

Westmont Homes Association Minutes ~ January 17, 2022

The following meeting was convened via Zoom due to high levels of Covid transmission in Johnson County.

Board members present:	President – Ian Morris Vice President – Nancy Kocourek Treasurer – Michelle VanMill Secretary – Jan Hodgson, <i>New</i> Grounds Chair – Linda Stogsdill Communications Chair – Sam Harpalani Social Chair – John Ziegelmeier, <i>New</i>	Identified as: Ian Nancy Michelle Jan Linda S Sam John Z
Board members absent:	None	

Homeowners present:	Roberta Arenson Carol Barlau Teresa Burns Beverly Clark Miluska Del Pozo Linda Durrell Sharon Kralecek Denise Mason Denise & Don Niemackl Murray Rubin John Rudzinski Randy Wachowiak iPhone?	Roberta Carol Teresa Beverly Miluska Linda D Sharon Denise M Denise N, Don Murray John R Randy ?
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President's Report:

- Ian hosted the Zoom call and welcomed everyone to the meeting at 6:32pm. Michelle reminded him to record the meeting.
- He thanked Sharon Kralecek very much for her service to the board over the past three years.
- Ian welcomed two new board members. Jan was elected to the board vacancy at the end of the year and will fill the role of secretary vacated by Sharon. John Z was asked to fill social chair role for the next two years following Fernando's resignation due to work commitments.
- Ian confirmed that all the other board members would continue in their present roles.
- A draft of the November 2021 minutes had been circulated to board members prior to the meeting. It was moved and seconded by Michelle and Nancy, respectively, that the minutes be approved as submitted.
- Ian summarized ongoing issues the board has been addressing since the last meeting:
 1. Short-term Rentals Update. The board has been in the process of selecting and meeting with legal counsel to review our documents and advise on the appropriate procedures required to amend them should the majority of homeowners so choose. We have a pathway, a gateway, and a method. And we have legal representation, which is the most imperative thing for the board to ensure things are done correctly.
 2. Perimeter Fence Issue Update. Additionally, we've decided to carry on with the fence project despite some resistance noted in recent emails, and John Z has agreed to head up that committee. Michelle and Ian discussed how incredibly lucky we were last year to have funds left in the snow removal account and they've been allocated to a reserve account for potential fence needs in the future.

Treasurer's Report:

- Michelle shared that we ended 2021 with approximately \$172,000 in reserves after all the bills for the year were paid. We stayed within budget for the most part and kept delinquencies to a minimum.
- Since there was no December meeting, Michelle called for approval of the November and December financials that were circulated to the board. Ian approved and Nancy seconded both statements.

- A draft 2022 budget was shared with board members prior to the meeting and she encouraged them to take time to review the details, but she wants to get the numbers to Doug (HA-KC) by the end of the month so he can start paying our expenses according to the new budget allocations.
- It was moved and seconded by Ian and Linda S, respectively, that the 2022 budget be approved as submitted.
- Ian congratulated Michelle on a well-organized and controlled year and called for the next report.

Vice President's Report:

- Nancy shared that she had received an ARC (Architectural Review Committee) request for a deck repair from a homeowner today and would be sending it around to board members soon.
- She also discussed the need to tweak the ARC form and the welcome packet to update them to current practices. She will work on edits and circulate them among the board for comments and suggestions.
- Ian thought it was a great idea and called for the next report.

Grounds Report:

- Following her recent decision to have Precision clear the snow from the sidewalks, even though the snowfall amount did not meet the minimum required for driveway clearance, Linda S asked if we had ever done that before. She talked to Mark (at Precision) and he estimated the cost at a few hundred dollars. She got several "thank yous" from homeowners. She asked about the need for discussion since we haven't done it before and if it was okay to do when we don't get our 3" minimum.
- Nancy suggested watching for the charge because it's important to keep it within the budget.
- Jan thought it was great and was glad she handled it that way and she had seen a lot of walkers. So it paid off.
- Ian commented that he's happy to leave the evaluation of the situation and decision to Linda.

Social Report:

- Ian acknowledged that John Z was new to the board and would be taking over Fernando's duties and asked if he had anything to share.
- John Z said as a new member he was still getting his legs under him, but he is anxious to work with the committee on the fence issue and to continue with the directory project and get it online with good notification. He moved to Westmont in July and is retired so has some time to contribute and looks forward to working with everybody.

Communications Report:

- Sam let everyone know that she generates the monthly newsletter and encouraged board members to get news items to her by 1/21 so she can send the newsletter on to HA-KC.
- She asked John Z and Jan if it was okay to include their names and contact information in the newsletter and they both agreed.
- Sam welcomed suggestions for the newsletter from homeowner's hand Ian told her she was doing a terrific job.

