



## MINUTES

### ANNUAL MEETING OF THE MEMBERS OF THE VISTA POINT OWNERS' ASSOCIATION

**DATE:** Saturday, April 3, 2010  
**TIME:** 9:00 am  
**PLACE:** Steven C West Ice Arena

1. Roll Call & Introduction: The meeting was called to order at 9:08 am. The following neighbors were in attendance: Ken Sauerberg – 90 Sheppard Circle, Sue Todd 146 Rachel Lane, Doug Lins – 64 Rachel Lane, Theo & Renate Fleisch – 200 Rachel Lane, Tim O’Kane – 74 Rachel Lane, Mike Connelly – 193 Rachel Lane, Larry Wisniewski – 176 Rachel Lane, Paul Cusmano – 176 Rachel Lane, Mark Burke – 224 Rachel Lane, Jason Hart – 104 Rachel Lane, Jim Morgan – 153 Rachel Lane, Kathy Chisholm – 151 Rachel Lane, Karen Adams – 52/216 Rachel Lane, Sam Murray – 155 Rachel Lane, Steve Graham – 158 Rachel Lane. We also received proxies from James Hathaway, Drew Ewing, Jennifer Ladieu, Steve Greenberg.
2. Determination of quorum & statement of compliance of Notice of Meeting: Quorum requirements were met. Quorum is set at 20% of the neighborhood. With all lots conveyed that equals 11.2 homeowners. Quorum requirements have been met.
3. Election of meeting Chairperson and Secretary (if desirable) – Because Ken is sick with laryngitis Jennifer will be appointed to Chair the meeting and record the minutes.
4. Previous Annual Meeting Minutes review and approval: M/S/P: Ken Sauerberg, Paul Cusmano – Passed unanimously.
5. President’s Report: Great turn out thank you so much for coming. We would think that based on the turn out that this time of year does work better. The board has continued to work on the subdivision improvements that WSG has not completed. We have documented a thorough list of issues with photos and descriptions of all items to the Engineering dept, the Planning dept and the Open space and Trails dept. The HOA has no legal position on securing these improvements because the agreement is with the town and most of the improvements are in public open space. None the less we are committed to working with the town to see these items completed. We also did a title search on the two remaining lots and they have been conveyed in late 2009. We brought this to the attention of the Town who is now in the process of notifying WSG that with the conveyance of these lots that the improvements are now to be completed or they forfeit the \$74,000 bond. We have requested that these notice requirements be completed by spring so that we can get trees planted and have a good chance for them to establish themselves this summer. In the event that WSG does not do the work they forfeit the bond and the town then works to complete the work using the remaining money.  
If you want to help the neighborhood get this work completed citizen’s voices work well to help move things along. Call Jennifer Cram (planner) at 970 547-3116 and Tom Daughtery (engineering) at 970 547-3175. In the process of examining all of this work we have also learned through legal consultation on this that WSG illegally exempted themselves from common area dues. We are in the process of working through this issue but will be looking to collect dues on those two lots now that they have been conveyed. We are moving forward with this there are many questions pending and discussions to have on pursuing this action. The board will update the neighborhood when we have more resolution on the direction we can reasonably pursue.
6. Financial Report:  
A number of questions were asked about the expenses that were incurred:



Sue Todd asked about the pet maintenance – these costs cover the 9000 bags we go through each season as well as the cost to pick up waste and stock holders.

There was also a request to present last year's budget and actuals along side the budget. Jennifer will modify and post in that form.

Steve Graham and Sue Todd also requested a copy of the general ledger. That will be distributed to them. In the event that any other neighbors need copies please contact Jennifer and she will be happy to distribute them.

Reserve Funds. – We did not quite meet our revenue goals because of a shortfall in dues collection. While we have taken action to assure collection on those dues this shortfall means we were unable to fund the common reserves to the full amount budgeted. The Townhomes did completely fund their budgeted reserves. These funds have not been transferred into those accounts until these financials are approved then the transfers will be made. We are also in the process of switching our reserve banking accounts which have always been comingled. These will all be broken out and transfers will be executed once this meeting is completed. This was our first full calendar year tracking expenses more closely.

A motion as made to accept the finances as presented with the reserves as noted. M/S/P: Mark Burke, Larry Wisniewski – Passed unanimously.

7. Manager's Report: Dog owners please remember to clean up after your pets. We have a big issue with loose dogs – many of them seem to be from nearby neighborhoods. If you see a dog running loose call the police or grab the dog and put it in your garage and then call. The non-emergency number is 453-2941. When the neighborhood was first established we had even bigger challenges with loose dogs and a concerted call campaign led to more patrols' and visits to all homes from the police explaining the town leash law. The police can also cite owners who are not following the law. We also want to remind everyone that owners should clean up after their pets. Jennifer also suggested that you may even pledge to pick up an extra pile while you are out. It is better to pick them as they appear while still frozen as spring melts out. By all working together we can have a cleaner and healthier neighborhood. Karen Adams had a neat idea –Let's add a Meet your neighborhood dog page to our website. Owners can take a picture of dogs and Jen can put them on the web site. If you have particular problem with a neighborhood dog and are not having any response you can call Jennifer and she can also try to help. The police are most effective with this issue.

