

The Annual Meeting of the Big Country Homeowners Association was held on Sunday, September 19, 2010 at the home of Doug and Robin Barton. The meeting was called to order at 4:05 p.m. by Nick Fargo.

\*\*\*\*\* **REGULAR BUSINESS** \*\*\*\*\*

**Attendance:** The following homeowners were present: Nick Fargo, Doug & Robin Barton, Fulvio Franzi, Kevin Powell, Bill Craft, Mark & Jill Lord, Paul Stern, Sue Brown, Darren & Lori Smith, Tom & Kris Rattini, Ron Buchheit, Tim & Reneta Roe, Daryl Gilley, Sue Bennett, Ruth Intlekofer, Gary Pearia. Ruth Hall and Marc Staszczuk were represented in proxy by Ruth Intlekofer. This represented 18 out of 31 lot owners, or 58%.

At this point, the meeting agenda went out of order and some New Business was handled first.

**Financial Questions**

- A point of information was made by Ruth Intlekofer that the financial reports on the website do not match each other. At the time, the Treasurer was not present and we did not have any financial statements, no answer could be given. *POST-MEETING UPDATE: it has been determined that the numbers being compared were from different dates (the 2010 projection from 2009 and the 2010 projection from 2008).*
- There was also a question regarding the 2008 Water & Assessment Change Option which shows 31 owners paying assessments and 28 owners paying water bills. *POST-MEETING UPDATE: This is because, at the time, there was 1 lot owner with a private well and 2 lots with no home built. Only lot owners with a tap onto our water supply are billed for the water system.*

**Voting Rules:** Concerns were being raised about which homeowners are allowed to vote, but the issue was temporarily tabled with the intent of raising it during the New Business portion of the meeting.

**Special Meeting Request:** A request was brought to the trustees for a special meeting to be held on Tuesday, October 19th at 7:00 p.m. to discuss Article VIII of the CCR. Details about this meeting will be forthcoming in a separate document.

**Approval of Minutes:** (Secretary: Robin Barton) The 2009 Annual Meeting Minutes were reviewed. Motion made by Jill Lord to approve the minutes, seconded by Tim Roe, approved unanimously.

**Financial Report:** Since Henry Miller was unable to attend due to illness, the financial report was skipped. A separate meeting will be called to deal with financial matters and homeowners will be notified in advance in accordance with CCR Article III-F.

**Voting Rights:** The following motion was made by Ruth Intlekofer at this point in the meeting because she believed it might have an impact on the next agenda item (trustee elections); seconded by **Sue Brown**:

Change CCR Article III, Section H to read:

"Each Property Owner shall be entitled to one (1) vote for each property they own, provided the Property Owner pays quarterly assessments on both properties.

For Proxy voting at the annual meeting, the Property Owner may present the Proxy to any other Property Owner for submission to the proper party or may mail it to the proper party in advance of the annual meeting. The originator of the Proxy needs to retain a copy for their records and indicate who and when they submitted the original.

All Property Owners have the right to vote on any and all issues that arise within the BCA HOA.

Effective 9/20/2010 all voting results will require 90% quorum of Property Owners (28 property owners). Majority is 66% of the quorum (18 property owners)."

There was lengthy and spirited discussion on the issue, basically regarding how to balance compassion for those in hard economic times with fiscal responsibility, as well as simple logistics.

