

Highland Park 3 Homeowners Association
Board of Directors Meeting
August 30, 2022, 6-8pm

Location:

Google Meet video teleconference

Meeting Minutes:

- Meeting called to order
- Attendance: Tim Cerniglia (P), John Christiansen (S/T), Christine Mohr (VP) plus approximately 15 member households which varied slightly over the course of the meeting.
- Review/Approve Previous Board Meeting Minutes (voice vote)
 - Previous Board meeting was 6/14/22, Board members coordinated on meeting minutes in advance.
- Open/ongoing Business **30 min**
 - Budget Review – *Treasurer -John Christiansen- Updated Balances in Checking and Savings*
 - Lot mowing update – August mowing went fairly well, but two lots were missed. John will provide a plat map to Teague (Mowing Contractor) of lots that need to be mowed for an Early October Mowing. Generally, the mowing went well, but there are some areas the Board agreed could be improved upon.
 - ACC properties being reviewed – Status Update by ACC Members Mike and Clint– ACC members briefed about an ongoing driveway issue. Homeowners are asking for fast turn arounds on plans and communications currently which is challenging because the ACC wants to get it right. Site walks taking place. Emails and Letters sent out to address any compliance issues. Tim reiterated the importance of submitting plans for homes, landscaping, and outbuildings.
 - Mailbox repair (completed) – Tim updated attending members on damaged Mailboxes finally being fixed, and the process which it took, which was about 30 days. When Tim asked if anyone was having any further issues no response was provided by attending members.
 - Briargate mowing (County notified, “in progress” since 7/25, no response to follow-up) – Tim updated that no Action or response has been made. Will address with the County Commissioner if the opportunity presents itself in the future. Presented an option to have Teague mow the PKWY this October and we will have to try and recover funds from the county for doing so, but it will further mitigate the fire potential fuels by keeping it mowed short.
 - Covenants review and homeowner responsibilities – The Board has fielded an increase in complaints most of which have been addressed. In a couple of cases the Board was told, essentially, “they don’t care and will do whatever they want”. Tim Reviewed the Covenant agreement which we all signed when closing on our purchase of property. He also pointed out that a copy of the covenants can be found on the website www.HP3A.org. Tim also reiterated peaceful enjoyment through compliance and enforcement of the covenants agreement. The Board does not exist to create covenants. Covenants are created and agreed-to by homeowners and the homeowners empower the Board to enforce the covenants. Tim encouraged all members to read through them. He went over key points of the approval requirements of the County and reminded homeowners to not only review the covenants, but also the plat for HP3 which contains additional restrictions for some lots. Many covenant requirements - but especially those on the plat - are driven by El Paso County. While the Association has some flexibility, ultimately the County has to sign off on building plans and can overrule the ACC.
 - Tim showed the owners how the www.HP3A.org website had been changed for simplicity and ease of finding documents for ACC at the top of the website page.
 - Discussed Easements and Mowing the easements
 - Mowing the Gas line Easement is a homeowner responsibility

- Briargate Pkwy Easement is the county responsibility, but we have been unsuccessful in reaching them to do so
 - The HOA Board is a buffer between homeowners and a way to keep people from suing each other through enforcement of covenants
 - Example: Noise complaint buffer
 - The Board encouraged homeowners to speak up if they have concerns about neighbors because many times there are ways to solve the issue without people getting angry.
- Notices of Violation – Notices of violation were sent out for these two covenant issues:
 - Property mowing - Covenant ref Para 16 (Maintenance of Structures and Grounds)

16. **MAINTENANCE OF STRUCTURES AND GROUNDS:** Each owner shall maintain the exterior of the dwelling and any other structure, lawns, landscaping, walks and driveways in good condition and shall cause them to be repaired as the effects of damage or deterioration become apparent. Exterior building surfaces shall be repainted periodically and before the surfacing becomes weather-beaten or worn off. Periodic exterior maintenance also includes repair and maintenance of gutters, downspouts, roofs, paving, lawn, shrubs, trees, other landscape materials, fences, signage and outdoor lighting.

