

The Vistas Homeowners Association

MEETING MINUTES

BUD BEASLEY ELEMENTARY SCHOOL

April 28, 2016 – 6:00 P.M.

Board Members Present

Dave Stefan
Jim Gaba
Scott Stromberg
Briana Foroszowski
William Wagner

Staff Present

Stacie Ciesynski, Community Administrator
Shannon Christie, Compliance Officer

I. Call to Order

Dave Stefan called the meeting to order at 6:03 p.m.

Introduction of Board members: Briana Foroszowski, Jim Gaba, Dave Stefan, Scott Stromberg and William Wagner were present. All Board members were present, a quorum was established.

The meeting was recorded as required by NRS 116.

Items on the agenda were taken out of order. Dave Stefan explained that he will be taking agenda items out of order to accommodate the guests that were present. Dave introduced Councilwoman Bybee.

II. Membership Forum

Homeowners present were given the opportunity to ask questions and make comments pertaining to items on the agenda. No questions from homeowners so Dave moved to approval of minutes.

III. Council Representative

Councilwoman Charlene Bybee was present. She discussed the upcoming Sparks City Council election and explained that today has been designated pay-it-forward day in honor of Tristen Hurley. Councilwoman Bybee has been doing random acts of kindness and brought brownies for those in attendance. She also left cards that could be used by those present to pay-it-forward with random acts of kindness to others.

Currently the City is conducting an in-depth survey called Ignite Sparks. Councilwoman Bybee encouraged everyone to go out to the City website and complete the survey. Data from the survey will be used by the Council in their strategic planning for the future, 2030. An update on the new housing construction downtown was given. The apartments by the movie theatre and the old Silver Club/Bourbon Square building, now the C Street lofts, will begin renting in June. A question was asked about where people are going to park when there are special events being held downtown Sparks. Councilwoman Bybee explained that special event parking is going to be a challenge and the council is talking about running shuttles from Scheels to the downtown area. In addition there are still the two city garages and the Nugget parking garage.

Councilwoman Bybee asked if anyone had any questions:

- Mr. Hurst explained that bus service is needed for Los Altos Parkway and the Pyramid Highway Area, all the way around the loop back to Baring Blvd. Councilwoman Bybee said she would talk with RTC about expanded bus service for the Sparks area.
- Pat Ruth asked what was being built on the south side of Costco. Councilwoman Bybee said it was housing. She explained that the City of Sparks has an occupancy rate of 98%. Mr. Kolb said that apartments would be going in at that location.
- Dave Stefan asked what was being built next to TJ Maxx at the Legends. Councilwoman Bybee said Petco is being built there. She also explained that the unfinished parking garage at the Marina will see apartments being built around it. Higher end lake front condominiums will also be built.
- A question was asked whether the Walmart store is still going to be built at the Legends. Due to the fact that the Walmart store could not have a Pharmacy at that location, Walmart has decided not to build. Councilwoman Bybee also explained the proposed hotel casino tower next to the Galaxy movie theatre will be coming along soon.

Councilwoman Bybee said the number one complaint she receives all over Ward 4 is speeding. The speeding problem within every community is done by those who live in the community, it is your neighbors. Rolling through stop signs and running stop lights are problems as well.

- Bill Wagner asked if City Council meetings can be published in the Reno Gazette Journal prior to each meeting. Councilwoman Bybee explained that meetings are held the 2nd and 4th Monday of the month at 2:00 p.m. at City Hall on the 4th street side. Agendas are posted around town in various locations, on the City's website and the meetings are televised. Everyone is encouraged to attend.
- Jim Gaba asked if the Council discusses issues about the staffing of the police department. It was explained that the City is in the middle of the budget now and this topic is being discussed. With all the cutbacks that had been made in previous years, with the economy improving, the City is adding and filling vacant positions. Councilwoman Bybee explained that the Ignite survey is showing that residents want increased neighborhood police.

Jim Gaba thanked Councilwoman Bybee for her assistance in getting the run down trailer removed that was dumped in the vacant lot on Vista Blvd. by the I-80 off-ramp.

