone asked about the broken trees. Deanne said they will be cleaned up when the snow is melted and spring cleanup is started.

Motion to accept the Tract I report. Moved by Lisa Rogers, seconded by Marina Jarvis. Motion carried.

Old Business:

No report.

New Business:

Lisa Rogers moved that Deanne get two (2) \$100.00 Visa cards at Fred Myers for appreciation gifts for Chris Robertson and Jim LaBau for all their many years of work with the association. Chris Robertson has maintained the web page as a volunteer for many years (no one knew how long) and Jim LaBau for 15 years of service on the board and as grounds committee chairman (and still counting). Marina Jarvis seconded. Motion Carried.

Next Meeting

20 April 2009, 10041 Eshamy Bay Drive, at 7:00 P.M.

Adjournment

Motion to adjourn by Lisa Rogers. Seconded by Marina Jarvis.

Motion carried. Meeting adjourned at 8:40 P.M.

Minutes of 20 April 2009

Attendees:

Michael Hanifen (President/Board), Guy Mapstone (Vice President/Board), Marina Jarvis (Secretary/Board) Lisa Rogers (Treasurer/Board), and David Riley (Accountant) were present. Jeanne Phillips (Mears Improvement Committee), Jim LaBau (Grounds), and Dave Keller (Board Member) were absent. David Riley left as the meeting was being called to order because of a personal injury; however, he left a written treasurer report.

Deanne Tuckerman represented Ben Marsh & Associates, Inc.

Quorum

The Board meeting was called to order at 7:24 P.M. A quorum was established with four of five Board members present.

Approval of Minutes

The minutes of the 17 March 2009 meeting were reviewed.

Motion by Lisa Rogers to accept the 17 March 2009 meeting minutes as written. Marina Jarvis seconded the motion. Motion carried.

Treasurer's Report

David Riley provided a written Treasurer's Report. (See attached treasurer's report.)

Deanne reported that the homeowner who sent the dues check for \$300.00, rather than the \$325.00 owed, paid the rest of the dues (\$25.00) and requested the late fees be forgiven because of the mistake. Marina Jarvis moved that the late fees for this homeowner should be waived. Lisa Rogers seconded the motion. The Board forgave the late fees.

Marina informed the group that the homeowner who had been in foreclosure was able to get caught up and is out of the foreclosure process. Deanne added that this person has also paid all fines and late fees.

Motion by Lisa Rogers to accept the Treasurer's Report. Motion seconded by Michael Hanifen. Motion carried.

Grounds Report

Deanne reported that M&A Contractors submitted their updated price for mowing Tract I. The price increased because of the size of the area to be mowed doubled in size. Chris has requested \$275.00 per mowing of Tract I. All other areas will remain the same price as last year.

Lisa Rogers moved that we increase the price for mowing Tract I by \$75.00. Marina Jarvis seconded the motion. Motion carried.

The mowing contract will be good until December 2009. We will have to go out for bids very early next year so we will be ready in the spring for next year's mowing.

Deanne reported that she saw a large spruce tree down and a pile lumber in front of the Bayshore West sign at 100th Avenue and Bayshore. Chris had spent much time walking the street, picking up all the items that were thawed that he could pick up. He also saw the downed spruce. It is the top of one of the trees behind the rock wall that the wind blew down. He will move the tree as soon as it thaws from the ground and can be removed.

The Board discussed when the Christmas lights should be taken down from the houses. Technically, they should be down the day the last musher crosses the finish line in the Iditarod Race. The management company has not yet sent out letters about the lights because of all the snow and ice still present in places, which could make it a dangerous undertaking.

A Board member asked about the “hockey puck garage door”, asking if it could be just repainted rather than having it replaced. The other Board members who have seen the door did not think so because of all the repairs that would be needed to make the door presentable. There were additional comments about the general upkeep of the house, which seems to be generally going down hill. The front steps and deck were also of some concern.

Motion by Lisa Rogers to accept the Grounds Report. Seconded by Marina Jarvis. Motion carried.

Road Improvement District (RID)

A homeowner reported that there are problems with the new curbs; they are crumbling. There are also cracks in the new driveways. The patch installed in his driveway has pulled away from the rest of the driveway. After discussion of all the problems we have noticed, the Board recommended that the contractor should have to come back with a public meeting to talk through corrective actions for all of the problems with the project. We need to know what the contractor plans to do regarding the landscaping renovation, clean-up of the area, mailboxes, fixing the slope on driveways that have changed, cracking and crumbling concrete, and other items.

Lisa Rogers volunteered to talk with Ron Rozak, Rise Project Management, to see if he could schedule a meeting between our homeowners and all parties of the RID to address all the homeowners concerns regarding the project.

The new post boxes have been ordered and should be placed very soon. Deanne was requested to call the post office and find out when the new ones will be in place.

Motion by Lisa Rogers to accept the Road Improvement District report. Seconded by Marina Jarvis. Motion carried.

Mears Improvement Report:

No report

Architectural Report:

Deanne had a phone call from an owner who wants to install a mesh fence. Marina Jarvis moved that Deanne call the owner and request a fencing sample and a drawing of his proposal before we do any more on his request. Also to ask him to provide the

address and a picture of the fence in the neighborhood that is the type of mesh fence that he wants. Guy Mapstone seconded the motion. Motion carried.

Lisa Rogers moved to approve the Architectural Report. Marina Jarvis seconded the motion. Motion carried.

Vehicular Report:

No report.

Welcome Committee:

No report.

Tract I:

No report.

Old Business:

All Board members need to review the CC&Rs and see if some specific guidelines need to be set by the Board for waiving late fees and fines.

Deanne reported on the cost of the dumpsters. Alaska Waste has the best deal for the two six cubic yard cans. They will be dumped three days a week.

Marina Jarvis moved to hire Alaska Waste for one month to put dumpsters in Whale Bay and Hogan Bay. Lisa Rogers second the motion. Motion carried

Deanne purchased the gift cards for Jim LaBau and Chris Robertson for their years of support for ABOA. The cards were signed and mailed out.

New Business:

The annual Association picnic will be held 6 June 2009 from 12:00 noon to 3:00 PM at KFQD Park. Lisa Rogers has everything required for the picnic. She has extra supplies for the kids' games, documentation about what is needed from Party World, and the delivery and pick up schedule. She is going to try to recruit her neighbor to do the picnic and will give all the support she can.

Next Meeting

The next meeting will be 18 May 2009, at 10131 Eshamy Bay Drive, at 7:00 P.M.

Adjournment

Motion to adjourn by Lisa Rogers. Seconded by Marina Jarvis.

Motion carried. Meeting adjourned at 8:22 P.M.

Minutes of 18 May 2009

Attendees:

Guy Mapstone (Vice President/Board), Lisa Rogers (Treasurer/Board), Dave Keller (Board Member), Jim LaBau (Grounds), and David Riley (Accountant) were present. Michael Hanifen (President/Board), Marina Jarvis (Secretary/Board), and Jeanne Phillips (Mears Improvement Committee), were absent. Jim LaBau left after presenting the grounds report

Deanne Tuckerman and Lita Martusheff represented Ben Marsh & Associates, Inc.

Quorum

The Board meeting was called to order at 7:07 P.M. A quorum was established with four of five Board members present.

Approval of Minutes

The minutes of the 20 April 2009 meeting were reviewed.

Motion by Lisa Rogers to accept the 20 April 2009 meeting minutes as written. Guy Mapstone seconded the motion. Motion carried.

Treasurer's Report

David Riley provided a written Treasurer's Report. (See attached treasurer's report.)

There was some discussion about the fines being fined to the homeowner on Rocky Bay Circle for the lack of paint. There are records back to 2004 requesting this owner to paint the house. David Keller volunteered to go speak with the owner and see why he has not complied or started painting this season. There has been some wonderful weather. If David has no luck of getting this situation resolved the board will request Deanne to send a certified letter requesting a timeline and what the hold up on painting is. The south side or back side of the house which can be seen from Admiralty Bay has bare wood by the deck and on the chimney chase.

Motion by Lisa Rogers to accept the Treasurer's Report. Motion seconded by Guy Mapstone. Motion carried.

Grounds Report

Jim LaBau walked through KFQD Park and everything looks good. There was a large pile of hay left from a very late mowing last year and Jim notified they city so they can remove it.

Jim LaBau signed a two year contract for us to keep KFQD Park picked up again. This has been an ongoing endeavor between ABOA and KFQD Park for several years.

Jim and Chris went over to the lot in the corner of Tract I to take care of the willows which were overhanging an owners fence and cut them down and will haul the remains in Tract I away when the ground is firm enough to take a large vehicle in to remove the trimmings. At this same house there is an old pile of lumber possibility firewood, and grass clippings up against the fence that is more than likely rotting the fence and will

cause problems as time goes on. It would be helpful if the homeowner cleaned this up so the fence does not rot so quickly.

