

**MINUTES FOR ANNUAL MEETING OF THE MEMBERS OF  
THE VISTA POINT OWNERS' ASSOCIATION**

**DATE: Saturday, April 2, 2010**

**TIME: 9:00 am**

**PLACE: Steven C West Ice Arena**

1. Roll Call & Introduction – the following members were in attendance: Tom Ruetnik (153 Rachel Lane), Sue Todd (146 Rachel Lane) Steve Greenwood (146 Rachel Lane) Sam Murray (155 Rachel Lane), Steve Graham (158 Rachel Lane), Larry Wisniewski (176 Rachel Lane), Mike Connelly (193 Rachel Lane), Tim O’Kane (74 Rachel Lane), Ken Sauerberg (90 Sheppard Circle, Jeffrey Bergeron (105 Sheppard Circle). Jennifer McAtamney our association administrator was also in attendance and we received the following proxies: LJK Ltd (72 Rachel Lane), Karen Adams (52 & 216 Rachel Lane), Peter Joyce (130 & 27 Sheppard Circle), Jeff & Karen Grant (160 Rachel Lane), Todd Barson (84 Sheppard Circle), Mark & Tracy Burke (224 Rachel Lane), Rob Weeks (157 Rachel Lane), Renate Fleisch (200 Rachel Lane), Doug Lins (64 Rachel Lane) Jennifer McAtamney who is our association administrator was also in attendance.
2. Determination of quorum & statement of compliance of Notice of Meeting -waived – with Proxies we have fulfilled the requirements for a quorum.
3. Election of meeting Chairperson and Secretary (if desirable) – Ken Sauerberg the Association President will chair the meeting today.
4. Previous Annual Meeting Minutes review and approval – M/S/P: Larry/Sue – Passed unanimously.
5. President’s Report – Good winter and good response from our contractors and we are happy to welcome the neighbors who were able to come today. We have had some good interest in things that are happening here in the neighborhood. Sue Todd worked with Jeffrey and Jennifer to put together our 2011 budget. We also had a very successful work day and a lot of work was accomplished. The neighborhood was/is looking good. The two internal lots were sold by WSG to Peter Joyce of Rockridge building and Jack Wolfe. They are very reputable developers and we look forward to working with them. The house plans for the lots on Sheppard Circle have been approved by the HOA with some small modifications. The plan is to put up stick built houses and the lot on Sheppard Circle is currently on the market.

Landscaping – The developer bond has been used to start planting and many of the trees and bushes were able to go into the ground last fall with more coming in this spring. We had to greatly expand the irrigation system and have had a number of homeowners tie into the systems to supplement. We have set up an agreement with homeowners that any time they go over their standard water bills the HOA will reimburse them for those extra costs. The members in attendance were in support of this plan. Sue Todd asked if the trees planted along the paths were irrigated. Ken indicated that this would be done this spring. In the fall we were having some challenges getting enough pressure and flow in these long irrigation runs. We were also able to tie into the town open space parcels near the park which helped to extend our landscaping. In addition the Adams at 52 Rachel Lane and Jeffrey at 105

Sheppard Circle both water those pocket parks next to them and the Neihart's are watering the planting area at the entrance, and the Standing's are assisting to water the areas behind them. We also put new plantings in at the traffic calming island and now have irrigation working there as well.

Steve Greenwood – asked if we can light the signs at the entrance to help people find the neighborhood. We have discussed this using a solar set up – the town's dark skies policy has complicated this putting lights on signs like this. Last year we looked at some solutions and the cost was in the neighborhood of \$3000.00. Steve Greenwood had a suggestion that we look at reflective paint on the sign. That is a great suggestion; the board will look into that.

