

# Pinon Ranch HOA - Board Meeting Minutes

**Date:** September 26, 2018

**Time:** 7pm

**Place:** 1675 W. Garden of the Gods. Citizen Service Center, Room 1017

**Colorado Springs, CO 80919**

**Attendees:** Steve S., Dan T., Shawna U., Bradley G., Amanda B., Frank H., Vince M., Mike M., Christy M., Dennis D.

## **Call to Order, Confirm Quorum (a majority or 4), Accept Minutes from August**

Meeting called to order at 7:01. Minutes accepted with a few minor grammatical edits.

### **I. Board Member Comments:**

Secretary: 1) newsletter was emailed to 42 members. Still need 13- 15 email addresses. 2) we need to confirm date for family friendly Oktoberfest

President: cookout was great fun, Steve appreciates the effort that everybody made to pull that event together and thanks everybody who attended.

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

None.

### **III. Manager Report:**

Banking:

August Expenses;

1. CSU \$744.55 water bill. Note: August landscape bill paid on 9/2 and will be included in the September expense report.

Deposits \$0.00

Checking account balance \$13,917.54 and Savings (Replacement Reserves) \$2,983.57, as of 8-31-18.

2. 2018 Assessment / account statements Update 9/19/18, all members have paid their 2018 assessment, except for the new owners of 5510 Flag Way, waiting on title company payment (Note closing was delayed from 8/31 to 9/11).

3. Social fund Donations balance is \$137 as of 9/21/2018.

4. Landscape Maintenance; notified Corby of Corbran's about the need to control the weeds under the HOA fence and not just up to the edge, on 9/12, as was requested by Bradley. The small number of weeds in the gravel areas was sprayed on 9/12. **Dennis said the situation has not improved. Continue to Monitor.**

5. Website: Update 9/19 the official HOA website is fully operational and the prior issues with the 404 errors and not allowing access to the minutes or financial statements has been corrected. The former webmaster has stepped down, duties temporarily assumed by HOA manager. The HOA calendar has been updated. All approved Minutes from 2018 have been posted. In the interest of transparency, a tab for upcoming meeting agenda has also been added. The Board should finalize the dates and location of the next few board meetings and the date and location of the annual meeting, so they can be added to the HOA calendar. Lastly, HOA website provider has given us a 3-month courtesy extension until

2/28/2019.

If we are going to change our website provider, we should have a more comprehensive understanding of the features and costs that will entail.

*Manager's recommendations for future website management:*

- *Password and website access: more than one person need to have the password / access and be shown by the webmaster how to perform basic functions.*
- *Customer support: we should choose a website provider that provides both phone and email, and chat customer support, which our current provider does.*
- *Regular communication with HOA board and manager: webmaster needs to provide monthly reports in person or in writing to HOA board.*
- *Goals and objectives: The board need to provide the webmaster with list of goals and communication objectives.*
- *Use the mass email and newsletter features to communicate with our membership.*

Board member discussion:

- Steve is concerned about a volunteer website developer leaving us high and dry. We need to have something that we can still use if that volunteer leaves. He would like the Website Administrator to attend monthly board meetings. Eventually we need to have the capability to pay annual dues on the website.
- Bradley thinks we need to determine how sophisticated we want to be using the the website. If we only want the simple functions we have been using this year, wordpress would be fine. If we want to do logins, trash payments, annual dues collections, etc, we need a more sophisticated site. We should develop a strategic plan with goals and objectives and when and how we will accomplish them.
- Amanda cares about it being user friendly on the back-end. She wants a web product that most Board members can use without special training. Shane spoke with Johny Enright, a semi-retired IT professional, who would be willing to help out with the website and attend Board meetings.
- Dan thinks Frank should be compensated for these extra duties on website until a volunteer takes over. Dan would like to have the sophisticated website because that's the direction the future is going and we should strive to keep pace with the times. Frank said posting minutes and agendas is not much extra work for him so he wouldn't charge very much.
- Frank says we are on the Gold package for \$340 at association.com. The silver package is about \$200, which might work since we didn't use a lot of the fancy features this year.
- Vince is willing to be the web administrator.

**The Board will review the pros, cons, and costs of both association.com and wordpress so we can make an informed decision about which web product to pursue at next month's meeting. Amanda will put together pros and cons of wordpress and Bradley will do pros and cons of Association.com.**

6. PO BOX: Update 6/20/18: extra set of keys pick up for Steve and Shane, key delivered to Steve, Shane still needs to pick up his.

#### **IV. Old Business:**

1. 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. **Troy has a call in to Best Way for updated pricing.**

2. Statutory amendment of the Covenants. On July 1, 2018 State law was changed regarding Limited expense HOA to increasing the maximum annual assessment from \$300 to \$400 with yearly cost of living adjustments. These changes are outlined in section 38-33.3-116 of the Colorado Common Ownership Interest Act. Which reads as follows:

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 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. (2) If a cooperative or planned community created in this state on or after July 1, 1998, contains only units restricted to nonresidential use, or contains no more than twenty 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 after July 1, 1998, 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 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.