Jim called John Smith regarding the fence at DD Millers property line and the wrong fence being replaced. John Smith has not returned the call. John Smith lives in the neighborhood and also works for the city.

Jim showed the board the spreadsheet with all the mowing turned in by the mowing contractors and all the spring cleanup work completed.

Jim has more trees to remove from KFQD Park, some will go to Tract I and a few will go along Bayshore where people are driving where they should not be driving. If any of the homeowners want the trees they can contact Jim and make arrangements to transplant some. Anything left over Jim has made arrangements with Dimond Nursery to take them for sale.

The flower beds at Ensign and Bayshore and Ensign and Admiralty Bay both need redone now that all the road work has been completed.

Motion by Lisa Rogers to accept the Grounds Report. Seconded by Guy Mapstone. Motion carried.

Road Improvement District (RID)

Lisa Rogers went to the meeting on 6 May involving anything that was left from the road work last year and any problems that have been noticed this spring.

The post boxes were replaced starting 4 May. The old boxes will get notices regarding where and when to go get your new post box keys.

At the time of the meeting the crews were prepping the ground and seeding the new grass this should be completed by 20 May.

The company was aware there were cracks etc in some of the driveways and they were planning on having them all sealed by 1 June.

Cross walks needed to be painted in at Bettles and Admiralty Bay.

There were reports of sidewalks and curbs chipping off and other problems. The project manager and contractor walked through and indicated this was caused by the snow plows. It will be up to the municipality to determine if the work meets the specifications or not.

The grade of the replaced road is different there will be worked on and the watering of the new grass seed will be done by American Landscaping. In some area they will be putting in a retaining wall rather than grading the entire front yard up.

Pricing for driveways was only good for last year. The project manager requested the price be honored this year because of the number of people who claimed they wanted their driveways done and got no response from the project manager. The warranty on the driveways is 1 year from project completion. Landscaping is a separate warranty and that is probably a 2 year warranty.

The patches will be sealed and the cut lines had already been completed at the time of the meeting. Patches will be sealed to stop water damage.

The narrow walkway into KFQD Park will be reassessed because of all the elevation changes. It will be addressed.

The children at play sign on Eshamy Bay was not replaced and this will be looked into by the contractor.

Any and all questions and problems should be addressed to Jason Everard 345-8954 from the contractor, the project manager Ron Rozak 276-8095, and Julie Leonard 343-3022 who is Ron Rozak's assistant. The recommendation is to address Jason and copy Ron and Julie with any problems. Jason is the contractor however, Ron Rozak has the final word for the city and will have to sign off when the project is completed. This is a city project and not the responsibility of ABOA or the property manager.

Motion by Guy Mapstone to accept the Road Improvement District report. Seconded by Lisa Rogers. Motion carried.

Mears Improvement Report:

The bond issue did not pass but the school district found eleven (11) million dollars they did not know they had. Deanne was asked to contact Jeanne Phillips and ask her for a report on the status of the Mears Improvement.

Architectural Report:

Deanne reported she had received an e-mail from a homeowner stating he would paint his garage door in June in response to a letter she had sent out.

Deanne approved a shed in the back yard of 10031 Eshamy Bay Drive.

Deanne approved Hardie Plank Lap siding with grain and color to match existing siding at 3112 Bettles Bay Loop.

Deanne approved a 5 inch round metal stack that will extend approximately 2 feet above the roof line for proper ventilating of a water heater at 3140 Admiralty Bay.

Guy asked if I had any information on the mash fence that was requested at the last meeting. I called the person who called and asked the question and told them we needed samples, drawings, and the address where the mash fence has already been approved. As of this meeting I have not had a response.

Lisa Rogers moved to approve the Architectural Report. David Keller seconded the motion. Motion carried.

Vehicular Report:

Boat in a driveway at Whale Bay and Bettles Bay but the owner called and said it would be out tomorrow afternoon. The owner admitted the boat was there a bit longer than it should have been but he was doing work on it.

Lisa Rogers moved to approve the Vehicle Report. David Keller seconded the motion. Motion carried.

Welcome Committee:

David Keller mentioned his neighbor at 3030 Bettles Bay just moved in and did not think anyone had presented the welcoming gift. Michael Hanifen has the welcoming gifts. Deanne was requested to inform Michael of the new homeowner.

Guy Mapstone moved to approve the Vehicle Report. David Keller seconded the motion. Motion carried.

Tract I:

No report.

Old Business:

Lisa reported on the status of the picnic. She does not have a volunteer to take over the picnic however, she has ordered the porta-potty and called Party World and arranged for delivery of the BBQ grill, tables and chairs. Once volunteer has been found Lisa will help them through the picnic. Deanne has been requested to send out a flyer reminding all homeowners of the picnic 10 days before the picnic.

The board discussed the dumpsters in the Bays. It was recommended the dumpsters be a larger next year. We had 6 cubic yard dumpsters this year, we might need to get the 10 cubic yard containers. The problem regarding the dumping of the dumpsters was Deanne ordered the dumpsters to be delivered on the 15th of May after our April meeting. When the weather turned nice so early Deanne moved up the date of the dumpsters to be delivered because most homeowners were already cleaning up their yards. The problem was the dumpsters got delivered but the schedules the drivers got were not updated so for the first week Deanne had to call Alaska Waste and request dumping. Once this problem was worked out the dumpsters were picked up three times a week.

Guy Mapstone moved to approve the Vehicle Report. David Keller seconded the motion. Motion carried.

New Business:

Guy Mapstone asked who updated the website with the news section. Deanne updates the violation letters. Guy stated the address of the monthly meetings was Jim LaBau's house which is old data.

Lita said she could get in and update the news. Guy asked her to update the news section stating the monthly meetings are the 3rd Monday of the month and other information as the board requests. Deanne stated she would contact Chris Robertson and see if there are any special requirements needed to keep this page updated.

Next Meeting

The next meeting will be 15 June 2009, at 2910 Rocky Bay, at 7:15 P.M.

Adjournment

Motion to adjourn by Lisa Rogers. Seconded by David Keller.

Motion carried. Meeting adjourned at 8:15 P.M.

Minutes of 15 June 2009

Attendees:

Michael Hanifen (President/Board), Guy Mapstone (Vice President/Board), Lisa Rogers (Treasurer/Board), Marina Jarvis (Secretary/Board), Dave Keller (Board Member), Jeanne Phillips (Mears Improvement Committee), David Riley (Accountant) and Paula Hanifen were present. Jim LaBau (Grounds) was absent.

Deanne Tuckerman and Lita Martusheff represented Ben Marsh & Associates, Inc.

Quorum

The Board meeting was called to order at 7:24 P.M. A quorum was established with five of five Board members present.

Approval of Minutes

The minutes of the 18 May 2009 meeting were reviewed.

Motion by Lisa Rogers to accept the 18 May 2009 meeting minutes as written. Guy Mapstone seconded the motion. Motion carried.

The minute of the 8 June 2009 Special Board Meeting were reviewed.

Motion by Lisa Rogers to accept the 8 June 2009 meeting minutes, including Marina Jarvis's waiver of attendance. Guy Mapstone seconded the motion. Motion carried.

Treasurer's Report

David Riley provided a written Treasurer's Report. (See attached treasurer's report.)

David Riley reported on the receivables. There are two items totaling \$250. The first item consists of \$50.00 in late fees from annual dues. The person paid their dues in January but had two months late fees they did not pay. The other receivable is \$200.00 in fines owed by the owner on Rocky Bay for not painting his house, which has deteriorating paint. The fine grows by \$25.00 per month until he paints the house.

Motion by Michael Hanifen to accept the Treasurer's Report. Motion seconded by Marina Jarvis. Motion carried.

Grounds Report

Board members discussed the way people are driving over newly-seeded areas and filled-in areas where the landscape crews have just planted.

Jeannie asked if speed bumps could be placed on Eshamy Bay. Deanne said the Muni has many hurdles to go over before a street will be considered for speed bumps. The subject of speed bumps has come up several times in the past. (See footnote ¹.)

¹ The minutes of the meeting with information on speed bumps is on the ABOA website, www.ABOA.org, under the Documents tab. Once there, scroll down to the 2007 cumulative minutes, and then go to the last paragraph on page 30 for the report. Deanne will e-mail everyone with the information on where to find that report.

Motion by Lisa Rogers to accept the Grounds Report. Seconded by Guy Mapstone. Motion carried.

