

## WINNIPEG CONDOMINIUM CORPORATION No. 344 (PELICAN INLET)

Minutes of the Annual General Meeting (AGM) of the Unit Holders of WINNIPEG CONDOMINIUM CORPORATION No. 344 ('the Condominium') held by ZOOM electronic communications application, on **Wednesday May 5, 2021** starting at 1900 (7:00 P.M.)

### UNIT HOLDERS PRESENT

<u>Names</u>	<u>Unit(s) Represented</u>
Karl Dornershuber	1-3,121-124,126-128
Arnold Jungreithmeier	6,7
Richard and Louise Labossiere	14
Adam Dyck	18
Travis and Sherri Miller	21
Robert Mozdzen	32
Alexander/Arthur Salem	36
Susan Rogers & Barry Lidstone	40
Maurice & Deanne O'Rourke	41, 42, 30,92
Steve Belley & Julie Belanger	45
Kelly Crerar	46
Caleb Shyjak	47
Justin Catellier	48
Ken & Carolee Neufeld	53
Marv and Pat Koop	54
Adrian & Maureen DeBoer	61
Jared Baldwin	69, 70
Lynn & Denis Berthelette	72, 73
Rod Brown	76
John Williams	83
Ian Wingate	89
Sasha & Haley Latour	93
Marc Dion	104,105
Tony & Tabatha Leblanc	108

### UNIT HOLDERS REPRESENTED BY PROXY

Bob Fenton represented by Maurice O'Rourke	57,74
Derek Catellier represented by Justin Catellier	94, 95
Ian Dixon represented by Jared Baldwin	60
Sean Fabbby represented by Marc Dion	103

**Total Unit Votes (present and by proxy):** 46

The AGM Agenda (draft) was provided to the membership via the Pelican Inlet Website (<http://pelicaninlet.ca/>) and by email communications to all members more than 30 days in advance of the AGM:

The meeting will consider the following items of business:

1. Approval of the AGM 2021 Agenda
2. Review and approval of the Minutes from the 2019 Annual General Meeting;
3. Review of the 2021 Audited Financial Statements for the year ended January 31, 2021;
4. Presentation of the 2021 Budget (approved by the Board);
5. Appointment of the Auditor (for 3 years);
6. Presentations from the Board of Directors:
  - a. Pelican Inlet Management Agent's Report (Rebelleyus);
  - b. Updating the bylaws and rules and regulations;
  - c. Architectural controls issue for discussion.
7. Election / renewal of terms to the Board of Directors;
8. Any other business of relevance to the members.

**PRELIMINARY:**

The ZOOM meeting was organized by one of the Board of Directors, Marv Koop (Treasurer), and chaired by the Board President, Justin Catellier. The meeting was called to order at 1910, following confirmation of quorum (see above). Ongoing technical and legal guidance for the AGM was provided by Rob Giesbrecht, the Corporation's legal counsel. The Board Vice President Arnold Jungreithmeier also was in attendance, with Tanya Catellier unable to attend due to work responsibilities. Pat Koop and Steve Belley recorded the attendance and the minutes of the meeting.

As per the Condominium Act, a duly called AGM can proceed with 33% of votes present. The meeting, having been called by electronic notice to the Unit Holders in accordance with the by-laws of the Corporation, and a quorum of 46 units (36%) Unit votes being personally present or represented by proxies was declared to be duly constituted.

1. A point of order was raised in the ZOOM meeting chat by Karl Dornetshuber, to postpone the AGM to the fall due to the technical challenges posed by its electronic format. The motion was not seconded and the AGM proceeded to address the agenda (above).
2. The floor was asked for a motion to approve the Agenda, with clarification from Legal Counsel that this was not required. (\*\*Note: Article 3.01 of the WCC344 Bylaws does require approval of the agenda.)
3. The meeting was asked to consider the minutes of the previous AGM (May 2019) and legal counsel advised that the motion could ask that the reading of the minutes be waived. The following motion was made by Arnold Jungreithmeier (Unit 6,7), seconded by Adrian DeBoer (Unit 61).

**“RESOLVED that the minutes of the 2019 Annual Meeting of the Unit Holders of the Corporation be accepted as posted.”**

AGM participants were able to vote by an electronic show of hands. **Carried.**

4. Financial Report for the WCC344 2020 Fiscal Year (February 1, 2020 – January 31, 2021)

The (draft) Audited Financial Statements of the Corporation for the year ending January 31, 2021 had been posted on the Pelican Inlet website, in a protected folder specific for the AGM 2021. The Board Treasurer presented an overview of the Fort Group Management Letter to the Board and the Independent Auditor's Report, including the Financial Statements. The Auditor provided an unqualified report with no discrepancies on the internal controls or any evidence of fraud or illegal or possible illegal acts. This was the

second full fiscal year where the condo general operating expenses and the maintenance / upgrading of the common elements from the Reserve Fund were budgeted and accounted for separately.