Other Business – At 6:52pm, Ian opened the meeting to other business and discussion from the homeowners. He called on Sharon first who was asked to hold an earlier question until this portion of the meeting.

- Fence: Sharon asked if insurance covered the recent wind damage to the fence and Michelle explained it didn't because our deductible is \$1000 and the cost of the repairs was less than that.
- Short-term rental update: Ian called on John R to proceed with his report and hold it to 10 minutes. John R wanted to share 6 concerns his committee have identified since beginning their work last July:
 1. There is no connection between the renter and the neighbors in the cul de sac. You don't know who's there. There's concern about a sense of community being lost and a safety issue.
 2. He has counted 69 single women in our community and many are elderly, concerned and nervous.
 3. There is no way to contact the owner or renter when they leave the garage door open. He recently worried about teenagers smoking in the garage when the door was open and called it very dangerous.

4. John R polled three real estate companies who shared their opinions that short term rentals don't help property values in a community, but they didn't say they brought values down.
5. John R addressed the argument of "Why should we do anything if the city is going to do something?" He contacted our new OP city councilman, Sam Passer, about the possibility of a city ordinance and learned Sam was very concerned and contacted two other council members to ask about it. The council said they're working on it but they wanted to know how their constituents feel. John R said Sam Passer considered short-term rentals a business and he doesn't think a business belongs in a residential community.
6. John R has talked to HA-KC and learned that the Lexington Park HOA to the south of Westmont recently passed a ban on rentals of less than a year, but we want a ban on rentals less than 6 months. The Stonehaven neighborhood to our west prohibits rentals. The Villas is working on a short-term rental restriction now.
7. John R cited recent anecdotal stories in the media: A Wall Street Journal article stated that LLCs are buying up properties to turn them into short-term rentals to increase their profits because their commercial rentals are falling flat. An NPR story discussed the growing number of Airbnbs in Boise, Idaho charging as much as \$345/night. While John R acknowledged that was a ski area, he suggested that could easily happen to us.
8. The issue of enforcement has been a concern and real estate agents have to follow our documents. A title company must know if a property is next door to a short-term rental or is being sold to a short-term rental, John R said. They can stop a sale, he said.

Ian notified John R his 10 minutes were up and asked him how many single men lived in our community. John R didn't know. He didn't check on that. Ian thought he should because the comment was quite sexist and unfair. Three women disagreed that it was sexist.

Jan interjected that she was a single woman and was very offended by his comments and sweeping generalizations. She was not afraid to live here and she doesn't necessarily share John R's views and so his voice about single women in our community, that he counted, which she also found offensive, was not a true statement for her. And it's not a true statement for some of the women that she knows who are single here.

Ian acknowledged disagreement on this issue and closed the discussion by adding that if we're making people aware of how many single women there are, we should be aware of how many single men there are. He agreed with the point about phone numbers and reminded John R that when Grace came to our Zoom meeting, she gave everyone her phone number and asked anyone to contact her about any concerns. Ian acknowledged that John R wanted more time and asked if anyone else had anything to share.

Nancy pointed out that if you don't have Grace's number you can always call Ian and he can contact her.

- Fence Issue: Teresa shared that she works in the cooling tower industry and that in the last three months they have had four price increases. Our fencing is now charging a 40% surcharge on material and they are three months out. It's due to the hurricanes that happened in the gulf coast because they aren't able to source the material because many plants are down. There was also a major fire in Houston in two chemical plants and they're not back up and running. The wood industry is seeing a 27% surcharge on fir and plywood is seeing a 30% surcharge. From her experience in her industry, once prices go up, they never come down. So it is to our advantage to start saving now.

Ian absolutely agreed and never told anyone we would be doing the fence right away but that there would be a need in the future and he thought it was imperative that we start saving. He added that HA-KC commented in their end of year report on how well we had managed the accounts and that we're probably one of the only HOAs in the area that has managed to keep nearly a year's worth of funds in reserves.

- Miscellaneous: Carol shared the following comments and questions:
 1. Who is the macuser logged into the meeting? Teresa Burns.
 2. Carol volunteered for the fence committee since the fence is on her property and she has a vested interest.
 3. How is the "Welcome Packet" distributed? Ian shared that when the board learned that both HA-KC and the board were distributing the packet, they deferred the task to HA-KC to eliminate duplication.
 4. She wanted to thank Linda S for clearing the sidewalks. She is one of the walkers with her puppies that greatly benefited from that.
 5. When she was on the board, she created a chart that illustrates homeowners' responsibilities and what services HOA dues cover. She offered to share it and Ian welcomed the offer.
- Short-term rentals: Roberta asked what's the next step in the process. She acknowledged the rental issue came up a few years ago and was defeated and she voted against the restriction at the time. But she has been talking to the community about this issue and she feels like it's stagnated. What does the board feel is the next step? Will homeowners have some input?

