

# Minutes

---

**Mammoth Creek Homeowners Association  
ANNUAL MEETING  
September 12, 2015  
12:00 p.m.—Potluck and BBQ  
1:00 p.m.—Homeowners' Meeting  
MCC Pool Area  
Approved January 26, 2016 by BOD**

**In attendance:** Board members Gary Drlik (unit 53), Sara Gomberg (unit 23), Ed Klotz (unit 25), Harvey Place (unit 26), & Mary Beth Richardson (unit 9); homeowners from units 1, 5, 7, 21, 28, 41, 47, 51, 54; High Sierra Management (HSM) Managers Cheryl Caton-Frazier and Gary Small

## **1. Call to Order**

President Gary Drlik called the meeting to order at 1:00 p.m.  
Thanks to Cheryl's catering!

## **2. Attendance**

- Circulate attendance list for units/owners present to determine quorum
- 14 units in attendance –no quorum

## **3. Introduce Current Board of Directors**

- Renewing members: Gary Drlik, Sara Gomberg, and Harvey Place—elected by acclamation
- Continuing members: Ed Klotz & Mary Beth Richardson

## **4. Approve Minutes of the September 20, 2014 Annual Meeting**

No quorum present to approve. BOD approved the minutes on September 25, 2014; minutes will thus go on record as approved.

## **5. President's Report—Gary Drlik**

- a. Our complex looks great, thanks to HSM and the crew of Pablo & Guillermo.
- b. Board meeting overview: five meetings this year, dealing mostly with window project, Malcolm lawsuit, owner requests, and maintenance/budget issues. Major accomplishments:
  - i. Replaced two spa heaters
  - ii. Siding replacement project
  - iii. Creek clearing,
  - iv. water conservation ideals,
  - v. door project
- c. FYI: if any owner has a concern about something needing repairs, please contact Gary or Cheryl, not the workers
- d. Board Focus: not replacing according to the reserve study, following the "If it ain't broke, don't fix it" philosophy.

## **6. Treasurer's Report—Harvey Place**

- a. Last fiscal year was "a pretty good year"
- b. Highlights:

- i. Under budget—good news, but due to bad news: low snow removal costs.
  - ii. Legal expenses over budget: HOA has paid out \$15K in Malcolm legal expenses and in August received a reimbursement of \$10K (\$9.9K) from State Farm Insurance. Net out still \$5K.
  - iii. Replacement fund is at its highest level that Harvey has ever seen.
- c. This year's budget: making good progress
  - i. Legal expenses are significantly lower because State Farm has covered legal expenses & credited a big chunk of monies required for the Malcolm lawsuit.
  - ii. Looking at the reserve study, roofing is the next significant capital project on the docket. However, the current conditions of our roofs do not warrant immediate replacement. Yearly, we inspect the roofs and repair apparent damage. Since they're in good shape, we're going with the "ain't broke" that Gary referenced.
    - 1) Leslie Bruns, unit 21, voiced a concern about insurance for structures with shake roofing; increasingly, most insurers will not cover, and we are at a real risk of losing our insurance. I don't think this is completely accurate, State Farm looks at what we do, yearly maintenance and upkeep.
 

**\*\*\*NOTE 9/14/15**—State Farm agent Dave Easterby assured the Board that he has no concerns about our policy ref: shake roofing. He did say that State Farm is no longer insuring new single family homes in Mammoth, but that doesn't impact condo projects and their existing policies.

