

October 2012 WRHOA Board Meeting Minutes

Smith Residence

Meeting Called to order: 7:01

Attendance: Brian Freese, Jack Windeler, Bruce Froehler, Wayne Gardner, Nancy Smith

Treasurer: Kathleen McCormick

Homeowners: Katherine Froehler, John and Linda Celestre

Introduction:

Agenda: Keep meetings to an hour to an hour 15 minutes as the length of meetings have been running a bit late. Bring to attention actions needing to be addressed, then discussion can be carried over to the next meeting. Keep in mind to keep comments civil, not to attack anyone personally, as we are all neighbors and have the common objective to keep our community welcoming and friendly, even though we may not agree all the time.

September Meeting Minutes:

Read by Nancy. Brian noted changes to his notes. Bruce motioned to accept with changes, Brian seconded. All in favor. Nancy will make changes noted and post on the website.

Speeding in our community:

A traffic speed/count trailer was put in place on Lockridge. Bruce is waiting for a return call from El Paso Co Sherriff with results. Two homeowners noted a dangerous situation on Wavy Oak and County Line. It seems when motorists turn onto Wavy Oak from County Line, they tend to swing wide onto Wavy Oak, nearly missing motorists exiting the neighborhood onto County Line. This will be discussed at our next Board meeting.

Water Meter Reading Cards: Nancy sent the cards out to homeowners this morning. Meters should be read as close to Nov. 1, 2012 as possible and homeowners should report back to Bruce with their reading numbers.

Preparation for the Annual Homeowners Meeting Nov. 14, 2012:

Committee chairs should send reports to Brian asap for his slide presentation. An Annual summary will be presented along with the 2013 Proposed Budget. Meeting will be held at 7:00 at Prairie Winds Elementary. Kathleen has sent out proxy cards and a letter to homeowners, notifying them of the upcoming meeting.

Election of Board Members:

Brian has 2 years left on his term, Ken, Bruce, and Jack are up for re-election. They have all affirmed they would like to remain on the Board. Wayne and Nancy have one year left on their terms.

Questions:

The question was posed as to how someone might become a Board member. It was agreed there needs to be interest shown by attending meetings in order to understand what the Board does and what issues are being addressed in our community. By doing so, a new member will be transitioned into a Board position avoiding abrupt changes.

A question concerning proxy cards was posed. Can a homeowner assign another homeowner as their proxy if they cannot attend the Annual meeting? Yes, as long as the person given the proxy is indeed an homeowner in Wissler Ranch.

Future Projects:

Motion detectors: They have already been installed at the Mail Box Structure.

Bulletin Boards: To be evaluated for possible replacement or refurbishment.

Renovation of Mail Box Structure: Wayne, Jim Winters and Rick Wren have volunteered to take on this project. The Board has given Wayne the go ahead to begin the project this coming Spring.

Secure Drop box: Would be akin to a Utility drop box. There are liability concerns. Jack will confer with our lawyer about liability. Advantages of a box would be convenience. Disadvantages would be liability for possible theft. Kathleen advised the Board that at no time should anyone ever be told to drop off a payment at her home. Any type of payment or correspondence with the treasurer needs to be done via USPS.

Committee Reports:

Treasurer: Review budget for 2013. Surplus of \$3000.00 by years end. Administrative costs are up 30% due to our new FedEx acct for mailings. We have had great savings in the area of mowing and weed control due to the excellent contract Wayne secured for mowing and Jack's efforts in hiring our neighborhood teens to keep the common area rid of weeds. Insurance costs have risen from \$1500.00 to \$2100.00. Kathleen will send Brian a copy of the proposed 2013 budget for presentation at the Annual meeting in November.

DRC Report: See attachment

It was brought to the attention of the Board that groundbreaking for the building of a new home on Wissler Ranch Rd will be taking place next week. Wayne informed the Board that no one had submitted plans for approval to the DRC. Katherine Froehler will try to contact the builder and or homeowners to inform them of their need to contact Wayne immediately.