Sue Todd noted that we need to make sure the common area between the Todd's and the lots are cleaned up and taken care of. These were part of WSG's responsibility that we thought they were going to complete last fall. We were sadly disappointed but will add it to our list for the spring. Renate Fleisch is concerned about determining what a noxious weed is and what a good flower for our environment is. Ken Sauerberg who is a landscaper explained that noxious weeds take away moisture and nutrients away from our native plants. They can crowd out natives. By clearing and ridding the neighborhood of noxious weeds like false chamomile our native grasses and wild flowers can have a chance to thrive. We will be using Bio Balance again this year to continue our eradication of these weeds in common areas and yards. We have had great success over the last three years of reducing the noxious weeds in the neighborhood. Please note they do spray in yards as well as common and open spaces areas.

Theo Fleisch wanted to know what we are doing to make sure that the neighborhood doesn't look like a slum. Last summer we began a new tradition of a board walk around to check on home maintenance. Last summer we looked at paint and general condition of homes. All homes that needed painting or had other issues noted were noticed and have until the end of this summer to repaint or present the board with a plan to do so. We will continue this again this season.

Mark Burke had a question about irrigation systems: Who gets the irrigation turned on? Anyone with the initial irrigation systems (drip line and initial garden) this is provided as a service of the association. In part because many of the trees planted within the ROW are also counted as subdivision trees and irrigation had to be installed and maintained to keep these alive. The Board has continued this because many of our homeowners do not live here and it is seen as a valuable



service for them. In the spring time they will put fresh batteries in and program the clocks for watering. They will also start it up properly with timers and do a cursory check for any issues. Anyone who has multiple zones has direct responsibility to start up and stop. The developer initially included driveway and sidewalk snow removal, irrigation start up and blow out to make sure that trees and shrubs were watered. In the event that someone extended or expanded their landscaping they then have the responsibility to take care of these more extensive systems. The HOA does manage the simple drip systems even with minor repairs. Much discussion ensued about this policy – Sue Todd did not know that start up and shut down was included: Important for people to understand what was included in your dues and your realm of responsibility? As a long term project we will look at creating a Neighborhood document that will explain this. We will also look at putting this in our welcome letter. Ken suggested that we have the contractor survey the systems to see what is out there and document it and develop a plan to make sure that everyone receives equitable service.

The general consensus is that all neighbors would like this service to remain in place. A question was also asked about how we could raise the level of landscaping on all lots in the neighborhood: Karen Adams explained that there are limits to what can be done with landscaping and it is suppose to be improved, no noxious weeds, dead and dying trees are to be removed. We cannot insist that people manicure their natural native landscapes or plant or do more extensive landscaping. There are many native plants that do well in our neighborhood: Lupine, Columbine, Yarrow, Tansy and more. Ken will put together a list of seeds that will be beneficial. We also reminded neighbors that last fall we cut all grasses to spread their seeds and then enhanced soil and seeded with more native grasses and a mix of wild flowers. We will not be mowing the grasses until they have gone to seed. We hope some of the annuals bloom to provide more color and interest in these areas.

8. Old Business

- Developer Transfer Issues – See President’s report above
- Other Old Business - none

9. New Business

- 2010 Budget and Reserve Plan Discussion & Ratification
  - i. Sue Todd – noted that the actual at the top of the budget sheet is actually last year’s budget and not actual expenses. Jennifer apologized profusely for the error and will fix it. A request was made to have the 2011 budget show the 2010 budget, 2010 actual and project 2011 proposed budget. She will also update the 2010 budget for the website with the same information.
  - ii. Next year we will form a budget committee to look at it. This and the financials should also be presented by the Treasurer not by the management company The board will take this under advisement and wanted to note that the previous two managers had always presented the budget.
  - iii. Sam Murray wanted to know what town home dues are spent on. We went over in detail the common area and town home expenses. This answered his question.
  - iv. Renate Fleisch was curious what was covered under management: This includes collection of dues, all mailings, bidding out contracts, supervising contractors, working with neighbors on design review committees, resolving violations, answering questions and generally helping when they have issues. We also prepare agendas and minutes for board and AGM meetings, assist in preparation of the budgets, pays the bills, handle complaints and submit all legal documents as required and has also worked with Ken and legal counsel and the town on our remaining subdivision issues. Ken also noted that he speaks or meets with Jennifer a couple of times a week to provide direction on various issues. She is budgeted for up to 60 hours of work per month. She takes her direction from Ken and the board.
  - v. Steve Graham asked if we counted the lots that are in arrears in the budget and if they were counted as being fully assessed. They were. We are in the process of working out how all the vacant lots will be assessed. This is part of the larger WSG issue that was



noted above and once we have a decision we will be able to determine the impact of these issues. This has been an evolving issue and without resolution to all of that we went with our original assumptions when we began working on it. A budget tries to project our upcoming expenses and serves as a guide for the board as they make decisions.

