

Shanahan Ridge 4 HOA Annual Meeting Minutes

04 April 2022

In attendance:

Bob & Janet Evans (3755)	Andrew Ogden (3827)
Jere & Merilee Eggleston (3705)	Henry Mueller (3690)
Don Middleton (3610)	Sanford Baran (3895)
Kevin & Sandy Ryan (3725)	Ed & Kathy Sacks (3695)
Marty Hoerling (3600)	Mark & Marcy Gerwing (3675)
Melanie & Ted Russ (3865)	Kimberly & Ashish Jain (3575)
Kelly Notaras (3685)	Caroline Bushnell (3605)
Dan Friend (3817)	Paul Culnan (3555)
Robert O'Rourke (3760)	Chris Hamlyn & Pat Adams (3580)
Glenn Sanders (3775)	Katherine Yaffee (3606)
Dick & Kathy Stone (3680)	John Bevilaqua (3765)
Robert Clarke (3635)	Marty & Helen Petach (3803)
Alan Taddiken & Nancy Sanders (3665)	

All board members were in attendance (Bob Evans, Don Middleton, Merilee Eggleston), as was a quorum of the membership.

Bob Evans called the Zoom meeting to order at 7:06 p.m.

Bob welcomed everyone and called on Don Middleton for the treasurer's report.

Treasurer's Report

Don Middleton provided this. (Note: The presentation slides are available [here](#).)

Don reported that as of right now, SR4's finances are solid. We have a reserve fund balance of approximately \$20,000, and we've moved our assessments cycle to January to better align with our cash flow needs. 2022 dues have all been paid, most electronically, which helps streamline the process. Don thanked everyone for their cooperation in this.

He has also worked to integrate QuickBooks with our banking and to automate payments to our vendors. The system is now quite efficient.

Don noted that we have two bank accounts — our operational account and our reserve account, effectively our checking and savings accounts.

Next, he presented 2021's actual expenditures. We started 2021 with a carryover balance in the operational fund of \$13.1K. Our reserve fund was at \$20K. Our income from assessments was \$430 per household, plus \$500 in grant funds from the National Fire Protection Association, and a small amount of bank interest for a total of \$25.4K. Our total expenses were \$23.1K, leaving a surplus of \$2.3K, largely the result of planned fire mitigation work that was not done in 2021, plus some concrete repairs that were covered by the city, and an absence of legal expenses. We also spent less on snow removal than we budgeted.

We spent more on tree work than anticipated last year due to the sudden death of a large Ponderosa pine in our common area.

—Andrew Ogden asked via chat for financial statements to be provided to homeowners prior to the annual meeting so homeowners can review them for questions. Don responded that he'd be happy to supply these.—

—Dick Stone asked Don to clarify what "utilities" include in our expense listing. Don replied that they include electricity for the irrigation system on the Greenbriar median and one street light, and water for the Greenbriar median landscaping.—

Next, Don discussed the 2022 budget. This year, the balance in our operational account started at \$15.3K, largely the result of expected fire mitigation work not done in 2021 plus the small surplus from the year before. The reserve fund remains at \$20K. Income this year is from assessments of \$490 per household plus a small amount of bank interest, for a total of \$28.4K. Our budgeted expenses this year are \$37.7K, leaving a deficit of \$9.3K, which will be covered by our carryover surplus. In some budget categories we may or may not spend the allotted amounts, depending on circumstances. For instance, our tree expenses may be lower if no more trees die, our legal expenses could be lower if no legal work is needed, etc.

This year we will be spending about \$7900 for fire mitigation — parking island juniper removal — which we did not spend last year. Landscaping will be our largest expense this year as we begin re-landscaping of the parking islands once the junipers are removed.

—Henry Mueller said he thought the amount budgeted for legal expenses should be higher to accommodate his anticipated need for a lawyer's help around an issue the HOA is having with the city's planning department. Jere responded that we are working to resolve this issue by discussing it directly with the city and is hopeful no lawyers need be involved.—

—Andrew Ogden expressed concern that our budget seems quite close to the bone, risking dipping into the reserve fund. Don responded that decisions will be made along the way and we have choices we can make to shift funds to other categories if needed, without tapping reserve funds. Andrew expressed further concern about the raising of dues by the maximum amount for the past three years, feeling this should not continue.

