

MSLA Meeting

10-12 AM, Nov. 21, 2015 @ Rec Rock Community Center

The following is a list of agenda items that I think we covered. Subsequently, I will expand on each of those, in turn.

- Financials
- Payment Delinquencies
- Maintainer Status
- Bridgework
- Future Road Maintenance Options
- Judge Pape Petition
- Deed Restrictions
- MSLA Website
- New Trustees
- Meeting Frequency

Ed Dupnick opened the meeting at 10:00 and introduced his fellow trustees; Jim Williams, Joe Dickson, and Reza Pouraghabagher. Ed introduced the above list of planned agenda items and asked if there were any other additions. None were provided.

Financials

Ed reported that there was about \$6,990 in the treasury (First National Bank of Bastrop). He noted that the account has recovered from the cost of rebuilding the culvert crossing over Sandy Creek on Sand Hills Road. Thanks to the interim loans and advance road fee payments from the trustees and other landowners, we were able to finance the necessary reconstruction cost. Year to date we have received about \$7,400 in fees from 35 landowners, an average of \$211 per landowner, obviously higher than the nominal \$120 per landowner. We are still expecting additional income of \$2520 from another 21 landowners who typically make annual payments. This leaves 24 landowners from which we do not expect any payment and which brings us to our next agenda item.

Payment Delinquencies

Since Ed started keeping financial records in 2013, there have been about 30 landowners who have consistently made late or no payments whatsoever. In fact, there is over \$20,500 in delinquent payments that are owed. These known delinquencies only date back to 2013, but it is reasonable to assume that a substantial number of these landowners never made any payments since their initial property purchase. Early road fee payment compliance was on the order of 30% because many landowners were nonresident and/or believe the fee payment to be voluntary. Diligent address tracking and annual invoicing have raised the compliance number to around 70%. Yet we still have a ways to go. What to do about delinquent landowners?

There are three options that we can pursue to collect past delinquencies: 1) file a lien on each delinquent landowner in small claims court; 2) submit these delinquencies to a collection agency and expect to recover anywhere from 20 to 50% of the delinquent payments, or: 3) continue with our present method of "collect delinquent fees when the property sells."

The first option cost about \$50 per filing and does not guarantee payment - an option-too costly to pursue. The second option will recover a substantial portion of the delinquencies but certainly rules out the likelihood of any future payments and certainly alienates a large and perhaps soon to be vocal segment of the landowners.

The third option seems to be working, albeit ever so slowly, but is based on the process of notifying all appropriate title companies that the McElwreath properties are in a POA, the POA has annual road maintenance fees, and all fees must be paid before the land can be sold. So the general strategy is we will wait until the land is sold, however long that takes and collect our fees at that point. Other actions to be taken against landowner delinquencies will be addressed in the section under website.

Maintainer Status

Don McElwreath developed the properties starting around 1980, and he assumed maintenance responsibilities for the road system. He owned a lightweight maintainer (not a heavy duty road grader) which was used for maintenance. In 2000, as he was facing a terminal illness, the maintainer was granted to the subdivision and various individuals used the machine to maintain the roads as appropriate. Because of the maintainer's age and the difficulty of working the roads, significant costs were incurred to repair and/or renovate the engine, hydraulic system, and a steering mechanism. Eventually, bringing a maintainer back to operating stage became an insurmountable task and so it was retired to a shady spot on Hill Top Road. The trustees are considering that it should be sold for scrap metal.

Following the demise of the maintainer, the trustees opted to contract road maintenance work to Harvey Gruss and his grader. Harvey's efforts were augmented by a significant amount of volunteer labor from resident landowners and purchased road material. Last year Harvey retired and took his grader with him. The trustees considered buying his grader at auction but the asking price of \$10,000 was more than the treasury could handle. Future road maintenance work will be addressed in a later agenda item.

Bridge Work

John Livingston gave an overview of the work that was necessary to complete the demolition and reconstruction of the culvert bridge over Sandy Creek along Sand Hills Road. As you may know, the extensive rains Bastrop County received over the 2015 Memorial Day weekend caused extensive damage to the subdivision roads. We were advised that the bridge needed to be rebuilt. The damage was such that the subdivision sustained the loss of a 3-culvert bridge crossing over Sandy Creek, stranding half of the community on one side with no possibility of any other access. The entire fill beneath the bridge had been washed out and a heavy truck broke through the surface. After inspections by a Texas Department of Transportation engineer and the local County Commissioner, we were advised that the bridge needed to be rebuilt.

