

# The Vistas Homeowners Association

## MEETING MINUTES

BUD BEASLEY ELEMENTARY SCHOOL

July 20, 2017 – 6:00 P.M.

### Board Members Present

Dave Stefan  
Briana Foroszowsky-Absent  
Scott Stromberg  
Jacqueline Miller  
Sheryl Shay

### Staff Present

Stacie Ciesynski, General Manager  
Debbie DeVenzio, Compliance Officer

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### **I. Call to Order**

Dave Stefan called the meeting to order at 6:05 p.m. He informed those in attendance that the annual meeting would begin after the quarterly meeting was adjourned.

Introduction of Board members: Dave Stefan, Sheryl Shay, Jacqueline Miller and Scott Stromberg were present. Briana Foroszowsky was absent. A quorum was established.

The meeting was recorded as required by NRS 116.

### **II. Membership Forum**

Homeowners present were given the opportunity to ask questions and make comments pertaining to items on the agenda. No questions from Vistas homeowners.

### **III. Charlene Bybee, Sparks City Councilwoman**

Charlene Bybee arrived late and presented her information after the landscape report. She explained Wingfield's HOA and The Vistas HOA meetings fall on the same date and time so she rotates between meetings. Speeding is the number one complaint she receives from the community and City. Police and the City are aware, but they do not have enough traffic officers. She explained there is traffic sting money they can allocate for targeting speeders. There was a Sparks traffic sting recently on Vista Blvd., past Holy Cross church, and 36 citations for speeding were issued. Not one citation was for 74 miles per hour or less.

There is a new development planned on Vista, down the street and around the corner from Holy Cross church, not in The Vistas HOA. The development has plans for single family, multi family, and commercial zoning. They are planning a new traffic signal, paid by the developer, to be installed which should slow traffic in that area.

Charlene explained some residents have contacted her about the weeds and dry conditions. They are concerned about wild fires in areas of her jurisdiction. Many people are worried about target shooting and fire danger. The City and police are aware of the issue. If they are shooting on City land then they can be cited, but if they are on BLM land, they are out of the City's jurisdiction.

Weed problems are a big concern. The City has contracted with the Sheriff's department and work crews are out helping maintenance crews. Jacqueline Miller asked about weeds in the planter areas near the Michaels store and throughout the Galleria. Charlene explained the City of Sparks is not responsible for private property maintenance, but code enforcement can issue a notice of violation if weeds are over 8 inches. Charlene noted Jacqueline's specific concern and will bring it to code enforcement's attention. Charlene stated she is not able to direct staff, that is the job of the City Manager, but she can make them aware of it.

A question was asked if the City of Sparks could work with BLM to prohibit shooting in certain areas. Charlene said she believed there are restrictions in place. The homeowner expressed concern about a certain area of target shooting close to where she walks. Charlene asked for specifics and for her email so she could get back to her.

Another homeowner explained when Liberty Hills was built, due to the extreme fire danger, gates were erected after the City of Sparks required the developer to fence the property. Dave Stefan explained you could probably get the developer to fence their property but you couldn't get them to fence the road to BLM property. Charlene was not sure of the policy, but would follow up.

A homeowner asked Charlene if she would stay to hear the discussion about rezoning a potential multi-family development within the HOA. Charlene explained anything that is going to come before the council for a vote she cannot make a comment on.

#### **IV. Approval of Minutes**

- A. April 27, 2017 Minutes were approved as drafted.

#### **V. Financial Report**

- A. The unaudited financial report for April, May, and June 2017, was received as presented by Jaqueline Miller. **Motion:** Sheryl Shay made a motion to approve the April, May, and June 2017 unaudited financial report; Jacqueline Miller seconded, motion carried unanimously.

#### **VI. Reports**

- A. Landscape/Maintenance Report – Presented by Jose Mendoza with OCLUS One Call Landscape US. The report is as follows:
- Fire break and defensible space clearing of 10 feet behind homes was explained. The pre-emergent that was applied in the spring failed because of the abundant rain. Two months ago, OCLUS finished brush clean-up in common areas and a post-emergent was applied. Jose has been inspecting areas behind homes that homeowners have complained about. Jose and Dave encouraged homeowners to contact The Vistas office, not the landscaper directly, with concerns and inspections will be made. Jose explained we will always have cheat grass in common areas. A homeowner at 2185 Canyon Vista explained he has been clearing the area behind his home himself. The homeowner was concerned some areas had not been cleared and Jose assured him the areas behind Canyon Vista has been taken care of. Jose will check the area of the homeowner's concern again. Stacie Ciesynski also has been receiving calls from homeowners with concerns landscapers have not cleared areas behind their homes. She suggested next year, the landscaping crew video or take pictures after areas are cleared.
  - Jose explained there have been several irrigation mainline breaks his crew has repaired. He is not sure why, but they are looking into possible pressure issues.
  - Jose stated estimates have been submitted for turf reduction and problem areas along the asphalt pathway.
  - Jose asked for questions from attendees. He explained that he bought the Groundskeeper's business and equipment, and has assumed the landscape contract.
  - Stacie asked Jose about an issue on the North side of Los Altos and Vista where water was running over the curb into the intersection. Jose explained a crew member was manually watering the area too long.
  - A homeowner stated he has observed weed killer being applied to his fence line at Dry Gulch and Los Altos. Jose verified that Round Up was applied to keep grass from growing against the fence so the weed wacker would not damage the fence while trimming. Jose assured the homeowner that vegetation on his side of the fence would not be affected.

