

Lincoln Commons Emergency Board Meeting

On Saturday, August 8, 2020, the Homeowners Association, held an emergency Board meeting to discuss how to approach the situation of the second flood on 8/5/2020 after another severe storm.

Date: August 8, 2020

Time: 6pm

Location: Zoom Meeting

I. Call to Order:

Meeting called to order at 6:05pm

II. Roll Call:

Present: Jordon Guinane, Jacque Guinane, Vanessa Bowman, Jocelyn Farrar, Travis Kemmer, Ryan Cunningham

Recorder: Crystal Aukens

III. Reading of Last Minutes:

N/A

IV. Old Business:

V. N/A

VI. New Business:

A) There has been a second flood at Lincoln Commons due to a major storm on 8/5/2020. For the previous storm, on 7/15/2020, the HOA covered expenses to have the interior of the homes dried. How do we approach this storm?

i) Jordon explains what he is doing to improve the drainage systems in attempts to prevent this from happening again:

-the french drain system in front of Perryville Point will be opened up and improved with additional outlets

-in the center island between Perryville Point and Little Rock View, drains will have additional outlets

-on the front side of Cold Harbor View, the curb will be cut out next to handicapped and a french drain with an outlet will be installed and will be run from 4651 Cold Harbor View to the street.

-some settlement around window wells will be fixed

-landscaper will be fixing two sinkholes on the southside of the retention pond as well.

ii) Roofs and gutters need work due to last storm. A claim has been

filed with State Farm. It is possible that 6 inch gutters could be installed rather than the current 4inch gutters, however, rain and hail will still cause damage to 6 inch gutters.

iii) The roof's on all 20 buildings need to be replaced and bids will be required but supplies are on backorder.

B) (JF)

The board should always be made aware of claims being filed through insurance.

C) (JE)

Bigger holes cannot be drilled into drains because it will allow debris and other items into the sump pumps.

D) (JG)

i) No one should be performing tasks on their own to the property that has not been approved by the board due to liability issues.

ii) What is practical vs what is ethical to cover?

iii) Maybe consider plastic window wells.

E) (JE)

i) Clear window wells would not be cost efficient and do not solve the issue because water can still get through it.

ii) Adjustments and improvements made to landscaping will be at no cost to the board one more time.

iii) Maintenance repair will be at the cost of the HOA and homeowners from this point on.

iv) Homeowners are responsible for reporting issues to the management company in order to have them repaired in a timely fashion.

v) There are pipes on the property that were installed by the builder and have since been disconnected by an unknown person. Possibly playing children.

vi) Gaps in window wells cannot be sealed and it is normal to have gaps in a window well.

F) (RC)

How do we fix the landscaping issue?

G) (JE)

i) Cut curb and gutter

ii) Mitigate water

iii) Perimeter drain is up to code but could not handle the amount of water falling during these storms.

- iv) -the french drain system in front of Perryville Point will be opened up and improved with additional outlets
- in the center island between Perryville Point and Little Rock View, drains will have additional outlets
- on the front side of Cold Harbor View, the curb will be cut out next to handicapped and a french drain with an outlet will be installed and will be run from 4651 Cold Harbor View to the street.
- some settlement around window wells will be fixed
- landscaper will be fixing two sinkholes on the southside of the retention pond as well.
- v) The growth in El Paso county is causing the water to flow in directions that it did not before.
- vi) **Lincoln Commons is in a flood plain.**
- vii) The location of the Amazon warehouse causes more water to drain toward Fountain Creek.
- viii) Dirt will be recompacted but another storm could cause erosion yet again.

H) (JF)

- i) Is water mitigation from Bradley Crossroads causing excessive flooding?

I) (JE)

- i) Retention pond is made to hold water for a 500 year storm and is designed to hold the water from 7/11, the carwash, Lincoln Commons, and Bradley Crossroads.

J) (TK)

- i) Were the drains functioning appropriately?
- ii) Does the HOA hold any liability for the flooding?

K) (JE)

- i) The storm on 8/5/2020 caused two hours of hail
- ii) There is nothing the HOA could have done to prevent this from happening.
- iii) 6 inch gutters will still clog when there is that much hail coming down.

L) (JE)

- i) Indemnity Clause in Bylaws protect any individual from being personally sued.
- ii) No single individual nor the HOA carries liability for the damage done because everything was functional at the time of the second storm on 8/5/2020.
- iii) There will be bigger storms coming

iv) Fountain Valley is being hit harder with storms this year than it has in the past.

