

The Annual Meeting of the Big Country Homeowners Association was held on Sunday, September 15, 2013 at the common ground. The meeting was called to order at 5:00 p.m. by Ruth Intlekofer. Introductions were made.

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

**Attendance:**

The following residents were present: Henry Miller, Ruth Intlekofer, Doug & Robin Barton, Tracey Henry and Erik Wilkening, Tom Rattini, Daryl Gilley, Bill Craft, Dan and Dana Mosher, Tim Roe, Steve & Connie Smith. A General Proxy form was received for Brown, Buchheit (Ron & Joanne), Clampitt, Hall, Luedecke, Neubauer (2), Ottinger and Staszczuk. This resulted in a total of 18 lots represented. Ron & Joanne Buchheit did attend the meeting in person after the meeting was well underway.

Two homeowners are overdue by more than \$500 and not making progress toward current standing, thereby exempt from voting (CCR III-H), making the required quorum of 75% equal to 21 lots for passing motions. Since the quorum was not reached, all motions will be sent out by written ballot. While not as effective as a real conversation, a free online discussion forum has been set up for each item on the ballot. You may read or submit comments on all the motions at <http://www.quicktopic.com/share?s=NrwL> (no registration required).

BALLOT RESULTS ARE AT END OF THIS DOCUMENT.

**Approval of Minutes:**

Minutes from 9/16/2012 were approved by those present without corrections. Motion to be included on the ballot.

**Treasurer's Report:**

Henry presented the financial report and budget for 2014. Expenses for 2013 were similar to 2012 except for greater snow removal costs and lower maintenance costs. A number of past due accounts were collected in the past year and currently only \$1451 is overdue, with a current bank balance of \$22,099. The 2014 budget present assumes a continuance of the lower common assessment and water of \$500 total and is projected to result in a net loss of \$280. Treasurer's Report was accepted by those present.

**Lake Committee Report:**

- Tim Roe reported that he contacted the Missouri Department of Conservation with questions about restocking our fish population. They do not stock private lakes for free anymore. MDC thinks there are probably undesirable fish in there and there are ways to "start over" but we would have to restock the lake ourselves. Darryl Gilley mentioned that there seem to be fewer folks fishing the lake so it is probably not an issue. Erik Wilkening reported that he recently caught a very large catfish as well as some other large fish and released them back into the lake. Included with the minutes will be a fishing survey that may help the committee.
- Robin Barton reported that the dam is doing well and the beaver deceiver is keeping debris out the of the large culvert, even though there is currently a huge log on top of it.
- Connie Smith mentioned that they have recent beaver activity on their property. Robin Barton will contact her park ranger friend and ask if he is interested in trapping them again. He caught 5 or 6 last year!
- While on the subject of animals, Connie mentioned seeing an unknown animal of small dog size crossing the road. Darryl suggested that it could be a bobcat. Robin mentioned that Kris Rattini reported a deer crossing the road just south of the common ground (an unusual spot for them) and suggested caution when driving there.
- After the meeting, a request was made to include an informal fishing survey with the ballot.

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

**Road Maintenance:**

Robin Barton reported on the information gathered over the past year regarding making maintenance plans for our roads. After numerous attempts to get someone from the county to assess our situation and assistance from Tim Roe in finally getting through a live person, it was determined that St. Charles County no longer offers advice unless we are participating in their NID (Neighborhood Improvement District) program, which we are not (more on this subject below). However, the representative did suggest contacting some civil engineers for help.

Robin made contact with three civil engineering firms by way of recommendation from another non-civil firm. She was told that one of them, Cochran, would likely be expensive.

- *Cochran Engineering* responded that for them to give us a detailed road plan, including cost estimates, would be \$4000-\$6000.
- *Bax Engineering* replied that it probably would be quite expensive for them to draw up a detailed plan. However, if we have a specific area that we would like engineered, we should give them a call.
- *Thouvenot, Wade & Moerchen, Inc.* sent a representative over who looked at the roads, had detailed discussion and inspected the large culvert with Robin, and sent her 10 pages of detailed information, for which he will bill the subdivision \$440.

Following are the recommendations from *Thouvenot, Wade & Moerchen, Inc.*, which Robin reported are in line with all the information she has gotten from other sources. They also offered some company recommendations for certain procedures. A copy of this information can be viewed on [www.bigcountryacres.info](http://www.bigcountryacres.info) under NEWS.

