

Hill Pond on Spring Creek (Wallenberg Drive)
Annual HOA Meeting Minutes
Wednesday, May 22, 2019 at Allnutt Funeral Service, Drake Road
Chaired by Rick Hoffman, Current HOA President

Quorum Established and Meeting Called to Order

The meeting was called to order by President Rick Hoffman. Twenty-two households were represented including one proxy. Last-minute phone calls had to be made to get members to attend in order to reach the quorum.

Board members present: Rick Hoffman, Julie Savidge, Diane Crews, and Dick Thomas

Introductions

The President introduced the other Board members and all association members introduced themselves. President Hoffman announced that Julie Savidge and Diane Crews have been preparing an operations manual for the use of future boards that will include broad guidelines and tips regarding the Board's functions.

Approval of Minutes

Dick Thomas moved and Gary Auld seconded a motion to approve the minutes of the May 23, 2018, HOA annual meeting. The motion was approved.

Treasurer's Report

Treasurer Doug Hinerfeld was unable to attend the meeting so President Hoffman gave a report on income and expenses for 2018. A question was raised regarding \$950 for bookkeeping service and, following discussion, it was agreed that based on the approval of \$750 for this service beginning in January 2019, an additional amount of \$200 is being added as needed (for one year) to allow for additional expenses. It was noted that the salary could be upped to \$950 in the future.

David Dornan asked about the additional money for legal services, especially if the allotted amount is overspent. Following discussion of this question, Marshall Frasier made a motion, seconded by Alan Lamborn to amend the budget to increase the legal fees to \$5,000. The motion was approved. Marshall Frasier then made a motion, seconded by Joan Lamborn to approve the budget as amended. The motion was approved.

Beautification Committee Report

President Hoffman announced that Gary Auld will no longer be mowing, fertilizing, and turning on the sprinkler system in the common area between 1917 and 1921 Wallenberg Drive. There was a general discussion of various issues to be addressed and next year's Board is tasked with resolving these issues. The HOA must continue to pay Gary for the cost of water to irrigate the common area.

Covenants Advisory Committee Report

President Hoffman reported that Marshall Frasier, Alan Lamborn, Ann Hunt, and Rick Hoffman as Board liaison served on the Covenants Advisory Committee during the past year. A presentation regarding their findings will be covered under new business later in the meeting.

Nomination and Election of New Board Members

President Hoffman announced the two nominees, Dave Dornan and Tom Noel, based on the rotation schedule for service on the Board. They had accepted their nominations prior to the meeting. No nominations were made from the floor. President Hoffman asked for volunteers to tally the ballots and Kathi Frasier and Tom Seibert volunteered. Both nominees were elected by a majority of the votes. The newly elected Board members will replace Rick Hoffman and Julie Savidge who are leaving the Board after serving for two years.

Old Business

Tom Seibert reported that approximately a year and a half ago, he and Tom Trout met with City of Fort Collins officials, the City Council representative (Ross Cunniff), and a representative of the ditch company to discuss **bank erosion** which is affecting properties on the south side of Wallenberg that border Hill Pond. Although the City indicated that they would follow up on this meeting, there has been no response. Tom Seibert said that he would prepare a summary of the issues and again contact these individuals. Alan Lamborn suggested that HOA members considered going to one of Ross Cunniff's public input sessions to raise these concerns as well.

Some members of the previous Board had met with a representative of Davey Tree Expert Company regarding the **maintenance of trees in the common area**. An estimate of \$5,000 + was given to trim trees that might be a liability. Because of other expenses, this project has not yet been undertaken. It was noted that some trees are ready to fall into the pond, but it is unknown whose responsibility this is. Colleen Hoffman suggested that the next Board may want to work with the City regarding possible involvement on their part. There is no current list of what needs to be done, but multiple bids would need to be obtained. Fini Thomas suggested that there should be a consideration of cleaning up dead trees, both fallen and standing. Rick Hoffman suggested the HOA consider wildlife values when dealing with dead trees and brush in the common area.

President Hoffman reported on the **Young's Pasture and Blue Ocean developments**. He said that there is nothing new to report on the 22-acre parcel owned by Blue Ocean, which is directly west of Wallenberg and is bordered by Shields Street on the west. The "Young's Pasture" parcel is now owned by a different company and is very close to groundbreaking. The initial issues with this development, e.g., no adequate parking, drainage problems, inadequate buffer zone, etc. have not been resolved and it does not appear any changes will occur.