[Post-meeting note from Don: While we raised assessments in 2021 and 2022, we did not raise them in 2020.] Merilee Eggleston pointed out that we will have large landscaping expenses this year and next year as we re-landscape for fire mitigation purposes, and after that, we should have much-reduced landscaping expenses. Andrew suggested that we should save up for such expenses rather than raising dues. Merilee pointed out that time was of the essence in this particular case, because of our need to mitigate fire risk and not leave our parking island landscaping unremediated for an extended period of time, given neighbors' expressed concerns about esthetics in this matter.—

—Via chat, Kimberly Kosmenko and Ashish Jain noted that while they respect neighbors' differing opinions on budgeting, they fully support investing in landscaping sooner rather than later within the available budget.—

Architectural Review Committee (ARC) Report

Jere Eggleston provided this.

He reported an uptick in approval submissions for various repairs secondary to wind events and also new work on homes. He reminded everyone that they need to contact the ARC before doing any work on the exterior of their home, even if it's repainting the same color. He directed people to the SR4 website (shanahanridge4.org) for more architectural review information and reminded people that the ARC is always there as a resource.

Next, he presented information on a situation that has arisen between SR4 and the City of Boulder's planning department (Note: The presentation slides are available [here](#)):

Our neighborhood is officially zoned as a PUD, a Planned Unit Development, which is a modification of the underlying PL-2 zoning that gives us smaller lots but more open space around them. When our PUD was established in 1975, it stated that our homes' maximum floor area was 1400 square feet, exclusive of the garage. Problem: When McStain built the houses, they didn't follow this restriction. Only 24 of our 58 homes were in compliance with the PUD the day they were built.

Because of that, in about 1990, the city started to interpret the 1400 square feet in our PUD as not being total floor area, but coverage area, or the footprint of the house. Under that interpretation, 48 of our 58 homes are compliant with the PUD, and two more are compliant under what is called a "minor modification," which, if approved, allows another 10% size increase.

In February of this year, in response to an application for a minor modification from one of our homeowners, the city issued a new policy interpretation. They reverted to the original language of the PUD, limiting homes on Silver Plume to 1400 square feet. With this interpretation, 14 homes on Silver Plume are in compliance, 34 are noncompliant,

and 13 more are within the minor modification range. And essentially no one can have an addition of any sort.

This policy interpretation seems to be based on the assumption that we do not meet the building coverage to open space ratio requirements in our underlying RL-2 zoning. This is incorrect. RL-2 requires a subdivision minimum of 59% open space for lots of less than or equal to 5000 square feet. SR4 is at 85.46%.

Jere is working to schedule a meeting with the city to discuss this. His hope is that they will see reason and modify their interpretation. He will keep the community informed of the progress on this issue.

—Henry Mueller speculated that the handwritten note on the PUD in the 1990s that reinterpreted the square footage limitation from floor area to coverage was not digitized when the city converted its documents. Also, that bit of hand lettering might have been unofficial in the first place, lacking the appropriate process. However, the fact remains that they have applied the PUD that way for many years, and have suddenly changed that, which is likely illegal. He felt we should not have to defend ourselves in this matter, because the current problem is of the city's making.—

—Paul Culnan asked if the essential request of the city is to return to coverage, not floor area. Jere said, yes, with the caveat that he also wants to ask them to exclude garages and raised decks from the square footage calculation, as they have in the past. If they won't exclude garages and raised decks, Jere said he would push for something greater than 1400 square feet of coverage. Paul also observed that in his experience, the city does respond to their citizens, so it might be beneficial to lobby city council if the meeting doesn't go well. He would like to avoid hiring lawyers. Jere felt confident that progress could be made without resorting to legal means, particularly since this issue is not unique to SR4; it exists broadly across Shanahan Ridge and Boulder.—

—Via chat, Mark Gerwing, who worked in the city's Planning Department for 10 years, observed that the city will likely want to include garages and decks in coverage numbers, and that he's in favor of working directly with the planning department as long as possible rather than through lawyers or city council. He doesn't want to rule out a PUD amendment, either, which would be more affordable and accept input directly from homeowners.—

—Sanford Baran asked how the city benefits from this changed interpretation. Jere speculated that the new interpretation is the result of a new planner going strictly by the book.—

Fire Mitigation Report

Bob Evans presented this.

He said that the board has been wrestling with this for the last four years, in consultation with Boulder Fire-Rescue's Wildland Division and our own homeowners. The Marshall Fire and the more recent NCAR Fire have been a real wake-up call. He thanked Boulder Fire-Rescue for their prompt and skilled work and OSMP for their mitigation efforts that kept the NCAR fire from being worse than it was. He also thanked Larry Pedigo and other neighbors who went door-to-door warning residents of the fire.