Highlights in the financial report included a surplus in income due to the high number of status certificates being provided for sales of lots by members in the past 12 months. Under the operational section of the budget, there were no expenses incurred for the annual picnic or the AGM in 2020. Expenses exceeded the budget for small equipment repairs (the wood splitter), snow clearing and grounds-keeping, overall resulting in a deficit in budgeted operational costs of about \$2,400.

Expenses incurred under the Reserve Fund / common element budget included buy back of two more boat slip leases, marina upgrading, improvement to drainage, security upgrades and installation of screw piles to facilitate installation of a tower in 2021 for the PV panels at the entrance gate. Overall, the expenses in the Reserve Fund section of the Annual Budget was underspent by about \$7,500 over the fiscal year. The Approved 2020 budget proposed a deficit of \$6,000 but the actual audited deficit was \$2,341. The bank account balances at the end of the Fiscal year were \$62,966 in the Savings (Reserve) account and \$3,369 in the Chequing (Operations) account.

Questions from the floor related to the financial report were responded to by the Treasurer. It was clarified that there was no legal requirement to add to the Reserve Fund on annual basis, nor was there any minimum amount required for the Reserve Fund. WCC344 Legal Counsel confirmed that the board was mandated to provide adequate financial oversight of the budget and expenses for the Reserve Fund, according to the Province of Manitoba Condominium Act. The management approach was intentional to utilize the Reserve fund as appropriate, to avoid special assessments as much as possible. It was noted that the legally required Reserve Fund Study, carried out in 2018, was the basis for the Board oversight and management decisions related to the Reserve Fund. Another reserve Fund Study would be required 5 years after the first one. It was noted that the common element infrastructure is now over 20 years old and will require more investment, and a related reduction in the reserve fund. However, once the marina is fully upgraded and the boat slip leases are fully common element, and ongoing capital improvements are completed, the reserve fund would be expected to start to grow again.

A member enquired about the membership delinquent accounts; it was noted that the board has addressed this with more regular communications and reminders to members. There are two members with arrears for more than one fiscal year, with one having been designated to our legal counsel to initiate a lien process. The board will follow up on this issue at its next meeting. Overall, the arrears for 2021 common element fees is about \$ 9,500 as of this AGM, inclusive of the longer term arrears.

Legal Counsel noted that there was no requirement for the members to approve the financial report.

## 5. Presentation of the Approved 2021 Budget

The 2021 budget as approved by the Board of Directors was provided in the AGM folder in the Pelican Inlet Website. An overview of the budget was presented by Marv Koop (Board Treasurer) noting its alignment to the operational expenses incurred in 2020, with an overall increase of about \$6,000 from the 2020 budget, and \$4,000 higher than the actual operations expenses in 2020. It was noted that the board expected higher costs for a number of operational expenses due to the pandemic impact on the economy.

The reserve fund / common element component of the Annual budget was about the same as in 2020, but about \$8,000 higher than the actual common element expenses incurred in FY 2020. The reserve fund budget for 2021 includes allocations toward a new plow (already purchased), ongoing marina upgrading, buy back of one boat slip lease (already completed), and the installation of a PV panel tower at the entrance gate (in process).

The Condominium Act does not require Unit Holder approval of the annual budget.

The Board had approved a shift in issuing invoices for the common element fees to align better with the Fiscal year, so all invoices were issued early in February 2021 and due within 45 days.

Questions from the members were responded to by the Treasurer, Board members and Rebelleyus, and included concerns about the high cost of gate / security maintenance and the serious deterioration of the main access road from the gate. Various members spoke to the issue of the need for aggregate / gravel and appropriate mechanical grading to enhance a longer term upgrade of the road, rather than just more grading of the currently deteriorated surface. It was agreed that the board and the Managing Agent will take this up as a priority in the immediate future. The AGM was informed that the gate maintenance costs were mainly attributed to vehicles damaging the closed gate, perhaps renters or guests of members. It was noted that the improvements to the gate security system with solar power had very significantly reduced the annual fuel costs for charging the generator over the past 18 months. The tower to enhance the PV charging system is expected to be installed in the near future. It was also noted by the Treasurer that WCC344 operational expenses were significantly reduced (as was down time) by the presence on site of a skilled Managing Agent and a condo member who was an experienced contractor (Modevation) for most of the required repair and maintenance issues, instead of having to rely on contractors coming from further away.

6. The AGM chair indicated that a motion was required from the membership to authorize the Board to engage Fort Group, and requested the motion to be in effect for a three (3) year period. The Legal Counsel advised that this was acceptable but would still require approval from the members on an annual basis.