#### Road surfaces

- Our road surfaces and underlying structure actually look pretty good. There are cracks that should be filled this year, but we do not need to proceed with overlayment for another year or two.
- Micro-surfacing, which is what TW&M recommend, is a thin polymer modified paving system that is only 3/8" to 5/8" thick and can even be applied in multiple layers to fill ruts. It is a one-day treatment (unless filling ruts) and similar in application and cure time to a slurry seal. It cures into a hard surface that is less susceptible to power steering tire scuffs and results in better traction than after a slurry seal application. The treatment is expected to last 7-9 years but could be longer because of the low traffic levels in the subdivision. We can estimate the cost using \$3.00 per square yard.
- Thin asphalt overlay of 1.5" to 2" is what we had been previously thinking about. It requires longer road closures, typically costs \$10.00/square yard and would have a life expectancy of 10-20 years.

#### Culvert Conditions

- Sliplining is the process of inserting another, smaller culvert (up to 90% of the original size) into the old culvert. TW&M gave pages of information on how this technique can be done correctly. There are now plastic pipes available.
- Sliplining the small culverts would be a reasonable way to maintain them and would be much more economical than ripping out the road. TW&M did not give a timeline on individual culverts but suggested that we do them in order of priority and possibly not all at the same time in order to spread out our road maintenance costs.
- Large 72" culvert - It has been agreed by multiple contractors that the reason for the road cave-ins above this culvert is that water and soil are leaking through the old section, resulting in a void between the pipe and road surface. We can continue to fill this void with rock but it will probably keep happening until the leak is repaired. The leak is caused by the old aluminum CMP pipe rusting out.
- Sliplining the "old half" of the large 72" culvert would be the most economical method but would not be as long-lasting as replacing the entire length. Half of this culvert has already been sliplined and there is definitely leakage around the joint between the old and new sections, as evidenced by icicles hanging down from that area. He does not recommend sliplining the other half with plastic because it will probably not meet up with the other aluminum side smoothly, giving us a leaky seam. If we slipline with aluminum, we still need to excavate around the new joint and place a concrete collar or CMP band around the joint to prevent any further infiltration.
- Banks around the culvert area - recent storms caused significant erosion near the west guardrail as well as around the west end of the culvert. TW&M suggested that we get a truck load of rip-rap (large rock) and line the west bank with it to diffuse water in that area and use the remainder of the load to shore up the east end of the culvert. Discussion was held about the need to clear that area, to consist of moving the wood and burning it, but no plans were made at the time. Robin will follow up and try to organize a work party to get the area cleaned up.
- TW&M agreed that perhaps setting up a rotating maintenance plan for our roads would be a way to spread out the costs over time and causing less surprise expenditures for residents. For instance, we could take care of the culverts in the next two years, then do microsurfacing on one-third of the roads in each of the following years.

Other ideas for fixing the large culvert were briefly brought up:

- Replacing the entire culvert with a new pipe
- Moving the culvert farther down the hill and creating two inlets to it
- Having a bridge instead

## Other discussion

- Robin reported that Turpin Trenching, who sliplined the first half, gave her an estimate of \$22K-\$23K to do the other half. Darryl and Robin agreed that the original job was not the best quality, as the pipe buckled during the installation.
- Robin also briefly described the NID program in case we decide to utilize it again. Unlike when we used this program in the past, The Neighborhood Improvement District now requires that our roads be up to "County Standards" and be "publically accessible". Basically, Madre Dr. and Ct. would need to be widened by about 18". The county would get this done and divide the cost among all homeowners, putting it onto our property tax bill over a period of 10 or 20 years (with interest). There would be two ways to qualify for this program:
  - 1) Get signatures of 100% of owners in BCA (including both spouses if owners)
  - 2) Get 66% approval of a petition, then pass a bond issue on the ballot for our district (either 4/7 or 2/3 support required based on election).Option 2 is a lengthy process but the department was very helpful and is willing to come and talk with us if we ever decide to go this route. For more information, see <http://tinyurl.com/k4ywtp9>.

Ruth asked that we have a subcommittee work on gathering more information and quotes in preparation for a special meeting on the topic. Dana Mosher and Bob Ottinger are willing to help and Robin will continue if there is at least one more person, so Ruth offered to find someone. Ruth asked if the committee could be ready for a special meeting by October 26th, but Robin was concerned that the process of getting multiple bids may take longer than that. However, the committee will do their best to get the ball rolling as soon as possible and schedule a meeting once we have quotes from at least contractors.

## **CCR Updates - Remove old Lake Committee names from CCR XII-A:**

Ruth Intelkofer presented the following motion, which was seconded and all present were in favor:

*Remove Lake Committee names from CCR article XII-A because these are just the original committee members who no longer live here:*

*The original members are the persons named herein. Darren Smith, Ron Bray, and Dillard Coleman.*

This motion will be included on the ballot.