Road Improvement District (RID)

The board discussed the contractor's watering truck and its noise late at night. If the contractor's crews are going to be working during the day, the area cannot be wet. It would be desirable stop the late night noise. Homeowners need to water their lawns and help the new seed along. The grass grows fast once the seed starts to germinate.

Guy also mentioned that nothing has been done to restore the grass to good condition in the area where the mailboxes were temporarily located.

The driveway cracks have basically been caulked rather than being repaired. This is the contractor's fix for both old and new cracks. Paula Hanifen called the Muni and was told that the Muni's project management will think all is ok if the homeowner does not complain.

The board decided to write a newsletter and post information on the web site on how to turn in complaints on the RID. Marina volunteered to write the newsletter and e-mail it to Deanne. Deanne will print the newsletter on brightly colored paper and Paula Hanifen will place one on each door.

Michael Hanifen asked Deanne to contact the webmaster and have a counter placed on the website so we know how much usage there is.

Motion by Michael Hanifen to accept the Road Improvement District report. Seconded by David Keller. Motion carried.

Mears Improvement Report:

The bond issue did not pass but the school district "found" eleven million dollars for improvement projects. Jeanne Phillips reported that the School District has more pressing projects to do before the Mears Improvement Project will be considered. The Mears Middle School entry driveway will be changed as a part of the W. 100th Ave. reconstruction project now under way.

Architectural Report:

David Keller requested permission to paint his house and handed a color chart to the board. Deanne now has the appropriate Sherwin-Williams color card in the homeowner's file. Approved colors are Riverwood SW3507, Ember (solid stain) SW3029, and Marooned SW6020 Sherman Williams paint.

Lisa Rogers moved to approve the color combination for David Keller's house. Marina Jarvis seconded the motion. Motion carried.

Marina Jarvis requested approval for painting her house with brown stain once the power washing is finished. The color will match the darkest color remaining after the power wash.

Michael Hanifen moved to approve the brown stain for Marina Jarvis's house. Lisa Rogers seconded the motion. Motion carried.

The board needs to appoint three people to the Architectural committee.

Paula Hanifen, Marina Jarvis, Jeanne Phillips, Randy Banez, and Deanne Tuckerman were nominated to be the Architectural committee.

Lisa Rogers moved to elect the above five people to be the Architectural committee. Michael Hanifen seconded the motion. Motion carried.

Michael Hanifen reported he talked with the homeowner who had asked about the mesh fence at the picnic and Michael told him that it the Association required either a 6-foot cedar fence or nothing, so the homeowner will not put up a fence.

Michael Hanifen moved to approve the Architectural Report. Marina Jarvis seconded the motion. Motion carried.

Vehicular Report:

Michael Hanifen reported three cars in the little circle on Bettles Bay parked too far out from the curb. Deanne told him we have already written the homeowner, who has several teenagers at home, to let them know this practice is not legal. The only way to stop this is to have the adjacent homeowners call the police to report the situation.

Lisa Rogers moved to approve the Vehicle Report. David Keller seconded the motion. Motion carried.

Welcome Committee:

Michael Hanifen will visit the new owners of 3030 Bettles Bay tomorrow and present them with their welcoming gift.

Tract I:

Homeowners need to pick up after their dogs whenever they walk in the neighborhood.

Guy mentioned sometime in the future putting a playground in Tract I. Michael informed the group that the Association has had a firm prepare maps and drawings regarding possibilities for Tract I. Eric Persson, the Tract I chairman, has the documents.

Old Business:

Dumpsters have been picked up and everyone appreciated having them to use. Guy Mapstone recommended getting larger dumpsters for next year. He also suggested putting a notice in the Spring Newsletter as to what the dumpsters are for, i.e. yard clean up.

Michael Hanifen moved to approve the Old Business. Lisa Rogers seconded the motion. Motion carried.

New Business:

David Riley stated we have late fees of \$50.00 being billed to Deirdre Miller. The dues were paid in January, two months late. She did not pay the \$25 a month late fees assessed for November and December, so we are still billing her for those late fees every month. Mr. Miller passed away late last year from cancer after being outside for treatment.

Lisa Rogers moved to waive the late fees to Mrs. Miller. Marina Jarvis seconded the motion. Motion carried.

The board requested Deanne get an update on Deirdre Miller's issue with the city on the placement and wrong type of fence from Jim LaBau for our next meeting.

Lisa Rogers moved to approve the New Business. Marina Jarvis seconded the motion. Motion carried.

Next Meeting

The next meeting will be 20 July 2009, at 10131 Eshamy, at 7:00 P.M.

Adjournment

Motion to adjourn by Lisa Rogers. Seconded by Michael Hanifen.

Motion carried. Meeting adjourned at 8:52 P.M.

Minutes of 20 July 2009

Attendees:

Michael Hanifen (President/Board), Guy Mapstone (Vice President/Board), Lisa Rogers (Treasurer/Board), Marina Jarvis (Secretary/Board), David Riley (Accountant), Jim LaBau (Grounds), Randy Banez (Architectural Committee), and Paula Hanifen (Architectural Committee) were present. Dave Keller (Board Member) and Jeanne Phillips (Mears Improvement Committee) were absent.

Deanne Tuckerman and Ulita Martusheff represented Ben Marsh & Associates, Inc.

Quorum

The Board meeting was called to order at 7:11 P.M. A quorum was established with four of five Board members present.

Approval of Minutes

The minutes of the 15 June 2009 meeting were reviewed. Motion by Lisa Rogers to accept the 15 June 2009 meeting minutes as written. Guy Mapstone seconded the motion. Motion carried.

The minutes of the 08 June 2009 Special Board Meeting were reviewed. Motion made by Lisa Rogers to accept the 08 June 2009 Meeting Minutes. Marina Jarvis seconded the motion. Motion carried.

Treasurer's Report

Lisa Rogers read through David Riley's written Treasurer's Report for the board. (See attached treasurer's report.)

Total income for the month of June was \$240.23: \$200.00 for violations and \$40.23 for interest from the savings account. Expenses totaled \$5,590.52, as follows: block party \$970.16, common area maintenance \$1,043.47, common area grounds fees \$748.00, printing and reproduction \$9.99, electricity \$18.90, accounting \$300.00, and property management \$1,500.00. The overall loss amounted to \$4,350.29.

The checking account balance is \$767.00, the savings account has \$5.00, and the premium savings account balance is \$43,335.63.

Motion by Michael Hanifen to accept the Treasurer's Report. Motion seconded by Marina Jarvis. Motion carried.

Grounds Report

Jim LaBau presented the grounds report. Mowing cost from May to June was \$4,555.00. Part of that cost was for fertilizer for the common areas. Mowing will be less

expensive in July due to dry weather. We are well within the budget for mowing. We have been watering some common areas and a few of the homeowners have also watered common areas. We have been weeding the dandelions in the common areas.

We have had a grass problem around the neighborhood. The contractors were supposed to mow the grass that they reseeded, but they haven't done so. The wrong type of grass seed was used, and we expect that the new grass will not survive the cold winter. The contractors are aware of this and are trying to fix the problem by reseeding the dry patches. Jim LaBau hopes that they use bluegrass instead of the type they used.

The flowerbed on Ensign and Admiralty Bay needs work. Jim LaBau asked for three different bids from landscapers to fix that area. Homeowners in that area suggested we grass the area over and plant some lilacs behind the sign. One of the homeowners complained that the sign has faded. The board discussed having volunteers to help Jim LaBau fill in the area with top soil and seed it and also to remove the tree that was knocked down by the wind last winter. Jim LaBau asked for a motion from the board to give Jim the authorization to do this work. We would need a truckload of topsoil.

Tree seedlings are slowly being moved to the edge of the KFQD Park. We need volunteers to help with that because it turned out to be a bigger project than expected. It's been difficult to dig the holes big enough for the roots of the trees when transplanting the seedlings.

At 2921 Admiralty Bay, Deirdre Miller got lots of complaints from her surrounding neighbors about the lawn not being mowed and dandelions all over her yard. Jim LaBau stepped in and mowed the lawn and removed the dandelions. The City Surveyors have surveyed the area and have agreed that they have chopped seven feet off Deirdre Miller's property. Jim LaBau suggested to John Smith, the city official, that they compensate Deirdre Miller by filling a two-foot rock wall and putting the fence on top of the rock wall. John Smith said that the city would not do that, as they intend to purchase the land from Deirdre Miller instead. Jim then suggested that the city give Deirdre Miller a tax break on the property taxes for the last two years that she has already paid on that the city had taken from her. Jim LaBau met with Deirdre Miller and she said that the city never responded to her letter about the property the city took from her or the wrongly-located fence that was put up after the sidewalk construction was completed. Jim LaBau suggested she speak with an attorney regarding this matter.