President Hoffman reported that **No Trespassing signs**, ordered by Julie Savidge and installed by Tom Seibert, have been posted in four places in the common area.

New Business

President Hoffman reported that there has been recent increased activity by skateboarders on the **concrete structure in the common area** (otherwise known as a drop structure), which is located behind the Cooper and Dunn properties. Dick Thomas reported that he had been in touch with the City and that the structure had been constructed by the wastewater department to cover a sewer line. Tom Seibert said that he has records that indicate this was constructed when Hill Pond on Spring Creek - both the pond and the neighborhood - were first developed. The plot of land where the structure is located is jointly owned by the Hill Pond on Spring Creek HOA (approximately one third) and by the Gilgalad HOA (approximately two thirds). A suggestion was made to put up more no trespassing signs and Christina LaCroix suggested that the appropriate department in the City be contacted because of liability concerns, i.e., who is liable if someone is injured on the structure. Dick Thomas agreed to follow up with the City on this question.

Marshall Frasier, representing the Covenants Advisory Committee led a **discussion of proposed amendments to the covenants and the approval process**. He reported that the existing covenants are in relatively good shape. Primarily any obsolete language will need to be removed and the attorney is drafting a document that will do that. Additionally, there are twelve specific areas that need attention.

1. The Board has the option of serving as the Architectural Committee.
2. There needs to be a reaffirmation of the use and occupancy of homes in the HOA.
3. Home business sales are currently prohibited and the advisory committee is recommending a modification.
4. Political signs are not currently allowed; the advisory committee is recommending, based on past and current practice, to allow these signs.
5. Recreational vehicle parking restrictions may be modified.
6. Clotheslines are currently prohibited; the advisory committee is recommending that this exclusion be eliminated.
7. Detached structures are currently prohibited, but the advisory committee is asking for input on this item.
8. The section requiring wood roofing products would be eliminated.
9. Lawn ornaments are currently discouraged and the advisory committee is recommending that there should be some rules governing the allowance of ornaments.
10. Fences on back 25 feet of property lines are not allowed, but given current usage, the advisory committee is recommending that the language in this section be modified.
11. It is being recommended that the HOA be required to carry liability insurance for the Board.
12. The section that deals with insurance premiums would be modified to delete "Such payment shall be held in a separate account of the Association and used solely for the payment of the premiums for insurance hereinabove provided as such premiums become due."

As these twelve items were presented, the membership indicated that they wanted to further discuss items 2, 5, and 7. On **item 2**, it was noted that the HOA language is more restrictive than that of the City of Fort Collins, which states "family plus two." The HOA covenant states "...the term 'single family' shall mean and refer to an individual or two (2) or more persons related by blood or marriage or an unrelated group of not more than three (3) persons living together in a

residential dwelling unit.” Marshall Frasier pointed out that the City could, at some point, loosen their definition, but that the HOA covenant would take precedence. David Dornan read the City’s definition(s) of “family” and said that they also have definitions for “not family.” It was generally agreed that, in order for the neighborhood to maintain its character, it would be desirable to continue to be more restrictive.

The discussion on **item 5** addressed the parking of recreational vehicles and moving vehicles on a regular basis. It was suggested that there could be a restriction on the length of time that RVs could be parked in a driveway, e.g., owners would need to provide long-term storage, but back-to-back trips might be accommodated by use of the driveway. It was also mentioned that size of the vehicles and safety restrictions should be taken into account.

In referencing the section of the covenants that states “The term ‘unused vehicle’ shall mean and refer to any vehicle which has not been driven under its own propulsion for a period of four (4) days or longer,” it was suggested that, for personal vehicles, this time period is too short and a modification needs to be made.

Discussion regarding **item 7**, detached structures, referenced the fact that many properties already have these structures. It was agreed that the covenant would remain with some modification to allow the Board to grant exceptions regarding any new, proposed structures, and that aesthetics should be an important issue. It was also agreed that there would be no attempt to have existing structures removed.

Marshall Frasier said that the HOA will be sent a preliminary document reflecting these discussion before another meeting is held.

Christina LaCroix asked about adding an item to the covenants regarding the on-going problem of speeding on Whitcomb as vehicles come down the hill and turn the corner onto Wallenberg. This is not something that can be addressed in the covenants, but it was agreed that the next Board should revisit this issue since previous attempts to solve the problem have been unsuccessful.

Adjournment

A motion was made by Tom Seibert and seconded by Vickie Traxler to adjourn. The motion carried.