## **CCR Updates - Limit road repairs that can be executed by trustees without homeowner vote, CCR IV-F**

Ruth Intelkofer presented a motion regarding what kind of road repairs should require a subdivision vote.

There was much discussion over this issue, especially how the initial wording would prohibit timely repair of emergency road situations such as a collapse. In addition, there was concern that the original \$1000 would not be enough to cover even the most basic repairs. The motion was never intended to take precedence over emergencies, so Ruth modified it to:

*CCR Article IV-F shall be added to say:*

*Road repair, planned maintenance or planned upkeep, excluding snow removal, requires a minimum of three detailed written estimates. Any project requiring written estimates, and at least one of the three estimates is over \$5000, the project will be managed in accordance with Article VIII-B. Emergency situations will be at the discretion of the trustees.*

and was seconded by Dan Mosher. This motion will be included on the ballot.

- It was noted that our recent crack filling project (recommended annually) cost \$2009, the 2010 sealing project was \$13,500 and the road collapse in 2009 cost us \$14,600.

## **Pumphouse Roof Needs Repairs**

The roof on the pump house needs maintenance. Erik Wilkening, an experienced roofer, offered to re-shingle it for us! He will work with Henry Miller to find out where the issues are and to get reimbursed for expenses incurred.

## **Water Pressure Issues**

Erik Wilkening and Tracey Henry reported vastly varying amounts of water pressure in their home and asked if there is anything that can be done from the pump/well end of things or whether they just need to install their own water bladder. Other homeowners reported varying pressure, but not quite as bad as they did. Tim explained how some of the pressure changes are due to the point in the pumping cycle (1. When water gets low there is more air in the tank; at a certain level the pump turns on and refills the tank increasing the water pressure. 2. When the air

compressor is switched on to increase the air pressure in the tank to increase water pressure, which might not be operating correctly.) as well as the number of residents using it at the same time. Robin offered to go up to the pumphouse for the name of our technician and contact him to ask if changing the level at which the pump/compressor turns on/off might help matters. **\*\*UPDATE:** Lincoln Pump will come out to ensure that everything is working properly and if so, consider adjusting the level at which the pump runs. LP stressed that most homes do not have a large enough pipe running from the main line to the house, so if you have more than one thing running, you will probably experience low pressure.

### **Water Quality**

All of the water quality reports we have received from our tester have been satisfactory. However, we have not received reports from the last quarter so Robin will contact the tester.

### **CCR Updates - Combine water and common assessments into one bill and section:**

Ruth Intelkofer presented a motion on behalf of another homeowner which would basically eliminate section XI of the CCR, which deals with water service, and combine it with the section which deals with the common assessment. It also would use a fixed tap-on charge instead of a formula based on past billings. There was much discussion regarding the goal of the motion. Current billing is \$400/year for assessment (\$100/quarter) plus \$100/year for water (\$25/quarter). So, for those who pay a water bill, their quarterly billing has been \$125 total/quarter. As a point of information for new residents, Henry explained that we currently have two owners who do not have a tap onto our water system and they do not pay the \$100 that is designated for water. Another owner who has a tap but does not have a house here pays \$25, which had been agreed upon before Henry took over the Treasurer position. The desire for one bill was mentioned. Henry Miller pointed out that there currently is only one bill sent which does have separate line items for water and the common assessment (for those who have water service). Daryl mentions that he writes one check and receives one piece of paper. Robin asked whether this motion would require non-water users to pay for water.

Since there was confusion over the issue, Ruth will instead call a Special Meeting to handle it separately when we have more time to discuss it.

### **CCR Updates - Make common assessment \$500 per lot in CCR VIII-A (accompanies removal of XI):**

Ruth Intelkofer presented the following motion:

*Change the first sentence of CCR article VII-A from*

*The initial annual assessment shall be \$600.00 per lot...*

*to*

*The initial annual assessment shall be \$500.00 per lot...*

This motion did not receive a second so will not be included on the ballot.

### **CCR Updates - Remove old trustee names from III-B:**

Ruth Intelkofer presented the following motion, which was seconded by Dana Mosher:

*Remove the following sentence from CCR article III-B:*

*Presently, Mr. Roe's term expires at the annual meeting of the lot owners held in the year 2004;*

*Mr. Franzi's term expires at the annual meeting of the lot owners held in the year 2005; and*

*Mrs. Lord's term expires at the annual meeting of the lot owners held in the year 2006.*

Robin asked if any long-time residents knew why that had been in there in the first place. Tim Roe answered that when they had a lawyer review the CCR, he recommended it so they had just left it in there all these years.

