



Mountain Oaks Homeowners Association (MOHA) Annual Meeting Minutes

January 22, 2018

The meeting was called to order at 7:00 pm by President Steve Carmichall at the Fire Station 16 Community Meeting Room. The meeting was adjourned at 8:45 pm.

Attendance: 25 members were present

Website: <http://www.mountainoakshoa.org>. Meeting minutes and board member contact information may be accessed at the website.

A pdf of the PowerPoint slide presentation from the meeting may be accessed [here](#). The presentation highlights the Association's 2017 activities and 2018 plans.

Business:

Election of new officers

Nominations for 2018 officers were opened to the floor. There were no new nominations. Motion was made to close nominations.

Board members elected for 2018 are Steve Carmichall, Jill Mohler, Beth Crumpton, Vince DeSandro and Celeste Fitzpatrick.

Board duties will be determined at the first meeting of the new board. Last year's board was thanked for their work.

Financials

Treasurer Jill Mohler prepared a financial summary for 2017 and a proposed 2018 budget. The 2018 budget was approved: Financial information is available in the Annual Meeting Slide Presentation.

Dues - \$325 for 2018

Payment is due by February 28, 2018 to avoid Late Fees.

30 days overdue: \$30, including interest + Notice of Delinquent Account.

60 days overdue: Past due bill, including accrued interest + Certified Notice of Delinquent Account.

90 days overdue: Past due bill, including interest + a Certified Notice of Delinquent Account, and Notice of Intent to Lien.

120 days overdue: Intent to Lien will be filed.

150 days overdue: Balance due, late fees and accrued interest will be turned over

to an attorney.

The above Late Fees do not include additional costs for collection, if needed, such as registered mail.

Dues for 2018 will remain \$325 per member. Dues notice was sent in December with the annual meeting invitation. **The MOHA mailing address to send annual dues is:**

Mountain Oaks HOA
6510 S. Academy Blvd., Ste. A #310
Colorado Springs, CO 80906-8691

Presentation by HOA Attorney Debra Fortenberry

Beginning 2006 the Colorado state legislature began enacting laws for HOAs that required writing and implementing policies that would make rules clear for both the organization's leadership and its members. The state law that governs HOAs is known as CCIOA (Colorado Common Interest Ownership Act). The law ensures that homeowners who have a problem can have a hearing and opportunity to work things out with their neighbors. It also provides clear guidance to the HOA's governing board on steps to take when a homeowner is out of compliance with Covenants or Policies.

Fortenberry stressed that HOAs are a community and homeowners should remember they are neighbors and try to work problems out in a friendly manner.

She stated the importance of the Covenants and governing documents. For example, she referred to the planned project of mailbox and post replacement for 2018. One of the Covenant articles is for uniformity. So replacement of mailboxes and posts with a standard design and color would be a legitimate project if it has a significant majority of homeowners who approve it.

She noted that Architectural Control is called out specifically in the Covenants: if there is a prohibition in the Covenants, it can't be done. However, if a homeowner has made a request that does not meet Covenant requirements, the board may be able to advise on how a proposal may be tweaked so that it does. For example, installation of a new structure such as a trampoline may be given approval if the homeowner agrees to annual inspection to assure that safety and appearance standards are being met.

If a property is moving into a deteriorating state, it should be reported to the board, and the board needs to address the issue with homeowners.

The board can choose to not go after a certain violation; however, that doesn't nullify the Covenants. Usually one or two warnings will take care of minor incidents.

If someone is blocking a sidewalk, that is covered by a city code ordinance.

Several questions were asked by members:

How are unpaid liens handled? Answer: The lien becomes a permanent liability against the title when the property is sold and must be satisfied then.

Is Air B&B allowed in the neighborhood? Answer: Air B&B has been ruled as residential use, not commercial. Unless there is a specific prohibition, it would not be appropriate to stop it.

Are solar panels allowed? Answer: There is a specific CCIOA rule that allows it. An HOA cannot prohibit it; however, actions of the board could guide how it is done. (MOHA requires all new structures to be pre-approved.)

Can you park on the street? Answer: If it is a common drive owned by the HOA, the rules of the HOA apply. If it is a public street, and a homeowner is parking business or oversize vehicles, the HOA may request the owner to move them for neighborhood appearance.

Policies may be viewed on the website:

- **MOHA Policy For Conduct Of Meetings**
- **MOHA Policy And Procedures For The Adoption And Amendment Of Policies, Procedures, And Rules**
- **MOHA Policy For Conflict Of Interest**
- **MOHA Policy On Collections**
- **MOHA Enforcement And Fines Policy**
- **MOHA Policy And Procedure For Inspection And Copying of Association Records**
- **MOHA Policy For Document Retention And Destruction**
- **MOHA Policy On Reserve Studies**
- **MOHA Policy On Investment Of Reserves**
- **MOHA Policy On Fees For Services**

Mailbox and Mailbox Post Project for 2018

The proposed mailbox and mailbox post project was approved as follows:

Total Votes 55 (81% participation out of 68 votes)

YES 47 (69%)

No 8 (12%)

Bronze 27 (57%)

Black 20 (43%)

The project cost is estimated at \$20,000, which will include removal of current posts and mailboxes and installation of the new post and mailbox. (See annual slide presentation for picture of mailbox and post.) Mailboxes that share one post will continue with that formation, using spreaders.