Colorado Revised Statutes 2018 Page 15 of 80

*Manager's Notes:*

*There is some disagreement between board members and management on whether or not this change in Colorado law applies to us. In the opinion of management, it should be noted that per section 2.3 of our HOA covenants (see below), the above-mentioned section 38-33.3-116 of Colorado law does appear to apply to our HOA. Since some board members disagree, it is the manager's recommendation that the Board seek a legal opinion on this issue from our attorney.*

*There is also disagreement on whether or not a change in Colorado law would even require an amendment of our covenants. As Management has pointed out, changes in Colorado law supersede anything that our covenants state, unless there is language in the law that states an exception. Management is still of the opinion that we need to provide "Notice" of the changes in Colorado law that*

*supersede our outdated covenants. Certain members of the board would like this issue to go to a vote before anything is done.*

Board Member Discussion:

Steve voiced frustration that we contacted our attorney, who referred it to another attorney, and we never heard back. The Board and Management have discussed whether the change should be a Board vote or a vote of the people, and Steve feels it has to be a vote of the people based on the covenants. Steve is also concerned that the dues are already high for this part of town. Our members pay more than Peregrine, where the average home values are over \$650k, and their dues include trash service.

Dan and Dennis both agree that if it goes to a vote of the members, it will fail.

Amanda agrees with Steve that it has to go to a vote of the people because it's a change to the covenants and the covenants say changes must be approved by  $\frac{2}{3}$  vote of the members. She also believes that we are in compliance with the new state law because the law says dues may be up to \$400 per year and ours are \$300 per year.

Amanda asked Frank if the residents have the authority to vote down the Board's proposed annual rate of dues at an annual meeting. He explained that No, in our type of HOA the proposed budget doesn't have to be approved by the membership and neither do the dues.

Some member of the Board and the public discussed that as long as the Board doesn't increase dues by more than 10% each year, then the increase in dues will be gradual. Amanda is concerned that we can't keep the 10% rule if we switch to the new state law. If we replace the current cap in the covenants with a reference to the state law, then the annual increase is limited to cost of living adjustments. We also need to know whether the state law means \$400 in 1998 dollars or 2018 dollars. If it's 1998 dollars that would translate to over \$600 now.

**Motion to visit with the attorney passed unanimously. Amanda and Frank will both provide the attorney with their written concerns so that they can be addressed.**

## **V. Architectural Review Committee:**

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 Notice large section of fence has been removed possible replacement or landscape change (need input from Shawna). No plan submitted. **Update 9/26 Painting is in progress with the brown color sample that was emailed to the Board. The trim will be a cream color, and the owner is considering a teal or purple door. Shawna will send one approval letter when they have chosen the color of the door.**

5480 Sample Way: Roof color change from tan to grey without prior written approval of the board. Board need to review and either approve or reject this change and issue a letter to that effect. **Closed.**

5505 Flag Way: lawn maintenance and dead grass. Resident wants to remove the tree and grass in the areas between the sidewalk and tree and replace with plants/ bushes and gravel. The board has requested a plan and list of proposed plants. Note: the board and management have concerns about his original request to plants Blue or Golden Spirea due to large size of the bushes when full grown and possible visible and safety concerns. Update 9/19 Board is still waiting on plan / drawing and details of proposed plants and gravel, rock etc. **Shawna will email him with feedback from the Board.**

5485 Flag Way: Failure to maintain landscaping, flower, and perennial bed. **Update 9/22 resident removed the flower bed and replaced with sod. Board needs to review this unauthorized change and either approve or deny it. Motion to approve passed unanimously.**

**5535 Flag Way - Steve Karr is replacing his roof with a very similar color to what he currently has. He's repainting his house the same color. Motion to approve passed unanimously.**

**5440 Flag - Partial paint job. Primed part of their house several weeks ago. Shawna will touch base with the owners to see if they have a timeline for finishing the job.**

## **VI. New Business:**

**Dennis got a bigger snowblower and can do the snow removal for the HOA sidewalk. We may be obligated to use Corbran's snow plow service as part of our landscape contract. Frank will review the details of the contract and possibly contact Corbran's.**

## **VII. Neighborhood covenant and bylaws enforcement:**

Last inspection was on by the board was on August 13, 2018. Follow up inspections by HOA manager occurred on and around 9/12.

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. 3. Courtesy letter issued on 8/27/18 regarding vehicle maintenance. **Update 9/19 we have received reports and photos of residents parking on the landscape a few times the last month, need to continue to monitor.**

**Motion to escalate the most recent parking infraction to a warning letter and hearing received two yes votes, 1 no vote, with 2 board members abstaining. Motion failed.**

Board member discussion:

Bradley thinks we need to follow through with the enforcement and send a warning letter. Dan is frustrated that we send letters all the time and people don't take more pride in their property, but if we enforce everything down to a T, everybody in the neighborhood would have 4 or 5 warning letters.