Owners shall mow their Lot regularly, and in particular in late August or early September whereby a one-time cutting will maintain a park-like appearance throughout the fall, winter and spring and reduce danger of wildfire and maintain a park-like appearance of HP3. Any owner who fails to mow prior to September 30 of each year hereby authorizes the HP3A to perform or hire such cutting done, and agrees to pay for the actual cost of such cutting, plus an administrative fee of \$100.00 to the HP3A for arranging the cutting. Payment shall be made on or before fourteen days after the owner is billed. If payment is not so made, the HP3A shall have the remedies set forth in Paragraph 26 of these covenants.
 - Camper parked on lot - Covenant ref para 5 (Temporary Residences)

5. **TEMPORARY RESIDENCES:** No structure of temporary character, trailer, basement, tent or accessory building shall be used on any Lot, temporarily or permanently. No barn or accessory building may be constructed prior to completion of the main dwelling. This does not preclude reasonable daytime use of an on-site construction office for a maximum period of twelve (12) months during the active construction phase, providing that a written permit with time limitation has been obtained from the ACC prior to moving such office onto the property.
- Issues being Tracked by the Board
 - Homeowner complaint about children playing in the water drainage basin on Lot 126. Parents, please instruct children to respect private property. The Board is also concerned about safety on an active construction site. – Tim showed attending Members a Picture shown of the location and site which the basin sits on utilizing www.HP3A.org and expressed we are concerned about someone getting hurt. He asked for parents to talk with their children to keep them out of the private property and water basin on Lot 126. HOA Board offered to put up a sign with the owner’s permission if problem persists.
 - A new driveway in the neighborhood may not meet El Paso County requirements for the plat (determine status of permit) – Reiterated the need to get approval from the County before changing approved plans.
 - Multiple homeowner complaints about ATV use in the neighborhood (Covenant ref para 14 (Nuisance)) - We will send out notices and violations as needed. Asked that people respect others property. Also please note that as of May 2021, [it is illegal to operate “off highway vehicles” in the State of Colorado](#). Continued issues with this will be referred to El Paso County Sheriff.

14. **NUISANCE:** Nothing shall be done or permitted on any Lot which may be or become an annoyance or nuisance to the neighborhood. No noxious, noise polluting or otherwise offensive activities or commercial businesses or trades shall be carried on upon any Lot. Any exterior lighting on any Lot shall either be indirect or of such controlled focus and intensity so as not to unduly disturb residents of adjacent or nearby property. Electronic devices (radios, televisions, stereo, etc.) shall not be operated at any time at volumes which are audible from other Lots.

No motorized trail bikes, minibikes, motorcycles, all-terrain vehicles (ATVs), snow-mobiles, or other such noise-causing vehicles shall be operated within HP3, except licensed motor vehicles on public roads or on driveways. No activity shall be permitted which will generate a noise level sufficient to interfere with the quiet enjoyment of the persons on any adjoining or nearby Lots.

Horse Droppings on Trail may require HOA to install signs which state to clean up after your horses. We will monitor to see if it is an ongoing issue. This is most likely coming from homeowners with horses who live along and north of Poco Rd.

