

# The Vistas Homeowners Association

## MEETING MINUTES

BUD BEASLEY ELEMENTARY SCHOOL

April 26, 2018 – 6:00 P.M.

### Board Members Present

Briana Foroszowsky  
Jacqueline Miller  
Sheryl Shay  
Margaret Powell  
Lisa Ruzycski

### Staff Present

Stacie Ciesynski, General Manager  
Courtney Loveless, Compliance Officer

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

Briana Foroszowsky called the meeting to order at 6:02 p.m.  
Introduction of Board members: Margaret Powell, Lisa Ruzycski, Sheryl Shay, Jacqueline Miller, and Briana Foroszowsky were present. 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. There were no questions from Vistas homeowners.

**III. Council Representative** – Councilwoman Bybee was not present.

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

**A. Motion:** Lisa Ruzycski made a motion to approve the January 25, 2018 General Meeting Minutes; Margaret Powell seconded, motion carried unanimously.

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

**A.** The unaudited financial report for January, February, and March 2018, was received as presented by Jaqueline Miller.

**B.** Stacie explained the 2017 audit of the financial statements has been completed. It was a clean audit with a note that monthly financial statements do not include footnotes as required by generally accepted accounting principles. The Association accounting software does not produce footnotes.

**Motion:** Briana Foroszowsky made a motion to approve the 2017 Audited Financial Statements and supporting documents prepared by Gene Clawson, CPA; Sheryl Shay seconded, motion carried unanimously.

#### **VI. Reports**

**A.** Landscape/Maintenance Report - Jose Mendoza was scheduled to give a report but was not currently at the meeting. Briana Foroszowsky explained that irrigation startup has occurred and Jose, if he were here, would agree that shut down of the irrigation system was not done properly. Mistakes were made and Jose has taken responsibility for the repairs, at no cost to the Association. Briana read the irrigation report dated April 12, 2018, submitted by Jose. The report outlined start up and irrigation issues needing attention.

**B.** Landscape Committee Report – The committee consists of Karl Katt, homeowner, Ron Breaux, homeowner, Margaret Powell, Secretary and Briana Foroszowsky, President. The committee has been meeting monthly and Jose has been attending these meetings. The committee has been reviewing suggestions and goals for conserving water on Los Altos, reviewing landscape needs and follow up, (Jose Mendoza entered the meeting) meeting with the landscaper on irrigation concerns and start up, and is in the process of drafting a proposal to Truckee Meadows Water Authority to request funds for irrigation retrofit. Areas of focus for these funds would be new controllers for the parkway and retrofitting the drip valve system.

Jose Mendoza reported that due to weather, startup was pushed back and the irrigation has been operational for a couple of weeks. The system is almost 100 percent operational. A main line crack was found on the north side of Los Altos, down by the Vista entrance. The repair will be completed April 27, 2018. Two RPA

repairs at Santa Lupe and Disc will be completed by April 30, 2018 and a few more repairs will be done after that. The grass is greening up nicely in most areas. There is a problem with the grass in the two center islands up the hill from Santa Barbara. Mulch and seed will be added to this area in the next two weeks. On the North side of Los Altos, at Vista, there is a battery-operated controller for the island that controls two zones. Jose found the wire for one of the zones and connected it to the existing controller in that area. He will need additional time to investigate the other zone to hook it up to the controller as well. In addition, a few more sprinklers will need to be added to that area for better coverage and the valve box will need to be raised so the water does not fill the box. Jose thinks there is another small leak in the Vista Terrace area. After the Santa Lupe and Disc issues are fixed, he will explore the Vista Terrace problem.

Briana praised Karl Katt for his involvement and expertise as part of the landscape committee. Karl has a degree in Agriculture, Animal and Plant Science, and a professional degree in Hydrology. He worked for TMWA for about 6 years and was a part owner in Anchor Concrete. He is currently retired, serves on a TMWA Board and is a certified irrigation auditor. Karl explained that he was part of the group that put the current controllers in, around 2004 or 2005. These controllers need to be replaced and the committee is looking into this. Karl encouraged homeowners to call the Association if they see any water issues.

Briana also thanked Margaret Powell and Ron Breaux for serving on the committee. Their professional opinions and expertise are appreciated.

Lastly, Jose explained a controller needs to be replaced and should be done within the next week. A slow release fertilizer with pre-emergent was put down. On Friday, the crew will do an application of nitrogen, 20-0-0, to green up the grass. The mowing schedule is Thursdays and Fridays. Stacie explained that only half the parkway got mowed. Jose will have the crew take care of it on Monday. Margaret asked Jose if the crew does weekly edging. Jose explained one week they edge and the next week they weed eat. He explained the difference between edging and weed eating.

## **VII. Correspondence**

## **VIII. Compliance Report**

Briana welcomed Courtney Loveless as the new compliance officer. No compliance report was given.

