

**MINUTES OF THE WOODMOOR IMPROVEMENT ASSOCIATION  
BOARD OF DIRECTORS MEETING**

**August 27, 2007**

1. Hans Post Uiterweer, WIA President, called the meeting to order at 7:00 PM.

WIA Board Members present:	Hans Post Uiterweer	President
	Bill Walters	Vice-President
	Terry Holmes	Treasurer
	Elizabeth Miller	Architectural Control Gary
	Marnar	Common Areas
	Steve Malfatti	Covenant Enforcement Amy
	Smith	Forestry
	Jake Shirk	Public Safety

WIA Board Members Absent:	George McFadden	Secretary
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Staff in attendance:	Camilla Mottl	WIA Executive Director
	Kevin Nielsen	WPS Chief

Visitors present:	Charles Simmons	Homeowner
	Kate Horton	Homeowner
	Ken Shorter	Homeowner
	James Wilson	Homeowner
	Karen Mikec	Homeowner
	Carolyn Streit-Carey	Homeowner
	Nicole Chillino	Tribune
	Chris Pollard	Our Community News

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2. Approval of the Minutes

The July minutes were approved as amended.

3. Post welcomed all visitors.

- Charles Simmons requested that the Board examine Woodmoor Public Safety during its budgeting for 2008 measuring its benefit to the community and feasibility long term due to increasing costs of fuel. He stated that he did not see the benefits of Public Safety to the community in relation to its portion of the budget.
  - Shirk, Director of Public Safety responded that WPS is the resident's best first responder and of great assistance to the El Paso County Sheriff's Office and the Monument Police Department. He also referred Mr. Simmons to the WIA website so he could see the number of calls and the nature of the calls that WPS responds to each month.
  - Walters pointed out that, in 1998, the Woodmoor residents voted to make WPS a part of the WIA and budgeted for it.

- Karen Mikec stated that she believes WPS offers an invaluable resource to the owners. She described multiple occasions that WPS has assisted her and believes that our annual dues are very low and that the staff does an outstanding job.
- Carolyn Streit-Carey re-iterated Mikec's opinion and stated that the services of WPS were well worth the current cost and even more. Due to the actions and quick response of Chief Nielsen and the WPS staff, her neighborhood is quiet and the residents feel safe.

4. Approval of Agenda

Walters suggested that agenda items Power of Attorney and Nominating Committee Report be postponed since McFadden was not at the meeting. Members agreed.

5. July Financial Report

Holmes reviewed the July Financial Report. He then went over the past due accounts giving the following overall figures on the past due listing of accounts delivered in the Board packets noting that residents normally receive three notices before a lien is filed. This year members received 4.

Amount of Accounts Receivable (AR) as of 8/20/07	\$36,011.95
# of accts on Accounts Receivable List 8/20/07	121
Average AR Balance	\$297.62
# of accts in excess of \$200	70
# of liens filed July 2007	55
# of liens filed prior to July 2007	11
Total # of outstanding liens	66
Total AR covered by outstanding liens	\$33,799.75 (93.8%)
# of accts on a payment plan	4
Total AR under payment plan	\$843.53
# of accts going to collections (9/07)	14
Total AR going to collections (9/07)	\$14,642.52

Walters asked where the figure of \$325,964 for the beginning balance in the Reserve Study came from. Mottl stated that was the beginning figure for 2008 that the Reserve Study Committee decided on at their first meeting. Holmes stated that the total dollar amount for Reserves comes from the amount in Reserves at the end of the last fiscal year per the 2006 audit (\$289,622) plus the amount WIA is suppose to contribute in 2007 (\$36,342). Holmes stated that he made the bookkeeping entry so the Board would have a better understanding of WIA's unallocated funds. Walters stated that the Board should be involved in that decision. Holmes stated he would reverse the entry.

Nielsen informed Holmes that an expense for equipment maintenance was entered to the wrong account and needed to be placed in equipment repair.