Items on the agenda were taken out of order. Dave Stefan moved to Old Business, #D – Electronic Crosswalk signs on Los Altos.

IV. Approval of Minutes

- A. **Motion:** William Wagner made a motion to approve the January 28, 2016 general meeting minutes as written; Scott Stromberg seconded, motion carried unanimously.

V. Financial Report

- A. Financial Report –The unaudited financial report for January, February, and March 2016 was received as presented by William Wagner. **Motion:** Scott Stromberg made a motion to approve the unaudited financial report as presented by William Wagner; Briana Foroszowsky seconded, motion carried unanimously.
- B. **Motion:** William Wagner made a motion to approve the 2015 Audited Financial Statements prepared by Gene Clawson, CPA; Scott Stromberg seconded, motion carried unanimously.
- C. Dave Stefan explained that Retained Earnings or Operating Working Capital as it is called on the Financial Statements are at a level that is more than the 4 or so months of expenses needed in case of an emergency and a portion will need to be given back to the community in the form of a credit. Dave explained that funds in Operating Working Capital cannot be used to fund the current year budget and by law has to be returned to homeowners. Therefore, the approved credit will be issued July 1, 2016 and applied to each homeowner's ledger. Information will be included in the June newsletter.
- Motion:** Scott Stromberg made a motion to give back \$36,225.00 to the members which comes out to \$25.00 a unit; a one-time credit to the members; William Wagner seconded, motion carried unanimously.

VI. Reports

- A. Landscape/Maintenance Report –
1. Dave Stefan introduced Jose with the Groundskeeper. Jose introduced Alex who is the new lead person on the parkway, and Benito, both work as part of the three man crew. Jose explained that irrigation start up is happening and there are a few areas that are being investigated with possible water problems. During the last month there has been a major clean up behind the homes in the common area and these areas have been sprayed. A fast release application of fertilizer was applied and within the next two weeks a slow release fertilizer will be applied. A pre-emergent application for the dandelions has been done and another application for broad leaf will be done as well. Jose said new sod will be installed on the island at Los Altos and Santa Barbara at no additional cost to the Association. Alex will also install another head on the island at Los Altos and Dry Gulch so that the grass at the end of the island has coverage.
 - Bruce Kolb asked why there are different types of spray heads on the same line. Jose explained that there is a mismatch of heads throughout the parkway and that has been a problem for them from the beginning. Dave Stefan said that there is money set aside for retrofitting but the Board needs to decide what areas to do first.
 - Evelyn Tift asked if the junipers behind her house on Canyon Run and Los Altos will be trimmed as part of the common area cleanup of 10 feet behind homeowner fences. Dave explained that the cleanup being done is generally for grasses in the common areas and not for evergreens on the parkway. There is a lot of landscaping that is right up to the fences on Los Altos Parkway.

Items on the agenda were taken out of order – Dave Stefan moved to New Business Item #C – Chickens and bees.

2. Money has been allocated towards parkway beautification and sprinkler retrofit. The Board walked the entire parkway some time ago and came up with about eight areas that they think need some attention. Discussion ensued over how to prioritize the eight areas since there are not sufficient funds to complete them all.

Motion: Jim Gaba made a motion to approve the proposal to install 7 - 5 gal. carpet roses for \$231.00 using funds from parkway improvements; William Wagner seconded, motion carried unanimously.

Motion: William Wagner made a motion to approve the proposal to remove sod, install rock and a DG path to the sign at Los Altos and Dry Gulch for \$1,782.50; Jim Gaba seconded, motion carried unanimously.

Motion: Scott Stromberg made a motion to reallocate \$5,000 to irrigation retrofit and the balance to parkway improvements; William Wagner seconded, motion carried unanimously.

Motion: Scott Stromberg made a motion to take the \$19,362.28 and apply it to all the bark proposals and any remaining money will be added to the software upgrade (yardi) funds. If the software upgrade is not approved the riprap can be readdressed; William Wagner seconded, motion carried unanimously.