**Resolved that the Board of Directors contract Fort Group for the next three (3) Financial Year Audits, moved by Kelly Crerar (Lot 46) and seconded by Maureen DeBoer (Unit 61). Carried.**

7. Presentations and Discussions:

- a. Management Agent Report: Steve Belley noted:

- i. The very significant increase in the number of members of WCC344 over the past year (33) and more being added in 2021. This has increased wear and tear on the roads. It has also increased the number of people using the common elements, including the marina and beaches, with more friends / guests and family members of the new members. For security management, this poses a challenge as it is impossible to keep track of all the vehicles that come into the development.
- ii. Drainage is being improved with a focus on Phase 2 and 3; the culvert crossing the main road around Lot 17 will be replaced, as it is too short and too high.
- iii. The gate charging system was upgraded with a new Heavy Duty Inverter, following replacement of all the batteries the year before. The two PV panels are currently attached to a tree; this will be upgraded to a tower this year. Capacity for holding a wind turbine will be a part of tower installation for the future.
- iv. One boat slip lease has been bought back by the condo this year and two dock sections have been completely refurbished at a significantly higher costs of materials this year, compared to the last two years.
- v. There is a visible increase in litter along the main roads, and while volunteer members are cleaning it up regularly, this is a big disappointment. Also a reminder that the garbage trailer is for household garbage (in bags) only.
- vi. There is a strong preference for non-personal contact with the members, for issues related to Rebelleyus as our Managing Agent, recommending email or text or phone calls, due to

- the public health concerns for him and his family. In all cases, covid protocols for masks and physical distancing should be respected.
- b. There were a few issues raised by the members in response to Steve's report, including:
    - i. The culvert at Lot 76 is damaged, and has been since before the current member owned the lot;
    - ii. Expressed appreciation for all the great work done by Rebelleyus as our Managing Agent
  - c. The Board President noted that WCC344 members were being invited to volunteer to participate in two adhoc committees that would be set up by the Board at their next meeting:
    - i. To review and revise the WCC344 Bylaws and Rules and Regulations to ensure alignment with the 2015 Manitoba Condominium Act and as needed;
    - ii. To produce a draft Architectural Policy for the condo community to consider (and approve) at next year's AGM.
8. Election of a new Board member and extension of the term of a current Board Member
- a. Legal Counsel advised on some of the legal requirements for the determination of how many board members would be included in the Board of Directors, but it was noted that the Bylaws call for not less than 4, and a maximum of 5, for three year terms that can be renewed for two full consecutive terms.
  - b. Adam Dyck (Lot 18) was nominated for the vacant Board position.
    - i. Motion was made by John Williams (Lot 83) for this appointment, seconded by Ken Neufeld (Lot 53). **Carried.**
  - c. Marv Koop (Lot 54) was open to a 3-year extension on the Board.
    - i. Motion was made by Arnold Jungreithmeier (Lot 6,7) seconded by Maurice O'Rourke. **Carried.**
9. Any Other Business:
- a. The deterioration of the old homestead chimney adjacent to Lot 8 was noted, and the meeting was reminded that there had been agreement at the 2019 AGM that this would be addressed, with volunteers or a budget allocation as necessary. The Board President assured the meeting that this issue (and action) would be included in the next board meeting.
  - b. Other members spoke to the deterioration of the road issue, with some noting that an additional contribution from the members could be an acceptable way forward, or increasing the common element fees for the coming years to ensure a better quality road was maintained. One member (Jared Baldwin Lot 69/70) noted that the 2 km road, with a minimal 3-inch aggregate cover, and recommended 6", could easily cost over \$50,000, so the board should consider this for the annual budget and the reserve fund management, in setting the common element fees.
  - c. There was a question raised about shortening the time that the gate remains open, which was responded to by the Managing Agent and Modevation, our local security gate expert.
  - d. There was a question raised about one particular unsightly trailer in Phase 2/3, and recommendation that the Board resolve this asap.
  - e. A question was raised about the CPS silica sand project, and Marv provided a brief update on their revised business plan, to rebrand the project as a 'Green' Initiative to utilize the silica sand for PV panel production, and to obtain Government grants. Also that the logistic plan presented the use of the Old Ferry landing and very large barges to move unprocessed sand to the south end of Lake Winnipeg, to a rail connection. It was noted that the approved Environmental License required CPS to be fully operational within three years of the license being approved. It was also observed by a few members that this was still mostly seen as efforts to recoup recurrent losses to date from large (naïve) investors. It was also noted that the local First Nations Land Protectors, based at Camp Morning Star, continued to occupy the land and engage in active resistance to this project.

- f. It was noted that any other issues could be directed towards the Board Members via [wcc344board@gmail.com](mailto:wcc344board@gmail.com).
- g. Appreciation was noted for the Board members for their work on behalf of the Pelican Inlet community.

There being no further business, a motion was made by John Williams (Unit 83) to adjourn the meeting and seconded by Adrian DeBoer (Unit 61). The meeting was adjourned at 2130 pm.