Covenants:

Barking Dogs: Some complaints have been resolved, with hopefully the last complaint soon to be resolved. Chicken Coop on Roaming: Chickens were found to be on the property in a chicken coop. The Board voted unanimously that a covenant violation had occurred. A letter will be sent within 7 days to the homeowners notifying them they are in covenant violation. Brian made a motion the letter be sent, Bruce 2nd...all voted in favor. Nancy made a motion to strike a portion of the letter which could imply that a variance would be granted if immediate neighbors agreed to the chickens remaining on the property. Bruce 2nd. Brian, Nancy, Wayne, Bruce voted in favor. Jack opposed. Wayne suggested the Board speak with neighbors anytime there should be a request for a variance, not the homeowner requesting the variance. Jack agreed, changing his vote to yes. That portion of the letter will be stricken.

RV's: Jack reported a failure to enforce covenants issue which was addressed in an email to Linda Celestre, with all board members in receipt. Since all present meeting members had received the email it was not discussed in detail at the board meeting. The text of that email is attached to the minutes to document the details. It was suggested that communication is key when perceived covenant violations occur. We do not "spy" on our neighbors, nor do we trespass on homeowners property. This Board will,

however, investigate when a complaint of a violation is brought to our attention. Linda suggested the possibility of implementing Nextdoor.com as a means of better communication amongst homeowners. This will be discussed at the January meeting.

Forestry:

November 6-9 will be the dates of the Forestry Dept. inspecting our part of the Forest for Beetle infestation and Fire Mitigation. A notice will go up at the Mail Box Structure and an email will be sent out for those homeowners who do not wish their trees to be inspected.

Weed Control: It was decided to stay with the program of hiring neighborhood teens to pull weeds at the common area for now. Jack will continue to oversee the program. The weed pulling will begin earlier to keep the common well kept all summer. Several complaints were heard last summer concerning the weeds in the common area. The goal is to keep the area looking nice and weed free.

Brian motioned to adjourn

Wayne seconded

All in favor

9:15

Design Review Committee Report

October, 17, 2012

1. WEED CONTROL At our last meeting we discussed the need to get ahead of the curve and start getting bids for weed control services for the Common Area. Since that meeting, a bid package was assembled outlining what the Wissler Ranch HOA we will require in providing weed control services and specifically what areas are to be treated and associated square footage.

Six prospective bidders were contacted to determine their interest in providing the HOA with a bid. Only 4 companies expressed a desire to receive a bid package. Each company was advised that following the mid October meeting of the HOA and assuming the final agreement would be to contract weed control services, they would receive a bid package.

2. MAIL BOX STRUCTURE About three months ago Barbara Keller put me in contact with her construction contractor to discuss future plans to upgrade the structure over our community mail boxes. Nothing really came out of him following up in providing what we requested of him because he was tied up with higher priority projects in rebuilding homes destroyed by the Waldo Canyon Fire. As a result, I contacted Jim Winter (Wissler Ranch resident) who was a home builder for many years to see what assistance he might provide. Jim and another resident (Rick Wren) and I met last Monday and looked at some well-developed mail box structures in another subdivision and then visited our mail box area to discuss possibilities.

One of the first things we will need to assemble is a set of basic plans to have approved by the Colorado Building Department and the U.S. Post Office. Jim has arranged for a meeting with an architect that he has worked with for many years to come discuss our needs and determine what assistance he can provide in developing a set of plans. That meeting is set for next Friday. Once we have the plans and get all approvals, Jim, Rick, and I will be willing to provide approximately 85% of the labor. This will need to be a 2013 project since it is not a budgeted item.

3. MOWING We have completed our last mowing of the Common Area for this year. We continue to be extremely satisfied with our contractor in that he has done an excellent job and in a number of cases has gone beyond what we required and voluntarily preformed other task.
4. FENCING ISSUE We received a complaint that a neighbor living at 20225 Roaming Drive had placed some black mesh fabric on his dog run fence that was not in accordance with the Design Review Guidelines (DRG). The DRG state

that “Dog runs may be constructed of non-reflective dark green or brown mesh...”. The HOA DRC (Jack Windeler, Jim Montgomery, and Wayne Gardner) all had an opportunity to inspect the fence. A piece of black mesh fabric approximately 4 feet high was attached to the lower section of the fence and extending for approximately 20 feet. The top portion of the fence was not covered in mesh. This mesh was not approved as a part of the original plan for constructing the fence.

