

Cambridge Estates Homeowners Association Meeting

September 16, 2024

MEETING CALLED TO ORDER at 6:30pm by President Chase.

OFFICERS PRESENT: Chase Wichert – President; Bobbi Lee – Secretary

ABSENT: Mike Larkins – Vice President; Beth Ann Arjay – Treasurer

BOARD OF DIRECTORS PRESENT: Cindy Case, Josh White, Chase Wichert, Patrick Kelly, Brent Watson, Jo McCord, Brian Stahl, Ben Farris, Bobbi Lee, Craig Stewart, & Jim Polovich

BOARD MEMBERS ABSENT: Mike Larkins, Keri Taber, & Val Harrison

FINANCIAL REPORT

Treasurer Beth Ann was not present to review the financial report. President Chase left copies on tables for residents to review.

OVERVIEW OF ATTORNEY MEETING WITH BOARD OF DIRECTORS

President Chase reviewed questions and answers from the previous meeting between the Board of Director and an HOA attorney.

1. QUESTION:

How do we legally enforce current covenant violations? With detail on number 6, No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done that maybe or may become an annoyance or a nuisance to the neighborhood.

ANSWER:

This is a sort of catch all, so it's hard to enforce. It needs to be clearer in order to be enforceable, especially for court. Any issue or concern needs supporting evidence.

Brent asked about adding specifics to make it enforceable. Chase said it potentially can, but it depends on what the Board decides to do. Some concerns are covered by city ordinances already. Court would decide whether or not resident concerns fit into the current language. The issue has to be defined for it to be enforced.

The Board needs more time to figure out what needs to be in the amendments. When it's ready, it will be submitted to the attorney, who will write it up.

2. QUESTION:

What is the difference between the By-Laws and Covenants? Do they "BOTH" expire in 2028?

ANSWER:

Neither of these expire. The HOA Incorporation was good for 50 years, but a document has already been filed to make it "perpetual".

Regarding the differences – the Bylaws govern the HOA, Board, Officers, Meetings, and General Business.

The Covenants are the rules for properties and home owners.

The Board can amend things, but more clarification is needed.

Any Lot without a vote is considered a "no" vote.

3. QUESTION:

What is the process to establish new/different set of By-Laws and Covenants?

ANSWER:

We can make new documents, but it is sometimes more difficult than amending. The By-Laws aren't bad, and the attorney doesn't suggest a new set. The Covenants are 50/50, so we need to see what we want to do.

4. QUESTION:

When new By-Laws and Covenants are established, do we still need the same percentage of HOA members to vote on changes/amendments or does that get set when we create new ones?

ANSWER:

The Covenants do not say how many have to agree. The State Law says 60% of Lots must agree. This is not 60% of those voting, but of Lots. Research needs to be done to determine the process for votes from Lots with unpaid HOA dues.

5. QUESTION:

How does the HOA combat rental properties that are not maintained and creating multiple, possible illegal issues for neighbors and the neighborhood?

ANSWER:

There is currently one home that is the main issue. Letters have been sent, and the Owner seems to be on our side. Another letter was sent, and hopefully the matter will be handled by the Landlord/Owner.

Regardless, all things have to be documented in order to have it handled by the City or in Court. Otherwise, the best way is to make the Covenants clearer for enforcement.

A resident stressed that the main concern is safety, adding that if anything was to happen, any of us could be held liable. Like if something was to happen to the three year old running in the street.

6. QUESTION:

Can home owners run a business from their home? E.g. Pool renting

ANSWER:

Yes. The tricky part is defining what is noxious. The pool season is almost over. The best way to fix this is with the amendments, but the Board hasn't decided what to do. Chase has no evidence against the issue. There are no pictures or documentation. It is just hearsay, so there is no official way to deal with these situations. There needs to be a process to determine if it is a real concern or just an issue between neighbors. The Board is still working on it.

7. QUESTION:

Are there specific rules when establishing HOA funds towards projects/repairs and what happens to those funds if they are not needed for said projects/repairs?

ANSWER:

No. The Board of Directors can setup a budget. Money can be set aside for projects, events, and for savings for future projects.

Jo reminded Chase to share what the attorney said regarding the Outbuildings.

President Chase said the attorney said it would be almost impossible to enforce those not in compliance now. It is amendable, and can be enforced. But it has gone on for so long now and there are so many not in compliance. The Board would have to go to court for each one, and it would get expensive.

A resident asked if we can assess fines against them. Chase said there is no way of assessing fines. There are no fine-based assessments. Liens can be placed only in the event of unpaid HOA dues.

A survey still plans to go out to find out what residents want to see, so the Board knows how to move forward.

STANDING COMMITTEES

One Board of Directors member, as well as two resident members, must be a part of all committees. The following committees need these people, or the covenants need to be amended to be removed:

Recreations Committee

Construction and Maintenance Committee

Publicity Committee

Audit Committee

President Chase reviewed each committee

EVENTS

1. Cindy Case gave details regarding the upcoming Fall Festival. October 12, 2024 from 4:00-8:00pm, followed by a movie. There is a QR code for sign-up genius; every resident that plans to attend is asked to go to the sign-up to be sure everyone is accounted for, and there is enough food for everyone. The chili cookoff will have a 1st & 2nd place prize. Business owners will have a place to leave information to share. There will be an obstacle course, bounce house, barnyard animals, and photo opp. Local fire and police workers have been invited to join us. Chili judging will be at 5:00, and eating will begin at 5:30pm. Setup begins at 3:00pm. There are signups for setup and tear down. Cindy asked if a large sign could be made.
2. Cindy asked for interest in Trunk or Treat. Rather than kids going to homes, residents can park at the pool parking lot, decorate their trunks, and pass out candy there. If there is enough interest, she will organize the event. Anyone interested should contact her.

ENFORCEMENT

Brent has sent seven letters and has observed some results. The letters have been respectful, and he will continue to monitor. Cars in yard, debris, etc can be followed up on. Please let Brent know if you notice something that should be addressed.

A resident mentioned that there have been health issues keeping residents from maintaining their home. Brent included that in the letters. Help is available if needed.

COMMITTEE BREAK OUTS

At 7:05pm, President Chase dismissed residents into their respective committees for meetings.

At 7:20pm, President Chase called the meeting back to order. No one had any additional things to share, or questions. Chase mentioned committees were free to continue talking if they chose.

NEXT MEETING will be October 21, 2024 at 6:30pm.

MEETING ADJOURNED by President Chase at 7:22pm.