- A concern was raised that some had recently made their payments in order to be eligible to vote, but their checks had not yet been deposited. All agreed that the actual deposit was irrelevant; if an owner had turned in their payments, they would be eligible.
- It was stated that the covenants, conditions and restrictions (CCRs) that were found at St. Charles County indicated that there was once a quorum required for voting and that there was also a hardship clause for property owners who were late on fees. It was also stated that these were removed in amended and restated CCRs in 2003, implying that the trustees were responsible for the removal as the names of the former trustees were read from the 2003 CCRs.  
*POST-MEETING UPDATE: The CCR from 10/15/1981 (the basis of the 2003 changes) were checked and contained no reference to either quorums or hardship cases. This CCR is now available on our website.*
- Another concern was brought up that, with the Treasurer absent, it was unclear who was eligible to vote, but this was handle by agreeing that if any votes were close enough that it could matter, the Treasurer would review the list of voters to ensure that all voters had been eligible.
- A comment was made that if the 90% quorum is not satisfied for an emergency meeting, such as for the water system or road repair, voting would not be allowed to take place which could prevent the necessary action to resolve the situation. *POST-MEETING UPDATE: This scenario may have been provided for in Article VIII-B, which is set to be discussed at the next Special Meeting.*
- It was also pointed out that some homeowners have not provided their contact information and therefore are difficult to reach in case of emergency (or to vote). Ruth Intlekofer offered to make personal contact to those families to get it.
- A roll-call vote was requested since proxy votes were being tallied.

Motion TIED with 7 No and 7 Yes votes. (Those lot owners who knew they were not eligible graciously did not vote.)

- It was pointed out that the President's vote should only be counted in the case of a tie. However, in the spirit of cooperation and since it appeared that part of the concern of nay voters was that the percentage required for quorum would be difficult to achieve, the motion was WITHDRAWN and then restated into a new motion.

Ruth Intlekofer made a new motion with a lower quorum percentage as follows, which was seconded by Kris Rattini.

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All Property Owners have the right to vote on any and all issues that arise within the BCA HOA.

Effective 9/20/2010 all voting results will require **75%** quorum of Property Owners. Majority is 66% of the quorum."

This motion FAILED with 8 No and 6 yes.

**Quorum Requirement:** **Sue Brown** made the following motion so that we would at least have a quorum requirement, seconded by Kris Rattini:

CCR Article III, the second paragraph G shall be modified and changed to paragraph I, effective 9/20/2010, **FROM:** "All actions of the lot owners at annual or special meetings shall be by majority of votes cast at such meeting."

**TO**

"All actions of the lot owners at annual or special meetings shall be by 66% majority of votes cast at such meeting, so long as there is at least a 75% quorum of properties represented."

Motion PASSED with 12 Yes and 2 No.

**Voting Rights:** Ruth Intlekofer made the following motion, seconded by Sue Brown:

All property owners shall have a right to vote on all non-financial issues.

There was further discussion on the motion, mostly regarding ways to allow homeowners to vote on all issues while still maintain fiscal responsibility. The motion was withdrawn in favor a new motion.

**Voting Rights:** With suggestions from Doug Barton and others, Sue Brown made the following motion, seconded by Ruth Intlekofer:

The following sentence from CCR Article III, Paragraph H, shall be changed **FROM**  
"Any lot owner who has failed to pay any assessments due and payable shall not be entitled to vote at any annual or special meeting provided for herein."

**TO**

"Any lot owner who is behind on all payments due to Big Country Acres Homeowners Association by \$500.00 or less, or who have been approved by all trustees as a hardship case where progress is being made toward current standing, may vote on any issue."

- It was mentioned that since the assessment is still called "annual but billed quarterly" in the CCR, that a lot owner was not really delinquent on an assessment until the end of the year (which would affect when someone would be "behind" on their payments). *POST-MEETING UPDATE: This is not correct. Since the 2010 assessment previously would have been billed entirely in June 2010 and was intended to cover the financial requirements of 2010 and the future, that it previously would have become delinquent if not paid by July 1, 2010. Under the new quarterly billing, the lot owners have been given a longer time to pay the annual amount.*

Motion PASSED with 12 Yes, 2 No.

**Trustee Election** (President: Nick Fargo)

- Nick Fargo's 3-year term is up. Robin Barton desires only to fill the Secretary position and Henry Miller's wishes are unknown. *POST-MEETING UPDATE: Henry wishes to continue as Treasurer.*
- According to the CCR, trustees are not required to take the incentive discount offered to them.
- No nominations were made.
- Ruth Intlekofer volunteered and was unanimously voted in as a trustee, effective immediately.

