



# Tall Timbers

**Homeowners Association Annual Meeting  
Sunday, January 30, 2011 6:00PM  
American Legion Meeting Room  
North Branch, Minnesota 55056**

## **I. ROLL CALL & ESTABLISH QUORUM:**

A sign in sheet was located at the meeting room's entrance. Each homeowner was asked to sign next to their address on the sign in sheet. There were 62 lot owners present or represented by proxy establishing the number of lot owners required to establish a quorum. It has been determined that Tall Timbers has 87 lot owners, 60%, or 53 of the lot owners are required to establish a quorum. The 2010 TTHA Annual meeting established quorum with 71% in attendance and/or proxies with 36 of the lots represented.

## **II. CALL TO ORDER:**

The Annual Meeting of the Tall Timbers Homeowners Association was called to order at 6:04 PM on Sunday, January 30, 2011 at the American Legion Meeting Room in North Branch, Minnesota 55056 by Vince Schoon, TTHA President. Also present were Board members, Mats Bergqvist, Julie Wermerskirchen, Joe Hopp and Randy Berglin. Not in attendance Richard Zunker.

## **III. APPROVAL OF 2010 TTHA ANNUAL MEETING AGENDA:**

Mark Hughes moved to approve the 2010 TTHA Annual Meeting Agenda. The motion was seconded; Opened to discussion. Motion passed unanimously.

## **IV. QUORUM REQUIRMENTS:**

Vince Schoon brought before the TTHA the issue of quorum requirements. Historically; the TTHA has established a quorum for their Special and Annual Meetings by requiring 60% of the Lots be present or represented by proxy. Questioning this procedure, the TTHA BOD secured a legal opinion and it was determined that the current TTHA By-Laws and Covenants specify that a quorum is established by having 60% of Lot Owners be present or represented by proxy at a called Annual or Special Meeting of the TTHA.

Mark Hughes moved that the establishment of a quorum for the purpose of calling and conducting a TTHA Annual or Special Meeting be based on 60% of the 48 Lots be present or represented by proxy for a properly established quorum. All Articles within the TTHA By-Laws and Covenants will be changed to reflect that requirement. The motion was seconded. Discussion followed. Motion Passed unanimously.

Tom Davis moved; That while it was believed that the resolution was properly approved at an earlier date, that in the event it was not, it is now approved and ratify all changes, actions and motions acted on or previously made by the Tall Timbers Homeowners Association at all regular and special scheduled meetings from inception or the Tall Timbers Homeowners Association though and including year ending 2009. Motion was seconded. Discussion followed.  
Motion Passed unanimously.

**V. WELCOME REMARKS:**

In Vince Schoon's opening comments he thanked everyone for attending the 2010 TTHA annual meeting. Thanking all committee members and all the work they performed on behalf of the TTHA. Specifically Shari Erickson, Linda and Warren Fulton for all their work on the Landscape Committee, the Septic Committee, Andy Peek, Pat Mickelsen and Joe Hopp, for all their work in 2010 and the upcoming 'Septic report' to the TTHA, National Night Out Committee; Shari Erickson, Nancy Murden and Julie Wermerskirchen and the 2010 TTHA Board members.

New members were welcomed to Tall Timbers.

Terry and Sue Berg at 37387 Hallmark Drive  
Scott Ingram at 8100 Iris Avenue  
Ron and Mary Mikkola at 7932 Iris Avenue

**VI. ELECTION OF FOUR (4) TTHA BOARD MEMBERS; 3- FOR ONE 3 YEAR TERM EACH and 1 POSITION FOR ONE YEAR TERM FULFILLING THE REMAINING ONE YEAR ON WARREN FULTON'S POSITION:**

Karen Johnson, Terry Berg, Julie Wermerskirchen (I) and Randy Berglin (I) agreed to have their names placed on the ballot for the open BOD positions. Vince Schoon asked for additional names from the TTHA members in attendance.

Ken Grieger moved to close nominations for the TTHA BOD positions.  
Motion was seconded. Discussion. Motion passed unanimously.

Tom Davis moved to forgo the written ballot and accept the 4 nominees presented for positions on the TTHA Board. Motion was seconded, Discussion. Motion past unanimously.

