

# **RAINTREE LAKE PROPERTY OWNERS ASSOCIATION**

## **BOARD OF DIRECTORS MEETING**

July 8, 2008

### **1. DETERMINE QUORUM & CALL MEETING TO ORDER**

A Board Meeting of the Raintree Lake Property Owners Association was held on July 8, 2008. Members in attendance were Tony Jose, Bob Christian, Judy Schmoeger, Brenda Miller, Brian West, Brian Whitley, Tom Tucek and Robert Dye. Tim Nydegger was not in attendance at this meeting. Also in attendance was Rachelle Vandiver, General Manager.

Tony Jose called the meeting to order at 7:00 p.m. and announced a quorum for the Board Meeting was present.

### **2. OPEN FORUM**

Shirley Thomas expressed great satisfaction for the work of the office staff and maintenance people of Raintree Lake regarding the tree planting program and the edging work done at Regatta and 291 entrances to Raintree Lake. She also complimented the Garden Club for the excellent work and effort to make Raintree Lake more beautiful. She also complimented the General Manager and the Board of Directors for the excellent condition of the Raintree Lake area and the extraordinary fireworks display on July 4. She also lauded the General Manager for her support and work with Raintree committees.

Judy Schmoeger affirmed the comments of Shirley Thomas and stated that the Garden Club has done a great job this year for Raintree Lake.

Brian Whitley reported a meeting is to be held at the Clubhouse on Wednesday night, July 9, with the Raintree Villas Board of Directors concerning the Raintree monument license and Easement Agreement. The meeting is to be held at 6:00 p.m.

He also reported a meeting to be held by the Raintree View Committee at 7:00 p.m. on July 10 at the Clubhouse to discuss results of the Raintree View development survey and an open house from 6:30 p.m. to 8:30 p.m. on July 10 for Raintree residents to meet and discuss local water main improvements with Lee's Summit city representatives. Water mains planned for rehabilitation are located along Harbor Drive, Marline Drive, Batten Drive, and Bowsprit Drive. Sewer improvement for Raintree Drive, Sapelo and Leeward will be discussed also. A meeting is also scheduled for July 22 with a representative of John Deere Landscaping to propose a solution for algae problems in Raintree Lake coves and waterscapes. That meeting is to be held at the Clubhouse at 7:00 p.m.

Ira Roberts reported on a recent Lee's Summit condemnation proceeding he took part in regarding the acquisition of land for use as an excess flow sewage holding

basin. He reported that three commissioners and others involved in the proceeding (including him) visited and inspected an excess flow sewage holding basin similar to those in the Raintree Lake area and found terrible conditions at the site. The site of the inspection was near the Lee's Summit Animal Shelter. Raw sewage covered the ground and the group found the conditions unacceptable. Ira suggested that Board members from Raintree visit and inspect the site and see the results of what can occur from the use of excess flow basins. The presentation by the City of Lee's Summit concerning the use of the excess flow basins has been misleading and inaccurate. In addition, it is reported the City Attorney has misrepresented the position of the RLPOA as being favorable to their use when it has been the opposite. It has been suggested that only an injunction could stop their construction and use.

Tony Jose asked Rachelle, the General Manager, to set up a meeting time and asked for Board member volunteers to inspect the excess flow sewage basin site with her, to take digital camera pictures, and take notes about their findings and take water samples.

A report is to be made of their findings and given to the three commissioners as soon as possible re-emphasizing our opposition to the use of excess flow sewage holding basins.

Karen Debitetto spoke to the Board members about becoming more environmentally friendly (going green) in Raintree Lake with community gardens, windmills for electricity and clotheslines in back yards. She offered her assistance to the Board to promote conservation programs. She later added solar panels to her recommendations.

### **3. CONSENT AGENDA**

Bob Christian made a motion to approve the Consent Agenda that included the June 10, 2008 Board meeting minutes and payment of bills for general operations for June. Brian West seconded the motion. The motion was approved 7 to 0.

### **4. TREASURER'S FINANCIAL REPORT**

Brian West presented the June Treasurer's Report

#### Contents:

- Balance Sheet
- Profit & Loss
- Check Register
- Budget Analysis

#### Informational Items:

Bank Account Balances as of May:

Bank of Lee's Summit-Check	\$ 50,000.00
Bank of Lee's Summit Sweep Acct.	\$ 471,603.94

These include reserves for:

Operations	\$ 44,000.00
Dock Self Insurance	\$ 30,000.00
Siltation	\$ 135,000.00

Expenses for June:	\$ 108,315.29
Long-Term Debt:	\$ 33,670.23
Outstanding Dues/Fines a/o 6/30/08	\$ 9,172.62
Balance Due Liens Filed	\$ 41,017.44

Income during June:	
Dues	\$ 65,858.33
Other Income Total	\$ 14,636.20

The report was filed for audit.

Brian West indicated the need for the Finance Committee to meet in August to begin to discuss the annual budget for 2009. Tony Jose asked for the Finance Committee to review the rate of return on the sweep account to consider securing a better return.

## 5. BOARD ANNOUNCEMENTS

Raintree monument meeting at Clubhouse at 6:00 p.m. on July 9.

Raintree View Committee meeting at the Clubhouse at 7:00 p.m. on July 10.