Jim LaBau checked on the fence between 2931 and 2921 Rocky Bay Circle. The owner of 2921 Rocky Bay Circle, Mrs. Dowling, doesn't know who the fence belongs to. She said that she would speak with her neighbor at 2931 Rocky Bay and work out who owns the fence and who should repair or remove it.

Marina Jarvis made a motion to approve the grounds report, to authorize funds up to \$400 to redo the sign on Ensign and Admiralty Bay, and to authorize up to \$200 for the cost of moving trees at KFQD Park. Lisa Rogers seconded the motion. Motion carried unanimously.

Road Improvement District (RID)

The road improvement contractors were on the scene and noted all the cracks and breaks in the curbs and driveways. Road curbs are being cut out and repaired and, in some cases, replaced. The contractor is in the process of either repairing or sealing the cracks in driveways .

Deanne Tuckerman asked John Smith to attend the ABOA Board Meeting as a city representative and he declined the invitation. He was asked to speak about the difference in the grade of the road and he said there is no difference.

Motion made by Michael Hanifen to accept the Road Improvement District report. Motion seconded by Lisa Rogers. Motion carried unanimously.

Mears Improvement Report:

The school year at Mears starts on 19 August 2009. There is a concern that the road construction there is behind schedule and that there will be traffic issues once school starts. This issue was tabled for the next meeting.

Architectural Report:

The board had a long discussion about the operation of the Architectural Control Committee and the rules under which it operates.

Per Article 6, Section 2, of CC&R's changes to the existing architecture of homes in the association are to be approved by the Architectural Control Committee and not the Board of Directors. All five votes will be needed to vote on any request, unless we get a signed statement from an Architectural Control Committee member that they wish to withdraw from a vote.

Marina Jarvis volunteered to coordinate all samples and requests in person with the Architectural Control Committee. Deanne will direct all architectural requests to the Architectural Control Committee. The Architectural Control Committee will meet prior to a Board Meeting and present their reports at the ABOA Board meeting.

The association manager wrote a letter approving a neutral paint color based on the votes of three Architectural Control Committee members saying the color was acceptable. The owner already had her painters ready to begin work. Another owner requested approval to have their house revarnished. The association manager approved that request since the color wasn't changed.

Michael Hanifen stated that all requests should be sent to the whole Architectural Control Committee for approval. The association manager made the decision to approve the two requests to paint and stain the houses because she had a majority of the votes of the Architectural Control Committee approving the changes.

Mrs. Hanifen, who is a member of the Architectural Control Committee, was upset that her vote wasn't counted. Mrs. Hanifen didn't vote because she was on vacation and out of state at the time. Marina Jarvis asked if the Architectural Control Committee was going to make its decisions by a majority vote or wait until all Architectural Control Committee members had cast their votes? Michael Hanifen said that every vote would be counted whether there is a majority or not. He went on to say that if you e-mailed that you aren't available to vote it, is an automatic yes vote.

Guy Mapstone read Article 3, Section 9 of the Bylaws, and then said: "What that says to me is an e-mail exchange can happen with a waiver to vote if you aren't able to vote. A waiver needs to be signed. A member can request that a vote or decision be put off till they are available to meet. The Architectural Control Committee should be the same as the board of directors. If there is a quorum and something gets passed the absent board member cannot come back and say I didn't like your decision. You can revisit the issue but it has been decided and you cannot change it. Committees are run by majorities or quorums. It doesn't say that if you are out of town and can't see the samples that your vote doesn't count, it just means that you haven't made a good decision without it. Since we all live close by it is a great idea to see the samples in person so we can make a good decision. We all agreed on the internet that the scanned colors and computers colors are not efficient".

The point of getting the waiver, by waiving your right the meeting can continue and votes can be cast. Just like we had the emergency meeting, we got a waiver to abstain from attending the meeting and casting a vote from one of the board members. Same laws apply here. If a Architectural Control Committee member isn't able to attend or make an informed decision then they must provided a signed waiver before the meeting. A notice of meeting needs to be sent out to all Architectural Control Committee members of the intended meeting scheduled.

Per the Bylaws, the committee has 60 days to approve or disapprove a request. The question was asked if we could have that changed to 30 days due to the limited time that we do have to paint and make any improvements on the exterior of the house.

A 24-hour turn around for an approval is an unrealistic time. The homeowner's schedule does not constitute a reason that the Architectural Control Committee should rush into making a decision. If there is a problem, then the decision needs to be held off and if that means the homeowner loses their painter and painting date, then that's their fault because they didn't come to the board first before scheduling a painter and date.

Michael Hanifen stated, "Back to the staining issue, it is a change or alteration to what was previously viewed on the house. It does need to be approved by the Architectural Control Committee It does not say anywhere in the Bylaws about the color being the same on the house, that was a rule that was instituted by the past president of the ABOA Board, if the color is the same then it is approved. That's operating outside of the CC&Rs and it's not OK. We need to follow the CC&Rs, which states change or alteration and there is no interpretation of that. If the color is not exactly the same as

what is on the building now then you are changing or altering the color. It needs to go through the Architectural Control Committee for approval.”

Lisa Rogers proposed that the Architectural Control Committee revisit the ABOA House Rules and make any changes needed to have the rules be clearer and in a language all will understand. The Architectural Control Committee also needs to set up guidelines on how they will operate. The board can change House Rules but the CC&Rs and Bylaws need three-quarters of the homeowners’ approval to make any changes in the rules. House Rules can be changed and altered by the board. The Board of Directors then needs to approve the changes and all homeowners have to be notified of the new changes made.

The association manager will call an attorney and find out how the Homeowners Association CC&Rs, Articles, Bylaws, and House Rules can be legally changed and refined.

The owner of 2900 Rocky Bay Circle requested permission to replace their roof shakes with aluminum roofing.

Marina Jarvis will have the Architectural Control Committee meet within the next ten days and look at the house-painting and metal roof request for approval. Marina suggested we stay within the neighborhood and not go outside of our association for guidance.

Michael Hanifen suggested that during the drive through, management needs to note if something is being changed around the neighborhood. It needs to be stopped immediately if the Architectural Control Committee or the Board of Directors hasn’t given approval. The changes need to be brought up to the board and Architectural Control Committee.

3000 Bettles Bay is finally working on his garage door.

Michael Hanifen made a motion to remove Deanne Tuckerman from the Architectural Control Committee due to conflict of interest because she is a paid property manager and should not be on the Architectural Control Committee. Guy Mapstone said that she was elected as an Architectural Control Committee member and should remain until the association has a member volunteer for the position. There must be five members on the Architectural Control Committee. Once we have a fifth member on the committee then Deanne Tuckerman will just have administrative control and not be the committee chair.

The homeowner of 3035 Bettles Bay sent an e-mail to the president of ABOA, Michael Hanifen. The e-mail was forwarded to the board and property manager. The owner wanted to know if 10130 Eshamy Bay had gotten approval of the board for the color choice on the house that was painted last week. The owner also asked how the board decided to approve a color that didn’t exist in the neighborhood and wanted to know what courtesy the board owed to neighbors on the color choice for a home.

Michael Hanifen spoke with the owner of 3035 Bettles Bay. The homeowner says he is contemplating a lawsuit against the Alaskan Bay Owners Association Board. He feels violated in every way and has three windows facing the house on 10130 Eshamy Bay. He is forced to keep his curtains closed so as not to see the “offensive bright color” of the house.

Michael Hanifen stated, “I told him in no uncertain terms that I would join him on that because I opposed the house color. I informed him of the meeting today and invited him to the board meeting. He will attend the next board meeting. He is more than irate about the house color. He is the closest neighbor to this house and it offends him. We have to decide what we are going to do about this? Are we going to face legal action and deplete our accounts or have the house repainted with one of the other two color samples that homeowner submitted. Do we face a lawsuit or do we repaint the house?”

Guy Mapstone stated, “As a board we should stand behind our decision that we made at the emergency meeting regarding the color choice of 10130 Eshamy Bay house. Three out of four board members were present and one sent in a waiver. It was voted on and approved that the owner of 10130 Eshamy Bay can paint his house any of the three color samples he submitted. We need to stand our ground as a board. Otherwise you have the precedent of anybody that doesn’t like what the board did is going to take you to court and pursue it for fear that the board will back down and readdress everything that was discussed, because of a fear for a law suit. On the same token, the homeowner that had the color painted when they were stopped, could have put a claim against the board for stopping something that got written approval of the color and remodel of the house prior to changing the rules that all changes to exterior of the homes be approved by the board.”