**VII. READING OF CORRESPONDENCE:**

Ken Gieger requested that any recommended changes to the TTHA By-Laws or Covenants be presented to the TTHA members at least 30 days prior to a called TTHA Annual or Special meeting.

Ken Grieger moved that all future recommended BOD changes to the TTHA By-Laws and Covenants be presented to the TTHA at least 30 days prior to a called TTHA Annual or Special meeting. Motion was seconded. Discussion.

Motion passed unanimously.

**VIII. APPROVAL OF DECEMBER 13, 2009 TTHA ANNUAL MEETING MINUTES:**

Jim Skroch moved to accept 2009 Annual Meeting Minutes. Motion was seconded. Discussion. Motion passed unanimously.

**IX. SEPTIC REPORT:**

On behalf of Andy Peek, Joe Hopp presented a comprehensive report and study of the TTHA Septic and Drain field System. Within the report Joe covered the condition of the Shared Lift Stations, the results of the 2010 lift station inspection, as well as the services provided by Olson Sewer Services. In addition to the lift station pumping and inspection; the TTHA was informed that the City of North Branch's long range plan, 20 years into the future, does not include Tall Timbers being part of the city sewer and water system. All known documentation of the Tall Timbers Septic and Drain field System has now been consolidated and electronic files have been created for all known existing documents for the System. The Septic Committee also presented recommendations for future maintenance and funding scenarios for the System. The increased 2010 septic costs were presented to the TTHA along with the explanation of why these costs exceeded the approved 2010 annual budget. There were no additional questions on this matter from the Association. If any TTHA members are interested in copies of the report they were encouraged to contact one of the Septic Committee members.

Ken Grieger moved that the TTHA BOD research and bring back to the TTHA at the 2011 Annual Meeting possible options for investing dollars from the TTHA Septic Fund that could yield a higher return than the current method. Motion was seconded. Discussion. Motion passed unanimously.

The TTHA requested that research be done by the Septic Committee as to where the responsibilities exist for each homeowner with their connection to their designated common drain field. This issue would come into play should maintenance need to be performed on a drain field connecting line. Their findings are then to be brought to the TTHA at their 2011 Annual Meeting.

**X. TTHA WEBSITE--PROPOSAL TO MOVE WEBSITE HOST:**

Vince Schoon presented to the TTHA the current state of the TTHA Website, the current hosting/website manager and the challenges associated with the current hosting provider. Vince also presented 2 additional options for consideration to host the TTHA Website.

Tom Davis moved to move the 2011 TTHA Website with costs not to exceed \$300.00 per year to include hosting and maintenance. The motion was seconded.

Discussion. Tom amended his motion to reflect the website related dollar amount in the proposed 2011 budget of Annual Website hosting of \$300 plus \$200 for Website

Maintenance, total \$500.00 budgeted in 2011. That amendment was seconded. The original motion with the amendment were passed unanimously.

**XI. TREASURER'S REPORT:**

**XII. STANDING COMMITTEE REPORTS:**

**A. AUDITS REPORT: Presented by Lori Berglin.**

Lori Berglin and Lynne Seim performed the Annual Audit of the TTHA 2010 financial reports. They found the TTHA books to be in proper order. They did make one procedural change related to TTHA deposits and noted that recommendation to the TTHA Board as well as the TTHA. That recommendation will be implemented as a standard practice of future TTHA accounting procedures.

Barry Mossbarger moved to accept the 2010 Audit results of the 2010 Treasurer's report as presented to the TTHA. The motion was seconded. Discussion. The motion passed unanimously.

**A. 2010 FINANCIAL REVIEW---BUDGET VS ACTUAL:**

Mats Bergqvist presented the 2010 Treasurer's report. He reviewed year to date figures, comparing 2010 actual to 2010 budgeted expenditures. Mats also reviewed the current TTHA account balances.

**B. 2011 PROPOSED BUDGET:**

**1. SPECIAL ASSESSMENT—STORM WATER DRAINAGE:**

Mats shared with the TTHA the 2010 special assessment (tax) collected by the City for storm water drainage. The \$59.00 annual tax is will be an ongoing cost and is now reflected in the proposed 2011 budget.

**2. TWO SIGNATURES ON EXPENDITURES IN EXCESS OF \$250.00**

In 2010 the TTHA BOD implemented the procedure requiring 2 signatures on checks/payments in excess of \$250.00. The two required signatures are that of the TTHA Treasurer and the TTHA President.