Motion: Scott Stromberg made a motion to take the balance of parkway improvement money of \$362.28 and allocate it towards the proposal to plant 3 trees on the parkway at a cost of \$900.00. The balance is to be paid out of the general fund budget; Briana Forszowsky seconded, motion carried unanimously.

VII. Correspondence

No correspondence

VIII. Compliance Report

Shannon Christie reported that for January through March (2016) there were 295 compliance issues. 147 contacts were made, 148 were checked back on for compliance. Weeds were the main issue this quarter and garbage cans were down compared to last year. Total compliance issues are down from last year as well.

IX. Old Business

- A. Staff reported on the status of case #CV15-00167. A trial date of May 9, 2016 has been set. Legal council does not anticipate this happening due to the bank filing an Alternative Dispute Resolution with the Nevada Real Estate Division. There is a backlog of claims at the Division so the Association will need to wait to see when a mediator and mediation date will be set. Additional information on the lawsuits will go out in the May Newsletter.
- B. Staff reported on the status of case #CV14-00952. The bank filed an Opposition to the Motion for Summary Judgement and the Association is waiting to hear the Courts determination.
- C. Review of Yardi Genesis 2 and Caliber Enterprise Software was made. Both programs are web based and would consolidate the compliance and financial information into one system. The programs would also provide a homeowner portal where assessment and violation information could be obtained directly by each homeowner without having to contact the office. Governing documents for the Association could also be obtained through the portal. These programs cost anywhere from \$8,000 to \$10,000 annually. The current program being used, Yardi Genesis, is owned by the Association and only costs \$600.00 a year for the annual license agreement. The increase in cost to a web based system is really hard to justify without knowing if the homeowners would use the portal.
Motion: Scott Stromberg made a motion to reject the proposal for the new software given the lack of perceived interest from the membership and the high cost; Jim Gaba seconded, motion carried unanimously.
- D. Dave explained that the Board had talked with MJ Cloud, the Washoe County School District Safe Routes to School Coordinator and the City of Sparks to try to get some flashing crosswalk signs installed on Los Altos Parkway to protect the children that walk in the area. Jim Herman from the City of Sparks was present for the meeting. Mr. Herman asked what the issue was and where the Board would like to have the flashers installed. Dave explained the dangers of crossing Los Altos and that they would like to see flashing lights installed at the Vista Heights roundabout and Canyon Run area. Association funds have been set aside to help purchase and install the flashing lights. When asked if Mr. Herman knew the history of this request he explained that he was instructed a few months ago to watch the kids cross the street on Los Altos and to come to this meeting. Given that he had not been informed on the issues, Briana explained the background and that this issue has been ongoing since 2012. The Board hoped to bring together the City, MJ Cloud, and Councilwoman Bybee to get some advice and direction. Mr. Herman explained what he observed when he was out on the parkway. He talked about the various options and that if the Board wanted flashers installed they should forward their request to Mr. Ericson and the City would conduct a survey of the area to see if the flashers are warranted or not.

Items on the agenda were taken out of order – Dave Stefan moved back to Reports – Landscape Maintenance Report.

X. New Business

- A. **Motion:** Scott Stromberg made a motion to approve the determination that if the number of candidates for Board positions are equal to or less than the number of positions available the candidates will be deemed elected and ballots will not be sent out; William Wagner seconded, motion carried unanimously.
- B. Dale Carlon with Dale Carlon Consulting recently met with Dave and presented information on his business of conducting tree inventories utilizing Open Tree Map Software. Mr. Carlon is an arborist and has submitted a proposal to conduct a complete inventory of all the trees on the parkway and 1year subscription to the software at a cost of \$5,650.00.
Motion: Not seeing the need to have the trees mapped on the parkway, Scott Stromberg made a motion to reject the proposal; Briana Foroszowsky seconded, motion carried unanimously.
- C. Dave Stefan gave an overview of the zoning for The Vistas. He also explained that based on City zoning there are three pockets within The Vistas that by City ordinance would be allowed to have chickens and bees. The Board asked the Association attorney to review the ordinance and the CC&R's to see if chickens and bees would be allowed. The attorney's memorandum said a "reasonable interpretation" of the CC&R, Article III, Section I – Animals and "taking into consideration the location of the development and historical uses, is that chickens are not "usual" or "household" or "pets" and therefore could be precluded from The Vistas."

