

## THE RESERVE AT BATTLE CREEK – Master HOA Board

### Meeting Minutes

January 29, 2025

**Called to Order:** 6:06 p.m.

**Adjourned** 8:05 p.m.

**Present:** Karen Lowen-Ames, Brenda Urner, Jason Evans, Elisa Campbell, Mike Love, Larry Mudd, David Oldham, and resident, Lori Gracey

**Not Attending:**

**Location:** Stone Mill BBQ, Broken Arrow

**Next meeting:** Wednesday, March 12, 2025 @ 6:00 p.m.

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#### I. Minutes

Minutes from December 4<sup>th</sup> & 15<sup>th</sup> meeting were emailed to board members prior to the meeting for review and approval. No changes were submitted prior to the meeting, email approved by Karen, Larry, E'Lisa, Mike, Brenda and Jason and posted to HOA website. David never replied to email.

Changes noted at the meeting by David were made to the Special Meeting Minutes and approved by all to be updated to HOA website.

The updated Minutes were approved unanimously.

#### II. Treasurer's Report – Brenda Urner

- Financial Reports
  - Account Balances
    - Checking - \$7,553.91 as of 01/31/25
    - Money Market - \$48,051.37 as of 01/31/2025
- Receipt of annual dues – The process of Lien Filing and registered notices being sent was discussed, Article 10 Section 2 of By-Laws and Article 4, Section 3 of the Covenants define the steps to be followed. Jason made a motion to approve beginning the process, Mike seconded. Approved unanimously.
  - 7 Master households remain unpaid
  - 5 Master households have outstanding late fee/credit card fee balances
  - 3 Villas households remain unpaid
- December 2024 financials were adjusted for year-end tax return prep, reconciliation showed a portion of the August income unreported. We finished the year with Net Income of \$1,056.38, under budget by \$2,045.98
- January 2025 financials include 2025 prepayment of dues from American Homes 4 Rent closing in 2024 as well as 3 homes from the Villa's. Also discussed adding monthly entries for the fencing depreciation vs booking it all in December.
- 2025 Budget approved last August was adjusted to include Landscape project 51<sup>st</sup>, Attorney and increased water costs. David had concern Landscaping is to low because HOA must pay for flowers over and above the new contract and we were premature in approving. Brenda also stated weed spraying is not included in the contract, but we have \$4,800 budgeted for revamp of 51<sup>st</sup> Entrance giving us some cushion. David made a motion to table until the landscaping contracts are solidified. No second. Brenda made a motion to accept the changes to revised budget, Mike 2nds the motion. 6 approve 1 oppose
- Suggested our Website list our next board meeting on the website for current events when nothing else is planned as a way of keeping our homeowners updated.
- David questioned dual signatures not being done on signed checks. Brenda mentioned Arvest does not honor two signature requirements of checks.

#### III. Electrical/Ponds Report – David Oldham

- Inquired about Villa's response to lighting questions, which they believe the Master is responsible. David reported the two outer Helena gate lights remain on 24 hours a day running up electric costs. Brenda mentioned Master pays for one meter and Villa's pays for other meter. Mike suggested we change the photo cell if on the meter the Master pays.
- Discussion of attorney call of conflicts in our Covenants discussed, and mentioned that the electrical issue was one of the questions we were waiting for answers. Attorney is to visit neighborhood to help him understand the issues before giving his legal opinion. Attorney indicated he will review the deeds of the HOA Reserve land



areas. Jason noted that there is a disproportionate representation between the 3 HOAs. Discussed the new neighborhood on 51<sup>st</sup> & Elm and their insertion of drainage into our reserve area D, south of the Cottages.

