

Minutes–Annual General Meeting

Saturday, June 4, 2011, Lindale Hall

Condominium Corporation No. 882 0814

www.birchwoodcountrycondo.com

(Draft for review & approval at the June 2, 2012, annual general meeting).

Board Members Attending

Greg Jansen, Jim Jansen, Sharon Kuzio, Peter Tadman & Crystal Heck, accountant/recording secretary. Dan Hill & Bob Leeder were unable to attend.

Agenda

Greg Jansen called the meeting to order at 10:07 a.m. at the Lindale Hall. Greg Jansen introduced the three scrutineers for the meeting: chair Crystal Heck; Dave Southorn Lot 82; and Kathy Budd Lot 1.

Calling of the Role/Certifying the Proxies/Issuing Voting Cards

Crystal Heck confirmed a quorum with 47 owners present and an additional 13 proxies.

Motion of Proof of Meeting Notice

Wally MacNeil, Lot 7, moved that there was adequate notice provided for the AGM, Linda Verhaeghe, Lot 105, seconded the motion.

Minutes of the June 5, 2010, AGM

Greg Jansen asked if there were any errors or omissions, there were none noted, Tom MacLean, Lot 13, moved that the minutes of the June 5, 2010, annual general meeting be accepted as circulated, Wes Irvine, Lot 100, seconded, all in favor, carried.

President's Report

President Greg Jansen provided an overview from the Board of Directors as well as the Board's overall reports that included topics such as: financial, site services, web site, social committee, and a report on Birchwood Center.

This past year was one of our best: condo fees, for the first time in memory, went down and the owners' long-lost corporate working office and gathering spot was built.

There was a reminder to owners that there is a lock box now located in Birchwood Center for owners to use.

Other news that was noted, missed from the 2010 AGM, was word that a grader had been purchased for use on the roads, replacing a grader that had been disposed of by a previous Board.

With regard to road work, spring gravel for the roads has been put on hold because of the road bans but the Board will have it completed as soon as it can along with the dust control. The road work was recorded in the budget for the current year and the Board wants to have the work completed before June 2011, as long as the Brazeau County is willing.

The security gate was replaced with a new one but still needed some repairs over the winter with vehicles crashing into and breaking it.

Since the last AGM the Board has been working with our lawyers to update our 10-year-old badly outdated bylaws that fail to properly protect the interest of owners. Bylaw packages were in the back of the room and owners were asked to pick up their envelope on the way out. Owners were reminded that the bylaw package needs 75% approval in order to be passed. The voting forms can be returned by mail or dropped off at the Birchwood Center mailbox. The new bylaws are modeled after the *Condominium Property Act of Alberta*, designed to safeguard the best interests of all the owners.

With regard to the golf course – it remains before the courts – and until it is settled it seems that the golf course won't be operating.

With regard to the lagoon – the county administration is due to make recommendations to county council this month – any changes would not occur for at least three months – the Board will provide any updated information at its meetings and in its meeting minutes which are posted on the bulletin boards and uplinked on the condo web site.

Birchwood Center

Jim Jansen, who headed up the Birchwood Center project, reported:

Cost to June 30, 2010	14,825
Cost to May 31, 2011	<u>47,800</u>
Total cost	62,625
Less cash donations	(22,300)
	<u>40,325</u>

Additional estimated costs for completion

Kitchenette	2,600
Flooring 896 sq ft @4	3,600
Landscaping	<u>1,200</u>

Total cost of building \$47,725

True value of the building	
Donations of equipment	12,500
Donation of labor	20,000
Donations of electrical	4,500
Donations of supplies	5,275

True Building value \$90,000

Jim Jansen thanked all the many, many individuals who volunteered for their 1400-plus-hours of time and those who donated cash, equipment and materials. The following were mentioned and Jim apologized if he missed anyone:

West Energy*, Tom & Marilyn MacLean, Bob & Joan Leeder, Blair McCrindle, Dwayne Thorsen, Jerry Wells, Dwayne Siewert, Andy & Rollie Engebretson, Ron Barkley, Greg & Val Jansen, Larry & Sharon Kuzio, George & Fran Nohos, Gene & Deanna Tibbetts, Peter & Maxine Tadman, Dwayne & Freda Kyler, Garry & Maureen Horton, Larry & Bea Carfantan, Gerry & Diana Carfantan, Alec & Bev McKenzie, Brian & Darlene Jenson, Rod Yakubow, Jim & Val Jansen, and members of the social committee. Jim Jansen again apologized if he missed anyone. *Verna Block, Lot 55, interrupted at the above asterisk* marked point in the meeting with concerns she had about the acknowledgment given West Energy. She claimed her concern was that the monies received were a result of a negotiation that she did by herself and she then provided the money to the Board although she told the meeting that she didn't need recognition.