Walters asked what wages for WPS were part-time and the difference between Commercial Check Fees and Misc. Income. Nielsen stated that when WPS replaced a previous officer, the newly hired officer worked part time for a month. The Commercial check fees are from surrounding businesses that contracted with WPS for routine patrol and the Miscellaneous Income is from residential properties that have contracted for patrol. Nielsen stated he had

no problem changing the WPS Miscellaneous Income name to something more descriptive such as “outside income”.

6. Executive Directors Report

- Mottl and Sandy O’Donnell met with the treasurer to confirm the status of each past due account by file prior to the liens for past due accounts being filed as outlined.
- Due to recent rains, Horton, Beseau and Mottl have been inundated with phone calls relating to drainage issues. In many instances, staff personally visited the properties in order to ascertain the exact situation before addressing each issue. In the area behind Timberview and the Montessori School that abuts some WIA properties, Mottl requested that Larry Syslo of El Paso County Planning & Dev. keep WIA informed of the steps they are taking regarding the inadequate drainage system placed there by an unknown entity.
- Mottl reported that the green belts in south Woodmoor have been mowed.
- Mottl has received multiple complaints regarding much of the same area as being filled with Prairie Dogs that are migrating into adjoining Woodmoor owner properties. Discussion ensued regarding whether or not WIA should take action on the matter. The members stated that, unless there is a present threat to the health of residents, the prairie dogs are not a WIA issue. The Board agreed that Mottl should request the County do a check on the health of the animals.
- Mottl stated that Phil Steininger, District Manager of Woodmoor Water & San called and he will be happy to give the WIA Board another update on their activities at the Board’s convenience.
- Mottl has been receiving multiple complaints regarding LPHS students parking and loitering around homes in south Woodmoor before, during and after school, smoking, being loud, throwing trash and, in general making a nuisance to the residents. Woodmoor homeowners are becoming angry as these activities continue year after year. They state that the school administration meets with them and gives good “lip service” but the situation never improves. Residents are questioning why they should approve a mill levy for another high school when the administration cannot seem to control the one campus they have. Chief Nielsen has scheduled a meeting this week with the Assistant Principal regarding these problems. Mottl wanted to know if there is a Board member that would be willing to intercede for these owners. Shirk stated that he would also attend the meeting. It was agreed that Mottl could invite one of the area residents to attend the meeting. This issue was also forwarded to Gail Wilson.
- Mottl presented a bid on surveying the common areas from \$65 to \$100k. Smith explained the multiple problems encountered in caring for the common areas because WIA has no boundary markers to delineate the common areas from the resident lot lines. Mottl stated that this task could be budgeted by parcel/area for the next two or three years and requested that the Board keep this project in mind for the upcoming budget meetings.
- WIA is still receiving a lot of complaints about common areas that have not been mowed. Mottl gave Marner maps of median strips in the road right of ways since these areas are hard to find. Mottl stated that no part of Hidden Pond had been mowed and Twin Ponds had still not been mowed. Toboggan Hill was only partially mowed and the eastern most quarter of the Meadows had not been mowed. The common areas along Autumn Way and Meadowlake Way also needed to be mowed.
- Mottl referred to incidents occurring over the past 90 days regarding a pit bull. Mottl wanted to make it clear in open session that WIA did follow all of its procedures

- which resulted in multiple hearings, fines being levied and a request that the dog be relocated. Unfortunately, the owner did not take the actions they promised and a child was bitten. Due to privacy issues and legalities involved, Mottl will be discussing the situation in greater detail with the Board during Executive Session.
- Mottl included a folder from Tri-Lakes Views in the Board packets that was delivered to the office to be distributed to the Board members. It featured information regarding the ARTWalls project which is a photographic mural depicting the history of ice harvesting in the TriLakes area that will be placed at the corner of Beacon Lite and Second Street in Monument.
  - Mottl contacted Mark Johnston, Manager of EPC Forestry and Noxious Weeds regarding two properties that abut Woodmoor and have MPB trees. Johnson told her that the County would not be issuing any tree removal notices until after October 1, 2007. He also stated that he was aware of the MPB problems with one of the properties but took the address for the second one so he could visit it.