Mats Bergqvist asked for a motion from the TTHA to accept the practice of requiring two (2) signatures on checks written in excess of \$250.00. Jim Hoard so moved. The motion was seconded. Discussion. Motion passed unanimously.

**3. APPROVAL OF 2011 TTHA BUDGET:**

Mats Bergqvist presented the proposed 2011 TTHA Annual budget for Approval by the TTHA. The proposed overall 2011 budget remains unchanged from 2010, with adjustments made to budget line items to reflect the trend in expenditures reflected in 2010 and previous years. Mats asked for a motion from the TTHA to accept the 2011 TTHA Annual Budget.

Tom Davis moved to approve and accept the proposed 2011 TTHA Annual Budget as presented at the 2010 TTHA Annual Meeting. Motion was seconded. Discussion. Motion was approved unanimously.

**4. 2011 TTHA ANNUAL DUES:**

Mats Bergqvist presented to the TTHA the proposed 2011 TTHA annual dues. The dues presented are unchanged from 2010; \$150.00 per lot, (48 X \$150=\$7,200.00), \$50.00 additional dues per lot for the 8 homes on the shared TTHA lift stations (8 X \$50=\$400.00). Total 2011 Annual receipt from dues would be \$7,600.00.

Ken Grieger moved to accept the proposed 2011 TTHA annual dues as presented. Motion was seconded. Discussion. Motion was approved unanimously.

**XII. STANDING COMMITTEE REPORTS:**

**B. VALUE ASSURANCE COMMITTEE:**

Julie Wermerskirchen presented to the TTHA an update of issues that came before the TTHA VAC in 2010. One homeowner was contacted regarding the maintenance and upkeep of their lawn. One resident was reminded of the TTHA Covenant prohibiting the posting of any sign except 'For Sale' signs, on any lot without BOD approval.

**1. REVISION OF ARTICLE VIII; SECTION 1, OF TTHA COVENANTS:**

Julie Wermerskirchen presented recommended changes to the TTHA Covenants. That change is listed below:

**ARTICLE VIII. GENERAL PROVISIONS:**

**SECTION 1, paragraph 1;** currently reads:

(Revised December 07, 2008)

Section 1. "ENFORCEMENT. One (1) member of the TTHA Board of Directors shall volunteer or be appointed to maintain Tall Timbers Value Assurance (TTVA). The designated Board member shall have the responsibility to coordinate all efforts of enforcement, consequences, and variance as established at the November 16, 2004 Annual Meeting. The Board member shall act as an advisor to the Tall Timbers Board of Directors. They shall investigate violations of these Covenants and By-Laws review complaints; recommend a course of action to resolve matters under consideration to the full Board. The Board then has the options set forth in the Value Assurance handbook to resolve the issues presented. See Value Assurance Handbook, approved by the Tall Timbers Home Owners Association in June of 2004 for established processes and procedures.

Recommended changes to read:

**ARTICLE VIII. VALUE ASSURANCE:**

**SECTION 1: paragraph 1;**

ENFORCEMENT. *The Association shall form a Value Assurance Committee (VAC) process. This process shall consist of a committee of two (2) or more members of the TTHA, one of which must be a member of the TTHA Board of Directors. Additional committee member(s) will be appointed by the TTHA Board of Directors.* The designated Board member shall have the responsibility *of coordinating* all efforts of enforcement, consequences, and *processing variance requests*. The Board member shall act as an advisor to the Tall Timbers Board of Directors. *The VAC shall investigate violations of the TTHA Covenants and By-Laws, review complaints and*

recommend a course of action to resolve matters under consideration to the full Board. The Board then has the options set forth in the Value Assurance Handbook to resolve the issues presented. See Value Assurance Handbook approved by the Tall Timbers Homeowners Association **at the June 6, 2004 Special Meeting** for established processes and procedures.

Randy Berglin moved to accept the recommended changes for Article VIII of the TTHA Covenants. Motion was seconded. Discussion.  
Motion was approved unanimously.

**2. COMMON PROPERTY VIOLATIONS:**

Julie also reviewed ARTICLE VII SECTION II, of the TTHA Covenants regarding the use of TTHA Common Property. The review was prompted by conversations brought before the TTHA BOD from TTHA Homeowners with regarding the use of Common Property and the concerns with this usage and possible damage to the drain field systems as well as liability issues that could arise from such use.