Linda Verhaeghe, Lot 105, moved that the **financial report**, distributed in advance of the meeting, be accepted as circulated. Dave Southorn, Lot 82, seconded the motion, carried. Linda Verhaeghe, Lot 105, moved that we use Gary Ruhl Professional Corp. to audit the 2010-2011 finances, seconded by Wes Irvine, Lot 100, carried.

The **web site and social committee**, Lana Southorn, Jan Wells and all members were thanked by the Board for their efforts. Greg Jansen asked Jan Wells if she would provide an update. Jan Wells thanked the committee members who were stepping down (Tom & Marilyn MacLean, Dave & Lana Southorn, & John & Kathy Budd) for their contributions and asked if any owners in attendance would be interested in becoming involved with the social committee. Fran Nohos, Lot 88, and Don & Loretta Welsh, Lot 94, volunteered to help Jerry & Jan Wells with the operation of the social committee. Jan Wells asked that any owners who have ideas of what they would like the committee to do to please put their requests in the Birchwood Center mailbox and the Board will get them to the committee members.

Owners were reminded that they can access: condo background; meeting minutes; rules and regulations; bylaws; and link to the *Condominium Property Act of Alberta* by going to www.birchwoodcountrycondo.com

Members Forum:

John Budd, Lot 1, offered kudos to Jim Jansen for the Board's perseverance in building Birchwood Center. Jim Jansen received a round of applause. He said he had a lot of help.

Al Wachter, Lot 80, wanted more information regarding the proposed new bylaws and wondered if they touched on federal legislation. Linda Verhaeghe, Lot 105, suggested that the provincial rules supersede our rules and regulations so she felt that any federal rules would probably supersede the provincial rules. Peter Tadman explained that our condo lawyer is an expert who specializes in condominium law and the law that applies to us and is relevant for us is provincial legislation known as the *Condominium Property Act of Alberta*.

Gary Verhaeghe, Lot 105, asked about the situation with the golf course. Peter Tadman explained that our condo lawyers have checked and reported back that there is nothing new at the court house. The creditors are looking for possession of the golf course, the appointment of a receiver, and \$1.5 million. Our lawyer talked to the creditors lawyers and they are currently seeking a final judgment against Birchwood Village Greens after which there may be a redemption period and the golf course being put up for sale. Updates will be made known at future Board meetings and within those meeting minutes which are posted on our notice boards and web site.

Wayne Irvine, Lot 76, asked if the Board knew which bank is the mortgage holder. Peter Tadman listed the 12 plaintiffs (creditors) named in the court documents filed at the court house.

Al Pinkoski, Lot 122, expressed his concern regarding a possible fire hazard this coming fall from uncut golf course grass. He asked if the Board would find out if we can request that it be maintained somehow. Jim Jansen told the meeting that he got a call from Wilf Richard offering the management of the golf course for 2011 to anyone for \$1. Jim Jansen asked around but everyone he spoke with felt that this was not an opportunity that would be beneficial with the county property tax bill outstanding, the current court action, the golf course bridge being washed out, others in disrepair, and the golf course equipment not worth much without upgrades. Jim Jansen felt it would cost approximately \$100,000 just to open the doors. Jim Jansen said he would check with the county to see if they can force the owners to ensure proper grass cutting.

Jessie Christian, Lot 102, expressed concern regarding some budget numbers and wondered how the over-runs & under-runs are dealt with. Greg Jansen explained that the budget worked with any monies unused in the current year being carried into the next year for use.

A thank you was given to the volunteer (Larry Kuzio) who fixes the gate when necessary, saving the owners money. Larry received a round of applause.

Tom Maclean, Lot 13, raised concerns about the misuse of the garbage container. He also thanked Larry Kuzio for his efforts in cleaning up items that would cause the owners to lose this service. Larry received a round of applause.

Wes Irvine, Lot 100, was wondering where on the financial statement budget monies were located for gravel and dust control, Greg Jansen explained that it is located in the property maintenance portion of the budget. 2010/2011 had \$5,000 budgeted and if it is not spent before June 30, 2011, it will be carried forward for the new budget year.

Jessie Christian, Lot 102, thanked Larry Kuzio for cleaning up the ice after the grader went though and left ruts. Larry received a round of applause.

Dave Southorn, Lot 82, had some concerns with the actions of children on golf carts, pointing out there was a need to have parents control their children's actions on the carts. He said there are times when four or five children have been on one cart which is extremely dangerous. He felt it is not security's responsibility to deal with this.

Sharon Kuzio suggested that maybe a delegation of owners should get together and talk to the parents of the children, letting them know of the dangers to their children, since our security has already spoken to the young offenders, letting them know what they should and should not be doing. Tom MacLean, Lot 13, felt the Board should impose fines.

