

Pinon Ranch HOA - Board Meeting Minutes (FINAL)

Date: August 8, 2018

Time: 7pm

Place: 2139 Chuck wagon, Suite 216, CS CO 80919.
Colorado Springs, CO 80919

Attendees: Steve S., Bradley G., Shane S., Amanda B., Shawna U., Frank H.

Call to Order, Confirm Quorum (a majority or 4), Accept Minutes from June

Meeting was called to order at 7:03pm; motion to excuse Dan passed unanimously; motion to approve June minutes passed unanimously.

I. Board Member Comments

At some point during the meeting, we need to address Vince's emails to the Board regarding his opinion that the Board is not enforcing the covenants to his satisfaction and that the overall appearance of the neighborhood is noticeably declining.

II. HOA Member Comments on Topics NOT on the Agenda:

None.

III. Manager Report:

A. Banking:

(a) June Expenses:

- Corbran's: \$555.00 for May maintenance and Deactivation/activation fee of irrigation system due to below freezing temps in April.
- Corbran's: \$770.75 for June maintenance and replacement of battery in irrigation controller and irrigation repair.
- Amazon: \$127.98 for 2 sandwich signs, being stored at Bradley's house
- 6510 Property Mgt.: \$610.00; Meeting fees April – June; Title Co. letter; accounting and Delinquent HOA Dues Statements (2 in April and 2 in May).
- CSU: \$501.60 water bill.
- USPS: \$9.00 for extra PO Box keys.

(b) June Deposits:

- \$381.00; Member HOA Dues payment and late charges. Everybody has paid dues.

(c) Account balances as of 6-30-2018:

- Checking: \$15,846.66
- Savings (Replacement Reserves): \$2,983.42

(d) July Expenses:

- Corbran's: \$480 for July maintenance

- Colorado Secretary of State: \$10 for the required yearly report
- CSU: \$919.57 water bill, which was higher than expected due to the maintenance issues, which have since been repaired. (The battery was replaced in the controller, which was not functioning correctly, and a broken irrigation line was repaired.)
Shane will call utilities about the leaking line to see if they will credit us any money back.

(e) July Deposits:

- \$225.00; Transfer fee and required working capital contribution on sale of home.

(f) Account Balances as of 7-31-2018:

- Checking: \$14,662.09
- Savings (Replacement Reserves): \$2,983.49

B. Midyear financial statements and balance sheet (sent all the board members on 7/6):

(a) Revenue & Expenses Budget vs. Actual (see attached). Word of caution: the midyear Financial Statements can be misleading, since we collect the HOA due for the entire year in February and March, yet our expenses go on all year and tend to be the highest in the Summer. That being said, we are doing better than budgeted for this point in the year. Our Ordinary income (after expenses) is \$1498.70 more than Budget, while our expenses are \$1278.70 under budget. Also note that the Social Fund donations and expenses were not part of the original budget.

(b) Balance Sheet as of June 30, 2018 (see attached). Again, same note of caution as mentioned above, we still have 6 more months of expenses, with little to no more expected revenue (income). Note: the \$255 shown on the balance sheet for account receivables is now down to \$30.00, since we have just received the \$225.00 on the sale of the home on Sample Way.

C. 2018 Assessments/account statements: Update 6/04/18 - all members have paid.

D. Social fund Donations balance: \$324.20 after expenses already incurred.

E. Landscape Maintenance: sent email to Corbran's about possible irrigation leak on July 28th, repairs completed, as described above in July expenses.