Michael Hanifen stated it wasn’t approved prior to the meeting at the first start of the painting job on 10130 Eshamy Bay. However, the board approved that color last fall (2008). The letter was written to the homeowner that they could paint the house the same color. The color choice they went with was a sample the owner got off the back of the house where the existing paint hadn’t oxidized. The paint company matched the existing color that the house was painted roughly fourteen years ago. Deanne Tuckerman will drop off the color samples that were originally submitted to Michael Hanifen on the next drive through.

Lisa Rogers said, “We followed the process based on the evidence before us and the decision was made. I stand by that decision. This topic wasn’t on the agenda for this meeting and I don’t think it’s appropriate to discuss this issue at this meeting. I would like to stop with this discussion and move on with the agenda. I think we are out of order and need to move on with the agenda. This discussion can be put on the agenda for the next meeting.”

We as the board need to be informed of the Architectural Control Committee meetings, outcomes and decisions. Marina Jarvis will report at the Board Meetings.

Lisa Rogers moved to approve the Architectural Report. Guy Mapstone seconded the motion. Motion carried unanimously.

Vehicular Report:

No report

Welcome Committee:

Michael Hanifen welcomed the new owners of 3030 Bettles Bay to the neighborhood.

Tract I:

Look into the archives for the plans and drawings of the playground for Tract I. The board tabled discussion of the Playground for the October meeting.

Lisa Rogers moved to approve the Tract I Report. Marina Jarvis seconded the motion. Motion carried unanimously.

Old Business:

The Block Party was budgeted at \$900 and we went over by \$70.16.

The board directed Deanne Tuckerman to look into putting up “Children at Play” signs around the neighborhood. Check with the city if to see if the association can post signs. The city will not allow speed bumps to be put in the neighborhood.

Lisa Rogers moved to approve the Old Business. Guy Mapstone seconded the motion. Motion carried unanimously.

New Business:

The house at 2930 Rocky Bay Circle hasn't been painted. The owner has paid \$200 in fines for not painting. The board discussed how to proceed with this issue. Do we hire someone to paint the house and then charge the owner? He has been asked repeatedly since 2004 to paint his house and nothing has been done.

Guy Mapstone and Michael Hanifen agreed to go speak to the homeowner on what his plan is about painting his house. They will then present their findings to the board at the next meeting and we can then discuss what the next step is concerning this house.

The association manager sent a letter to 2931 Rocky Bay Circle requesting their schedule for painting their house and repairing their fence. The owner responded regarding the fence but not on the painting.

Trimming and removing trees need to be approved by the Architectural Committee.

Lisa Rogers moved to approve the New Business. Guy Mapstone seconded the motion. Motion carried unanimously.

Next Meeting

The next meeting will be 17 August 2009, at 10141 Eshamy Bay, at 7:00 P.M.

Adjournment

Motion to adjourn the meeting was made by Lisa Rogers. Motion seconded by Michael Hanifen.

Motion carried. Meeting adjourned at 9:10 P.M. on 20 July 2009.

Minutes of 17 August 2009

Attendees:

Michael Hanifen (President/Board), Guy Mapstone (Vice President/Board), Lisa Rogers (Treasurer/Board), Marina Jarvis (Secretary/Board), David Riley (Accountant), Jim LaBau (Grounds), Jeanne Phillips (Mears Improvement Committee), Chris Breest, and Paula Hanifen (Architectural Committee) were present. Dave Keller (Board Member) and Randy Banez (Architectural Committee) were absent.

Ulita Martusheff represented Ben Marsh & Associates, Inc.

Quorum

The Board meeting was called to order at 7:16 P.M. A quorum was established with four of five Board members present.

Mowing Contract

Michael Hanifen asked Chris Breest, as the representative of M&A Enterprises, to make a presentation about what is included in the mowing contract. There are two places where M&A Enterprises mows once a month even though the land is city-owned. Chris reported that the mowing contract has amounted to \$10,000 to \$12,000 per year for the last four years. This will go up next year because for the last three years there has been construction and some areas have not required mowing. If all areas were "on line" as of right now the mowing contract would cost \$14,000 per year at current prices. There are nine tracts currently being mowed. Chris recommends we add the two areas he is currently mowing at no charge to the contract as tracts 10 and 11. Chris said M&A Enterprises are interested in bidding on the new mowing contract. Chris stated M&A Enterprises would mow for current price since the board increased Tract I to cover the additional area to be mowed. Chris said in the meeting it would be about \$15,000 if the additional areas were added to the contract. Chris Breest left at this time.

Marina made a motion to have M&A Enterprises rebid the contract with all tracts included, i.e. adding the two areas they now do once a month. The contract will be for two years, until December 2011. Lisa seconded the motion. The board approved the new contract unanimously.

Approval of Minutes

The minutes of the 20 July 2009 meeting were reviewed. Lisa Rogers made a motion to accept the 20 July 2009 meeting minutes as written. Marina Jarvis seconded the motion. Motion carried.

Treasurer's Report

See attached Treasurer's report. David Riley explained that there were two months of management fees and accounting fees taken out in July. This is because Deanne Tuckerman was leaving on vacation and made out the checks early so she could sign them. There will not be an entry for property management or accounting in August.

Michael Hanifen asked if there would be a time when the expenses will exceed income. We now balance out on the income and expenses. Right now our largest expenses are property management followed by grounds maintenance. David Riley gave the history about Chris Breest wanting to keep \$20,000 in reserve to repair the fence along W. 100th Ave when it needed repairs without having to have a special assessment of the homeowners.

The board discussed all the items paid by the dues and how much income there is. Are we charging enough dues to keep the reserve amount for the fence repair? There are 132 lots in the subdivision and all 132 owners pay dues. David Riley will send out dues statement in September. The dues are payable in the month of October and late charges start in November.

Lisa Rogers moved to increase the dues by \$15.00 per year from \$325 to \$340.00 per year. Michael Hanifen seconded the motion. Motion carried.

Marina will write a memo to include with the dues statement explaining why the dues are going up. Marina will e-mail the notice to Lita who will print it out on orange paper and the association manager will send the notices to David Riley for him to include with the statements.

Marina Jarvis made a motion to accept the Treasurer's Report. Motion seconded by Lisa Rogers. Motion carried.

Grounds Report

Jim LaBau presented the grounds report.

Mowing: The mowing and grounds care cost for May, June and July totaled \$6,630. Mowing lessened in July due to the very dry weather. We should be fairly well on the budget line for the summer. August's wetter weather will cause increased grass growth for August, so the bill is expected to be higher.

The Grass Problem: Nothing new to report on the grass problem, except there has been some supplemental seeding in a few areas. The city had the wrong mixture of seed planted in the RID areas.

Flowerbed at Ensign and Admiralty Bay: The flowerbed at the corner of Ensign and Admiralty Bay has been reworked. We still need to replace the rotten wooden border on the back of the bed. That's a project for professionals next spring.

The front part of the flowerbed area was cleaned out and planted to grass, and it is coming in very well. In the back, we planted three lilacs, three troilus, and two

artemisiias (round sage), all perennials. We also put down weed-inhibiting fabric and covered the fabric with small rock. There was a community work party of seven people involved plus Adam Breest of M&A Enterprise.

The total cost for this project was \$186.38, so we did not use the total \$400 allocated. The rockwork to be done next spring by an architect will probably cost about \$1,000.

We are moving spruce seedlings from the middle of KFQD Park to the edge. We ran out of time getting Adam Breest in to move trees before he returned to college. However, Jim personally moved three trees and plans to move about five more. He also removed about ten clumps of moose-browsed birch shrubs to make mowing easier. The city is now mowing the whole park instead of just one-third of it, which they had been doing.

There are about twelve trees in the southeast corner that we will probably leave in place. One tree will be moved to the pocket park to replace one that died there, and another may be moved to Ensign to replace a Limber Pine that died there.

Deirdre Miller's situation: No new developments there. Jim LaBau will check to see if she has written to the city about resolving this.

The Hanifens said that the two new streetlights near their house light up their back yard "like a prison yard". They are understandably unhappy with the situation. They have talked with John Smith, the Muni's project manager, about the situation. He has given them no satisfaction.

Marina said the association should write a letter to John Smith regarding the concerns that have been expressed so there is documentation. This will include the lighting situation, tree roots left bare, elevation changes along W. 100th Ave., the Deirdre Miller problem and other related problems. Marina will draft the letter and e-mail it to the board members and BM&A for comments. Once everyone has his or her say, Marina and Michael will sign the letter and mail it out.

Road Improvement District (RID)

Covered in the grounds report.

Mears Improvement Report:

Nothing that was not covered in the grounds report.

Architectural Report:

Michael Hanifen moved that Chris Breest be added to the Architectural Committee and Deanne Tuckerman be removed from the Architectural Committee. Lisa Rogers seconded the motion. Motion passed.