## **7. Manager's Report—High Sierra Management: Cheryl Caton-Frazier and Gary Small**

- a. Creek cleanup work was done in February because of so little snow.
- b. New spa heaters and thermostats: both spas are now in excellent working order with consistent water temperatures.
- c. As part of the complex's yearly pavement resurfacing, walkways were slurried this year—next year will be driveways & parking lots.
- d. Manager unit checks: Fall is time for checking smoke & CO2 detectors. Batteries will be changed in all units (unless notified otherwise) and any defective detectors will be replaced at owners' expense.
- e. Time for ordering firewood
  - i. Those on rental program will get wood ordered, delivered, and stacked.
  - ii. Any owners (not on rental program) who want HSM to order wood please let the office know.
- f. Warning! Don't park under pines: critters are gathering cones & dropping them frequently.
- g. Rails & posts: the last two years, the team has taken on refinishing the wood posts and deck and stair railings throughout the complex. This spring & summer, the crew finished repairing and refinishing all the large posts around the project. Also, all the interior walkway railings on buildings 29-36 and 37-44 were refinished using a new product: Sikken's. As weather permits, HSM will continue refinishing all unit railings. They're scheduling the work according to the railings with the most sun damage, and hope to complete the project in the next 2-3 years.

## **8. Project Updates: comments and questions**

- a. Window Replacement Update—Gary Drlik
  - i. Within 6 months, 43% of units had paid. To date, 53% are paid in full.
  - ii. Currently, 28 units have new windows.
  - iii. Slowdown in the spring because of ToML requirement to permit replacement windows, including meeting the new egress standards. For four months, the Board & ToML building/fire departments went back and forth over the issue. Finally, the Fire Marshall agreed to sign off on our permit without requiring upgrading to new egress standards (which are not required for buildings constructed under prior building codes). Work will recommence shortly

- iv. Mammoth Screen & Glass has worked out the initial installation bugs and is taking great pride in their work. We review their proposal every 6 months and have no long term contract with them for the window project; the Board will keep homeowners up to date with any price changes.
  - v. Owners with new windows are happy with the benefits—quieter, lower electric bills, more insulation.
- b. Ice Rink/Multi Purpose Project—Sara Gomberg
- i. Town Council has tabled the proposal until December; it directed the relocation committee to continue negotiations with Mammoth School District.
  - ii. The Board has partnered with surrounding complexes (led by La Vista Blanc) to fight the relocation and has approved to contribute up to \$3,000 along with other complexes to fund any needed legal costs. Have already secured an attorney who specializes in land-use.
  - iii. Thanks to the unit owners who have participated in BOD, Recreation Department, and Town Council meetings, and who have contacted Town officials to voice their concerns and opposition.
  - iv. The Board will keep owners posted via the Website.
- c. Door Replacement—Sara Gomberg
- i. Sara provided all attendees a proposal packet for feedback (see Door Proposal Packet handout).
  - ii. Prior Annual Meeting attendees have expressed keen interest in new doors. As such, the Board has researched door and hardware options and is developing a plan to address replacement.
  - iii. Sara detailed the various options—from basic slab replacement to full replacement (slab, door jamb, and hardware), from smooth wood grain finish to rough finish, from wood to fiberglass to steel slab material, and from natural stain to painted finish. Emphasized the importance of choosing a vendor who can provide ongoing repair, replacement, and support.
  - iv. Sara shared a draft survey to collect owner input on styles, cost, how to fund, and how to agree upon a door. The Board’s bottom line is that the decision reflects homeowners’ wishes. As such, it will distribute the survey to all homeowners and will make its next steps according to survey results.
  - v. Owner input:
    - 1) John Thornton, unit 5, added that a previous Board recommended fiberglass slab and doorjamb. Probably best option with the dramatic expansion & contraction we experience in Mammoth.
    - 2) Dave MacNamara, unit 54, shared his experience with door troubles; would trust the Board to choose a style and vendor, seeing how well the window project is going.
    - 3) Tom Waller, unit 1, concurred and requested that owners be able to submit input via HOA Website.
- d. Rear Deck facelift update—Gary Drlik
- i. Unit 3 tested Rustoleum Restore product, a textured coating that’s applied to the surface of the decking wood—not successful and not recommended.
  - ii. Unit 31 repaired deck and replaced multiple redwood boards at owner’s expense—successful. Board recommends this option if any owner wishes to update their rear deck.
- e. Water savings—Ed Klotz
- i. With water restrictions, HSM had a water district representative audit our water use. She determined we are “spot-on” with our water conservation efforts and recommended a few additional practices that HSM has since followed.
  - ii. In addition, the Board has done an extensive review of our water use; in line with water district’s suggestions. See PowerPoint posted on Website.