F. Website: Update 7/19 - the website is still displaying the 404 error and not allowing access to the minutes or financial statements. Frank emailed Michele on 7/19 to inquire whether or not members have to register, and to request an update or comment. Update 8/4 - Frank did not receive a reply from Michele on these issues. The Board have received a request from our former volunteer webmaster, Vince M., to resume this position. Ideally the website would act as a natural extension of the Board, which might be easier to accomplish if the website administrator attended the monthly Board meetings. There was much discussion about whether the website structure we have now is too difficult to use, and what the course of action should be. **Steve will contact Michele about Vince's interest in resuming the administration of the website.**

IV. Old Business:

A. Trash Club:

Shawna received 23 responses to her trash survey, 100% of whom were in favor of unified trash service, many of them quite enthusiastic about it. Best Way is the Board's preferred provider for the quality of their service. Update 5/16/18: Dan said BestWay won't take the contract unless it's 100% of houses. Troy U. is willing to put more work into implementing this program.

B. Statutory amendment of the Covenants. State law has changed to allow our type of limited expense HOA to increase the maximum annual assessment from \$300 to \$400 with yearly cost of living adjustments. We can change our covenants to reference House Bill HB-16149, effective July 1, 2018, which is partially replicated below:

38-33.3-116. Exception for new small cooperatives and small and limited expense planned communities. (1) If a cooperative created in this state on or after July 1, 1992, but prior to July 1, 1998, contains only units restricted to nonresidential use or contains no more than ten units and is not subject to any development rights, it is subject only to sections 38-33.3-105 to 38-33.3-107, unless the declaration provides that this entire article is applicable. If a planned community created in this state on or after July 1, 1992, but prior to July 1, 1998, contains no more than ten units and is not subject to any development rights or if a planned community provides, in its declaration, that the annual average common expense liability of each unit restricted to residential purposes, exclusive of optional user fees and any insurance premiums paid by the association, may not exceed three FOUR hundred dollars, AS ADJUSTED PURSUANT TO SUBSECTION (3) OF THIS SECTION, it is subject only to sections 38-33.3-105 to 38-33.3-107, unless the declaration provides that this entire article is applicable. (3) The DOLLAR limitation set forth in SUBSECTIONS (1) AND (2) of this section shall be increased annually on July 1, 1999, and on July 1 of each succeeding year in accordance with any increase in the United States department of labor bureau of labor statistics final consumer price index for the Denver-Boulder consolidated metropolitan statistical area for the preceding calendar year. The limitation shall not be increased if the final consumer price index for the preceding calendar year did not increase and shall not be decreased if the final consumer price index for the preceding calendar year decreased.

In June Amanda drafted a letter to inform members about this changing law that impacts our HOA. In July Frank emailed our attorney asking for guidance and to set up a meeting or conference call, time and place TBD.

The Board discussed options for how to move forward. The two options are 1) Do nothing or 2) Educate the members on why this change was made at the state level; why we should implement it in our HOA; and pursue a vote of the membership on amending the covenants. The Board agreed that doing nothing is not a legitimate option so we will move forward with option (2). Amanda will modify the letter that was drafted in June to emphasize that the HOA should be consistent with State law, and email it back to the Board. We need to advertise and invite people to the September meeting. Steve will put together a presentation to educate people on the need for this change at the September meeting. The goal is to get the membership to approve a change to the covenants by vote.

C. Sandwich signs. **Bradley would like to return them because they are so big and heavy and bulky to store. Frank will see if this is possible and cost effective.**

V. Architectural Review Committee:

The Board discussed the general of the state of the neighborhood. People have been replacing roofs and fences and installing landscaping without seeking architectural approval. There was debate as to whether these issues could have been prevented if we had sent a Spring Newsletter. Steve will remind the public at the September meeting of the biggest and most common infractions such as that landscaping should be maintained and weed-free, architectural review is required for exterior changes, no overnight on-street parking, etc.

The Board discussed Vince's accusation that the Board is not enforcing the covenants. At least one Board member thinks the Board could be quicker or more efficient in addressing infractions. When Frank, as the manager for the former Board, implemented all the Board's enforcement decisions, the turn around time between when a violation was observed and when the letter was sent was often a day or less. Another Board member emphasized that the Board is continuing to enforce the covenants; the difference is the process is slower and is kinder at the outset, but not necessarily less effective. The August agenda contains numerous infractions that have been resolved after action by the Board.