Councilwoman Bybee gave an historical overview of how this issue of Urban Agriculture came before the City Council. The Council was very careful to put specific limitations in place and made sure that the ordinance would not violate a CC&R of an HOA. It did not seem logical to her that certain sections in The Vistas might be able to have chicken and bees and the other sections could not. She felt all of The Vistas are under the same CC&R's and they should be all inclusive no matter when your house was built.

Ardena Perry submitted a written objection to allowing Urban Agriculture, Chickens and Bees in The Vistas. Ardena read that "the provisions of the Declaration are intended to create mutual equitable servitudes upon each parcel". The covenants run with the land and that does not mean they run with the zoning. More importantly, chickens are not a domestic animal and are designated as livestock under Nevada Revised Statutes. The Vistas cannot be bifurcated and cannot change the definition of an animal designated as livestock into a domestic pet.

Briana Foroszowsky felt her position as a Board member is to help interpret the CC&R's and is in agreement with Councilwoman Bybee of having a uniform HOA as far as the rules go. She did however feel there are very good reasons for individuals to want chickens and bees and we might be hearing more on this topic in the future.

Dave Stefan expressed his difficulty in calling a chicken a household pet and was not in favor of stretching the CC&R definition of a household pet to a chicken.

Motion: Dave Stefan made a motion that based on the way the CC&R's are written he cannot get behind a chicken being a "usual and household pet" and therefore the CC&R's do not allow chickens in the Association; William Wagner seconded, motion carried with Jim Gaba in favor of the motion and Scott Stromberg and Briana Foroszowsky opposing.

Dave Stefan explained the CC&R's do not mention bees at all and the attorney memorandum made the Board aware that, under certain circumstances, i.e. anaphylactic reactions by people or pets to bee stings, bees could possibly be considered a nuisance with noxious being defined as harmful or injurious to health or well-being.

Ardena explained that the legal binding definition for the State of Nevada and Washoe County is an animal is any living organism that is not a human. Therefore, the CC&R's state "no animal shall be kept or maintained on any lot except the usual household pets". Bees are an animal by that definition and would need to be maintained since a specific structure would need to be built to maintain the hive.

Motion: Dave Stefan made a motion that if a bee is an animal it falls under the same category as a chicken and therefore is not a usual household pet and would not be allowed under the CC&R's; Jim Gaba seconded with William Wagner in favor of the motion and Scott Stromberg and Briana Foroszowsky opposing.

Briana asked if chicken or bees were to be allowed in The Vistas in the future would the CC&R's need to be amended? Dave said yes, with a majority of homeowners approving the change. Many of the homeowners that would need to vote for the change would be voting for something that they would not be able to have based on zoning.

XI. Membership Forum

- Ardena Perry urged the Board that if anyone reports activity of feral cat colonies in The Vistas that it be addressed immediately. The Association has a resolution that does not allow feeding on homeowner land. The Association is protected against feral cat feeders.

Items on the agenda were taken out of order – Dave Stefan moved back to the Membership Forum.

NEXT MEETING SCHEDULES – Meeting dates: July 21, 2016, and September 22, 2106 at 6:00 p.m. at Bud Beasley Elementary School. Annual meeting scheduled for July 21, 2016 at 6:30 p.m. Budget Ratification Meeting is scheduled for 10:00 a.m. on November 10, 2016 at the Association office and a quarterly meeting will follow.

XII. Adjournment

Motion: Being no further business William Wagner motioned to adjourn the meeting; Scott Stromberg seconded, motion carried unanimously.

Respectfully submitted,

Stacie Ciesynski

Jim Gaba, Secretary