Ian reassured Roberta and everyone, as he had said at the annual meeting, that as a board, we took this seriously and we recognized that an unofficial poll had gone around and it appears that a majority of people want to stop short-term rentals. After a search, Ian and the vice president have met with an attorney selected by the board. They're retained to review out documents for a fee and advise which ones would be used and how a change would be made if a board poll determines there's a majority favoring a change. Please don't think we're stalling. As a board, we have to do this properly because otherwise the board will not only be sued, but we'll have no money. Ian hoped that reassured Roberta and she thanked him.

Sharon asked if Ian talked to the lawyer about John R's suggestion, which was much simpler?

Ian confirmed they had and were advised that was not the solution. Starting with a poll is their recommended first step. And we're working on that.

- Miscellaneous: Miluska complained about recent emails that were circulated attacking her husband, Ian, when he was not even included in the distribution list. She also wanted to clarify that she doesn't rent her house. Her father, who is fighting cancer, is living there. She apologized for her emotional comments and acknowledged that she usually doesn't participate, but all the recent emails had really upset her.
- Short-term rentals: Sharon asked about what was going to be sent out and Ian explained a letter would go out asking people if they want short-term rentals or not along with some documentation. Sharon asked that Airbnb's and VRBOs be included.

John Z asked if it would be drawn up by our attorney, correct? Ian said yes.

Roberta asked if it would be approved by the board and explained in clear language what we're dealing with? Ian said yes.

Sharon asked for a committee to write the poll and Ian thanked them very much for their input to date and assured them they were looking after all homeowners' interests. He restated that they are working with an attorney and we'll draft something that is clear and concise and issue that to all homeowners. Sharon clarified that Ian was not going to use a committee for that and Ian said he didn't think it was needed because their committee had already spent time saying what they would like and the board was reacting to that. Ian called for any other business.

- Newsletter: Denise M suggested Sam include an item about neighbors scooping their dog poop on their walks and Sam agreed to add that. Miluska has the same problem in her yard and thanked Sam.

John Z asked Sam to include an item inviting volunteers to contact him if they would like to serve on the fence committee and she agreed.

- Miscellaneous: Sharon thanked Linda S for having the walks cleared.
- Short-term rentals: Murray alerted Ian to the fact that he had shared his extensive research over the years with Nancy and he wanted to make sure that the board has all the necessary documents to present to the attorney. If the board could provide him with a list of documents they have, he would be glad to fill in the blanks from his accumulated research. Ian thanked him.

John R had two more points to make and Ian turned the floor over to him:

1. Enforcement of a short-term rental ban would be extremely difficult and depend on neighbors reporting infractions to the board.
2. Airbnb's rent for 24 hours to a few months. Extended Stay America Motels do the same thing. We don't want motels in our subdivision and the board wants to be working on this right away because the notarized documents take at least two months to put together.

Ian shared that when they spoke to the lawyer, her understanding is that Overland Park has no interest in trying to regulate short-term rentals. The only thing they have done is require that rentals are registered and licensed.

Sam asked if John R was suggesting we would have to keep an eye on our neighbors and he said yes.

Carol, John R, Ian, and Sharon discussed various opinions about what constitutes a majority ranging from 51% to 2/3 to 75% to 100% depending on the document used to effect the change.

Nancy pointed out that they are still sorting out the details so they do it appropriately and they don't have all those facts yet. We're working on the whole package, as Ian said. We're doing it legally and watching out for both sides and anything that could be involved. But it all takes time and it has to be done appropriately. There is no one number. There's no one answer. There's no one anything and that's why it's taking a long time.

Denise N asked if either in our restrictions or our bylaws it states these places were not to be purchased for a business. She's not talking about rentals but the LLCs and the companies that buy a place specifically, to do the short-term rentals. Wouldn't that be violating our restrictions?

Ian said that was a very good point and that's why we're working with the lawyer.

Sharon stated she had looked at that and Denise was absolutely right about no businesses in Westmont.

- Adjournment: With no further business to come before the board, Ian called for adjournment, Nancy seconded and the Zoom meeting concluded at 7:35pm.

Next regular board meeting: Monday, February, 2/21, at 6:30pm via Zoom. All homeowners interested in attending should notify Ian to request the Zoom link.

Respectfully submitted, January 23, 2022
Jan Hodgson, Secretary