#### **VII. Correspondence**

No correspondence

#### **VIII. Compliance Report**

Debbie DeVenzio presented the compliance for second quarter, April through June. Of the 331 violations, 191 were property maintenance issues, 47 garbage cans out, 88 RV and boat issues, 3 inoperable vehicles, 2 vacant lots had trash dumped upon them, 128 weed violations and 43 brown yard violations. A homeowner inquired about when garbage recycling cans can be placed out for pickup and when they have to be put away. Debbie explained you can place cans out 24 hours before pickup and they must be put away 12 hours after pickup.

#### **IX. Old Business**

*Skipped to New Business, item A, to accommodate those in attendance that came specifically for that item.*

- A. Stacie Ciesynski reported on the status of Case No. CV15-00167. The case is in the process of being dismissed with no liability to the Association.
- B. Stacie reported on the status of Case No CV14-00952. The court ruled in the Association's favor, but due to conflicting court rulings by the Ninth Circuit and the Nevada Supreme Court, the lender may be considering filing an appeal.
- C. Stacie Ciesynski reported on the Nevada Real Estate Division Claim 16-432, Alternative Dispute Resolution. Stacie explained that this ADR is related to Case No. CV15-00167 which is in the process of being dismissed. Once the case is dismissed the ADR should be dismissed as well.

- D. Stacie Ciesynski reviewed and presented information on Safety Awareness Week. Stacie explained that because of the concern of traffic and speeding on the parkway the Board has been considering ways to resolve issues over the last three or four years or longer. She said the HOA will be doing a Safety Awareness week for the community, August 28th. There will be a special Safety Awareness newsletter with information on tips and safety issues that will go out to homeowners. The Association is partnering with Bud Beasley Elementary and presented a hash tag contest at the end of last school year. The winning slogan was, #BeOnTheLookoutBlueBelliesAbout. Bud Beasley's mascot is the Blue Bellies. The Safe Route to Schools Coordinator will give an assembly to students on Wednesday, August 30<sup>th</sup>. There will be a bookmark contest for third through sixth grade students. The winner will be published and distributed in the community. There will be a coloring contest for the younger kids which illustrates bike safety. There will be a Walk and Bike to School Day on Friday of that week and the Association is looking for at least 12 crosswalk volunteers. Six people in the morning and six people in the afternoon are needed to help with 6 crosswalks in the community. Jim Gaba donated vests and will bring cones to have them in the crosswalks with volunteers. The Association will reach out to the media to try to get coverage for the week. Mr. Gutendorf spoke up with an example and experience of danger he has seen. There was discussion among homeowners in attendance. PTO has agreed to help with this also.
- E. Dave reviewed 675 ft. of drainage work to be completed behind homes on Canyon Vista Court which were affected by heavy run off from previous storms.
- Motion:** Sheryl Shay made a motion to approve the drainage work to be completed behind homes on Canyon Vista Court; Jacqueline Miller seconded, the motion carried unanimously.

