

**Sunflower Gardens Homeowners Association Board Meeting
February 10, 2015**

Attending: Tim & Edda Callahan, Kevin Cooper, James Eiermann, Terry Fink, Evelyn Griffith, Chris Hahn, Ruth Holman, Janet Kaufman, Leonard & Melinda Kelley, Chuck Malooley, Bill Mankins, Mary Jane Pennington, Leasa Siscoe, Anita Westerhaus, Chad & Carol Wise.

Communicating by phone: Donna Lobdell and Howard Theis.

Welcome and introductions

Anita asked for a motion to approve the minutes from the November 19, 2014 meeting: motion – Tim, second – Chris, passed.

No changes were offered for the draft of the minutes from the 2014 annual meeting, and they will be voted on at the 2015 annual meeting.

2014 year-end Treasurer's report, presented by Leasa:

Some owners pay early, expenses for the year were in line with what they should be, net positive income at the end of the year

Howard: Does the board have liability insurance? Leasa confirmed that we do.

Motion to approve the 2014 Treasurer's Report: motion – Chris, second – Tim, passed.

January Treasurer's report, presented by Leasa:

Leasa explained the trial balance and balance sheet, reported that a little over half of the dues for the year have been collected, and no homeowners are delinquent.

Approval of the January report was tabled until the next meet in order that all the board members have a chance to look it over.

Anita proposed that the meeting length be limited to 90 minutes with no more than 30 minutes devoted to the drainage issue.

She said that the board would collect information about the drainage issue, but that no decision would be made at this meeting.

Leonard: His unit is at the edge of the swale, but is not on the concrete drainage channel

Leasa showed the videos of storm water behind the Callahans' unit

Anita: Major repair of the channel would require a two-thirds vote of the homeowners.

Leonard: Is erosion of the concrete the biggest problem?

James: Erosion of the dirt underneath the concrete is a serious problem, but the flow of water is also getting closer to homes, the swale could be regarded to be made deeper and wider, a lawyer that Jaymar has consulted says the Maston Court neighborhood is illegally forcing storm water into Sunflower Gardens via a culvert

It was asked if the culvert were there before the Maston Court neighborhood was built, and James will check with the city to determine that.

James: It is his understanding that when Phil Tapp began building Sunflower Gardens the drainage channel was a simple grass swale. When that began to erode, a concrete channel was constructed.

Ruth: Not in favor of a lawsuit to resolve the issue.

Kevin: Failure of the concrete channel is not the fault of the homeowners and they shouldn't have to fix it. It demonstrates negligence on the part of the developer, and he hopes that the Board will ask Phil Tapp to make a permanent fix, and the city should take responsibility for mitigating the amount of water flowing through the neighborhood. Phil should have insurance to cover it.

Leonard: Didn't think there was approval from city for design change to add the concrete channel.

Bill: Phil Tapp and the city should resolve the responsibility for the issue, and fix it in the meantime.

Chuck: Phil and/or the city should be given a reasonable time to fix the problem.

Ruth: Did Phil sell the property to the school?

Kevin: Were engineering studies done? It might be cheaper for Phil to repair the drainage than to deal with legal fees.

It was asked if Sunflower Gardens was within city limits when it was begun.

Carol: Showed pictures of water levels.

Chad: Noted that about 50 feet of the concrete drainage channel extends into Isabel Court; he thanked the 2014 board for hiring the engineering study of the drainage issue; noted that 68 homes, 4 streets, and part of Summit School drain through their yard, water is now coming nearly up to their deck; they will remove some small trees to help improve water flow; part of the problem is that they can't manage water flow under concrete; do not think lawsuits are the answer; suggest starting by contacting the surrounding neighborhoods; hoping for a quick decision by the board.

Terry: How many of the storm drains on the streets drain into the channel?

Leonard: Best idea is Kevin's, get Phil and the city together to solve the problem, shouldn't ask all homeowners to pay for it.

Leasa: Have an attorney in mind if the board wants to pursue legal action.

James: Jaymar could send Phil a letter, but probably won't get much action.

Terry: What is the estimated cost of the fix?

James: About \$25,000 to \$40,000.

Terry: How many units drain into the channel

James: 36 do and 9 don't. There is a similar drainage problem on the west side, but not as severe.

Kevin: I would rather not file a lawsuit, but it doesn't cost anything to threaten one.

Terry: It might be a good idea long-term for the HOA to take responsibility for overall drainage and other repair issues down the road.

Janet: Can you go above the people at the city whom were met with?

Tim: Should the board formally invite our council person, Chris Sturbaum, to meet with us?

Carol: The City of Bloomington Utilities approved the construction of the grass swale.

Anita: The board is not in a position to make a decision at this meeting, but this information is very helpful. The board will consider writing letters to Phil Tapp and to Chris Sturbaum.

New Business:

Anita: The lawn care contract has been signed.

There was a brief discussion of the Sunflower Gardens directory. Leasa reported that most respondents said they would not need to provide emergency contacts.

Anita noted that she would stay on the board another year in order to provide continuity, and proposed an amendment to the bylaws that there be a least one board member carried over each year.

Anita: The board will set a date for the next meeting, probably for April, at a later date.

Carol: Will there be no action taken on the drainage issue until the next meeting?

Leasa: The Board can decide to hold a meeting at any time to deal with critical issues.

The meeting was adjourned.