After inspecting the fence, it was a unanimous decision on the part of the DRC to not pursue the matter any further for the following reasons:

- Mesh is allowed as a part of a fencing project. If the original plan had specified fencing we would have granted the request but would have called attention the guidelines where dark green or brown is referenced. However, considering the distance from the adjacent neighbor it was the opinion of the DRC that very little would be achieved in requiring the owner of the fence to replace it with dark green or brown fabric or even consider spray painting it one of the colors. Very little would have been gained in attempting to make it less visible.
- Considering the amount of light that penetrates the darker fabric it does not appear as black as if it were solid black plastic.
- The Covenants and the DRG gives the DRC the flexibility to make reasonable deviations from the subject governing documents. The Committee felt this would be a reasonable variance given the circumstances.

Additional Notes:

Relative to the “WEED CONTROL” issue above, it was decided that hold off on requesting any bids for weed control at this time.

Jack Windeler

To Brian Freese, Bruce Froehler, John Celestre, Katherine Froehler, Kathleen McCormic, Ken Nord, Nancy Paul Smith, Rhoda Musella, Wayne Jerrye Gardner

Hi Linda

Please be assured nothing is malfunctioning reference covenant enforcement in our community and that the four day in/out RV parking rule you helped author is functioning well.

First let me review our enforcement procedures, which were written and registered by the El Paso County clerk in 2001. When you purchased your home, either your realtor, or title company should have provided you a copy of the official procedures. If you do not have the document I would be happy to drop by and give you a copy. The procedures are straight forward and simple.

Any resident can initiate a covenant violation inquiry with any board member. That inquiry can be investigated by any board member, but it is normally passed to the Covenant Committee Chief. If the investigating board member, or designated covenant investigator thinks a violation has occurred the full board is briefed at the next scheduled board meeting. Should the investigating individual find no violation, the board is also notified. If the full board feels a covenant violation has occurred the offender is mailed a notice of violation letter to correct the violation. The offender can request a hearing at the next scheduled board meeting. The offender has the right to present their case and a board decision is voted. If no waiver or variance is issued, or the offender refuses to correct the violation 37 days after receipt of the violation letter, the offender is fined \$25 for non compliance. After an additional 30 days of non compliance the board has the option to seek resolution by court order.

In practice the covenant chief resolves the vast majority of these issues, and the only board action is to be briefed on what happened. This summer we faced three issues.

Mike Yoesel parked an RV in his driveway from mid July through the first week of October. Brian Freese was the investigating board member. Brian determined Yoesel's used their RV to sleep in during a two month construction project to remove mold from their home. Just as a home builder is permitted an on site construction trailer, Mike Yoesel had every right to park his Trailer in his driveway during the mold removal project. This was not a covenant violation, or 4 day in/out violation. The board will close this issue out at the next scheduled meeting.

Next Ron Williams RV on Slash Pine drew two separate 4 day in/out rule complaints. Ron Williams talked to Board member Ken Nord after we passed the 4 day in/out rule two years ago. Ken reported to the board that Ron, who is in his mid 80s said he could not meet the 4 day requirement due to age and disability and requested the appropriate board understanding. Ron Williams used his RV at least 8 to 12 times this summer, so he had a lot of driveway dwell time. While I am sure Ron parked his RV more than 5 days at least twice, during 7 inspections I did not find a violation. My inspections are simple. I drive by and note the presence of the RV. I drive by 5 days later to see if it is still there, and if it is, talk to the owner to find out why. 7 times Ron's RV was gone on the second drive by. Numerous other

inspected RV's were still there and when contacted, the owners promptly removed them. This issue will also be closed out at the next board meeting.

The final issue arose in September when someone thought they heard a chicken in a residents back yard. Ken Nord accepted responsibility as the investigating officer. He completed his investigation last week and will present his findings at the next board meetings. The resident denied an intentional violation and requested a hearing in January, if the board elects to send a notice of violation letter to correct the violation. I anticipate this one will also resolve itself without further incident.

Anytime we violate our enforcement procedures we basically invalidate our ability to enforce our covenants. The last time we had a serious enforcement problem in 2002, we screwed up our enforcement procedures and were legally forced to drop the case.

While the 4 day in/out rule is not a covenant, and has some relatively serious enforcement issues, our community has accepted it without challenge. Bruce Froehler and I evaluated the problems this spring and decided to leave it alone. Our jointly agreed newsletter sentence was "the rule has worked well so we will continue it".

Thank you

Jack Windeler 540-2000