The architectural committee discussed the aluminum or metal roof request at 2900 Rocky Bay. Two of the members drove by some of the houses on the provided list of roofs to look at, and the committee made the decision to deny the roof. They felt the roof looked cheap, very shiny, and that the snow slides distracted from the looks.

No new requests have been received.

Marina Jarvis stated any and all concerns Benez's blue house be left with the board as they were the ones who voted on the color since the committee was not in place at the time.

Michael Hanifen moved to approve the Architectural Report. Guy Mapstone seconded the motion. Motion carried unanimously.

Vehicular Report:

No report

Welcome Committee:

No report

Tract I:

No Report

Old Business:

Guy Mapstone reported he did not talk with the owner at 2930 Rocky Bay about painting his house. He is still planning to go over and talk with the owner and find out why he has not painted his house and ask him how the association can help him get this accomplished.

Lisa Rogers, who lives one house away from him, reported from time to time she sees him on a ladder with a paintbrush in hand and paint painting the bare spots on the house.

Paula and Michael Hanifen will go and talk with the owner at 2930 Rocky Bay. Lisa stated he has been painting and you can see results. He did this last year and over the winter it wore off. We will continue billing \$25.00 per month until the house painting is completed.

Marina Jarvis will ask the person who painted her house (for her at a very reasonable price to see) to see if he can give the gentleman a bid, which he might accept to get the house painted professionally.

Lisa Rogers gave the Picnic Report. The total for the picnic was \$970.16. That has been reimbursed in full. This total covered food, tables, rent-a-can, grills kids games

etc. Lisa has redone amounts of food required, and other items and has very detailed information for the Picnic Chair for next year.

Michael Hanifen asked if Deanne has looked into the “children at play” sign. He stated there is a 25 miles per hour sign in his neighbors yard. He does not understand why it is at the end of the street rather than when you turn onto Eshamy from Bettles Bay. The city had a “Children at Play” sign across the street before the construction. Guy said he would call Jason and request that the sign be replaced.

Marina Jarvis moved to approve the Old Business. Michael Hanifen seconded the motion. Motion carried unanimously.

New Business:

An issue regarding who were check signers came up when Deanne went out of town. Marie Steel, Chris Breest, and Deanne Tuckerman are the current signers. After discussion about who should sign the checks and if David Riley should be a signer, Lisa Rogers made a motion that David Riley, Michael Hanifen, Lisa Rogers, and Deanne Tuckerman be signers and if the check is over \$2,500.00 two signers should be required. Marina Jarvis seconded the motion.

Lisa Rogers requested the meeting schedule be changed to allow David Keller attend the meetings left in his term. The next meeting will be changed from 21 September to 28 September.

The color of the house at 10130 Eshamy was brought up by Michael Hanifen. Michael has gone to talk with Mr. Polen, who is a neighbor to the house is question. Dr. Hanifen is still upset about the color and he and Mr. Polen think that the color is wrong.

Marina Jarvis said the board should be unified and even though everyone does not agree with the outcome, the board should speak with a unified voice.

The board discussed the process that took place with the approval of the paint color. In summary: When the owners of 10130 Eshamy Bay requested permission to make an addition to their house in May 2008, the then-board approved the request and a letter was sent approving the addition and painting the house the same color.

Michael Hanifen stopped the painting when he saw the color and did not like it (letter sent by property management 3 June 09). The owners submitted a letter (hand carried to the management office 3 June 09) with three colors proposed for the house to be painted. Two of the colors were approved by letter (5 June 09).

While this was happening, a portion of the siding was found with the original paint color where the sun had not faded the paint. The painting crew painted a strip of the proposed paint color next to the original paint and the new color matched the old, original color.

The board held a special meeting 8 June 09 in the management office. One board member was out of town but did send in a waiver. The call for the vote was given on all

three colors and the vote was three for and one vote against approving all three colors. A letter approving all three colors was sent to the homeowner on 12 June 09.

Michael Hanifen proposed that the two other approved colors be taken to Mr. Polen to see if either one of these colors would be acceptable to him if the homeowners association would pay for the repainting of his house. The other board members discussed this and there was concern about homeowner dues being used to paint a homeowner's house. The precedent being set and other legal implications were of particular concern.

Mr. Polen should be told the board made a decision and the color was approved according to the process. The current board's interpretation of the CC&Rs is ambiguous, as the board cannot agree on the interpretation of "to change or alter the color" of a house. Some think that the actual original color of a house should be acceptable, and others feel that the current, faded color is the standard to be met.

Lisa Rogers moved that the board ratify the decision made at the special meeting to approve the house color. Guy Mapstone seconded the motion.

In discussion, Paula asked if trees could be donated to Mr. Polen. Guy Mapstone said that Mr. Polen had removed trees before the house color was changed. Paula asked what could be done for Mr. Polen, who is distressed about the house color to the degree of keeping his shades pulled all day.

Michael Hanifen asked if the vote could be ratified with David Keller being absent. Lisa Rogers stated we have a quorum so this is ok to do.

Marina Jarvis said the board needs to put this matter to rest and move forward. Whatever the vote is tonight needs to go forward and this item should not be discussed again. Marina Jarvis stated this has gone on for 4½ weeks and the stress was so much that she was resigning from the board. The board has to be one voice and if Mr. Polen sues we will deal with the issue when it happens.

Lisa Rogers called for the vote. The vote was three in favor and one opposed to the approved color.

Lisa Rogers moved to approve the New Business. Guy Mapstone seconded the motion. Motion carried unanimously.

Next Meeting

The next meeting will be 28 September 2009, at 10001 Eshamy Bay, at 7:00 P.M.

Adjournment

Motion to adjourn the meeting was made by Lisa Rogers. Motion seconded by Michael Hanifen.

Motion carried. Meeting adjourned at 9:45 P.M. on 17 August 2009.

Minutes of 28 September 2009

Attendees:

Michael Hanifen (President/Board), Guy Mapstone (Vice President/Board), Lisa Rogers (Treasurer/Board), Jeanne Phillips (Board/ACC/Mears Improvement Committee), Dave Keller (Board Member), Randy Banez (Secretary/Architectural Committee), Chris Breest, and Paula Hanifen (Architectural Committee (ACC)) were present. David Riley (Accountant) and Jim LaBau (Grounds) were absent.

Deanne Tuckerman and Ulita Martusheff represented Ben Marsh & Associates, Inc.

Quorum

The Board meeting was called to order at 7:09 P.M. A quorum was established with five of five Board members present.

Approval of Agenda

The annual meeting, the vacant board position, and report guidance for the architectural committee were added to the agenda.

Lisa Rogers moved to approve the agenda. Guy Mapstone seconded the motion. Motion carried.

Approval of Minutes

The minutes of the 17 August 2009 meeting were reviewed. Lisa Rogers made a motion to accept the 17 August 2009 meeting, with the correction of "Dee Miller" be changed to "Deirdre Miller". Guy Mapstone seconded the motion. Motion carried.

Treasurer's Report

See attached Treasurer's report. David Riley was absent so Lisa Rogers read the treasurer's report. See attached report.

There are no new homeowners in the neighborhood. Dues notices, with an explanation of why dues were increased to \$340 per property, were mailed last week.

Amy Perales (3120 Admiralty Bay) called our accountant and said that they are experiencing a financial hardship and would like to set up payments for the annual dues. She proposes paying \$50.00 every two weeks beginning October 1st, with no late fees to accrue. This is a military family that relocated to New York in June 2008. They requested and received late-fee relief for their 2008 dues. Their dues last year were paid at \$50.00 per month, with the balance paid off in February 2009. David Keller made a motion to approve the request. Michael Hanifen seconded the motion.

Discussion: This could result in other homeowners not paying in a timely manner. Amy stated the garage door broke and they had to spend \$400 to fix that for the tenant and that is why they did not have the dues money. Other homeowners will know their late fees were forgiven because the minutes get posted on the website. The board suggested that it might be acceptable to forgive their late fee if the homeowner were to set up a payment plan and pay next year's anticipated dues as well as this year's dues in the payment plan. (There is nothing allowing this in the CC&Rs.)

The motion failed on a tie vote. Lisa Rogers moved that this topic be tabled till we have a five-member board. Guy Mapstone seconded the motion. Motion carried, and this item will be discussed when five board members are present to vote on it.

Lisa Rogers made a motion to accept the Treasurer's Report. Motion seconded by Guy Mapstone. Motion carried.

Grounds Report

Jim LaBau e-mailed the grounds report to Deanne. It read as follows":

"Mowing bills are in thru August. August's bill was \$2430, and the total for the summer is \$9060.