This motion will be included on the ballot.

### **CCR Updates - Eliminate quorum for ballots not returned, CCR III-I:**

Robin presented a proposal that she had written up last year and was just holding onto for the next time the CCR was to be changed. The purpose of the change was to remove the quorum requirements on ballots [only] since ballots are mailed to 100% of our homeowners. In other words, if residents choose not to return their ballots, it would not affect our ability to vote on the issue. Currently, stopping a measure only requires 25% to not participate because of our quorum requirement, whereas a vote requires 33% no votes to stop something. This discrepancy was not the original intent of the ballot idea. Since she had not planned to bring this up except we were voting on CCR changes anyway, Robin asked for a thorough review to ensure technical correctness which led to a lengthy discussion. Dana, a new resident, asked why we have ballots when people could just send a proxy form if they were unable to attend. Ruth explained that the process came about because the previous assessment increase was done at a meeting with only 6 people (afterward, records were verified that it was actually 13 people

at the 2009 annual meeting when the assessment was changed). Robin clarified that this measure does *not* change whether we use ballots, but instead should make them more effective.

Tim Roe made a suggestion to eliminate the quorum altogether and make CCR changes more restrictive, since this was the reason for the quorum in the first place. The idea is that all CCR changes must be submitted in writing with the annual/special meeting notice. Votes are taken at the noted meeting without a quorum requirement (previous voting regulations from 2010 and prior). CCR changes would have to be voted on as is... modifications to the CCR proposal would NOT be allowed during that meeting. The CCR changes would pass or fail during the meeting. Any further changes to the proposed CCR amendment would then have to be submitted with a future meeting notice, annual or special. This would not only eliminate all the quorum issues, but allow all property owners to review the proposed CCR changes before the meeting. And, property owners could submit a proxy ballot to vote on the proposed CCR changes in the event they might not attend the meeting. This was not a motion, but just part of the quorum issue discussion. Several stated that the idea would be worthy of future consideration.

The group made some other suggestions and Robin made the following motion (the first section covers post-meeting Ballots, the second covers pre-meeting Special Proxy votes):

*Add the bold sentence to the ballot portion of CCR Article III, Section I:*

*In the event that this quorum is not represented, an extension of not less than 7 days for voting by ballot. Such ballots must contain the signature of the lot owner and may be submitted in person, by U.S. mail or by email to any Trustee before the ballot deadline. **The quorum requirements defined herein do not apply to motions on ballots distributed after a meeting, but rather those motions will be carried by a 66% majority of ballots received.** Ballots received after a meeting but before the deadline must be counted by two or more owners and must be retained and made available to any lot owner wishing to verify voting results for a period of one year.*

*AND Add the bold sentence to the proxy portion of CCR Article III, Section H:*

*Proxy. A proxy may be given by any homeowner to any Trustee to be used in all votes taken at any meeting. Said Proxy shall be in writing, shall contain the signature of the lot owner or owners on whose behalf it is given and shall state the name of the Trustee to whom the proxy is given. A Special Proxy shall be voted only according to the terms thereof, shall state the matters to be voted upon and shall state the vote of the person giving the proxy. **If a Special Proxy form is distributed to all homeowners containing motions to be made at a future meeting, the quorum requirements defined herein do not apply to those motions but rather they will be carried by a 66% majority of votes and proxies received at the meeting.** A General Proxy may be given providing that the person to whom it is given may vote on any and all matters coming to vote at the meeting may be given.*

The motion was seconded by Daryl Gilley and will be included on the ballot.

### **Trustee Elections**

Dana Mosher was nominated to fill the open Trustee position. She accepted the President position from Ruth and was unanimously approved.

### **Higher Insurance Costs**

Robin and Dana wanted others to be aware that their homeowners insurance may go up because of a rating change for our area due to the Moscow Mills fire department going to volunteer status.

Daryl made a motion to adjourn and everyone agreed!

**BALLOT RESULTS** - The first ballot was returned by 100% of homeowners but some were not turned in properly. Accepting or rejecting all improper ballots could have affected the outcome, so ballots were resent with a cover letter defining exactly how they should be turned in and adding a time to the deadline. These ballots were counted at 5:30 on 11/7/13. Present were Henry Miller, Dana Mosher, Robin Barton and Ruthie Hall. Only 14 ballots were received (48%) so the 75% quorum required was not met.

Respectfully submitted,  
Robin Barton, Secretary