- City wide public meeting for HOA's was mentioned as happening next month and would be beneficial if we could attend.
- Fountains turned off due to low water levels and freezing temperatures.
- The lighting at North end of neighborhood complete. Outlet changed to a GFCI outlet so it's protected, rewired and has light sensor on light pole. New light is LED resulting in additional savings for HOA.
- David submitted for reimbursement expense for electrical parts over last couple months. All approved

#### **IV. Landscaping Report – Karen Lowen Ames**

- SLK Proposal to repair bank erosion on agenda was skipped as David was only one aware of such item.
- Discussion about terminating SLK contract. Luke has still not brought his large truck vacuum leaf removal equipment to our property for this season, which he told Karen he would start in November. His disrespectful communication on many occasions with board members and his problem with us talking to him about our dissatisfaction in his service can no longer be accepted. Mike stated the board has every right to discuss details as he works for us. Karen made a motion to give Luke 60 days notice effective March 31, 2025 offering 3 bids for replacement. Two bids were higher with Gumer Landscaping bid coming in at the same price of SLK with the exception of HOA will be responsible for buying flowers and no weed spraying. It was pointed out Gumer also stated during his walk around the property he would plant our 51<sup>st</sup> street re-design plants included in our contract price if we bought the plants and this would offset the costs of flowers since \$4,800 was budgeted based on bids. Jason moved to release SLK and contract with Gumer. Mike seconded provided that some points in the contract be clarified including the insurance certificate in the amount of \$1M and make the HOA a certificate holder. Jason moved to send Letter of Intent to contract with Gumer. There were concerns that SLK may fail to provide any further services, but expect pay during the final 60 days. Mike requested electronic copy of Gumer's proposed contract for reviewing and mark up before finalizing the contract.
- Unanimous approval to send SLK 60 –day termination letter effective March 31, 2025 and issue Letter of Intent to Gumer Landscaping effective April 1, 2025 while reviewing contract.

#### **V. President's Report – David Oldham**

- Special Electronic Meetings – David asserted our electronic emails and text messaging HOA business between in-person meetings has been unlawful and must stop. He cited OK law governing corporations applies to our HOA. Brenda moved to table the issue until the Board received the legal opinion of the attorney. Jason asserted that if David is proven correct, it would make all actions taken outside of a meeting as null and void. Brenda stated it was her understanding once something is recorded and approved in the minutes the action is legitimate. Larry asked what the repercussions are for those alleged allegations. There was disagreement over whether or not Brenda has "called for meetings" when she puts questions regarding an action by email to the board. David asserted this is illegal on several levels based on her position on the board, violation of the law, misrepresentation of the board, and failure to get unanimous approval to act outside of the meeting and then secondarily to proceed with a vote on the action to be taken. Jason seconded the motion to table the issue. Vote to table was unanimous.

#### **VI. Old Business**

- David questioned Brenda on Business conducted Outside of Regular Meeting since December 4<sup>th</sup> Meeting, which she responded there had been none since the December 15<sup>th</sup> meeting.
- Attorney was hired to review questionable covenants and by-laws. \$300 per hour with a \$750 cap

#### **VII. New Business**

- Architectural Application for Jacob & Erin Schwartz for same kind replacement of retaining wall and window trim. Mike moved to approve, and Jason seconded. Unanimously approved. Brenda will notify homeowner.
- Covenant Violation Liaison - Karen raised concerns with trash can violations and not waiting for 30 days to send violation notices. Jason asked is anyone on the board had personally reached out to the chronic offenders as there may be extenuating circumstances. Also added the City will provide services to trash cans to the house when requested. Jason believes the trash can covenant should be removed. David referred to the Covenant

Violation process that is published but has not been followed prior to sending letters. Brenda moved to make Larry the Liason. No further action taken.

- Larry made a motion to remove David from the President position due to not being a homeowner and technically (per attorney) should not be on the board. Mike seconded. 4 approve 2 oppose and 1 abstain. Karen as Vice President will step into President Position until next meeting due to time restraint of Stone Mill closing.

#### **VIII. Next Meeting Date**

- Date and Time – Wednesday, March 12th at 6:00 p.m.
- Location – Stone Mill BBQ

#### **IX. Adjournment**

All business being concluded, the meeting was adjourned at 8:05 p.m.

Approved