## **IX. Old Business**

- A.** Stacie reported on the status of Case No CV14-00952. The case is currently pending before the Nevada Supreme Court. The appellant filed its opening brief and the Association attorney filed an answering brief. The 2017 audited financial statements include an update on this litigation on page 12, titled, "Pending Legal Action."
- B.** Briana explained the Association had some complaints about homeowners not picking up after their dogs especially on the access road by Vista Terrace Lane. She recently spoke with a homeowner that told her people are walking by and depositing their doggie bags in the brush on the vacant lots. Jose has given the Association a cost of \$580.00 to install a doggie station. The cost includes: dispenser, canister with lid, pole, concrete and labor to install it. He said he would maintain the station, at no additional cost to the Association. Margaret Powell looked at the area and explained at the top of Vista Terrace Lane there is a bench, but there is no trash can. She suggested that may be a good spot for a doggie station, but the issue started at the far end of Vista Terrace Lane. Briana said the doggie station could be installed at the bench, where there is no trash can, or it could be installed at the other end, where the access road is. Lisa Ruzycski asked which area gets more foot traffic. Briana asked Barbara Gonzales, who lives on Vista Terrace, what she thought. Barbara said she really didn't know. Barbara felt until there are consequences, people will continue to not pick it up after their animals. It was explained the difficult issue is catching and identifying the owner and the animal. Jacqueline Miller stated she thinks a doggie station should be installed but is not quite sure where to install it. Mr. Wilson, a homeowner, suggested that two doggie stations be installed since the HOA had plenty of money. Briana explained that the Board tries to budget carefully and there are several expenses that will be coming up. Stacie outlined the categories in the 2018 budget that could be used to fund the doggie stations. Several upcoming expenses were outlined as well. Mrs. Wilson, a homeowner, questioned why, over the years, have they seen the money in the bank increase. She said they pay their assessments and she asked what her money is going towards? Stacie explained that when homeowners look at cash in the bank account it includes assessments that are prepaid for the year. What Mrs. Wilson is not seeing is the Budget that includes expenses totaling \$459,530.00 for the year. Stacie said she would be happy to send Mrs. Wilson any information on the budget that she might want.

**Motion:** Margaret Powell made a motion to install two doggie stations, one at either end of Vista Terrace. Funds should be expended from the miscellaneous category of the budget; Lisa Ruzycki seconded, motion carried unanimously.

## X. New Business

- A. Briana Foroszowsky acknowledged an executive session meeting was held January 25, 2018, February 22, 2108 and March 26, 2018. There was no meeting in December of 2017. The meeting items discussed were for delinquency and violation items. There were no personnel issues or legal matters discussed.
- B. Resource 1 Building Consultants prepared a full reserve study for 2019.  
**Motion:** Margaret Powell made a motion to approve the 2019 full reserve study prepared by Resource 1; Jacqueline Miller seconded, motion carried unanimously.
- C. Bids for drainage work were sent out to 4 licensed contractors. Two sealed bids were received, one from Earthworm Excavation and the other from M&M Excavating and Landscaping Services. Briana opened and read the sealed bids. It was explained that a meeting onsite was scheduled and it was optional for the contractors to attend. One contractor, M&M Excavating, was present. The total bid from Earthworm Excavation was \$54,006.96. Ron Breaux asked if Earthworm Excavation met the minimum requirements in the Request for Proposal. Margaret said yes, he has a contractor's license and meets the minimum requirements. The total bid from M&M Excavating was \$16,664.00 and he meets the minimum requirements. Margaret Powell explained the work being discussed is drainage swale maintenance which general fund/project money will be used to pay for the work.  
**Motion:** Briana Foroszowsky made a motion to approve the M&M Excavating bid for \$16,664.00; Sheryl Shay seconded, motion carried unanimously.
- D. Installing \$5,000 worth of bark was approved at the last quarterly Board of Directors meeting. In order to install the bark before irrigation start up occurred, the bark supplier required a minimum of 100 yards of bark be purchased. So many areas needed bark on the parkway, it was determined that 100 yards of bark, at a cost of \$11,100.00, should be purchased right away, to not interfere with irrigation startup. Briana explained the bark was not sufficient to cover all areas needing bark and so areas were prioritized.
- E. **Motion:** Briana Foroszowsky made a motion to approve the Ratification of Unanimous Consent in Lieu of a Meeting for the purchase of 100 yards of walk-on bark; Sheryl Shay seconded, motion carried unanimously.
- F. Additional funds are needed to cover the purchase of bark at a cost of \$11,100.00. \$5,000 has already been allocated for bark. The current allocation of project funds was discussed to see where the balance of \$6,100.00 should be taken from.  
**Motion:** Margaret Powell made a motion to take the \$6,100 from the project funds of \$15,000 set aside for rock; Sheryl Shay seconded, motion carried unanimously.
- G. Stacie Ciesynski explained that at the last meeting, Ron Breaux suggested that funds not immediately needed be put in CD's to earn a higher interest rate. Special CD rates were being offered by the Association banking institutions and to take advantage of these rates before they expired, the Board signed a Unanimous Consent in Lieu of a Meeting to allocate general funds of \$100,000 for 7 months, APY 1.11% with First Independent Bank and \$100,000 for 15 months, APY 2.00% with Mutual of Omaha.  
**Motion:** Margaret Powell made a motion to ratify the Unanimous Consent in Lieu of a Meeting; Jacqueline Miller seconded, motion carried unanimously.
- H. Special CD rates were also being offered with banking institutions holding reserve money. \$200,000 was placed in a CD for 11 months, at APY of 1.75% with United Federal Credit Union.  
**Motion:** Sheryl Shay made a motion to ratify the Unanimous Consent in Lieu of a Meeting; Margaret Powell Jacqueline Miller seconded, motion carried unanimously.
- I. Margaret Powell explained that per NRS the Board needs to determine, before notice is given to homeowners, that if the number of candidates is equal to or less than the number of open seats, then ballots do not need to be mailed out and the candidates will be deemed to be elected at the July 19, 2018 annual meeting.  
**Motion:** Margaret Powell made a motion that if the number of candidates is equal to or less than the number of open seats then ballots do not need to be mailed out and the candidates will be deemed to be elected at the July 19, 2018 annual meeting; Sheryl Shay seconded, motion carried unanimously.