The cost of replacing the current style post is \$500-\$600. Some posts have never been replaced and many are now in bad repair. The new style will meet the Covenants requirement for uniformity, be less costly to maintain, and cost less to replace if damaged, as a new post can be slid into the holder.

The project will be funded from funds in reserve. There will not be an additional assessment.

Several questions were asked:

Will repair/replacement after the project is completed be a board responsibility or homeowner responsibility? Answer: The next board will have to answer.

What if I don't want a locking mailbox? Answer: There is an aftermarket non-lock that can easily be switched for the lock, and this will be provided as requested.

What if a package is too big for the mailbox? Answer: It will be placed on your porch, same as usual.

Will outgoing mail be safe? Answer: No. Homeowner Håkan Hemdal shared that the post office has advised that only mail deposited inside the post office is safe, that even mail deposited in the boxes outside the post office have some risk.

Does the mailman have a master key? Answer: No, the mailman puts the mail in the top slot and it falls into the lower locked portion is our understanding. We will double check exactly how.

When will the project begin and how do we know the installer will do good work? Answer: We have identified an installer who we believe to be capable for the project but will want to check more references and do a test project first. The board plans to do a FAQ mailing once all the information and costs are available.

Homeowners who put in a community box at their own expense asked if they might be reimbursed considering they did their project for safety and security reasons. Answer: The board will consider this question at the first meeting.

Maintenance and Architectural Approvals

Approvals are required for:

- All new structures
- House Painting
- Roofs
- Decking
- Landscaping Driveways
- Tree Removal (live trees)
- Siding
- Fencing

All new structures such as trampolines and play sets – these may be conditionally approved with yearly inspection for safety and maintenance.

The MOHA website has a print and mail form to make requests, and a form that can be filled out and mailed online.

The question was asked: If a homeowner is repainting with a previously approved color, do they need to make a new request? Answer: They do not need to make a formal request, but are asked to call Steve or Vince and let them know the project is planned. The same with Firewise actions – if Firewise has recommended removal of live material such as scrub oak or trees, a phone call to Steve or Vince would be sufficient. Community safety comes first.

Presentation
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Firewise



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by Jeremy
Colorado
Department,

*Providing the highest quality problem solving, fire and rescue
service to our community since 1894.*

Free chipping for the community for 2018 is set for the week of September 18. (Please see MOHA website for details.)

Our area is considered a Firewise Community, one of 25 in Colorado Springs. This means we have a recognized fire risk. Statistics on us are reported to the national level to maintain this prestigious recognition. Many insurance companies give homeowner discounts for this category. Jeremy keeps track of their department's work on Firewise for the community, but also reports homeowner hours spent on Firewise. Homeowners are requested to report their hours to a board member and the board will make a report to his department. This includes reporting such things as taking Firewise material to Rocky Top.

Now is a good time to have the Firewise team out for a property review. Remember, there are matching funds for work on your property up to a certain limit.

A relatively new threat is a beetle that will eat a tree from the inside out and kill it. Pine trees should be healthy and green this time of year.

If scrub oak is dying at the top, it's time to remove it.

There needs to be a 5-7 foot buffer of trees/shrubs away from the house.

The Firewise team has been working on several projects the past year in this area and will continue work in 2018. The area near NORAD will undergo a lot of oak brush cleanup and restoration. They will also be working on the area down Broadmoor Bluffs to 115.

Last year, a fire crew from Montana came in and did Firewise on 4 acres in the fire station area.

If you have any questions, please contact Jeremy.

Fence

The 2017 board is recommending that the fence on Broadmoor Bluffs Drive and Neal Ranch Road be replaced in 2019. An historical document found last year shows intent that the fence would be maintained by the association.

Question: If a homeowner wants to paint his own fence with the approved color (paint color is on the website), may he do so? Answer: Yes. The association will reimburse for cost of paint.

Drainage Issue

A homeowner on upper Broadmoor Bluffs has a flooding problem from drainage water coming downhill in heavy storms. The problem has the board, engineers,

and insurance company involved. The 2018 board will continue to be involved with the issue until it is resolved.

Member Information

The member database information is maintained from the website. Homeowners are reminded to update their contact information on the website (change of billing address, email address, phone number) to keep the database up to date. MOHA members receive email notification of Newsletters and Board Minutes posted to the website if they have an email address. The email address used is from the homeowner profile on the website. If you need assistance creating or updating your profile on the website, please contact [Beverly Collins](#).

Annual Minutes submitted by Beverly Collins, Secretary