M) (JG)

i) There are continuous floods in units

ii) Should the HOA continue to cover dry outs after flooding occurs?

N) (JE)

i) As long as everything that the HOA is responsible for in the common areas has been maintained, fixed, or replaced, as it has been, the HOA is not responsible for covering damages due to flooding from severe storms such as these.

O) (JG)

i) Sump pump issues have been fixed.

ii) Storm 1 (7/15/20) is different from storm 2 (8/5/2020) because we solved the issues that caused the flooding in Storm 1 that the HOA would be responsible for.

iii) Where do we draw the line regarding what we do and do not cover?

P) (TK)

i) Is there anything we, as the HOA board could have done differently to prevent the flooding from Storm 2 (8/5/2020) we must ask?

ii) There is not a single identifiable cause that provoked the flooding that the HOA could have fixed or prevented, nor one that the HOA is responsible for.

Q) (JF)

i) Agreeance with TK.

ii) When a hurricane creates a path of destruction, the homeowner is responsible for contacting and paying the deductible for homeowners insurance as it should be with this storm as well.

R) (JE)

i) The HOA is responsible for siding, roofing, gutters, sump pumps, and things in the common areas but is not responsible for the inside of the house.

S) (RC)

i) What about the two units in the middle on Perryville (4219, 4225) that continuously flood due to landscaping issues?

T) (JE)

i) Everything on the units is up to code but builder is still going to make improvements to landscape (specific improvements stated above) in order to mitigate water.

ii) French drain systems are becoming overrun with water during these storms.

U) (JF)

i) HOA does not hold responsibility in this situation.

ii) We don't know what we don't know. We can not predict what is going to happen, we can only make improvements where we can as we go.

iii) Builder is going above and beyond what is required of him to prevent future flooding.

V) (JE)

i) The lowest sitting building on the property is not flooding

ii) Regrading should fix the issue

iii) Bigger catch basin should also fix the issue

iv) There are many things that should solve the issue individually, but the builder is doing multiple of those things to fix the flooding issue (see list previously posted above)

W) (VB)

i) 4219 Perryville found mold under the carpet from a previous flood.

X) (JE)

i) No one was ever informed of the mold found under the carpet

ii) Homeowners are responsible for reporting such issues immediately upon discovery.

Y) (JF)

i) Why are there 9 units out of 87 that seem to have more issues with flooding?

Z) (JE)

i) Grading

ii) French drains

iii) We will keep adding drains

iv) Water can overcome anything

v) We have to wait and figure out what the water is going to do but this is difficult with the growth around the community.

vi) Sump pumps were also an issue previously but have since been repaired.

AA) (JF)

i) Owners should be responsible for providing flood insurance especially considering Lincoln Commons is in a flood plain.

BB) (JG)

i) We need to decide who is responsible for Pro Dry bills

ii) Who is responsible for interior repairs

iii) How do we get word to the homeowners?

CC) (JF)

i) A letter should be delivered to homeowners that details what the builder is doing to resolve some of the issues.

ii) No one here is to blame, similar to when a natural disaster occurs.

iii) Mention in letter how disasters affect people and why flood insurance would be recommended.

DD) (VB)

i) Even with insurance, the deductible is costly

ii) The landscaping rock is not grade and allows water to seep through foundation.

EE) (JE)

i) List of preferred subcontractors can be provided.

ii) Homeowners are welcome to contact builder and walk around property with him and see what exactly is being done.

Motion brought to table at 7:01pm by VB.

Motion to cover expenses for Pro Dry from Storm 1 (7/15/2020) but not storm 2 (8/5/2020) as well as interior damages being the responsibility of the homeowners in both storms.

TK- Seconds the motion

JF- Seconds the motion

JE- Seconds the motion

VB- Seconds the motion

VB carries the motion, unanimously, with present members.

FF) (JE)

i) May one member of the board make executive decisions as has been done in many cases here?

ii) Does one member have the authority to dictate what can/cannot occur on the property specifically in regards to responsibility of invoices and services received?

GG) (JF)

i) Absolutely not

HH) (VB)

i) No

II) (TK)

i) No

VII. Adjournment:

Meeting adjourned by VB at 716pm on 8/8/2020

Key

JE- Jordon Guinane

JG- Jacque Guinane

JF- Jocelyn Farrar

VB- Vanessa Bowman

TK- Travis Kemmer

RC- Ryan Cunningham