Open house meeting by the City of Lee's Summit at the Clubhouse from 6:30 p.m. to 8:30 p.m. on July 10 regarding improved water mains and sewer line replacement.

Algae control meeting at the Clubhouse on July 22 at 7:00 p.m. with John Deere Landscaping.

Swim team banquet on July 17 at the pool location. Pool closes at 4:00 p.m.

Teen swim on July 17 from 7:00 p.m. to 10:00 p.m.

## 6. OLD BUSINESS

Legal: The Board reviewed legal activity detailed in the July 3, 2008 letter by Kapke and Willerth LLC.

- A. General Manager Rachelle reports that the legal case of Lou-Air and Raintree v. MODot and James Cape and Sons has been settled and that Raintree has received a portion of the settlement. The amount was not indicated.
- B. Brian West indicated the aluminum can recycling program has been handled well and there have been no problems. Brian West made a motion to continue the can recycling program for the rest of the swimming season. Seconded by Brian Whitley. Motion was approved 7 to 0.

C. Tom Tucek made a motion concerning closed records to table any action until further review by the Board at the next Work Session. The motion failed for lack of a second. Brian Whitley made a motion to accept the list for a closed record policy that has been submitted by our legal counsel. The Board will review the results of the policy after six months to determine its effectiveness. The motion was seconded by Judy Schmoeger. An amendment to the motion was made by Bob Christianson to give the closed records policy the official title of Raintree Lake Property Owners Association Closed Records Policy dated July 8, 2008. The amendment was seconded by Brenda Miller. The following list will be included in the Raintree Lake Property Owners Association Closed Records Policy dated July 8, 2008 detailing those records not available to the general public.

1. Resident Files: All resident files, including but not limited to, phone numbers, bank account information, violations, assessment balances and legal proceedings that have not been recorded.
2. Legal Correspondence: Legal actions, causes of action, litigation and any confidential or privileged communications between association representatives and its attorneys.
3. Pending Purchasing Files: Specifications for competitive bidding until either the specifications are officially approved or the specifications are published.
4. Sealed Bids: Sealed bids and related documents until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed.
5. Leasing or Purchase of Real Estate: Where public knowledge of the transaction might adversely affect the legal consideration during negotiations.
6. Personnel Files: Hiring, firing, disciplining or promoting of particular employees when personal information about the employee is discussed or recorded. "Personal information" means information relating to the performance or merit of individual employees. This exemption shall not apply to the names, positions, salaries and lengths of service.
7. Financial Records: Excluding Final Audit Report and Budget/Actual. Financial records requests will be submitted in writing with purpose and intent of usage, binding with affidavit, on a case-by-case basis, to be reviewed and determined by the Board of Directors.
8. Executive Session Minutes: Executive Sessions encompass legal issues, personnel issues, negotiations of real estate, which if made public would adversely affect the ability of the Board to negotiate.

9. Professional Services/Consultants: Where public knowledge of provided services might adversely affect the legal consideration during negotiations and/or confidential or privileged communications between association representatives and its auditor. All final audit reports issued by the auditor are to be considered open records.

The amendment was approved by a vote of 6 to 1. Tom Tucek was opposed. The original motion was approved by the Board by a vote of 6 to 1. Tom Tucek was opposed.

- H. Tony Jose read the new proposed ARB Guidelines for Remodels/New Additions. A general discussion was held briefly and a motion was made by Tom Tucek to table until the July work session. Motion was seconded by Bob Christian. Motion was approved by all.

## **7. NEW BUSINESS**

- A. John Smith was scheduled to meet with the Board of Directors to discuss the possibility of receiving approval for the installation of a boat lift for his pontoon boat. Mr. Smith did not attend the meeting and the Board did not act on this matter at this time.
- B. Greg Schuh's ARB Application for patio, drainage and sea wall was disapproved. He lives at 4495 SW Bowsprit, Lot Number 512. Greg Schuh met with the Board to review his application for construction of a patio and sea wall and improved drainage at his home on Bowsprit. The ARB had disapproved his application because of drainage concerns with piping across the Common Ground. The ARB did not complete a review of the complete information package pertaining to improvement request. The Board discussed at length the drainage problems at the site and the request to put a French drain into the Common Ground area about 6- to 8-feet behind his neighbor's lot to a point about midway behind his neighbor's lot on Common Ground with drainage from that point on to the lake. The neighbor's lot would be to the south of Mr. Schuh's home. A motion was made by Brian Whitley to approve the French drain proposal of Mr. Schuh and the drainage and the drainage plan entering the Common Area. Mr. Schuh must submit drawings of the exact location for the drainage system and a plan for remediation if problems occur with the Common Area. He must also provide a signed agreement with his neighbor to the south as to acceptance of the drainage proposal. The data requested must be submitted to Raintree's General Manager to be presented to the ARB for review of the entire proposal for formal approval. An inspection will be required within a couple of months after completion to determine if any problems have occurred. The motion was seconded by Bob Christian and approved 7 to 0.
- C. Michael Smith requested his appeal be removed from the agenda and moved to the August Board Meeting.

**8. ADJOURNMENT**

Bob Christian moved to adjourn to Executive Session. Seconded by Tom Tucek.  
Motion was approved 7 to 0.