He noted that everyone is concerned, and lately especially about the grassy fields that surround us. The board has reached out to Boulder Fire-Rescue to see if their mitigation advice around grasses has changed since the Marshall Fire. It has not.

Chief Oliver provided us with an analysis of the Marshall Fire and the role the grasses played in that fire. [This analysis](#) is on our website. He noted that while the grasses in the area spread the fire, homes were lost because the grasses were able to ignite larger, ladder fuels, which in turn ignited homes. The homes produced even larger embers and radiant heat that ignited other homes swiftly.

This is the domino effect the SR4 fire mitigation plan has been designed to prevent. We have limbed up and removed trees in our grassy fields, removed junipers and pinyons, and annually we weed whack any field grasses close enough to spread fire to ladder fuels in people's yards.

Bob offered his observations of the Marshall Fire area, where burn patterns were chaotic, and he observed structures still standing that had had nothing growing around them.

He also said we are in consultation with neighboring HOAs to understand and share information around fire mitigation efforts.

Bob pointed out that fire mitigation is a multi-faceted issue and exists on more than one level — HOA and individual homeowner. He asked how many attendees had had Boulder Fire-Rescue do an individual risk assessment of their homes. He stressed the importance of this and also noted a Colorado state income tax subtraction available for qualifying mitigation work on private property.

Bob stressed that fire risk on one property can endanger surrounding homes and whole neighborhoods.

Bob closed with his personal perspective. He said he didn't see a way to reduce our fire risk to zero, and he wouldn't want to live here in the absence of the grasslands. He stressed that the board has put in place a plan that allows us to keep nearly all of our

grasses while still addressing our safety. If there were a way to remove the bulk of the dried grasses in one season that allowed for their recovery in the next, he would support that. He also discussed the mitigation work he's done on his own home to reduce his own overall risk from a grass or wildfire. He urged Silver Plume residents to prepare for a Marshall Fire scenario, because it could happen here.

—Marty Hoerling said that the wild grasses were the catalyst in the Marshall Fire, and while maybe not the most important source of heat, without that catalyst, the chain of events there would not have occurred. He feels the grasses in our neighborhood and others are a clear and imminent threat to us. He motioned for a meeting to discuss how SR4 will address the risk from our grasses. Glenn Sanders seconded this motion. Ed Sacks asked if it should be simply an informational meeting. Marty clarified that he wanted the meeting to address actions the HOA would take before the end of the next growing season to protect us. He said he wanted the meeting to focus on the threat from the wild grasses. Helen and Marty Petach asked via chat if the meeting could be about wildfire in general to discuss issues beyond the grasses. Bob asked for a second to that proposal. Marty Hoerling seconded the proposal. The amended motion was put to a vote of the attendees and it passed. Bob will be absent for a few weeks, so Merilee and Don will set up this meeting.—

—Janet Evans asked if a representative of BFRD could join that meeting. Merilee said yes, that they have recently offered to do that if needed.—

—Via chat, Andrew Ogden asked about risk from our split-rail fences. Jere responded that the fire professionals have told us our fences don't pose much risk. Even in the Marshall Fire they were minimally involved.—

Landscaping Report

Merilee Eggleston provided this. (Note: The presentation slides are available [here](#).)

She said our standard maintenance items — mowing, irrigation system maintenance, spring cleanup, snow removal — would be taken care of once again by All-Pro Lawns. She said she's asked them if they have plans to use any electric, rather than gas-powered, equipment, and they have said that at present they do not. She has searched for a company that does, but hasn't found one in the commercial sphere.

—Andrew Ogden asked if we can simply not use leaf blowers on the property. Several others supported this idea. Merilee promised to contact All-Pro and ask them to stop using leaf blowers on our sidewalks.—

She also said that to save money, she would once again be taking care of parking island weeds with vinegar and hand weeding, although she once again won't be using vinegar in Silver Plume Circle.

She mentioned that we have an increasing amount of invasive plants moving into our fields, such as teasel, euphorbia, crown vetch, and thistles and that there are some neighborhood volunteers working to eradicate them.

She announced April 30 as spring clean-up day this year, with a rain date of May 14, and outlined the work to be done this year.

