

The Seasons at Tiara Rado Homeowners Association

First Quarter 2022 Meeting Minutes

Meeting via Zoom Call, February 17, 2022 – 5:00 PM (approximately 15-17 attendees)

- A. Call to Order: Bruce Noble, President
- B. Establish a Quorum of Board - Yes, all Board Members present
- C. Consent Agenda - Will hold until President's Report later in meeting
- D. Information Agenda

Ditch road update: Bruce Noble began with aerial photos of the ditch road ownership to illustrate The Seasons ownership of a portion of the ditch road (photos from the City GIS website).

Photos show much of the road toward the North end of the road belongs to our HOA plus a small sliver along the homes of Filing 7 – across the canal running along the road. Redlands Water & Power owns a 25 ft. easement all along the ditch road. Bruce explained the HOA area called Lot G is the concrete bridge running between the Goddard and Lepisto properties, is for access for Seasons residents to access the BLM/Monument. (Section 7.01 of Master Covenants).

Bruce asked Patti Chamberlain to speak at this meeting as she would like to see the ditch road gated. Currently there are “No Trespassing & Private Property” signs on the road, which have surprised & perplexed Seasons residents and others.

Report by Patti Chamberlain – 30 plus year resident at the end of the ditch road but not a Seasons resident. Patti's reasoning for placing a gate on the road by the So. Broadway entry is SAFETY. Too many vehicles now on the road and many more pedestrians since Covid. She has had her fences damaged with cars, and an accident with someone driving into the ditch. Her neighbor has dog waste bags thrown over his fence and many more people are using the road who are not neighbors, or Seasons people. Patti also explained that Google Maps now shows the road as an access to the Monument which has encouraged many more people to use road.

The Redlands Power staff picked the gate location (on HOA property) because they wanted to stop cars in an area where they could turn around easily. The gate cannot be built, however, until all parties agree – including the owners in Filing 7 who have a sliver of their properties on the road. Patti Chamberlain would pay for the gate as specified by the Redlands Power Co. Linda Spinner suggested signs as well such as “Residents Only and/or Not Public Access to Monument”. Patti reiterated Seasons residents can access the Monument by crossing the “G” bridge and turning South (right).

E. Presidents Report – Bruce Noble

1. Moving money into our Reserves Accounts (\$'s that accumulated over last few years in our checking accounts).

The Board wants to vote to move dollars left in our checking account at the end of 2021 into a general reserve account to be specified when we complete our Reserve Study this year. Amount to be transferred \$5,573.45.

Motion to transfer account made by Jim Lauer, Seconded by Sharon Currie-Mills.
Measure passed unanimously with all Board Members voting for transfer.

F. Vice President's Report –David MacAlpine

The owners of Filing 4 were sent a ballot and asked to vote on allowing two homes in the filing –Lots 10 and 18 to keep fencing that is constructed or being constructed but not allow other fences in the area around Berm 4. The ballot explains that if two-thirds of members of Filing 4 vote to allow changes to the covenants, then the Master subdivision will be encouraged to vote yes in recognition of the affected residents in Filing 4. The Board felt **if** the owners most affected did not want to change the fencing covenants, then it was pointless to move forward.

The reasoning for the two lots allowed fencing:

Previous DRC approved a variance for a 6 ft wall and the City at that time issued a wall permit. Wall was completed. Second homeowner requested a variance for a wall on her property. DRC granted variance, but city intimated if covenants were changed to allow fencing, they would issue a permit. Unfortunately, wall construction was begun and the City will no longer issue a permit even though we had been working on covenant changes via a vote of members.

The Board also determined that other fencing should not be built close to HOA property Berm 4 due to complex irrigation lines running through the area. Existing Covenants should remain in effect.

David then asked for questions from the floor.

Page 3 - First Quarter Meeting Minutes
The Seasons at Tiara Rado HOA
Feb. 17, 2022

Members comments continued

Hugh Wise takes issue with the procedures used in the balloting. Called the ballot invalid. He also wrote a long letter to the Board explaining why he should be allowed a 6 ft wall, regardless of the irrigation issues we had discussed with him last summer. He wants the Board to distribute his letter to members of Filing 4, because many in filing 4 (except him) received a survey about fences from a neighbor. Hugh feels the Board listened to a one- sided presentation about fencing. (Bruce advised the Board did not discuss the survey comments at any meeting). Further, Hugh requests the Board set up a meeting of Filing 4 members to discuss covenant changes and reasons to allow more fences, then hold a second vote. Hugh also believes a two-thirds majority vote is no longer required because original Filing 4 is not in effect.