6. Financial Report – 2011 you will see some interesting things for 2010. Our income was over budget because we collected past assessment on the two vacant lots for WSG from 2004 to the time they were sold in September. We also discovered that the previous management company had been over assessing the lots on Reiling so these credits were given to the previous owner of those lots and account for when settling this debt with the bank. The bank paid up all the past due amounts on these lots and the HOA was made whole during this reconciliation. Our legal fees were over budget due to the work done with Mark Richmond's office in collecting the bond monies as well as the past dues assessments. It should be noted that legal fees associated with the past dues assessments were billed back to WSG and paid at the closing on those vacant lots. Administrator fees were over budget due to timing. Because of cash flow we did not pay Jennifer until January of 2010 so we would be able to better fund our reserves. This was done with her permission and cooperation and shows up because we are on a cash basis. Sue Todd had questions about what was included in postage, admin and office expenses. Steve Graham suggested that they discuss these after the meeting and then we can then report that everything is good to go. We can run reports with those details following the meeting. She also had questions about the reserve schedule and why it only shows what was initially budgeted. This is because we will be funding in excess of the approved amounts and this needs to be approved by the members. Financials for 2010 were approved and the monies indicated will be transferred to the reserves.
7. Some discussion of snow removal began. We talked about snow standards. Mike Connelly felt that our snow plowing company had not done an adequate job this winter. Much discussion ensued and there were varying opinions on the job done by the contractors. We also reported that we had over 150% of our average snow fall and with many lots on Rachel lane short of storage this created some extra challenges.
8. Manager's Report –First we will cover winter. it has been a big winter. We have received over 450" of snow and that has created challenges for plowing and shoveling. The storage areas available for stacking snow are quite limited in certain parts of the neighborhood. Things were getting so bad that our plow company who we have used for the last 3 years were considering not bidding on our neighborhood again because it was so difficult and time consuming that he was losing money. He subsequently is making some changes in his equipment and believes that his new machine will be better suited for dealing with our snow stack challenges and may be willing to bid on it again this year. We met with the town on a number of occasions regarding snow storage and the streets as well. Since our last AGM we covered a number of issues including resolution of the developer issues, working with the bank on the 3 lots collecting and resolving all dues that we in arrears, as well as on the two undeveloped

lots on Sheppard Circle back through 2004. We will be in a position to fund both budgeted reserves this year and the association. Including working with the town on the resolution of issues on the pathways and drainage, working with Ken on the additional planting from the development funds. We have also approved plans for a custom home at lot 1 on Reiling. Did we work on the drainage at the Burke's back patio? Yes. Work was done there but we have not had a test event with enough water to see if the fixes function.

Ken Sauerberg had a question about management hours? Last summer when we were so busy working with the town and the attorney on the various issues like the foreclosure, the bond monies and the request to withdraw from the HOA did you go over your contracted hours? Jennifer: Yes – Ken: Did you charge extra as per our contract: Jennifer: No.

Steve Greenwood asked about the status of the lots along Reiling Road. A. We have approved plans for lot one and they have indicated that they will be breaking ground in the spring. At this time all the property owners indicated to the bank upon closing that they did want to be part of the HOA.

Design Review: A friendly reminder that any landscape or external changes to your lot need to be approved by the Board of Directors/Design Review board. To help people to understand what is expected the board has been working on an extensive design standard handbook for the neighborhood. It covers everything from landscaping, painting, and suggested planting materials and how you work with the town and HOA. They hope to complete it this season and will distribute it for use and then later adoption by the neighborhood. It will be a great tool to help neighbors move through the approval process with both the HOA and the Town.

Sam Murray asked if he could put in Glass block Window to create more natural light in his bathroom. The board recently approved just this type of treatment for the house on Sheppard Circle. If you are interested in doing this please contact Jennifer and she will help you work through the approval process.

#### 9. Old Business

- Developer Transfer Issues – As noted above we have been able to work with the town on these issues and the bond was released by WSG to do the final landscaping work that was part of their obligation. This was highly unusual since bond money is usually only used for critical infrastructure. Since we had such an extensive dialogue about the landscaping obligations going back to 2004 we were able to work with the town staff to see the monies used for these purposes as well. As indicated above many of the plantings were put in the ground last fall but due to weather we still have more to come. Many neighbors commented on how wonderful things are shaping up.
- Sue Todd asked about the list of seed mixes or flower seeds that will do well in our area mix list that had been brought up last year. This is included in a DRC standards Manual that is being reviewed by Ken and Karen. Ken also indicated that he will get a list out prior to our planting this season.