5470 Sample Way: Update 5/16/18: Color approved unanimously. Delay due to the contractor's schedule was also approved. Update 6/18/18: Residents are considering possibility changing their proposed colors to a more neutral shade such as a mushroom brown. Board will need to review and approve any changes. **Update 7/19: Large section of fence has been removed, No plan submitted. Update 8/8: Shawna will ask for an updated timeline on house painting and fence repair. Many house painters have been delayed this summer due to weather.**

5470 Flag Way: proposed house color submitted to board for review on June 12, 2018, resident would like to start on June 18th. Board voted 5-1 via email to approve his proposal. Approval letter sent on June 18th with the caveat that the Board assumes no responsibility if the staining recurs on the trim. **Update 7/23: Work has been delayed due to weather issues. Update 8/8: Shawna will ask for an updated timeline.**

5575 Flag: 6/20/18 Unauthorized landscaping in the backyard, adjacent to the common area fence. The concerned is the bushes will grow into the fence and make fence maintenance difficult. Need to verify what type of bushes they are and what their mature height will be. Request that they submit a landscaping plan and explain what the process should have been. Letter sent on 7/3/18. Update 7/19; received email from owners on 7/16 explaining that they have planted "Bloomerang Purple" lilac bushes with the expected mature height is 4 to 5 feet and the same for the mature width. Upon further investigation it was found that these bushes are planted anywhere from 20 to 27 inches away from the HOA fence, whereas the preferred spacing would have been about 48 inches so as to allow at least 12" to 18" of clearance between the fence and a fully grown mature bush for future fence maintenance. If the mature bushes grow into the HOA fence, re-staining the fence in that section could be more difficult and/or more expensive. If the fence is unable to properly stained because of the bushes, it's possible the wood might decay faster and those board might need to be replaced sooner or more often. Alternatively, the bushes may shelter the fence and keep it in better condition, as is the case with the bushes by Shawn's house, which protect the fence. **Update 8/8: Shawna will send**

them a conditional approval letter that they need to keep the bushes trimmed for fence maintenance. Amanda will send Shawna the original letter addressing the issue for a point of reference.

VI. New Business:

None.

VII. Neighborhood covenant and bylaws enforcement:

Last inspection was on May 9, 2018. Courtesy reminders and initial courtesy letters were mailed to all open cases on approximately June 6. July inspection was canceled due to weather.

5440 Flag Way 1. vehicle parked overnight on St. 2. Excessive Noise; Courtesy Letter sent on 3/10 giving them until 3/25 to correct infractions. Update 4/25/18: Parking situation has improved, and no further report of excessive noise related to the vehicle. Continue to monitor. Update 6/20/18 - parking on the landscaping. **Update 7/25: The Board has asked the residents to not feed the deer.**

5480 Flag – parking on the landscape causing visible rut in the lawn. Note: Courtesy letter needed, Steve made a courtesy visit on this issue back in December 2017. C. Letter sent on 1/26/18. Update 5/9/18: grass is coming back and rut is less visible. Continue to monitor. Update 7/19: area is looking better. **Update 8/8: CLOSED.**

5550 Flag - need to reinstall / replace metal edging around trees. C. Letter sent on 1/26/18. Update 6/12/18 no progress. Update 7/19 metal edging removed. **Update 8/8: CLOSED.**

5580 Flag - Need to reinstall metal edging. Work with resident of 5590 Flag if needed. C. Letter sent on 1/26/18. Update 6/12 no progress. Update 7/19 work completed. **Update 8/8: CLOSED.**

5585 Flag - Update 8/4: failure to maintain landscaping, flower and perennial bed. Either replant the area or request a landscaping change to make it all grass. Update 8/8: Amanda will send a courtesy letter.