**C. WELCOME COMMITTEE:**

Julie Wermerskirchen highlighted the new Welcome Packet that was developed and implemented by the Welcome Committee in 2010. The Welcome Packet provides new residents to Tall Timbers with general information about Tall Timbers, as well as information about Septic System maintenance, a copy of the current TTHA By-Laws and Covenants. A total of three Welcome Packets were distributed to the 3 new neighbors that moved into Tall Timbers in 2010.

**D. NATIONAL NIGHT OUT:**

Julie Wermerskirchen presented to the TTHA the highlights of TTHA's first ever participation in The National Night Out event on August 03, 2010. She thanked NNO Committee members Shari Erickson and Nancy Murden for their work on the Event. Nearly 90 children and adults attended the event. North Branch Police Department, Chisago County Sheriffs Department and the North Branch Fire Department were also present for the event. Additionally well over 900 water Balloons were tossed in the festivities. The 2011 NNO will be held on August 2, 2011. Along with Julie Wermerskirchen, Shari Erickson, Nancy Murden and Nancy Schoon have volunteered to serve on the NNO Committee for the 2011 event.

**E. LANDSCAPE COMMITTEE:**

Julie Wermerskirchen thanked Shari Erickson, Linda and Warren Fulton for organizing the landscape and mowing committee in 2010. She also thanked all the volunteers that participated in the process.

**1. MOWING PROPOSAL:**

Julie asked for a motion from the TTHA to move forward with the mowing and maintenance of monument area and Common Property along Iris Avenue again for 2011. Jim Hoard moved to continue with the Mowing activities as was performed in 2010. Motion was seconded. Discussion. Ken Grieger called for the question. Motion was approved unanimously.

Scott Johnson and Cory Bombard will coordinate volunteers and the Responsibilities of the Landscape Committee for 2011.

**F. ACC COMMITTEE:**

In Richard Zunker’s absence, Joe Hopp reported to the TTHA that a total of two projects had been brought before the ACC for review. Both projects were approved by the ACC.

**1. REVISIONS TO ARTICLE V: SECTION 1 OF TTHA COVENANTS:**

Joe Hopp presented recommended changes to the TTHA Covenants. That change is listed below.

**ARTICLE V. ARCHITECTURAL CONTROL COMMITTEE:**

**SECTION 1;** currently reads:

The Association shall form an Architectural Control Committee (ACC) which shall consist of three (3) or more Members of the Board of Directors.

**Recommended changes to read:**

*The Association shall form an Architectural Control Process. This process shall consist of a committee (Architectural Control Committee; ACC) of two (2) or more Members of the TTHA, one of which must be a member of the TTHA Board of Directors. Additional Committee members(s) will be appointed by the TTHA Board of Directors.*

Traci Hopp moved to accept the recommended Covenant changes as presented . Motion was seconded. Discussion. Motion passed unanimously.

**XIII. UNFINISHED TTHA BUSINESS:**

Vince Schoon covered unfinished business before the BOD from the 2008 TTHA Annual Meeting.

**A. RENTAL OPTION VS OWNER ONLY OCCUPIED HOMES:**

At the 2008 TTHA Annual Meeting a TTHA approved motion by Ken Grieger was put before the TTHA BOD to research the issues surrounding the possible implementation of a Covenant restricting only owner occupied homes in Tall Timbers. Preliminary research was done and those findings were brought before Ken Grieger. Ken Grieger withdrew his approved motion.

**B. OPERATING A BUSINESS OUT OF A RESIDENCE:**

At the 2008 TTHA Annual Meeting, a TTHA approved motion by Tom Davis was put before the TTHA BOD to research the TTHA Covenants and By-Laws to determine if a homeowner could operate a business out of their home. Reviewing the Covenants and By-Laws dating back to the beginning of the TTHA, no indication was found not allowing a homeowner to operate a business out of their

home. This information was presented to Tom Davis. Tom Davis withdrew his motion.

#### **XIV. NEW BUSINESS:**

##### **A. COVENANT AND BYLAW REVISIONS:**

Joe Hopp presented to the TTHA 2 Additional recommended TTHA Covenant revisions.