#### 10. New Business

- 2011 Budget and Reserve Plan Discussion & Ratification – Steve Graham – is there going to be more landscaping done to buff out the neighborhood? Right

now we have \$1000 in our landscape reserve plan for adding color and shrubs above and beyond. Much discussion ensued regarding this and allocating extra funds for this. It was decided that the landscape committee will be asked to come up with a plan by surveying what people would like to see and deciding on a special project. At that time we will see if the current funds cover that and if not poll the neighborhood to see if people are interested in a special assessment to do any extra work.

- We clarified how the budget could be modified. All present voted to ratify the budget. M/S/P: Ken, (I can't remember who seconded) Passed unanimously.
  - Neighborhood Clean up & Work Days: Landscape committee should plan it. Karen Adams has offered to host the BBQ following. The neighborhood would also like to have a garage sale again. After much discussion it was decided that we will coordinate with Wellington because it did help to generate more traffic. The Board will coordinate with the landscape committee to plan work day.
  - Corporate Standing and registration with the Division of Real Estate HOA Information Office and Resource Center have been completed and the certificate of good standing is posted on the website.
  - Election for vacant Board Positions –
  - Sue Todd had a comment on the bylaw change that was made in 2007. She does not believe that the board had the power to do this. Ken clarified the intention at the time was create a board that was a reflection of the neighborhood. This was done with the advice of the counsel and the previous management company. Steve suggested that we get a written opinion on this from our attorney on the changes that have been made to the bylaws and rules. Ken agreed that the board will do this as requested.
11. We will also post and advertise board of directors meetings on the website. We will take nominations and vote on each seat separately.
- i. Representative for Deed Restricted Single Family Home Owners
    - 1. Mike Connley was nominated by Sam Murray and has accepted the nomination. The results follow: 14 votes for Mike, 7 Votes for Jeffrey Mike succeeds in the election.
  - ii. Representative for Full Time Resident – Sue Todd, Renate Fleisch & Ken have been nominated. The results follow: 14 votes for Ken, 6 votes for Sue and 0 votes for Renate. Ken succeeds in the election
  - iii. Sue Todd notes that the term of office shall be fixed of (from the bylaws) She believes that this indicates there are term limits. A number of members of the association does not agree with this. Again we will as above contact Council for an opinion on this issue.
  - iv. Representative for Neighborhood at Large  
Sue Todd, Jeffrey, Renate, were nominated. The results follow: 11 votes for Jeffrey, 7 votes for Sue, and 2 votes for Renate. Jeffrey succeeded in the election.
  - v. The following board members were elected. Ken Sauerberg, Mike Connelly and Jeffrey Bergeron. The board will determine officers at their next meeting. Normally we would do this at the short meeting following this one but with Kathy recovering from surgery and Karen out of town we will do this at our 2<sup>nd</sup> quarter meeting.
12. Other New Business - Last year an issue was brought the attention of the HOA that some neighbors were not using the HOA services for irrigation hook up and blow outs. The board took this issue up over the winter to implement the plan in the spring. The goal established was to be treat all homeowners equally and the decision was made to

service the lowest common denominator. Background: In the beginning every home was given one zone for watering trees and planting areas. At the time they also decided to service each home by turning irrigation on and blowing things out at the end of the season. This is a valuable service because it insures that all plantings were watered and systems were blown out in the fall. Since that time systems have changed, expanded and even new pop up high pressure systems were installed. Going forward the HOA will budget to start up and blow out one system per household. If additional zones are present these will also be started up and the homeowner will then receive a bill directly from the landscape company unless they indicate they will be using their own contractor. The same will occur in the fall. One zone will be blown out for each household and additional zones will incur charges for each owner. If you would like to use your own contractor you are welcome to do so. No credit will be issues for this. Neighbors in general thought this was a good approach and solved the previous problem. Larry did note that some homes had more than one zone originally. Ken will look into this as part of the inventory project.

13. Other Matters: Jeffrey Bergeron: Please ask your friends and neighbors please pick up dog poop the neighborhood will be so much better in the spring time. We also have a new program for neighbors please let Jennifer know if you see a community member not picking up after their pets and she will drop them a care package of dog bags along with a note indicating the issues we are seeing.
14. Adjournment – Ken/Jeffrey/Passed unanimously