5590 Flag - Need to reinstall metal edging. Work with resident of 5580 Flag if needed. C. Letter sent on 1/26/18. Update 6/12 no progress. Update 7/19 work completed, **Update 8/8: CLOSED.**

5460 Sample Way - pile of tree branches. Update 6/12 no progress. Update 7/19 work completed. **Update 8/8: CLOSED.**

5470 Sample Way - Fence repair and re-staining needed. Letter sent 6/4/18, Update 6/20/18: Owner has been scraping the paint off the fence, won't chose a color until she has decided on a color for the house. Update 7/19 no progress, also large section of fence removed. **Update 8/8 Shawna will get the latest update.**

5515 Sample – fence needs to be re-stained, if residents want to change to paint, then it will need to be submitted to the HOA for review and approval. Update 6/12 no progress. Update 7/19 no progress. **Update 8/8: Owner emailed Amanda on 7/14 to say they “spruced up” their fence. Not sure what that means. Need to evaluate on the next inspection walk.**

5520 Sample Way, curb concrete failing and crumbling. Letter sent 6/4. Owner has asked the city to replace the broken curbs and gutter in front of his home. Continue to monitor. The City said it's a high priority, but that is still less than emergency items or ADA required items.

5525 Sample - fence need to be re-stained, if residents want to change to color, then it will need to be submitted to the HOA for review and approval. Update 6/12 no progress, but owner emailed Amanda to confirm he would take care of it. Update 7/19 work completed.

Update 8/8: CLOSED.

5530 Sample - Update 8/6 via email: Overnight on-street parking and dead tree in the buffer between the street. Option of replacing the tree according to City standards or removing the tree. Update 8/8: Amanda will send a courtesy letter.

5535 Sample Way: Overnight resident street parking. Board held a hearing on 2/7/18 and issued a decision letter to the owner on 2/9/2018 agreeing to suspend the fine of \$450 provided that no violations occur in the next 12 months. Continue to monitor.

5535 Sample Way 1. Edge grass, 2. Bury exposed irrigation line, 3. Clean up oil stains. Update 4/9 no progress on items 2 & 3, oil stains partly cleaned up. Letter issued 6/4/18. Update 6/12: still needs to edge grass, other issues closed. **Update 7/19 grass edging still needed.**

5540 Sample Way, vehicle parked overnight on Street. Courtesy email / text message was sent on 4/19/2018. Update 4/20/18 resident have been parking in the driveway the last few nights, continue to monitor. CLOSED.

5540 Sample – fading and discoloration on the South side of home; need repainting/ touching up. Update 6/12 no progress. Resident asked Frank to find the color of the house so he can try to match the color. Update 7/19 no progress. **Update 8/8: Bradley will text Andrew for an update.**

5550 Sample Way, vehicle parked overnight on Street. Courtesy letter was sent on 4/19/2018 via US mail. Update 4/23/18 resident has parked on the Street on 4/22 and 4/23/18, continue to monitor. CLOSED.

5555 Sample Way. - Edge grass. Letter sent 6/4. Update 6/12 no progress. Update 7/19 progress made (board will need to inspect). **Update 8/8: CLOSED.**

Next walk-through is Monday August 13, 7pm, meet at Steve's. The Board will plan to submit curb repair requests to the City during next walk through.

VIII. Community Events

Fall Block Party. September 15, 2018.

- Amanda will be gone so Shawna and Paige (Shane) will take the lead on organizing.
- The Board will provide burgers and hot dogs and buns and drinks using the social fund.
- Amanda has plates, cups, and utensils leftover from the Cinco de Mayo party. She will make sure Shawna gets them before the party.

- Amanda will contact the Moyers to see if they are willing to host in their street bump-out. Need to also alert the other neighbors in that bump-out.
- Shawna will try to get her bounce house. Maybe we can have some other entertainer like a face painter?
- Bradley will grill the burgers and dogs.
- Advertise with sandwich signs, fliers on mailboxes, email, and Facebook. Bradley will make the fliers.
- People should bring chips / sides / Pies / lawn chairs / tables / adult beverages

The next HOA Board of Directors meeting and Statutory amendment presentation will be on September 12 at 7pm at Steve's office.

Meet adjourned at 9:41pm.