##### **ARTICLE V. MEETING OF DIRECTORS:**

**Section 1;** currently reads:

1. Regular Meetings. Regular meetings of the Board of Directors shall be held quarterly without notice, at such place and hour as may be fixed from time to time by resolution of the Board.

**Recommended change to read:**

1. Regular Meetings. Regular meetings of the Board of Directors shall be held **at a minimum of once per quarter** without notice, at such place and hour as may be fixed from time to time by resolution of the Board.

Barry Mossbarger moved to accept the recommended changes as presented. Motion was seconded. Discussion. Motion was approved unanimously.

##### **ARTICLE IV. COVENANT FOR ASSESSMENTS:**

**SECTION 6;** currently reads:

UNIFORM RATE OF ASSESSMENT. Both annual and special assessments must be fixed at a uniform rate for all Lots and will be collected on an annual basis.

**Recommended changes to read:**

UNIFORM RATE OF ASSESSMENT. Both annual and special assessments must be fixed at a uniform rate for all Lots and will be collected on an annual basis; **except for Lots on shared lift stations.**

Barry Mossbarger moved to accept the recommended changes as presented. Motion was seconded. Discussion. Motion was approved unanimously.

##### **B. VOLUNTEER PROJECT:**

At the request of a TTHA member the BOD researched the idea of the TTHA anchoring a volunteer project. Brought before the TTHA were 4 potential ideas that included: Adopt a High Way, North Branch Public School Volunteer, Family Pathways; Fresh Produce Garden, City of North Branch 'Adopt a Park Program'. A brief description was presented for each of the 4 ideas. Vince Schoon asked for an informal survey of which project the TTHA would be most willing to involve themselves in. It was determined that the Adopt a Park Program was the area of most interest.

Sue Berg moved for the TTHA to adopt a volunteer project and that project to be the City of North Branch 'Adopt a Park Program'. The motion was seconded. Discussion. Motion was approved unanimously.



Tom Davis, Sue Berg and Vince Schoon will anchor the Volunteer project for 2011. Randy Berglin will get the preliminary information he received from the City regarding the program.

**C. CONTRACTOR GUIDELINES:**

Vince Schoon presented the Contractor Guidelines document that was developed by the TTHA BOD. Going forward all work performed by outside contractors on behalf of the TTHA will have to adhere to the provisions of the Guidelines.

**D. RESOLVING TTHA NON-COMPLIANCE ISSUES:**

Vince brought before the TTHA the ongoing issues with Homeowners that are not in compliance with the TTHA By-Laws and Covenants. As the discussion continued the TTHA was asked what their preference is and how best to handle those that are not in compliance or choose to not correct the non compliance issues.

The feedback from the TTHA was for the TTHA VAC to follow the guidelines put forth within the 2004 TTHA approved Value Assurance Handbook. Should non compliance issues continue, a special TTHA Meeting will be called and the related non compliance issue and related costs for resolving those issues will be presented to the TTHA for their approved action on the non compliance issue for which the special meeting was called.

**XV. OTHER BUSINESS FROM THE ASSOCIATION:**

1. Sue Berg brought before the TTHA the question of what if any plans or considerations were in place for developing usage of the TTHA common property, walking paths etc. A brief historic review of conversations regarding TTHA common property ensued. No specific action was taken.
2. Barry Mossbarger brought to the attention of the TTHA the issues with bears and other wildlife in and around the Tall Timbers property. He also highlighted the fact that the State of Minnesota had acquired property on the south and western boundaries of Tall Timbers. The State property is open to public hunting and he recommended the posting of No Hunting and Trespassing on TTHA property.

Duane Habel moved that the TTHA place signs posting NO HUNTING and TRESPASSING SIGNS on TTHA property. The motion seconded. Discussion. Motion passed unanimously.

3. Mike Matz reminded people to observe the 25 MPH speed limit and to slow down! He has observed an increase in speeds in and out of the neighborhood. He noted it would be devastating to have one of our neighborhood children hit by a car let alone a speeding car.

**XVI. ADJOURNMENT:**

Ken Grieger moved for the adjournment of the 2010 TTHA Annual Meeting. The motion was seconded. Discussion. Motion was approved unanimously. Meeting adjourned at 8:45PM.

**Respectfully submitted by:**

Randy Berglin  
Secretary, TTHA

**Approved by:**

Vince Schoon  
President, TTHA