## XI. Membership Forum

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

- James Fewins, 1735 Cloud Peak Drive, read a written statement and explained the ongoing issues at 1743 Cloud Peak Drive. He implored the Board to fix the front yard of 1743 Cloud Peak and assess the cost to the homeowner. He said the Board has authority to do this per the CC&R's, He understands legal council's reluctant position if the home is occupied not to do this, but feels the CC&R's would supersede. He also cited Peaceful Enjoyment section of the CC&R's. He explained the yard is not being maintained and a basketball goal is in the side yard, on its side. He also told the Board that he has come home to the

ATF, Sparks Police and Washoe County Deputies raiding the home for drugs. Illegal guns were found during the raid. Washoe County Animal Control was called on Saturday, the owner admitted there were 9 dogs at the home. Mr. Fewins said he and his children were talking to a neighbor and the large dog at 1743 Cloud Peak almost broke through the fence which is why animal control was called. He felt that if he was to sell his house, 1743 Cloud Peak in its current condition, would be an issue.

Briana explained that the Association cannot give details to what is occurring with this property. She explained the HOA Governing Documents and state law requires the board follow a specific process. The HOA also works with an attorney to help bring these types of issues into compliance. She acknowledged their frustration but is unable to provide details on what is being done to bring the property into compliance.

Barbara Gonzales asked “what does it mean for an Association to clean up a property?” Margaret Powell explained that avenues regarding compliance are being pursued. There is also a process through the Ombudsman’s Office that can be utilized. She reiterated the Board has heard their concerns and there is a course of action that is being taken. Stacie Ciesynski briefly explained the process of going through the Ombudsman’s Office, Chapter 38, the Alternative Dispute Resolution process. Judge Wilson commented on the abatement lien process, which becomes part of the super priority lien. The process takes a while and homeowners need patience. Ron Breaux commented that following the CC&R’s and going in and cleaning up the property would be quicker than the judicial process. Briana responded that restoring a property and bringing it into compliance requires water and maintenance, on a regular basis. Without water and maintenance, the property goes back to its original condition. Stacie Ciesynski stated the CC&R’s allow for this, but the HOA has received legal advice not to enter onto a property that is occupied. It is a different situation if the property is vacant. Briana assured the homeowners the Board will continue to try to get the issues resolved.

Mr. Fewins stated he understood the legal issues but feels the Board should give the homeowner 30 days or go in and put down fake grass, a few boulders or something.

- Karl Katt explained the process he has used with the City of Sparks Police Department when cars are parked on the street for longer than 48 hours.
- Chris Wilson commented he has heard from Charlene Bybee regarding the vacant lot by the roundabout. It seems the landowner is moving forward again with plans to build apartments. Mr. Wilson explained that this was fought successfully, a few months ago, with the Planning Commission. He was hoping the Board would put information in regards to this issue in the next newsletter, to inform the community about the meeting. Stacie explained the Board was advised to maintain a neutral position on the development, to avoid any legal action. Margaret clarified that putting public information in the newsletter should be okay. The HOA would still maintain neutrality and it would only be an informational item. A disclaimer from the HOA could be included with the notification. Stacie stated the next newsletter will be going out in July. The dates for planning commission meetings can be found on the City of Sparks website. Sheryl Shay asked if information can be posted on the information boards on Los Altos. Stacie explained information about the previous planning commission meeting was posted on these board, by a homeowner.

**NEXT MEETING SCHEDULES** – July 19, 2018, and September 27, 2018 Board meetings held at Bud Beasley Elementary School, starting at 6:00 p.m. The Budget Ratification meeting is scheduled for November 8, 2018 at 10:00 am, at the Association office. A Board of Directors meeting to follow.

## **XII. Adjournment**

**Motion:** Being no further business, Briana Foroszowsky adjourned the meeting at 8:04 pm.

Respectfully submitted,

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Stacie Ciesynski, General Manager

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Margaret Powell, Secretary