The rebuild started on July 20 and was completed in mid-August with the resumption of normal road traffic. Unfortunately, the bridge rebuild cost almost \$20,000 to complete which far exceeded the amount of funds available for "normal" road repair. The cost to rebuild would have been even higher without the tremendous outpouring of volunteer labor by McElwreath Subdivision residents and trustees. Furthermore, the shortfall in available funds was covered by the generosity of advance road fee payments and donations also provided by residents and trustees.

Future Road Maintenance Options

Reza Pouraghabagher gave an overview of what options may be available for road maintenance in the future. As reported earlier, Harvey Gruss has retired (along with his grader), and is no longer available for any road maintenance. It would seem that the purchase of a replacement grader would likely be outside the financial means of the MSLA. Consequently, we had been relying on volunteer labor and machinery and the purchase of truck-loads of aggregate for filling potholes. Reza continued to pursue potential contractors (labor and machinery) and additional sources of aggregate or road fill and will report on his findings at a later date.

Judge Pape Petition

An emergency meeting was held on June 27 in Red Rock to discuss the consequences of the Memorial Day floods and more specifically the damage incurred by the Sandy Creek culvert. During that meeting, Ed Dupnick cited a recent newspaper article noting that Bastrop County Judge Pape was entertaining the county's taking ownership of private roads in certain subdivisions. "Ownership" would mean that the county would be responsible for the upgrade and ongoing maintenance of these roads. This action seems to be a natural precedent to our interest in heavenhaving the county take over our roads. Discussions around this article prompted an idea broached by Ted Bowers to arrange a meeting with the county judge. As it turns out, Ted not only works for the county but also knows the judge personally.

James Harris and Bette Stockbauer developed a document with background information to be shared with the judge. The plan now is to talk with Ted and see when would be a good time to approach this subject with the judge.

With any review of current County Road standards, county takeover of the road in present condition is most likely impossible, but we could possibly get from him guidance as to requirements which would have to be met as to road condition for the county to consider our request. We would at least then have a reality check as to what constitutes the construction requirements for unpaid county maintained road and a best guess as to cost.

Deed Restrictions

Over the past few years, the trustees have received various inquiries and/or complaints about possible deed restriction violations. More recently, these complaints have been in the form of concerns about the appearance of discarded appliances and other abandoned items (e. g., auto tires) on roadside properties. The question becomes: Are these issues blatant violations of deed restrictions, and if not, can the MSLA enact new and appropriate restrictions. This brings up the matter of what authority does the MSLA have in this regard and do they have the power to change or modify the deed restrictions after the subdivision was formed. This matter is being researched and appropriate findings will be reported a later date.

MSLA Website

The trustees and many residents have noted a continuing need to publicize emerging information that affects the residents of the subdivision. Sufficient enthusiasm has identified the need to create and maintain a website for this purpose. One of the trustees, Joe Dickson, has agreed to undertake this endeavor and is soliciting ideas for subject content. Some examples of this content would include; deed restrictions, upcoming meetings, meeting minutes, links to County information, landowner fee delinquencies, and classified ads. Joe is interested in your ideas and would welcome all inputs.

New Trustees

As noted earlier there are currently four trustees of the MSLA. As part of continuing the interest in broadening the representation from both resident and nonresident landowners, a request was made at the meeting to solicit one or two new trustees. While several candidates were mentioned, no one took the opportunity to volunteer for these positions. So the matter was left open in the hopes of attracting additional trustees in the future.

Meeting Frequency

In the past, landowner meetings were typically held in the spring and fall of each year. Over time however, the attendance at these meetings dwindled to only the trustees and a few resident landowners. Because the cost of renting the Red Rock Community Center for such meager attendance was not warranted, the two annual meetings were cut to only one in the fall. That has been the situation for the last three years. However, this meeting addressed many issues that were on the minds of the landowners and there was clear support for bringing back the spring meeting. The trustees were requested to reinstitute two meetings a year and a meeting in the April time frame was tentatively set.

The meeting at the Community Center formally adjourned at 12:00 but many of the attendees and trustees remained afterwards in small discussion groups.