****(Board note) Because multiple interpretations of our CC&Rs regarding proper procedures for amending CC&Rs have been suggested, the Board will ask our Attorney, Andrew Teske to provide his opinion as to the legally correct requirements. The Board will share this legal opinion with the residents and this legal opinion will determine the direction going forward. If anyone takes issue with the opinion, they will be able to address their challenge in the proper legal forum.***

David MacAlpine replied the ballot and cover letter were reviewed, edited, and approved by the HOA's attorney, Andrew Teske. The City Atty. advised we must change the covenants before Lot 10 can build a wall. David agreed to organize and chair a meeting, with affected residents to answer questions and address concerns.

Sharon Currie-Mills advised Hugh that the Board did not send a prior petition lobbying against fencing. That petition was sent by another homeowner without our knowledge. Further, Hugh was free to lobby his neighbors as well on behalf of his fencing requests.

Page 4 - First Quarter Meeting Minutes
The Seasons at Tiara Rado HOA
Feb. 17, 2022

Peggy Vaughn requested to speak. She voiced concerns about process. Did the City request the ballot?

David advised we were following the advice of our attorney in the hopes that if approved the city would be amenable to the changes in our covenants.

The CCR Committee had some revisions that were not in the ballot. The irrigation issue was not mentioned as she felt the Board did not want to address them. This week she heard from the City and her attorney and she was to pay a \$500.00 fine and take her wall down. The changes in our CC&R's are not being considered by the City – as was earlier requested. She is not signing the Plea and Waiver that were sent by the City and will continue to pursue.

She also advised that Ken Heitt had conducted a survey before granting her fence variance of the Berm owners and 9 of the homeowners did want fencing. *(Still not a majority of all Filing 4 owners)* However she feels that the entire Master subdivision has to vote and Filing 4 alone does not count. *(The Board understands this voting but felt obligated to get the opinion of those homeowners most affected before tackling the entire subdivision.)*

She wants a meeting of all membership to give the background as there are many misconceptions. She thanks the Board for all the work and efforts.

David MacAlpine says the City is reneging on the original request and the city has continually postponed Peggy's court date.

Bruce Noble said this is "immensely frustrating" as we have taken advice from our attorney and the City. He will speak to Peggy separately. We will make the Filing 4 meeting happen with our 10 day notice requirement.

Page 5- First Quarter Meeting Minutes
The Seasons at Tiara Rado HOA
Feb. 17, 2022

G. Treasurer's Report – Jim Lauer

We have received 75% of our assessments – Thank You.

March 1 is deadline and Jim will be sending out reminders next week. After that, late notices -- \$25.00 late fees.

H. Landscape Update - Linda Spinner

Date of Spring Cleanup on Common Areas, per contract with Bookcliff in March. Likely will start week of March 1 but will depend on weather. For those homes bordering the two Berms we will be letting you know approximate dates as we get closer.

Re Bookcliff Gardens Contract: After this upcoming irrigation season, their 2 year contract will be up. We will be obtaining competitive bids and Bookcliff will be submitting a bid. It is intended to ask WD Yards for a bid. Other suggestions are welcome. The Board would like a contract with one company again for both landscaping and irrigation, as irrigation is the big share of work.

Ongoing landscape projects: We are still in a cleanup mode to rid areas of weeds and invasive volunteers such as pampas grass. Part of Berm 4 and west side of pond have been cleared, new weed barrier placed and new or additional rock. Weed barrier and new rock were also added at the South Broadway entrance and High Tiara is scheduled soon, as well as the east side of the pond. There will be some planting of new shrubs in some areas this spring, but plantings will be minimal until we can adequately prepare and clean up areas of weeds. We have been in contact with Colorado State University Extension Service regarding cleanup and planting and following their advice.