- **New Business 45 min**
 - HP3A sign policy (review and homeowner comment) Tim Summarized the policy as (1) Sign per issue and Anything bigger than 24x36 needs approval. Type of flags that can be flown are defined in Policy. HOA will approve as it has been posted since June 4th for review and comment period. Homeowners in attendance offered no comments or proposed changes.
 - Requested covenant and policy updates and modifications – Tim requested suggestions for modifications to the existing covenants and members provided a list which is shown below. Presented, Discussed, and informed attending Members that they will be open for comments until the next annual meeting to vote on.
 - Association legal representation – Currently Assuming \$800-\$900 per year Expected Cost if we pursue legal assistance for the HOA. There are two reasons for this: first, our covenants need to be brought into compliance with the new CCIOA statute passed in Spring 2022. Second, we are seeing increased covenant enforcements and would like to be able to discuss actions like fines with legal counsel before acting on them.
 - Schedule early-October mowing – John will send out sign up in the next month for next mowing on or around the week of October 10th.
 - Annual HP3A owners meeting (set date in late Oct if possible) – We will need representation from ten (10) lots to get a quorum for voting. We will identify a room and inform members where we will meet.
- **Discussion - other new business 30 min 7:25pm**
 - Briargate-Stapleton Connector (public comment ends 9/16) – Tim Discussed the Proposed Plan of improvements for the Briargate Pkwy using the website references and encouraged people to respond during the public response time ending on 9/16/2022. There are concerns of 30,000 vehicles per day and 45 mph speed limit. www.briargate-stapleton.com is the website where comments can be sent regarding the connector.
 - Proposed high-density neighborhood east of HP3 and west of Vollmer Rd (County is proposing rezoning it from RR-5 to urban-residential) – Tim pointed out to everyone attending the website document posted showing the letter and proposed development to the east. He showed the density levels of each area within the proposed area along with commercial properties and proposed park.
 - Presented that changing from RR5 zoning is taking away the reason many homeowners bought out here in HP3.
 - Noted that it will create a substantial increase in traffic
 - Tony Hicks gave a summary of other documents which exist further explaining the work that has been put into making this development happen.
 - An attending member made a suggestion of Making HP3A a Gated community
 - Tim indicated there is a meeting coming up of concerned homeowners and that he would attend and let HP3A members know what he learned. He did not see a direct role for the HP3A Board of Directors unless there is significant push from homeowners in our community.
 - **New issues from Members**
 - Rebecca Ure Lot 130 asked about HP2 Violation enforcement of RV, timeframes for new owners to make arrangements for Storage until something can be built.
 - HP1&2A has the same covenants as HP3A
 - We need to maybe define amount of time in our covenants to remove or make arrangements for storage
 - Tim offered to follow up with an HP1/2 member or contact their BOD if necessary nothing that HP1/2 is not particularly helpful.
 - Can meetings be recorded for those who cannot attend?
 - Meeting Minutes will be posted faster for those to be able to review

- An Attending member suggested that Tim can utilize the member's Zoom account to have the recording feature. Tim is concerned about call time limits on Zoom with the free version.
- Schedule Next Board Meeting **(5 min) set for 9/27/2022 @ 7pm**
- Adjourn 7:52 pm

Meeting Minutes Approved by voice vote on 10/4/2022 (Tim Cerniglia (P), John Christiansen (S/T) approved. Christine Mohr (VP) not present.)



Timothy R. Cerniglia
President
Highland Park 3 Homeowners Association

This is a draft list of homeowner, ACC and Board suggested covenant changes. Nothing changes until the Board has an opportunity to review the changes, ensure we are compliant with CCIOA, formulate specific wording, and obtain approval by voting Association members. Hopefully, we can review a slate of specific wording changes at the next BOD meeting and present a slate of changes to members at our annual meeting this Fall.

Covenant and/or Policy suggestions received to date:

1. Ensure current covenants are compliant with the new CCIOA statute (CO state law) which was passed in April and went into effect this month. *(will require legal support) No member comment.*
2. Add mandatory landscaping. In the covenant it states encouraging landscaping/tree planting. It also suggests the number of trees. We think it would help the value of our community if we had this rule in place. *(Covenant change. Covenant does not provide specifics to homeowners about landscaping requirements, minimum acceptable standards, etc.) A very good and balanced discussion between homeowners took place. Some support this idea, others are concerned about the costs involved and what this would require. Tim suggested there is probably a minimum amount of landscaping that could be required, and that homeowners could submit the minimums to the ACC and modify the plan later to add to it. Other homeowners mentioned their past HOAs had a 6 and 12 month requirement. New homes occupied in the spring had 6 months to get basic landscaping done and those occupied in the fall had 12 months. This seemed like a fair way to handle it. A homeowner questioned why we would call for maintaining the native landscape but require additional landscaping. Tim agreed that the minimum plan should include the option of maintaining as much weed-controlled natural landscape as possible with some requirements for fire protection around the house (typically about 5 feet of crushed rock) and a few trees. Very good discussion.*
3. Increasing the fine for not maintaining the exterior of your home such as updating paint/stucco or having debris/trash. *(Most likely a policy matter. Covenants do not specify fine amounts. Note that CCIOA limits fines. Will affect recently approved policies, specifically mowing and water meter readings) Good discussion, mainly centered on what constitutes "maintaining". Most of the homes in HP3 are brand new, so this may be related to the landscaping discussion and people not keeping their homes looking good.*
4. ATV/UTV - just because we have some new people in the neighborhood that think it's ok to have their kiddos as well as themselves to use the mainstreet as their playground. Have a fine instilled? *(This is an enforcement issue. The covenant is clear that ATV/UTV use in the neighborhood is not permitted.) Since the covenants are crystal clear (not allowed), the Board agreed to be more aggressive about enforcement if it happens again. The first time through we decided to make a more general announcement and give people a chance to not make the same mistake twice.*
5. Upkeep of the walking trail *(Recommend adding \$x,xxx to the FY23 budget and hiring a contractor.)*
 - a. John C to call Fisk Landscaping Currently taking care of HP1 & HP2 to get Pricing to extend weed killer to our trail Section and the culverts created to support the trail.
6. Update exterior paint color allowed for homes - white??? *(The covenants currently do not permit certain colors on homes, including white. This would require a covenant change. It would require the Board and ACC to allow homeowners previously told "no" to paint parts of their homes white.) Although we thought this might be somewhat controversial, the Board received no pushback on this at all. This will definitely go forward as a proposed change to the covenants.*