Frank thinks some people only pay attention once they get the warning letter.

Dan pointed out that the covenants are not always applied equitably. We cut some people slack because we know and have sympathy for their circumstances or because they have been here a long time.

Steve would like to see the letters go out faster after the walk. Amanda suggested a generic flier with checkboxes that we leave on the door during the walk instead of waiting to send an official letter.

**5480 Flag - Update 9/26 grass needs edging.**

5470 Flag Way: 1. house painting due to staining. Update 7/23: Work has been delayed due to weather issues. Update 8/8: Shawna will ask for an updated timeline. Update 9/12 no progress. 2. Lawn maintenance and dead grass, courtesy letter sent on 8/27, resident replied back on 9/5 that problem areas have been reseeded. **Update 9/26: painting was scheduled to start this week and had not begun as of the evening of 9/16.**

**Motion to wait until end of day Friday, and if project hasn't been started we will invite him to come to the next Board meeting, passed unanimously.**

5465 Flag Way; trash container left out on street beyond the pick-up dates. Email sent on 8/28. **Update**

**9/26 issue closed.**

5485 Flag Way - 1. Dead grass and bare spots 2. Grass and weeds in the rocks. 3. Need to trim trees and bushes that are encroaching on sidewalk and/or hanging too low. Courtesy letter sent on 8/27.

**Update 9/19 trees and bushes trimmed back, no progress on dead grass.**

**Motion to escalate this situation to a warning letter and hearing did not receive a second. Amanda will send an inquiry about the plan to revive or replace the dead grass.**

5505 Flag Way; lawn maintenance and dead grass. Courtesy letter sent on 8/27/18. **Update 9/16 Board is still waiting on plan / drawing and details of proposed plants and gravel, rock etc. Update 9/26 Shawna will also address the dead grass and need for watering.**

5550 Flag Way; dead grass and tree issues. Courtesy letter sent on 8/27/18. Update 9/12 two of the 3 cottonwoods have been cut down. **Update 9/22 still waiting on removal of tree roots and stumps. Update 9/26 Shawna reported they will do the grass in the spring.**

5570 Flag Way; weeds in lawn and rocks. Courtesy letter sent on 8/27/18. **Update 9/12: weeds in rock / gravel areas have been sprayed with weed killer, continue to monitor, weeds in lawn no progress.**

5480 Sample Way 1. Overnight parking on street 2. Trash cans not stored out of site after trash pick-up. Courtesy letter emailed on 9/22. **Closed.**

5515 Sample – fence needs 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. Update 7/19 no progress. Update 9/12 does not appear that work is completed. **Amanda will send courtesy letter with 45 days to remedy.**

5525 Sample Way: dead tree. Residents have said that they are looking at either replacing the tree or removing it and making landscape changes, based on conversation during HOA walkthrough on 8/13. **Update 9/13 follow up email was sent outlining the procedure to get a permit to replace a city street tree and requesting a landscape plan, also a list of approved street trees was sent. The Board is fine if he removes the dead tree without an immediate plan to replace it.**

5530 Sample - Update 8/6 via email: 1. Overnight on-street parking and 2. dead tree in the buffer between the street. Option of replacing the tree according to City standards or removing the tree. Courtesy letter sent 8/22. Update 9/12 dead part of tree removed, Closed. Noted; pop-up camper parking outside overnight 9/15 to 9/18, continue to monitor.

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. **Update 9/12 grass edging still not completed.**

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.

5540 Sample – fading and discoloration on the South side of home; need repainting/ touching up. Update 6/12 no progress. Update 7/19 no progress. Update 7/26 found the HOA approved paint colors from the last owner who re-painted the house back in 2011 and emailed this information to the residents. **Update:**

**issue closed, with the understanding they may need a complete re-painting in the next year or two.**

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.

5555 Sample Way. – Weeds in planter and lawn. Letter sent 8/27. **Update 9/12 it appears that most of the weeds have been sprayed, continue to monitor.**

**Next walk-through is Sunday September 30 in the morning. Board will plan to edge grass and submit curb repair requests to the City.**

### **VIII. Community Events**

Confirm date for Oktoberfest: October 20. Amanda will post to facebook.

The next HOA Board of Directors meeting will be on October 17, at 6pm at Shawna's.

November Board meeting will be on the 14th at 6pm at Shawna's.

The Annual meeting of members will be on December 6th at 6pm at Steve's office. Amanda will post event on Facebook.

### **Final Comments:**

Dan announced that he will not seek another term on the Board. Steve announced he will not seek re-election for President, but he will serve in other roles.

Vince encouraged the Board to re-instate Frank as full-time property and HOA manager to avoid burn-out of volunteer Board members because keeping up with the enforcement is a huge job and Frank provides a great value.

**Meeting adjourned at 9:25pm.**