#### 7. Public Safety Report

- Nielsen stated that a possible attempted child abduction took place on August 12<sup>th</sup> involving a blue van. He reviewed the known facts and stated that the El Paso County Sheriff's Office (EPSO) is actively investigating the case as enticement of a child. . Nielsen urged everyone to be on the alert and report any unusual instances or circumstances to the EPSO or WPS. Although there is a description of a vehicle, Nielsen recommended that residents not focus on one van, but report anything that strikes them as strange or unusual. If there is a child predator in the area they may drive a different vehicle than the reported blue van. He urged parents to remind their children of safe practices related to strangers (Stranger Safety) and keep an eye on where the children congregate. Children should only play outside in groups. There have been no further reports of similar incidents to date. Nielsen stated that a notice was posted on the website and sent to the Neighborhood Watch residents. However, he could only take those actions after EPSO released the information as it is an ongoing investigation that they are actively working.
- June and July were the busiest months WPS has ever experienced in terms of calls for service.
- Nielsen stated that the meeting with LPHS is a result of the many complaints about students loitering, parking and smoking in Woodmoor, especially in the Bowstring, Leggins and Woodmoor Park area.
- Nielsen stated that 60 stop signs had TG painted on them. WIA is not the only area this has occurred on. The Dept. of Transportation (DOT) and the Sheriff's office is investigating.
- Nielsen reported that the remainder of Bowstring had been paved and DOT made a commitment to pave Hidden Springs.

#### Old Business

##### 8. Record Owner

Malfatti stated he would like to see the issue of "Owner of Record" settled. Malfatti **moved** that membership in the Woodmoor Improvement Association shall be only owners of record as set forth in the Articles of Incorporation, the ByLaws and the Covenants and that assignment or delegation of membership to a non owner of record

shall only be allowed for reasons of incapacitation of the actual owner of record. Miller **seconded** the motion.

Discussion ensued.

Walters made a **motion** to table the issue until McFadden was present. Shirk **seconded** the motion. Holmes, Marner, Walters, Shirk and Smith voted to table the item. Malfatti and Miller voted not to table. The motion **carried** and the matter was tabled.

9. Rules and Regs Update/Change

Malfatti **moved** to adopt a resolution to accept the following changes in the WIA Policies, Procedures, Rules and Regulations of the Woodmoor Improvement Association Parts, I, II, III, and IV with an Introduction to Part V as follows:

Part I, PG 6 - E. FENCES:

REMOVE the words “*underground*” in Para 5.

CHANGE: 15 feet to 8 feet.

ADD: *maintain animals a minimum of 15 feet.*

TO READ: The WIA must approve electronic dog-control fences on or after May 1, 2002. Such electronic fences must be placed at least 8 feet from the property line and set with adequate intensity to *maintain the animal a minimum of 15 feet* from all property lines.

REASON: The fence company does not always put the wire underground; hence they feel that permission is not required. Additionally, the minimum range the sensitivity can be set is 8’, thus to place the wire 15’ inside the property line confines the dog to a line 23’ inside the property line. By placing the wire 8’ from the line, it can be adjusted to maintain the animal 15’ from the property line.

PG 7 - F. OPEN FIRES,

REMOVE: the words “*if a controlled burn is needed, a permit must be obtained from the Woodmoor Fire Department.*”

REMOVE: the entire “*CAUTION: All outdoor heating devices such as Chimaneas should be reviewed by the Fire Department for appropriate use and placement.*”

REASON: We do not need controlled burns in the Woodmoor area. As to the second point, the Fire Department is not receptive to us providing them this type of business.

PG 7 - I. GARAGE SALES

ADD “*three times per calendar year.*” (After the word Woodmoor.)

TO READ: Garage or yard sales of homeowners’ personal items are permitted in Woodmoor *three times per calendar year* provided that the location, timing, or frequency of the sale(s) does not create a nuisance to neighbors.

REASON: First, three times a year should be sufficient to dispose of unwanted items. Secondly, this will reduce the “Garage Sale Business” events by limiting the number per year.