This week, Julie?? from the Muni met with Deirdre Miller. They admitted to their error, basically trespassing on Miller's property, excluding about 170 square feet by moving her fence. It appears that most of Deirdre's demands will be met—the city will have to arrange to pay for or rent the area that they put the utilities on – Julie estimated it would cost the city \$100,000 to move the utilities they have on Deirdre's property. They will put in a rock wall, level her lot to the wall, and put in a new fence and replace the shrubbery they removed. The only question is whether the city can refund taxes to Deirdre for the 2 years that she has not had use of that 170 square foot piece they took away from her. John Smith's office cannot make the call on taxes, but Julie agreed to work on that for Deirdre.

Cheryl Stewart, former president of ABOA, took on the project of cleaning up the landscaped bed at the corner of Ensign and Bayshore. We have to get some more bark chips for her.

Debbie Jaso came to my door today wondering how to get on the Architectural Committee. She is upset about the blue house. I think she lives in Rocky Bay. I gave her Deanne's number and the ABOA web site.

Send me any email if there are any questions."

Lisa Rogers made a motion to accept the Grounds Report. Motion seconded by Michael Hanifen. Motion carried.

Road Improvement District (RID)

Guy Mapstone did not contact Jason about the "child at play" sign for Eshamy Bay. Guy will follow up on this before the next meeting. Two weeks ago the engineers did a walk-through and we do not know if the work was signed off on or not. If the project was signed off, Jason will have completed the project. We don't know if we will get the "children at play" sign replaced. The bills cannot be sent to the homeowners until the engineers have signed off on the project.

Guy Mapstone asked the Hanifen's what the status of the streetlights in their back yard? Michael Hanifen reported that John Smith came by and told them the light was not shining in their bedroom so nothing would be done.

Paula Hanifen brought up the speed bumps that they have been trying to get for the last two years. She said that there are some new areas that have new speed bumps that were not removable put in just this year. Chris Breest stated Deanne had looked into

these before and there was nothing we could do. He recommended Paula be appointed as chair to get all the information about getting speed bumps installed for ABOA neighborhood. Deanne stated that last month's minutes listed prior minutes which had contacts that could answer questions.

Lisa Rogers made a motion to approve the Road Improvement Report. Motion seconded by Guy Mapstone. Motion carried.

Mears Improvement Report:

No report.

Michael Hanifen made a motion to approve the Mears Improvement Report. Motion seconded by Lisa Rogers. Motion carried.

Tract I:

Guy Mapstone would like to have playground equipment for Tract I placed on the agenda for one of the future meetings. Eric Perrson is the chairman of the Tract I committee. Land Design North did three possible designs for Tract I. One had playground equipment, one had a bike trail through there, and the third proposal was to leave it as green space with trees around it. After talking with the owners who live around Tract I, the board at that time (2 years ago) went with the last design. This decision can be changed at any time. The association can go through the Muni's Adopt a Park program and put more equipment in KFQD Park whenever they want to start the process. Eric Perrson has the designs and they are available on the ABOA website. Guy Mapstone volunteered to be a point person for getting a children's park and report what he finds at the annual meeting in February.

Chris Breest will get with Jim LaBau and find out from the city where to get the bags from the city to fill the dog-poop stations in the neighborhood and take over the duties since the last person to volunteer to take care of this task is no longer living in the association. Chris has noticed since the bags are no longer there and there is more dog-poop left on the ground. Chris will also talk with the city and have a dog-poop bag stand installed in Tract I.

Lisa Rogers made a motion to approve the Tract I Report. Motion seconded by Michael Hanifen. Motion carried.

Architectural Committee Report (ACC):

Deanne requested the paint samples for 3050 Bettles Bay be returned to her so they can be filed. The house was painted without ACC approval. Everyone agreed the colors looked good and Deanne needs to send the owner an approval letter for his files.

Michael Hanifen would like to join the ACC and be the chair of the Architectural Control Committee (ACC). Lisa Rogers stated per the bylaws only one vote per property owner and since his wife is on the committee he could not be on the committee.

Lisa Rogers made a motion to move item #5 on the agenda, guidance to committee and ACC choosing a chairman to item #1 on the agenda and renumbering the rest of the items. Motion seconded by Guy Mapstone. Motion carried.

The ACC consists of Jeanne Phillips, Randy Banes, Paula Hanifen, and Chris Breest. Marina Jarvis resigned in August 2009. Guy Mapstone recommended a board member be on the ACC and that person chairs the ACC. Marina Jarvis' board position is also vacant and her term ends in February 2010.

The ACC board will establish a procedure for them to follow so all requests get handled under the same rules and with the most efficiency possible. The board can change the house rules. Changing the CC&R requires approval by 75% of all homeowners. The ACC will bring their procedures to the board for approval.

Guy Mapstone moved that Jeanne Phillips fill the board position for the completion of Marina Jarvis's term and be chairperson for the ACC at the board meetings. Michael Hanifen seconded the motion. Motion carried.

Guy Mapstone brought up the fact we have two people who would like to join the ACC. They are Debbie Jaso and Charlie Klever. Deanne will forward the email to Jeanne of the names and phone number of the two people who are interested.

Guidance for the committee, Deanne has requested she be copied for all items the ACC takes so she can send the letters of approval or denial.

Guy Mapstone moved that all the remaining items on the agenda be given to the ACC and that that the committee deal with them and give the board the result at the next meeting. Lisa Rogers seconded the motion. Motion carried.

Michael Hanifen moved to approve the Architectural Report. Guy Mapstone seconded the motion. Motion carried.

Vehicular Report:

Deanne reported the RV on Bettles Bay that spends more time in the neighborhood than out. The owner will park the RV at Fred Myers and other places but the RV always returns to a spot near the owner's home. The board agreed the illegally parked RV would be fined without sending the owner a second letter after he has the first letter for the season. We will tell him this is the only notice he will receive.

Lisa Rogers moved to approve the Vehicular Report. David Keller seconded the motion. Motion carried.

Welcome Committee:

No report.

Tract I:

No report.

Old Business:

The house at 2930 Rocky Bay has been painted and the yard looks good this year compared to last year. The fine will end as of the end of August. Deanne will notify David Riley to stop the fines.

Lisa Rogers moved to approve the Old Business. David Keller seconded the motion. Motion carried .

New Business:

Chris Breest spoke about the restoration of cedar shake roofs. If the cedar roofs are restored they can last a long time. He said the new cedar roofs cost over \$20,000, asphalt shingles cost about \$12,000, and the restoration is about \$2,500. The restoration needs to be done regularly, but if they are done regularly the roofs could last up to 100 years.

Chris Breest also talked about the energy audits and the potential for upgrading the looks of the neighborhood and the homeowner getting paid for the upgrades. There are plenty of items that will be covered. The energy audits are being done more quickly than before because the number of certified auditors has increased.

Chris recommended both items be addressed in the newsletter, as it will help all homeowners maintain their houses. The energy audit locks the funds down for 18 months, which insures the funds will be available when they complete the audits. You must improve the energy efficiency by one star and 6 or 8 points in order to receive the money. Make sure you review your audit report before spending the money.

In the lawn mowing contract, two new areas (tracts 10 & 11) were added. Chris Breest put the new contract prices next to the old contract prices, which were bid 3 or 4 years ago, to show there were the two new areas for an additional amount of \$60.00 and increased tract 7 from \$60.00 to \$80.00 and tract 8 from \$30.00 to \$40.00 and the hourly rate from \$10.00 to \$15.00. The changes would bring the total from \$730.00 to \$820.00.

Lisa Rogers moved to table the mowing contract till the October meeting so the board can look over the numbers. Guy Mapstone seconded the motion. Motion carried.

Chris Breest requested the board to consider authorizing the purchase of \$250.00 worth of fertilized so tracts 3 and 7 can be winterized in October.

Guy Mapstone suggested Chris add the cost of spring fertilization to the mowing contract as a line item in the contract. Chris said that would be approximately an additional \$650.00 per season. This would be for a large spring fertilization and a smaller fall fertilization.

Michael Hanifen moved to authorize \$250.00 be spent on fertilizer for tracts 3 and 7. Dave Keller seconded the motion. Motion carried.

Deanne said that if we do not have a November and December meeting, the annual meeting information must be completed at our October meeting because the January meeting is held too late to give the homeowners the required 30-day notice. Deanne was requested to email the board members all the information she would need for the notices.

Deanne told the board it costs about \$80.00 to rent the multipurpose room at Bayshore Elementary School. The earlier the request is in the better chance of getting the area secured.

Lisa moved to authorize renting Bayshore Elementary School multipurpose room for the Annual Meeting to be held 10 February 2010. If the facility is not available for that date try for Mears Middle School. Dave Keller seconded the Motion. Motion carried.