Fran Nohos, Lot 88, had some concerns regarding the ATV's being used recklessly and late at night. The Board will do what it can to enforce the bylaws.

Len Woollven, Lot 58A, asked the Board if there was going to be a large item garbage pickup by volunteers similar to what has been done in the past. Jim Jansen explained that it was tabled at the last Board meeting for the new Board to discuss. Last year, during the course of three days, volunteers, the same ones who volunteered the previous year, using two donated trucks and two donated trailers, took out six loads of garbage for a cost of approximately \$800 to condo owners.

Wally MacNeil, Lot 7, said he spoke with Brazeau County regarding the disposal of leaves because at the Lindale transfer station this service is not available and you need to take it to Rocky Rapids. He wondered if the Board could ask the County if this service could be available at the Lindale Transfer station. The new Board will look into this.

Aaron Dennison, Lot 74, volunteered to let the Board make known that he would be willing to take items to the landfill for owners. Larry Kuzio explained to the owners that he did look into renting a construction dumpster container but it was going to be too costly.

Jan Wells, Lot 99, asked if there was a spot on common property to put grass clippings, etc. Larry Kuzio explained that this would be misused. For background, he explained he had set up a spot to deal with common areas' downed trees and grass and before he knew it he needed to hire a truck to haul debris away because the pile became so large with the grass clippings, tree branches, etc. from private lots that it was too much for his pickup truck to haul away.

Blair McCrindle, Lot 167, advised the owners in attendance that you can take your grass clippings to the Drayton Valley landfill if you dump the clippings there and take your bags back.

Al Pinkoski, Lot 122, felt that private lot garbage should be dealt with by the individual owners. He said condo owners should not pay for the disposal of other people's garbage.

Judy Seaman, Lot 77, said she would like to see owners help with the cost of disposal and to see the service maintained as there are owners who do not have the means to get rid of these items. Tom MacLean, Lot 13, also proposed that a charge be allocated, in the spring and fall, for large item pickups and that it would help control misuse of the garbage bin.

John Budd, Lot 1, felt that this could be an accounting nightmare unless there was money first, garbage hauling second. Jo MacNeil, Lot 7, Clarence Wastle, Lot 84, & Andy Engebretson, Lot 95, all felt that the Board should not continue this service.

It seemed clear that many in attendance did not think continuing the two-year-trial-run big item garbage pickup is something that the Board should be involved with.

The matter, with offers from Aaron Dennison, Lot 74, and Wayne Irvine, Lot 76, to assist with the large item pickup project, will be discussed at the next Board meeting.

Lorraine Polei, Lot 173, asked if there had been some concerns regarding break and enters or vandalism. She and her husband had a recent incident. Larry Kuzio advised all owners that it is imperative to report any such incidents to him as well as to the RCMP. All owners were advised to call Larry Kuzio if they see anything out of the ordinary. Sharon Kuzio said everyone should note that it is the responsibility of all owners to report anything out of the ordinary.

Jim Jansen told the meeting that Brazeau County has a nuisance bylaw that he is planning on bringing forth to the new Board and that he will be recommending to the new Board that it implement an annual inspection of property and if there are issues the owners in question would be sent a notice to clean up their property and if they failed to do so it would be done and they would be billed and subject to a fine. He stressed that we have to take pride in the community.

Verna Block, Lot 55, expressed concern that policing and fining owners was out of the control of the Board. Peter Tadman reminded Verna Block that the Board has the authority to levy and collect payment for fines for infractions under the *Condominium Property Act of Alberta*, our bylaws, and our rules and regulations and regularly does so.

Election of the Board of Directors

With Jim Jansen, Sharon Kuzio, and Peter Tadman having one year left on their two-year terms there were four vacancies for two-year terms.

- Dan Hill agreed to let his name stand for another term and was re-elected by acclamation.
- Sadie Thorsen agreed to let her name stand and was elected by acclamation.
- Linda Verhaeghe nominated Don Welsh who accepted the nomination and was elected by acclamation.
- Peter Tadman nominated Wally MacNeil who accepted and was elected by acclamation.

Wally McNeil nominated Marilyn MacLean who declined.

Gerry Dobson nominated Clarence Wastle who declined.

Wally MacNeil nominated Blair McCrindle who declined.

Linda Verhaeghe, Lot 105, moved that nominations cease, Wes Irvine, Lot 100, seconded the motion, carried.

Dan Hill, Don Welsh, Wally MacNeil, and Sadie Thorsen joined the Board for two-year terms.

Greg Jansen reminded owners to pick up their bylaw packages at the back of the hall on their way out.

Jim Jansen thanked the outgoing Board members.

Motion to Adjourn

Meeting was adjourned at 11:20 a.m.