- vi. A motion was made to adopt the 2010 budget with the additional information added and the column label fixed. M/S/P Larry Wisniewski, Sam Murray – Passed unanimously
- vii. An updated budget will be posted on the website at [www.vistapointhoa.com](http://www.vistapointhoa.com)
- Neighborhood Clean up & Work Days
  - i. Clean up day is scheduled for May 22. This is Town Clean Up Day. The board thought it would be nice to have clean up day focus on our neighborhood. To save everyone the trip we will again provide bags on Jennifer's porch at 35 Rachel Lane to clean up trash and debris. Full bags should be left along Reiling Road for Public Works to pick up by noon. Clean up starts at 9:00 am and ends at 12:00 for a free BBQ at Carter Park. There is free food, music and a raffle for everyone who participates. Mark Burke asked why it was scheduled on the same day as Graduation. Ken explained that all the towns in the county coordinate it on the same day now to take advantage of the dump being open on one day for everyone – we are not sure why they did not take high school graduation into account.
  - ii. Our neighborhood beautification day is scheduled for June 26<sup>th</sup>. This work day will be from 9 – 12 with a BBQ to follow. Karen Adams will again be planning it again and we thank her for her efforts. Larry Wisniewski noted that he would like to see more visual impact with the work done on work days. Ken explained that the irrigation will not support much in terms of expansion. We need to have water to establish perennials. Wild seeds will grow where they can appropriately grow. Do we want a small committee to plan work day? We will put out an email asking for folks to help Karen plan and execute work day. Renate: There is not much to show for the efforts put forth. She is not sure it is worth the work. Ken and Karen both noted that they believe these areas do look better and that the intention is to continue with a new section each season. Mark Burke also noted that we should also continue to reach out to Gibson Heights to see if they can work together with us on any of this. We need to do more activities together. There was much discussion on this and a general consensus that everyone would like a neighborhood garage sale, a bulb planting day, a winter party and more impact from work day. Jennifer noted that the Wellington Neighborhood has a garage sale on the second Saturday in July. Everyone would like to piggy back on this as it will drive traffic this way. This is outside the function of the Association but the neighborhood could start a social committee and use social media to communicate with one another using something like Facebook. The board will look at starting a Fans of Vista Point Facebook page which people could join if they want to. Steve Graham also requested that we send out a request for updated email addresses for the opt in list to make sure it is current. Jennifer will do this again this month.
- Corporate Standing. – Corporate standing was renewed in January. All filings were made.
- Election for two Board Positions
- In 2006 the board amended the bylaws to be more specific as to the size and makeup of the Board of Directors. They wanted to assure that all the different types of homeowners were represented on the board. At that time they specified that a 2<sup>nd</sup> homeowner, a town home owner and a deed restricted owner be part of the board. This year we have two seats up for re-election – One for the Town House seat and one for 2<sup>nd</sup> Homeowners.
- Sue Todd also asked about the other amendment made to change the quorum. The old quorum was 50% of the neighborhood. Since we were unable to attain this at meetings a decision was made to drop it to 20% so we could execute on business as needed.
  - i. Representative for the Town Homes
  - ii. Representative for 2<sup>nd</sup> Homeowners



1. A motion was made to accept Karen and Kathy if they were willing to hold those roles for another three years. M/S/P Mark Burke, Sam Murray – Passed unanimously.
  2. Kathy and Karen will stand re-elected and their terms will run until 2013.
- Other New Business:
  - Open Forum: This is the opportunity to ask questions or raise other issues.
    - i. Sue Todd noticed that there are cars that have no license plates. Please let Jennifer know what home this is and she will notify community service.
    - ii. Does the board have a position on what should be built in the three lots across from Little Red? Yes - they want three single family homes. This was also the consensus of the neighborhood.
    - iii. A motion was made to require a vote of the entire neighborhood to take any action on lots 1-3 with regard to them leaving the neighborhood association. M/S/P Steve Graham, Sam Murray - – Passed unanimously
    - iv. A motion was made to require a vote of the neighborhood if anyone starts legal action of more than \$3,000. M/No S/F Steve Graham, no second, the motion failed.
    - v. Renate Fleisch: The President should send out notes reporting things in the neighborhood not the Association. There were many comments on this. The community would like the board to really run to the neighborhood. They do not want the management company to do all these roles. The Secretary should be taking notes, the President or Vice President running the meeting, the Treasurer presenting the budget and financials. The board will take this under advisement. The board did want it noted for the record that Ken has run the meetings in the past but was absent due to a travel complication last year and this year had no voice. In the past 8 years the management company has always taken the minutes.
    - vi. A motion was made to adjourn the meeting: M/S/P Paul Cusmano, Karen Adams – Passed unanimously.
  - Adjournment: 1:09 pm.
8. A Board of Director Meeting to follow directly after the AGM – canceled due to the time of day and other commitments. The board will look to reschedule this for later this month.