Michael Hanifen made a motion to have Randy Banez as the Secretary for ABOA for the remaining four months of the term that was vacated by Marina Jarvis, as Jeanne Phillips

does not want the position of secretary. Lisa Rogers seconded the motion. Motion carried.

Lisa Rogers moved to approve the New Business. Guy Mapstone seconded the motion. Motion carried unanimously.

Next Meeting

The next meeting will be 19 October 2009, at 2910 Rocky Bay, at 7:00 P.M.

Adjournment

Motion to adjourn the meeting was made by Lisa Rogers. Motion seconded by David Keller. Motion carried. Meeting adjourned at 9:00 P.M. on 28 September 2009.

Minutes of 19 October 2009

Attendees:

Michael Hanifen (President/Board), Guy Mapstone (Vice President/Board), Lisa Rogers (Treasurer/Board), Jeanne Phillips (Board/ACC/Mears Improvement Committee), and David Riley (Accountant) were present. Dave Keller (Board Member), Randy Banez (Secretary/Architectural Committee), and Jim LaBau (Grounds) were absent.

Deanne Tuckerman and Ulita Martusheff represented Ben Marsh & Associates, Inc.

Quorum

The Board meeting was called to order at 7:10 P.M. A quorum was established with four of five Board members present.

Approval of Agenda

Lisa Rogers made a motion to add in Old Business under item #2 vacant positions, under item #4 who will present what, and under item 5 speed bumps. Under New Business, item #1 News Letter, and item #2, add 8% interest.

Lisa Rogers moved to approve the agenda. Guy Mapstone seconded the motion. Motion carried.

Approval of Minutes

The minutes of the 28th of September meeting were reviewed. Lisa Rogers made a motion to accept the minutes, with the correction of the date in the motion changed to the 17th of August 2009 meeting. Michael Hanifen seconded the motion. Motion carried.

Treasurer's Report

David Riley presented the financial report. See attached Treasurer's report. This year we have 79 homeowners who have not paid their dues as of 19 October. The five-year average is 80 homeowners who have not paid by this date, so we are right where we have been in the past. Dues are not due till 31 October. Deanne picked up about 10 more checks from the mail today. Right now we have \$26,860 in outstanding dues, \$150.00 in fines for an RV violation of \$100.00 and \$25.00 in miscellaneous clutter. One of the \$25.00 fines is for the unpainted house on Rocky Bay. However, after reviewing the minutes, the board found that the house was spot-painted in August and so that fine will be removed.

Lisa Rogers made a motion to accept the Treasurer's Report. Motion seconded by Guy Mapstone. Motion carried.

Grounds Report

Jim LaBau phoned Deanne and stated he would be out of town but gave the following grounds report. Deirdre Miller's retaining wall will not be put in next spring. The fence was not addressed but will probably be corrected at that time also.

Guy Mapstone asked if there were any more invoices to pay for lawn mowing this year. The answer was no.

Lisa Rogers made a motion to accept the Grounds Report. Motion seconded by Michael Hanifen. Motion carried.

Tract I:

Guy Mapstone mentioned the e-mail from Ron Grather stating he would rather not have the playground in Tract I. The board decided to put off the discussion about the playground until the Annual Meeting. Eventually the neighborhood would have to get involved.

Deanne was asked to send an email to Mr. Grather explaining the requirements for approval from two-thirds of the homeowners to change the park.

Lisa Rogers pointed out that any capital improvement, such as the playground, would require a special assessment to pay for the expenditure. In order to have a special assessment, two-thirds of the homeowners would have to approve the expenditure.

Lisa Rogers made a motion to approve the Tract I Report. Motion seconded by Michael Hanifen. Motion carried.

Architectural Committee Report (ACC):

Jeanne Phillips reported she contacted **Ms. Jaso**. She has volunteered for some other committees and could not be apart of the Architectural Committee. Charlie Klever is a coach for several young sports teams and would rather not be a volunteer at this time if it would not cause major problems. At that point Paula, Randy, Chris and Jeanne decided the four of them could resolve most items. If there is a tie vote the item would be brought to the board for decision.

The ACC committee will present guidelines for the ACC to operate under to the annual meeting.

Michael Hanifen stated an prospective buyer for the house at 10010 Eshamy has requested to cut down a tree in the front yard and several trees in the back yard, place aluminum siding and a few other items. The answer to these questions would help him to make the decision to buy the house. Michael felt he had made an offer on the house already.

Michael Hanifen moved to approve the Architectural Committee Report. Guy Mapstone seconded the motion. Motion carried.

Vehicular Report:

The board discussed the intent of the 72-hour rule for the motor homes (RV) being in the neighborhood, and the reporting by board members and neighbors to the management company regarding violations. The bottom line is the vehicles are to be out of the neighborhood more than they are in it.

Lisa Rogers moved to approve the Vehicular Report. Guy Mapstone seconded the motion. Motion carried.

Welcome Committee:

Michael Hanifen will welcome the new owner at 10111 Eshamy this week. A resale certificated has been issued for 10010 Eshamy but the property has not closed yet.

Michael Hanifen moved to approve the Welcome Committee Report. Lisa Rogers seconded the motion. Motion carried.

Old Business:

Lisa Rogers did some research on charging interest on late dues payments and found that Section 8 Article 4 of the COVENANTS, CONDITIONS AND RESTRICTIONS allows for 8% interest for any dues not paid within 30 days. We are charging a late of \$25.00 in lieu of the interest.

Discussion of tabled waiver of late fee for Mr. Perales was resumed with all the board members present. Lisa Rogers moved that the late fees of \$25.00 not be waived for this year's dues. Guy Mapstone seconded the motion. Motion carried with a 4 to 1 vote. Any one who wants to pay payments are welcome to pay ahead of time with payments.

The lawn-mowing contract needed to be approved now that we have the updated contract from Adam Breest. This will be a two-year contract with the possibility of an extension. Lisa Rogers moved to approve the mowing contract. Michael Hanifen seconded the motion. Motion carried.

The board discussed the packages that will be sent out for the annual meeting. Michael Hanifen stated he would not be running for the board. Jeanne Phillips stated she would like to run for a full term on the board.

Lisa Rogers moved to approve the Old Business. Michael Hanifen seconded the motion. Motion carried.

New Business:

The board discussed sending a newsletter out before the annual meeting. The newsletter would include the following.

- ∞ Volunteers for Board Positions
- ∞ Cedar Roof Restorations
- ∞ Energy Audits
- ∞ ACC Requirements
- ∞ Tract I interest in a Playground
- ∞ Anti Clutter Rules

Michael Hanifen will draft the newsletter and mail it to Deanne to get to the printers.

The annual meeting and the different areas that will be discussed were talked about and who would make what presentations. Items of discussion will be the Minutes for the annual meeting of 2009, Financials will be presented by Lisa Rogers, the Road Improvement final report including the curbs being repaired and new mail boxes, and

the Mears Improvement Project that was stopped due to its bonding not being approved by the voters.

The board made changes to the notices for the Annual Meeting that will be mailed out on 6 January 2010.

- ∞ Minutes of the Annual Meeting February 2009
- ∞ Lisa Rogers or David Riley will present the financial report
- ∞ The President's Report will be presented by the President
- ∞ Curbs repaired from the Road Improvements
- ∞ Mears Project failed due to bond not passing
- ∞ Road Improvement was completed
- ∞ New Mail Boxes installed for all homeowners

Discussion as to where fences belong, are they ACC or grounds for monitoring. General discussion concluded the ACC is responsible for fences except along 100th, as the association is responsible for that fence due to the neighborhood look we want to project. Grounds got involved so deeply with the Miller fence because of the road repair and the fence not properly being replaced.

Michael Hanifen will write the newsletter and forward to Deanne for mailing in October. The Annual Meeting Notices will be mailed out in January 2010.

New speed bumps were installed on Ensign just a few weeks ago. The last time Deanne looked into speed bumps was about three years ago. We were told then that the city was not installing new speed bumps. Lisa proposed that Paula Hanifen get with the city and get updated information on how to get speed bumps installed on Eshamy Bay.

Guy Mapstone called the inspector for the Road Improvement about the "children at play" sign that was not replaced with the speed sign on Eshamy Bay. His response was the city does not install these signs and we need to get it back from whoever removed the sign (the contractor) and have them replace the sign.

Lisa Rogers moved to approve the New Business. Guy Mapstone seconded the motion. Motion carried unanimously.

Next Meeting

The next meeting will be 18 January 2010, at 10131 Eshamy Bay, at 7:00 P.M.

Adjournment

Motion to adjourn the meeting was made by Lisa Rogers. Motion seconded by Guy Mapstone. Motion carried. Meeting adjourned at 8:30 P.M. on 19 October 2009.