As to tree work, she said we have no more large cottonwoods on our property but are curating several small stands of cottonwoods, letting a few grow until they get to 6-8 inches in diameter, then removing them in favor of new volunteers, to keep them from becoming old and expensive.

All the remaining evergreens in our open space have been limbed up for fire mitigation. The pinyons and junipers in the grassy areas have been removed. She also outlined the line-trimming protocol we've established for our field grasses as they start to cure in the summer to mitigate against fire by separating fuels.

She said we would be treating a couple of green ash for emerald ash borer this year as well.

Juniper removal and parking island re-landscaping — Merilee explained that per the neighborhood vote last year, all the large parking island junipers would be removed by Taddiken Tree in late May or early June. The work will be done on two different days to facilitate shuffling cars around the neighborhood; all cars must be removed from whatever parking island is being worked on.

By the end of June, she said, we will be holding neighborhood forums to gather landscape design input from residents for the islands, and we will supply that input to Boulder Landscape and Design by mid-July so they can create and price our final designs. We will likely be doing only two islands this year, Silver Plume Court and the Center island. Installation on these will be in September.

Finally, she said that neighborhood cooperation would be needed to move cars during juniper removal and perhaps during installation, volunteers would be needed for watering, and patience and goodwill during the whole process would be much appreciated.

Election of New Board

Bob Evans called for new volunteers for the board. No one put their name forward. So the nominees consisted of Bob Evans, Don Middleton, and Merilee Eggleston. Attendees voted via anonymous Zoom poll for these candidates. Bob Evans and Merilee Eggleston each received 18 yes votes and 1 no vote, and Don Middleton received 19 yes votes.

Additional Business

Marty Hoerling pointed out that the evacuation process from our neighborhood on March 26 was messy and protracted on Greenbriar, and while that process is not under our jurisdiction, we might want to establish more awareness in our neighborhood around helping each other in such times.

Dick Stone said he was very much concerned about ongoing HOA dues increases. He asked for a resolution that would cap dues increases. Andrew Ogden agreed with this idea. He asked for a resolution that dues not will not be raised in 2023 unless there is an emergency situation, as a means of insuring that the board spends money responsibly.

Bob Evans disagreed with the idea, given the rising costs of the services we are obliged to provide the HOA, and Janet Evans strongly disagreed as well, saying she thought the board was already behaving in a very fiscally responsible manner and that she would not want to see their hands tied financially for needed work. Marty Hoerling strongly supported Janet's comments, pointing out that we all have million-dollar homes and pay only \$490 a year to protect our investments and ensure our safety. He pointed out that some other HOAs are \$490 per month. So if we must pay another \$50 a year for this protection, we might save far more than that in insurance premiums.

Andrew replied that he appreciated that point of view, but feels our HOA has very little business it needs to conduct ordinarily and that if costs arise, we shouldn't make raising dues a backstop. He again made the point that we should stretch out re-landscaping over a longer time frame in order to keep dues from going up.

Marty responded that he wouldn't want to see corners cut on safety as a result of a dues cap.

Andrew wanted to hear some commitment from the board that they are concerned with this issue and will only raise dues as a last resort.

Bob did not agree, citing dues as an investment in our community, our home, that should not be arbitrarily capped, making needed work on our admittedly aging infrastructure impossible.

Merilee pointed out, by way, she said, of illustrating just what kind of commitment the board has to controlling costs, that the reason we've been able to keep costs as low as they are is with an enormous amount of volunteer labor, and that one day, that labor may not be available. When that time comes and we have to hire the work done, costs will go up dramatically, and since the covenants restrict us to a maximum assessment increase of 15% in any given year, we need to be prepared for that day.

Don said he really doesn't like raising dues and hopes that continued increases won't be necessary. But we do have two relatively expensive years coming up with parking

island re-landscaping, and inflation is rising, so he can't promise our costs won't go up as well. He said he doesn't take raising the dues lightly, but we have to pay the bills. Don said he doesn't see much that's discretionary in our budget.

Dick Stone brought up the idea of posting requests for volunteers to keep costs down. Andrew said there had been volunteers who had been rejected for liability reasons.

Bob said that could be a valid concern. Merilee thought it might be more of a concern with non-resident volunteers. She mentioned that waivers might be an option.

With unanimous consent, Bob Evans adjourned the meeting at 9:34 p.m.

Respectfully submitted,

Merilee Eggleston
Secretary, Shanahan Ridge Four HOA