**Lake/Dam Report** (Lake Committee: Robin Barton, Brett Counter, Fulvio Franzi)

- The lowered spillway is working very well.
- The dam was mowed completely this weekend and the leaks on the backside appear to be about the same.
- The pipe going from the drain in the middle top down to the bottom appears to be leaking, possibly at a joint, just below the surface. The Lake Committee can probably repair it by digging it up and putting something around it to stop the leak. Gary Pearia will use his Bobcat to move a scoop of dirt from the pumphouse down to the dam to cover the area after it has been repaired.
- Tim Roe and Bill Craft will join the Lake Committee. Brett Counter is unable to serve due to a job transfer.
- After the meeting, it was realized that Robin Barton's term on the committee is over. However, the Bartons are still willing to help the committee as needed. Tyler also offered his help.
- Vegetation is growing very fast on the dam and it needs to be mowed 3 to 4 times per year instead of twice in order to keep it at a level where the dam can be inspected and grasses can grow. Robin Barton will try and notify Fulvio when it needs to be mowed.
- Fulvio noticed a muskrat hole on the dam between the drain and the Bartons' side. The Bartons will check it out and set a trap.
- Fish levels are OK but not great. There are not many large fish left because there are too many small ones. Even though our covenants originally directed fisherman to return any fish under 15" in length, the makeup of the lake has changed and we need to fish them out. You are encouraged to keep anything under 12"-15".
- Catfish were added to the lake this past year.

**Road Report** (Nick Fargo)

- o Road sealing has been completed. This is recommended by St. Charles County engineering to be done every 5 years.
- o Next time, if possible, more advanced notification would be desired so that parking and bus routes may be planned.
- o We have not yet received the invoice for the sealing job.
- o Culverts going under Madre Drive are not in good shape. The road culvert on lot #10 has caved in, similar to what happened to the lake culvert. The cave-in is between the road edge and the inlet of the pipe. Nick had planned to have a Bobcat driver come out next week and clear debris from some of the culverts, as well as some other miscellaneous work around the subdivision.
- o Gary offered to use his Bobcat for fuel reimbursement and some extra (unknown) amount. Someone suggested that the extra amount could help cover what he owed. (Later note: equipment with steel tires instead of rubber will hurt the new road seal.)

**Water Testing Report** (Water Tester: Mark Lord)

- o All water tests have met acceptable levels.

\*\*\*\*\* NEW BUSINESS \*\*\*\*\*

**Invasive Plants:** Robin Barton reported that she has spotted a number of invasive plants (as per MDC) along our roads. She showed samples of honeysuckle and sericea lespedeza and will include information on each in the next newsletter.

**Subdivision Garage Sale** - If anyone is interested in participating in a subdivision-wide garage sale, please contact Michelle Hoffman at 636-368-1437.

**Jug Fishing** - Nick mentioned that jug fishing is illegal. *POST-MEETING UPDATE: The MDC recently changed the policy on jug fishing: jugs should be checked at least once every hour if not being continually being watched. Jug fishing is not the same as a trot line or a limb line and currently there is nothing in our CCR specific to jug fishing.*

**Scuba Diving** - Scuba diving was discussed. One homeowner attempted to see what the lake was like underneath, but it was too cold to go very deep. Many [regular] snapping turtles were seen, however. Any divers should always be careful of fisherman's lines and other hazards, as well as respecting the privacy of lot owners.

**Volunteer Recognition** - Many thanks to all who volunteered in our subdivision this year. If you know of someone who helped out in any way, please forward his/her name to RobinBarton@IntegriTivity.com.

**Utility Line Spraying** - If you think a utility company has damaged your property or needs to clean up after they spray/trim, call them and ask. Some homeowners have had luck in getting these problems rectified.

6:15 PM          Adjournment

If you have any questions or need further clarification on the above, please feel free to contact a member of the 2011 Board – Robin Barton, Henry Miller, or Ruth Intlekofer.

Respectfully submitted,  
Robin Barton, Secretary

**LOST AND FOUND** - If you left a green "Healthy Together" water bottle insulator at the meeting, call Robin at 332-9960.