## X. New Business

- A. *This agenda item (A) was presented before old business agenda items to accommodate those in attendance.*
- Dave Stefan explained a 7.7-acre parcel of land within The Vistas, between the Bud Beasley Elementary school and Goodwin Road, is scheduled to be developed with apartments. The Handbook zoning is PD (Planned Development) which would probably allow the purchaser to build what he wants to build without a zone change. The city has requested the purchaser apply for a zone change to multi-family 2, which would allow 12-14 units per acre. Dave explained this would allow 70 to 100 units, however, the land is a triangular shape with a large nob in the middle, and with the required parking spaces per unit, would restrict available land. This would lower the number of units that could be built on the parcel. He stated all information the City has right now is the zone change request. Jody Ericksen stated she was told by the City the purchaser wanted to build 64 units. Mr. Gutendorf, downhill from the proposed development, wanted to know how far away from his property the development will be. He explained that he was told that the Association's property went up to the rocks. Dave pointed out the property on the Association map. Jacqueline Miller explained where the property in question was located.
- Ardena Perry stated that in the master plan, this is a 9-acre parcel and 2-acres must be preserved as open space requirement. It states specifically on page 22 that the apartments can be built abutting the school on the west side. That area has already been built. She stated they traded the area for the small houses. Dave explained they moved the school. She stated her concern is trying to get onto Los Altos if this project is built. Jacqueline Miller said there would be at least 2 cars per apartment. Dave asked Charlene about traffic impact studies and explained the city told him they would not do a traffic study. Dave asked if there was any way to include a traffic study for the community. Charlene explained budget restrictions have affected traffic studies at this time. Road fund money has had to be diverted to other priorities, which was a difficult decision to make. Artificial turf at Golden Eagle park, which has a huge financial impact for the City, will have to be replaced, given its 7 to 10-year life span. Charlene said she can ask staff about impact studies. Dave asked Charlene when she is voting to please consider Los Altos Parkway and the traffic impact to the community. Sheryl Shay asked about the public's impact of attending the city meetings and voicing their concerns. Charlene said it absolutely does have an impact, as well as, public emails and messages to all council members. Sheryl Shay asked if it was too late in the game for homeowners to protest the planned development. Charlene said Planning Commission is looking at zoning change first before it goes before the Council. Jody Ericksen relayed the information that she was given when she called the City about the project. Both Jim Gaba, a Planning Commissioner, and Charlene stated, public voice matters and it absolutely makes a difference. A lot of homes would be impacted by the proposed development and if they do not want it, they need to show up. August 3, 2017, at 6 p.m., is the Commission meeting to review the request for the zoning change. A homeowner asked if Jim or Charlene would have to recuse themselves since they are homeowners in The Vistas. Charlene did not think it would be a problem. Jim Gaba explained the Planning Commission meeting process. Dave explained that part of the conditions of the Miramonte development was when they reached 500 homes they were required to widen Los Altos from some point down to South Vista Blvd. Miramonte quit at 450, so this project would push it over the 500. Would this builder be required to widen Los Altos Parkway?
- Jim Gaba previously mentioned that the HOA office would be putting out information to all the homeowners. Dave said that would not be happening, but anyone who calls the office could be given this information.

**B.** Dave Stefan stated that there are changes that need to be made to the Association's Collection Policy based on changes to State law. Dave explained that our HOA attorney is reviewing and clarifying this change but we need a motion to approve the new collection policy based upon the advice from our attorney, when we have the information. Dave stated that if we do not make the motion to accept the changes now, within reason, as directed by attorney, we would have to wait until our next meeting and would not be in compliance with state requirements.

**Motion:** Scott made a motion to accept the attorney's recommendation in regard to the changes that need to be made to the collection policy; Sheryl seconded, motion carried unanimously.

**C.** Dave explained that the changes to the law could affect the Fine and Construction Penalty Policy and Procedures so he would ask for a similar motion.

**Motion:** Jacqueline Miller made a motion to adopt any changes or clarifications to the Fine and Construction Penalty Policy and Procedures based on our attorney's opinion; Sheryl Shay seconded, motion carried unanimously.

The policies will be mailed to each homeowner as required by law.

## **XI. Membership Forum**

Homeowners present were given the opportunity to ask questions and make comments.

Don Gardner who lives at 4405 Desert Hills spoke about his property which sits adjacent to the Skyridge Development. There is a 5-8ft walking path behind his home from 1998 which allows foot and bike traffic for area. The Skyridge developers brought in heavy equipment and dug up ground to develop an area within 5 to 6 feet from his property line which made foot traffic impossible. Skyridge Development went bankrupt and the hillside began to erode. There is a 25ft drop off and people who walk the pathway must grab his fence for support. Mr. Gardner contacted Councilwoman Bybee who referred him to John Martini, Community Service Director for the City of Sparks. John Martini met with Mr. Gardner at his property and explained the Silverado Developer purchased only the lots for development and not the common area which is still in bankruptcy. Mr. Gardner stated that there is open space 25ft wide divided equally between Silverado Skyridge and the Vistas HOA. He claims the Skyridge developer dug into property The Vistas owns. Mr. Gardner stated the Vistas HOA must take responsibility to maintain and reclaim the area that has been affected by the Skyridge Development. Dave Stefan stated that he was not sure The Vistas owned the area in question and asked Mr. Gardner to point area out on map. Mr. Gardner indicated the green and yellow section on the map. The parcel map was examined and Stacie Ciesynski said that there is a small section that belongs to the HOA. Dave Stefan offered to look at the area. Mr. Gardner said you must park and get out and walk 50 feet down his fence line to where the pathway is still intact to where they dug the basement part of these homes. Mr. Gardner asked what The Vistas HOA was doing about the Skyridge Development. Stacie Ciesynski asked if he spoke to Karen Melby, who is the City Planner. Stacie explained off the top of her head, without her notes in front of her, that she had spoken with Karen Melby and Ms. Melby assured her that Skyridge Development had to conform to the same building requirements as TMB Builders.

**NEXT MEETING SCHEDULES** – Dave Stefan announced next Meeting dates: September 28, 2017 at 6:00 pm at Bud Beasley Elementary School and the November 9, 2017 Budget Ratification meeting is scheduled at 10 am at the Association office.

## **XII. Adjournment**

**Motion:** Being no further business Dave Stefan adjourned the meeting at 7:44 pm.

Respectfully submitted,

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Briana Foroszowsky, Secretary