

Buffalo Creek Homeowners Association

MEETING: The Board Meeting of the Buffalo Creek Homeowners Association was held at the Leeper Center on Wednesday, October 20, 2021. Sally called the Meeting to order at 7:00 pm.

PRESENT: Board Members present: Sally Weiser, Bryan Lamoreaux, Jeff Looney, Zachary Boyer. Ted Craig attended by phone. Clayton Graves and Victoria Benjamin were not in attendance. A quorum was established. Clayton arrived late.

HOMEOWNERS: James Raymond said he has still not received a copy of the letter from the HOA covering the Oversized vehicle situation. Tim said that it had been sent to the Cheyenne PO Box and will look into it. James Raymond gave his current email address.

Hearing Request: Maria Suarez addressed the Board with respect to her Basketball Hoop Violation. She claimed that she has never had the basketball hoop on the sidewalk or in the street. Tim read a letter sent to her in April 2021 that specifically stated basketball hoops need to be set back 7 feet from the sidewalk when not in use. She claimed the Board and Management Company were picking on her. Management pointed out that Maria has claimed this three times in the past for; Delinquency collections, installing an oversized play tower without ARC approval which was also in violation of our height requirements, and painting the house a different color without an ARC approval. Maria said that these are not under consideration tonight. She claimed that the Board is obviously racist. Sally pointed out that the Guidelines and Covenants treat everyone the same. Sally said she's sorry Maria feels that way, but she assured her that she has seen no evidence of such. Sally thanked Maria for bringing her concerns to the Board.

JC Cox addressed the Board again about his Basketball hoop. He would like to have the Board adopt the Town of Wellingtons basketball hoop guidelines. He had sent the Board an email wanting to be registered as a proxy and he went door to door to get people to sign a proxy. He claimed he had 80 proxies, more than the 5% requirement to meet the quorum threshold for a meeting of homeowners. He wanted to have a vote to change the guidelines or to call for a Special Meeting of the Homeowners. Tim cautioned the Board. His conversation with the HOA attorney confirmed that a vote of the Homeowners can only be held at the Annual Meeting of Homeowners, or under a Special Meeting where specific notice is sent out so that the whole HOA is aware of the issues being voted upon. Bryan requested the proxies be scanned and made available to the Board by email. Tim pointed out the costs of running a Special Meeting. He also pointed out we are coming up on Thanksgiving and Christmas over the next two months so maybe the Annual Meeting would be the time to discuss this. Tim also pointed out that HOA's are set up and approved to have restrictive covenants that are often more restrictive than those of the Town to maintain specific desired conditions. HOA's can be more restrictive, however, they cannot be more lenient than Town Guidelines. Zach felt that if we wait to decide at the Annual Homeowners meeting the Board should consider suspending future fines on basketball hoops till then. Clayton requested he be allowed a motion under Discussion items to try and find a short-

term solution till the Annual Meeting. Tim suggested the Board could consider Mr Cox's proxies as a petition to reconsider the issue.

MANAGEMENT REPORTS: Bryan made the motion to approve the minutes. Clayton made a second and the Board voted unanimous to approve. Management pointed out that the \$50,000.00 was moved from the Reserve CD into the Operating account. He briefly discussed the proposed 2022 budget with the changes made to date. He pointed out the removal of the tree contract as requested at the last meeting. Upon further discussion he was requested to get bids from tree companies on a lower level of care, so we do not just walk away from tree maintenance. We are only spending money on contractual items and critical maintenance issues. It was also pointed out to the Board that accounts had been turned over to the attorney for collections so hopefully the large delinquency will start being paid and bringing funds into the HOA. The attorney had information for the Board to consider on collections that would be relayed under Executive Session. Bryan made the motion to approve the Financials and Zach seconded. The vote of the Board was unanimous to approve.

DISCUSSION ITEMS: Management pointed out that we will have about 19 to 20 trees to replace next spring at an estimated cost of \$10,000.00. These would be replaced with trees other than Ash. Scott Smith, from Water Dogs, estimated that at today's costs a **new controller** for the "B" zone would cost about \$3,875.00 if the Board wanted to consider budgeting for that. The consensus of the Board was to include it. Management wanted to confirm that the Board was resolute in **changing the dues to \$50.00** per month and that we would only accept ACH payments or an annual billing option. The Board agreed and Management would start putting things into place for the conversion. The Board wished to get a few **competitive bids** for the tree maintenance next year. Tim pointed out that with prices going up in all areas this will still be a critical issue to keep an eye on the budget. Clayton Graves made a motion to **suspend Basketball hoop fines** for those hoops in the 7-foot set back area until more discussion at the Annual Homeowners Meeting in January. Zach Peden questioned the Board and upon further discussion it was affirmed that violations would still apply to hoops left on the sidewalks, covering the sidewalks, and/or in the street. Jeff Looney also affirmed that this would not be retroactive. Zach seconded the motion and the vote to approve was unanimous.

EXECUTIVE SESSION: At 8:20 Clayton moved to go into Executive session for discussion of collections process sharing information obtained from the HOA Attorney, along with Contract negotiations. Bryan seconded and the Board voted to go into Executive session. Sally thanked everyone for coming and cleared the room. At 8:45 Clayton made the motion to come out of Executive Session and reconvene the Regular meeting. The motion was seconded by Bryan and passed by unanimous vote.

Final Motions:

Bryan made the motion to proceed with a process of offering to sell the Liens on two of our largest delinquencies through the HOA attorney. These two are \$ 4,500.00 and \$6,900.00 past due, have been delinquent since 2019, and have previously been turned over to the Attorney Collections a few times prior to 2019. Clayton seconded the motion. The vote to proceed was 5 for with Ted Craig wishing to abstain.

The property Sally has been working on with the homeowner is not complying with requests, is still in violation and will need to be addressed. Bryan informed the Board this will be his final year and will not run again come the annual meeting. Sally will contact Victoria to see if she will be attending meetings or if she has withdrawn. We will need to post Board openings for Annual Meeting.

NEXT BOARD MEETING: The next Board Meeting will be held Thursday, November 11, 2021, 7:00 pm at the Leeper Center.

ADJOURN: With no further business before the Board, at 8:53 Clayton made the motion to Adjourn which was seconded by Bryan. The vote was unanimous to adjourn.