7. Upcoming homeowners - defiance from covenants and how to address. We all need to be in the same page. *(Could be a covenant issue, could be a policy issue, definitely a legal issue.)* The board discussed how this is tied to the revamp of the covenants and that to some extent the new CCIOA statute ties the Association's hands by limiting fines and creating extra hoops to jump through. This will be wrapped into the discussion of covenant updates and legal counsel which will drive a 2022/2023 budget increase for legal support.
8. Change the Accessory Building lower limit to 120 square feet (10x12) and remove the prohibition on having a utility shed as long as it is structurally connected to a concrete slab. All other Accessory Building requirements remain in force (limit of one (1) accessory building, color, style, architectural design, location, etc.) *(Covenant change. Current covenant limits secondary structures to 400-1,000 square feet and disallows utility sheds.)* Good input from homeowner about not wanting trashy sheds littering up the landscape in HP3. A workaround mentioned by John was just building a small addition off the garage because as long as it's physically connected it's not a "shed". The challenge we have as a community is that if we put a lot of criteria on sheds, but allow them, all people will see is "sheds are allowed" and we'll have a bunch of ugly plastic storage sheds in no time flat. Allowing a smaller size would have to come with specific limitations.
9. Change mowing policy so that the Board organizes three summer mowings. Homeowners sign up in January, pay the fees through their dues, and the Board orchestrates the mowing. Homeowners who do not sign up are still required to mow their lots. *(Might only need to be a policy change unless homeowners want to specifically mandate homeowners use the HOA-provided contracts.)* The Board will give this a try in October and see how it works if the Board takes a more active, organizer, role of coordinating the mowings, collecting payments, giving the map to Teague, making sure it's done before he leaves, and paying him.
10. Increase the administrative fee for the Board to orchestrate the September mowing of noncompliant lots to \$300. *(Covenant change. Need to check with Legal as to whether this could be interpreted as a fine.)* This may have to wait until we know what the new CCIOA statute allows.
11. Increase the allowed irrigated square footage along Briargate Parkway easement to support addition of a tree-line. *(Current covenant allows 5,000 square feet of irrigated landscaping. Homeowner would still have to stay within their annual draw on their well permit, Board would need to verify the 5,000 sqft limit is not part of the water augmentation plan which is a court order not a covenant.)* Not needed. Apparently, it's not 5,000sqft of irrigated area, but on a "per plant" type basis. An owner would need to plant 500 trees to get to 4,500 sqft of irrigated land. Homeowners on Briargate would not need more square footage.
12. Prohibit "Barndominium" style homes. These are generally steel frame homes with sheet metal exteriors that lack a residential look and feel, even with substantial modification. *(Covenant change. The covenants do not specifically prohibit this type of home, though the ACC can use the "harmonious design" clause. Recommend expanding the definition to include barndominiums made out of regular construction materials so there's no gray area.)* Another topic where the Board received broad agreement from homeowners.
13. Require ACC to update approval forms once per year to be more user-friendly. The form itself is confusing and should be split into separate forms (primary residence, accessory building, landscaping, changes to current home exterior, changes to landscaping, etc.) *(Seems like a policy change or an action from the Board to the ACC.)* No real appetite for this, so we'll drop it.