Other on-going maintenance projects include: spraying for borers and mites on our ash and conifer trees. Evaluation of trees will continue for any additional treatments. Scale was not found on our pine trees last year. Three tree care companies have told us that the pines on Berm 4 are in good shape.

Bookcliff is instituting a new irrigation watering schedule this year for turf that is more water-wise and efficient in terms of less run-off. We did experiment with this type of watering last year and they are tweaking it this year to bring it a step up into a water-wise system.

The actual construction of the new pump shed is completed. Bookcliff Gardens and McAtlin Electric are in the process of moving the pump from the vault to ground level. We feel the addition of the blown-in cellulose will help contain any pump noise. McAtlin has proposed a new conditioning system for the VFD to cool the VFD and keep it from over-heating, but also to reduce noise from the 20-year old fan that is currently in place. The Board has decided to wait and have McAtlin determine if the noise level can be reduced enough with this fan. But we also have to consider that the old fan will not cool the VFD enough to keep it going during extreme heat.

I. DRC Report – Susan Fay, Chairperson

The new DRC has been in place since the beginning of this calendar year. I am currently serving as Chairman. I live in Filing 6. Joining me are Dana Hlavac (Filing 2), Tom LaCroix (Filing 6), Eileen Lepisto (Filing 4), and HOA Board member, Linda Spinner (Filing 5).

With the coming of Spring, we have received several Notifications from homeowners concerning maintenance. Most come through the Seasons HOA website and do not require DRC approval. These included some roof maintenance and repair, treatment of sick trees, removal of a dead tree, installation of a satellite dish, sprinkler repair, and running new cable.

Notifying the DRC gives us a “heads up” when we see contractors’ vehicles in the neighborhood. We are currently working on three projects that required filling out the DRC Change-Improvement Form. The three include an entryway, made of pavers, in Filing 1; the HOA pump shed in Filing 4; and a home re-stucco in Filing 4. Two more are in the works: a possible wall in Filing 4 (Lots 19-40), and possible installation of solar panels in Filing 4.

If you have a change or improvement, please check the website for the required DRC Change-Improvement Form. Please know that the City will definitely require a City permit for a fence or a wall. Permits are also required for solar panel installation. Usually, your building contractor or solar contractor will acquire those permits for you.

J. Landscape Committee – Sharon Currie-Mills No Report

K. Lighthouse Management – Alicia Criswell

Neighborhood inspections begin in April and will continue thru October.

L. Members Comments:

Tracey Sardelli: Why were dues raised if we had money left over?

Jim answered that the amount left over from last year was not able to be placed in the '22 budget, and the money had accumulated for several years. In discussion with our CPA firm we were advised the Board could vote to access the funds and place in our Reserve. Jim also noted that the 2021 budget had a shortfall of about \$7,000 that was improperly credited twice in the final budget of 2021, which we had to make up.

Member's Comments Continued

Gretchen Gahm thought that moving money to Reserves was to be voted on by the membership not just the Board. She is fine with what we did but wants to make sure we followed the rules. *(We will review our Declarations.)*

Marli Solberg was wondering about vote that was just sent in? Will we hear outcome?

Bruce advised yes, but will probably be inconclusive.

She's wondering if the first vote referencing Lots 10 & 18 could be separate from a further vote and discussion of other lots as 10 and 18 have a unique positioning, i.e. their lots are directly adjacent to the public walkway. Also she suggests the HOA Berm could be redone as it's a "sight". Needs to be reconsidered.

Bruce advises we have spent lots of time and money on Berm 4 while he's been on the Board but acknowledges the Berms are challenging.

Hugh Wise wants a voice as to what goes into the Berm. *(Bruce agrees)*

Sharon Currie-Mills mentioned that Berm 4 was never mentioned in our landscape survey. We have 144 homes that share in all HOA dollars and most of them don't care about Berm 4. Yet we spent a great deal of effort in that one area. We could not plant more last summer due to extreme temperatures.

Linda Spinner noted maybe the reserve dollars just transferred could go into landscaping. Current landscaping reserves for 2022 is approximately \$2,800.

Other Questions? No.

Motion to Adjourn made by Sharon Currie-Mills
Seconded by David MacAlpine

Meeting Adjourned

