

**Fandel Farms Condo Association
Special Emergency Meeting
Sunday, December 4, 2016**

Board Members Present: Lee Ann Mowers (206); Peg Reed (202); Nathan Isenberg (204); and Dave Diggle (205).

Homeowners Present: Pet & Sharon Peterson (111); Dale Fishburn (203); Ken Freeburn (207); Jeff Garcia (103); Kathy Berry (213); Linda Axelrod (200); Mark Mowers (206); Bernard & Earlene Miller (212); Gordon & Sue Hoffman (101); Margo Ramsey (208); Ralph & Phyllis Yearby (215); Kent Smith (115); Loan Ngyren on behalf of Mui Pham (117); Dave Neff (201); Deb Deitrick (211).

Other: Carl Reardon - attorney representing Fandel Farms Condo Association & Joe LaHood - owner of other Marvin Court HOA (100-114)

Peggy Reed called the meeting to order at 2:00 p.m.

Nathan Isenberg presented the following details for the special emergency meeting.

- The storm water retention system located behind 215 collapsed in August 2016.
- The system that runs behind 215, 213, 211, 209, 207, & 205 is compromised, too. It runs about 300 feet in length.
- After research, meetings, and various other resources by the board, it has been determined that the repair to the system is common property that is the responsibility of all Marvin Court homeowners. See bylaws 1.5 f.
- The estimate for repair to the entire system is \$100,000 - \$130,000. This is estimate includes using four foot cement pipe.
- Options to repair include the following:
 - Repair the whole system with four foot cement pipe, plastic pipe, or other options
 - Repair the portion that is collapsed behind 215 with four foot pipe (cement or plastic)
 - Repair the portion of the collapse behind 215 & 213 (the building) with four foot pipe (cement or plastic)
- The board has asked the Village of Germantown Hills if we could dedicate the system to them once we fully repair the system, therefore transferring the responsibility to the Village in the event of a failure in the future. We have not received a response yet.
- How will the HOA pay for the repairs?

- We could ask the Village to pay for the repair up front and then add a special assessment to property taxes over the next several years. This approach would include additional fees for the Village to administer. The board believes that the Village would unlikely agree to doing this.
- The board made an inquiry to our bank to see if we could get a loan. They declined since the HOA does not have collateral. However, homeowners could sign individual promissory notes to guarantee that they would pay their portion of the loan.
- Special assessment by HOA for homeowners to pay their share at the time the project is completed. Homeowners would need to figure out their own finances. They may need to take out a home equity loan or personal loan.
- There is a second storm water retention system further down Marvin Court. As best as we know, this system is in good working order. The Village once told the board that they were responsible for this second system but have since changed their position. The board will continue working to identify whose responsibility this second system is in the event it also fails.

Nathan opened the meeting to questions and discussion.

- Carl Reardon proposes further investigation with our insurance. Peggy will get him a copy of the policy for his review. Our insurance agent already stated that we do not have a claim.
- Why can't we go after the builder and/or engineer? Carl stated that there are laws that protect them as well as the Village that limits the liability to 10 years maximum. The system was installed 15 years ago.
- Can we ask the Village to partner with us in some way? Yes, we can ask if they can help us with their buying power. We will need to coordinate the repair with them because a portion of their system matches up to our system. There will need some coordination with the project.
- The next Village meeting is December 15th at 6:00 p.m. at the Village Hall. All homeowners are encouraged to attend the meeting. The board requested to be added to the agenda and Carl will be there to help represent. A reminder email will be sent.
- How many bids do we have? We have two bids on the entire system and several bids on the portion of the system that is collapsed.
- Ralph Yerby reports that he contacted Austin Engineering for records from the original project. They only one document but did not maintain the complete records after 10 years. He stated that the system is a drainage and retention system. That is probably the reason the pipe is so large.
- Joe LaHood agreed to be part of the solution and offered his construction experience. He suggests that we could only repair so much at a time; fix the bed that the pipe lays on, reusing the pipe; install a poured system that will stabilize the current system

from further collapse; detain the water in the ditch with barriers; or replace with plastic pipe that is much less expensive than concrete. He is willing to take a closer look at the collapse and system. He will ask his construction peers to see what they suggest, too. He uses Austin Engineering when he is working on projects.

- How many units are on Marvin Court? There are 26 units in the Fandel Farms Condo Association and 8 units owned by Joe LaHood in his HOA; total units 34.
- Homeowners shared concern that we should repair the hole behind 215 now to prevent further damage. Options for repair include concrete pipe or plastic pipe. It shall be the same diameter (4 feet) as current system, as mandated by the Village. Ralph stated that the estimate he has from Koenig is \$16,900 using concrete pipe.
- Gordon Hoffman made the following motion: Homeowners make a recommendation to the board to establish a plan by 12/10/2016 to urgently repair the collapsed portion of the system behind 215 as soon as possible and weather permitting. The project can be a patch/temporary or repaired to prevent further washout and potential damage to the unit #215 building. Linda Axelrod seconded. The motion made to homeowners passed unanimously. The board voted on this recommendation. The votes: In favor - Lee Ann, Peg, & Dave; Against - Nathan. Motion passed.
- The board will collect bids and seek feedback from Joe La Hood. The board will vote on the urgent repair to the collapse behind 215 by 12/10/2016 and take action immediately and weather permitting.
- Meeting adjourned at 3:15 p.m.

Respectfully Submitted,
Lee Ann Mowers, Secretary