PG 7/8- J. LANDSCAPING

ADD: “*See Paragraph S for tree and vegetation removal*” to the end of 1<sup>st</sup> Paragraph Major Modifications.

REMOVE: Last Paragraph

REASON: This is covered in Para “S” no need for redundancy.

PG 8 – L. NUISANCES

ADD: *Refer to Design Standards, VII K. OUTDOOR LIGHTING* to the end of item 2.

TO READ: Exterior lights are to be installed so that they do not create a nuisance for neighbors. *Refer to Design Standards, VII K. OUTDOOR LIGHTING.*

REASON: This section is not specific and is open to interpretation, thus referring to the DSM will clarify the requirements.

PG 9 – M. OUTBUILDING

ADD: *or shed* in first Paragraph after building.

TO READ: ...except that one ancillary building *or shed* in keeping with the.....

ADD: *Ancillary buildings shall not be used for living quarters or for commercial use.*

*Only one authorized out building is allowed per lot* to the end of paragraph 2.

REASON: This will limit the number of out buildings to one. This will limit the use and reinforce the covenants which state that no accessory building shall be used as a residence. Covenants, Article V Section 6.

PG 9/10 – O. PLAYGROUND EQUIPMENT

Re-arrange: 1. Temporary Playground Equipment under second Para

Re-arrange 4<sup>th</sup> Para to become 2<sup>nd</sup> Para

REASON: Reads easier.

PG 12 – R. TRAILERS

REMOVE: Para 3

ADD: *PARA 3. Violations of these rules will result in a Covenant Violation which can result of fines as set forth in the WIA Schedule of Fines.*

REASON: Keep all adjustable, fines and fees, in one consolidated area, otherwise when anything changes, you only have to make one change, not numerous, thus the chance of overlooking something is reduced.

PG 13/14 - U 1.b. STANDARDS FOR EXTERNAL MAINT

8. Drainage Ditch

c. ADD: *on the road side of the ditch.*

TO READ: .... Adjacent road surface, *on the road side of the ditch.*

REASON: Some lots have uneven ditches, higher on the house side then on the road side. Thus rocks can be higher on the house side and it will not interfere with snowplowing or other grading.

9. Fences

c. ADD: *or dowel*

TO READ: Fence gates shall be split rail *or dowel* and open in.....

REASON: Changes made to DSM

PG 18, PART III

Correct 2<sup>nd</sup> Para to read Part V not Part IV

Miller **seconded** the motion. Miller, Malfatti, Holmes, Smith, Shirk voted for. Marnar and Walters voted against. The motion **carried**.

10. Reserve Study Committee Report

Walters informed members that the committee had updated the study and adjusted the figures to better align with current costs. The new Reserve fund will capture and retain interest. The Board may want to consider creating a new Reserve Account for Capital Improvements such as new trails, new parking lot at Toboggan Hill, etc. Discussion ensued. Walters **moved** to adopt the revised Reserve Study as presented. Malfatti **seconded** the motion. Post called for the vote. All were in favor. The motion **carried**.

11. Road Easements

Walters reported speaking to El Paso County Planning for information on surveying and platting. The lots are of some value but it would be difficult to build on them. Some of them are heavily wooded. WIA may want to improve some for community use or liquidate and sell to neighboring properties. Walters suggested that Marner and Smith inspect the lots and give their opinion. It was also noted that some forestry work needed to be done on the easements with trees. Members agreed that Walters should move forward on finding out how much it will cost to survey and plat the easements.

12. Smith informed members that the scrub oak thinning of Fairplay median was finished. A herbicide was used on the scrub oak so we will see next Spring how effective it will be in suppressing new growth. WIA will receive \$3,000 back from the grant for the work done on Fairplay median.

Smith has ordered the grant signs for the common areas involved in the Fire Mitigation/Fuels Reduction Grants (Twin Ponds and Toboggan Hill).