- iii. Water district offers rebates
  - 1) Toilet replacement: 1.28 per flush
  - 2) Shower heads
  - 3) Washing machines
- iv. Owner question: has our water consumption gone down? HSM will check with water district.
- f. Lawsuit update—Ed Klotz
  - i. Gary Drlik had to recuse himself from the meeting on advise of counsel; Malcolm is suing him individually along with the HOA.
  - ii. State Farm is covering legal expenses for both the HOA & Drlik. These could be reimbursable by Malcolm if we win. If not, its possible the decision could affect our premium.
  - iii. The case is currently in the process of written discovery.
  - iv. Timeline:
    - 1) Malcolm will be deposed in December & HOA can have a representative present.
    - 2) February 2016—status hearing.
    - 3) May 2016—hearing to request dismissal.
    - 4) Fall 2016 is first possible court date—counsel predicts that it will go to 2017.
  - v. Final comment: if most or all units submitted a vote on the window assessment, this lawsuit may not have occurred. When homeowners do not submit a vote, it does not constitute a “no” vote; rather, it is an abstention. Please let your voice be heard through your vote—it is your most powerful representation.

## **9. *Owner’s Forum: 5 minute limit per unit***

**Any homeowner may address the Association. There will be a five-minute time limit per homeowner comment, per item.**

- a. Tom Waller—Concerned that all units’ firewood stacks are not covered with appropriate firewood tarps, and with the liability of storing combustible items under staircases
  - i. Response: Managers are notifying unit owners about improper tarps & firewood location. However, it’s the business of the Fire Marshall to enforce code, and will do so only if he gets a complaint.
  - ii. Will look into stacking wood under staircases
- b. Gary Vogel, unit 47—concerned about noise from second floor unit. Has anyone done anything to insulate for noise?
  - i. Response: John Thornton recommends acoustical drywall & blowing insulation into the ceiling. Gary Drlik installed something similar and the sound is deadened somewhat.
- c. Gary Vogel—questions about condo-hotel issue. Board will address in afternoon session of the Board meeting.
  - i. Response: the BOD continually monitors our condo-hotel status. It has found that there is no “Black List” on which MCC is listed. Rather, lending organizations have specific criteria they use to qualify a complex as a condo-hotel—and the criteria are particular to various types of loans. The most common characteristics include but are not limited to:
    - 1) 50% + units in the complex rented through any rental program (VRBO included)
    - 2) Cleaning or maid service provided
    - 3) Linens provided
    - 4) On-site rental office
    - 5) Locked cabinets in any units
    - 6) Less than seven-day minimum rental required
  - ii. BOD members have researched lenders who offer decent rates and will post email addresses of those brokers. The BOD neither endorses any particular lender nor

guarantees specific rates; it simply is providing information as a service to its homeowners.

- d. Doug Jastrab, unit 7—sees little enforcement of parking policy during busy times. Would like to see more enforcement, and maybe even occupancy limits since that brings more cars.
  - i. Response: parking enforcement is a continual challenge during busy weekends and snow weeks, especially with units using offsite rental programs. HSM will step up efforts to communicate our parking policy with rental agencies and units renting with VRBO.

### ***10. Next Annual Meeting***

- a. Time, Place, Location—consensus is to keep the meeting on the same weekend in September and continue to hold it in the complex pool area.
- b. Suggested Agenda Items—none

### ***11. Adjournment***

3:11 p.m.

Respectfully submitted,  
Mary Beth Richardson, Secretary  
September 14, 2015