The 50/50 grant is to be used primarily in the Severe Hazard Areas to begin bringing those areas on line with the CWPP. These areas will be targeted through direct mail and she is working with Beseau on an incentive process for the owners of these properties.

The Chipping Day is scheduled for Saturday, September 22<sup>nd</sup>, from 10 to 2.

13. Post reminded members that the Strategic Planning Meeting will be held on Wednesday, September 12 at 6 p.m. Food will be served. Members should have their plans to Mottl no later than Friday, September 7.

The first Budget Meeting will be held on Thursday, October 18 at 6:00 p.m. Members need to have their figures to Mottl no later than October Wednesday, October 10<sup>th</sup>.

**New Business**

14. By-Laws

Malfatti **moved** that, immediately effective, the Secretary shall perform the duties of the Secretary, including taking the minutes of the meetings, as stipulated and implied in the By-Laws of the WIA. Miller **seconded** the motion.

Discussion ensued.

Smith **moved** to table the matter allowing the President to have a discussion with the individual involved in effort to resolve the issue. Shirk **seconded** the motion. Walters, Smith, Holmes, Shirk, and Marner voted yes. Miller and Malfatti abstained.

The motion **carried**.

15. Repetitive Business

Malfatti moved that all Special Committees not convened by or performing under the current Board of Directors be dissolved. Discussion ensued. Post stated that the Nominations Committee, the Reserve Study Committee and the Elorie Award Committee were the only

acting committees at this time. Malfatti stated that he thought there were other committees because the same issues repeatedly come before the Board. Malfatti withdrew the motion.

16. Covenant Violation Procedural Change

Malfatti **moved** that the Board adopt a resolution allowing the covenant violation procedures for motor vehicles, RVs, trailers and signs be changed to read as follows:

Policies, Procedures, Rules and Regulations of the Woodmoor Improvement Association Parts, I, R. TRAILERS AND RV'S. No. 3: *Upon documented verification of an infraction regarding trailers and RV's, a Notice of Violation along with a Hearing Notice shall be issued to the violator. The violator shall also be informed that a possible fine and a \$25 per diem can be charged from the date the violation was verified until the offender notifies WIA that the violation has been remedied and such correction has been verified by the WIA.*

And, that the same procedural change shall be added Under Part II. ENFORCEMENT OF COVENANTS, B. ENFORCEMENT between the current numbers 4 and 5.

Holmes **seconded** the motion. Holmes, Miller, Malfatti, Smith and Shirk voted for the motion. Marner and Walters voted against. The motion **carried**.

17. HOA Statement Process

Smith reviewed the entire HOA Statement process (see handouts on steps and costs). Discussion ensued. Smith **moved** that, effective January 1, 2008, the HOA Statement fee be increased to \$75.00. Holmes **seconded** the motion. Holmes, Miller, Malfatti, Smith and Shirk voted for the motion. Marner and Walters voted against. The motion **carried**.

18. Comp Time

Walters stated his belief that it may be unlawful for the association to give compensatory time to salaried employees. He also stated the Administrators for ACC and Forestry/Covenants may not qualify to be salaried employees. Walters requested the appropriate information be sent to legal counsel that specializes in Labor Law to be sure WIA is allowed to give "comp time" to salaried employees and to confirm whether our salaried employees pass the test for exemption. Members agreed that Mottl should call our legal counsel for referral to an attorney that specializes in Labor Law and refer the matter to said attorney.

19. Attendance to September 5 Hearings

Holmes, Miller, Shirk, Post and Smith will attend.

20. Agenda Items for September 24, 2007 BOD Meeting

Power of Attorney/Owner Record  
Nominating Committee  
Secretary Duties  
Comp Time  
Design Standards Manual  
ACC Fees

21. The Board adjourned to Executive Session at 10:25 p.m. to discuss a legal issue.

The Board resumed regular session at 10:31 p.m.

Members agreed that Mottl would seek legal advice regarding whether the association can request removal of aggressive dogs/cease and desist.

The meeting adjourned at 10:33 p.m.

RESPECTFULLY SUBMITTED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Camilla Mottl, Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
George McFadden, Secretary