

## Westmont Homes Association Minutes ~ February 21, 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 Grounds Chair – Linda Stogsdill Social Chair – John Ziegelmeier	Identified as: Ian Nancy Michelle Jan Linda S John Z
Board members absent:	Communications Chair – Sam Harpalani	

Homeowners present:	Roberta Arenson Beverly Clark Miluska Del Pozo Sharon Kralicek Susan Krsnich Denise Mason Denise & Don Niemackl Bonnie Rudzinski John Rudzinski Jacob Schulzinger Leslie Sisley	Roberta Beverly Miluska Sharon Susan Denise M Denise N, Don Bonnie John R Jake Leslie
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### President's Report:

- The start of the meeting was delayed by people having technical difficulties logging into the Zoom call and Ian welcomed everyone to the meeting at 6:49pm. He had nothing new to share having been out of town lately and called for approval of the minutes which had been shared with the board prior to the meeting. Jan asked if anyone knew who logged in to the January meeting as "iPhone" to update the minutes and no one could identify that caller so the minutes were approved as submitted.

### Treasurer's Report:

- Michelle introduced herself to any new people joining the meeting and shared that this was her last year of a 3-year term as treasurer.
- She received the January 2022 financials and passed them along to the board for review. All the expenses were as expected. Feel free to email her if you would like a copy.
- The four delinquencies in January were all paid up now.
- We had two CDs for \$30,000/ea. that came up for renewal on February 2<sup>nd</sup> and she and Ian decided to renew them for the next 11 months at a rate of .045% at the same bank. We have business CDs because Westmont doesn't qualify for personal rates, but Doug Luther, HA-KC, thought that our bank generally has the best rates available.
- The financial report was approved.

### Vice President's Report:

- Nancy introduced herself for any new people and was at the center of the recent voting as ballots were turned into her at her front door and via email and she shared that we got some really nice compliments for the board with people thanking us for all we're doing and for the information we've been sharing. That came from people voting with both opinions so it was nice to see that people across the board were pleased.
- No ARCs this month.

### Grounds Report:

- Linda shared that March will be busy with spring clean-up coming in the first two weeks of the month, including any trimming of grasses and perennials in the common areas. Mark's crew will be picking up leaves and sticks on lawns and will be putting pre-emergent in the Westmont beds.

- The first fertilizer application is scheduled for 3/14. Homeowners who are planning to plant grass seed this spring should notify Mark in advance of this date because the first two applications of fertilizer are for crab grass and multi-weed herbicide and they will kill any grass seed that might have been put down prior to these treatments.
- Mowing starts on the first Thursday in April, 4/7.
- Please contact Mark directly to request a bid for any additional spring treatments for your property.
- All this information will be shared in the newsletter.
- Linda hoped we would not need any more snow removal this year.
- Ian asked Michelle how much we saved on snow removal last year and she estimated \$10,000-15,000. He noted that went into the reserves and got us close to a year's worth of expenses which is a pretty good place to be. Michelle added we had about \$182,000 total equity on the January balance sheet.
- Susan asked how much our recent snow removal cost. \$4,520 according to the invoice Michelle just received.

#### Social Report:

- John Z shared that we have been doing some testing with **Directory Spot** and there will be information in the newsletter as we start to roll it out. That will become everyone's directory that you can access on your computer or phone all the time so all the information will be accurate.
- It's also a much more secure system than paper booklets that can be copied and shared with salesmen.
- It will be more accurate, up to date and secure because only members can access it with their own log in and password.
- We plan to roll it out in March and hopefully, everyone will be signed up by the end of April.
- The **Fence Committee** has been set up and they all got information today. We haven't walked the fence yet because of the weather but we will soon to assess the damage.
- He asked if any board members had a sketch of the fence to see the dimensions along 119<sup>th</sup> and Antioch. Ian thought we may have that from the original contractor and would look at the HOA documentation.
- Ian shared his enthusiastic support for the terrific system offering more accuracy and better communication. We would still be able to print a paper copy for anyone who wants it.
- Susan asked who was on the fence committee and John said he would post it in the newsletter. Susan is interested because it goes by her house.

#### Communications Report:

- Sam was not able to attend tonight's meeting but called for newsletter items to be sent to her by 2/21.

Other Business – Shortly after 7:00pm, Ian thanked everybody who returned a poll and thanked Nancy for all the effort she put into collecting the ballots and responding to all those who emailed their ballots and thanked Jan for compiling the information about the votes. Ian called on Jan to give the results.

#### Secretary's Report:

- Jan thanked Nancy, too, for the yeoman's work of taking in all the ballots, printing the emails and taking all the hard copies at her front door.
- We had 100 ballots cast. 76 were in favor of amending the restrictions. 22 were against it. That comes out to 46% want to change our restrictions and 13% do not. It wasn't an issue for the 40% who didn't vote.
- Ian drew a line there to close the issue given the results of the poll

#### Neighbor Complaint:

- Ian called on Nancy to report on a complaint from Audrey Smith about a neighbor's yard.
- Nancy reviewed ARCs and emails and reported that the homeowner in question had put in two ARC requests last year that were board approved and she's making progress on those improvements.
- The homeowner has run into some problems this winter with a deck that was removed and hopes spring will favor getting things done.
- The city came out and reported they are ok with what's going on and we've approved it so it shouldn't be an issue anymore.

- John R spoke to the issue that has been going on for about 4 years and goes back to when he was the lawn and grounds chair. He described the problem as being one that Nancy might not know about in that the lady has rescue dogs and doesn't clean up after them. She has been talked to a number of times. She's a very nice lady, he continued, and she's had a lot of work done on her home, inside and out. He asked Nancy to talk to Mark, the lawn and grounds vendor, because he's been working with her and has asked John R several times what he could do. The smell has been an issue that's been going on a long time.
- Nancy responded that she had worked with the city and animal control and they had been out and talked to the homeowner and felt everything was fine. There's only so much she can do but there wasn't the smell or the mess in the yard at the time of the inspection and she was trying to keep it all cleaned up. Right now, a lot of her yard is concrete and she's waiting for more work to be done. She helps someone take care of a dog so she doesn't have that many dogs there all the time, but they do come and go. John realized that. The city is aware of that as well.
- Ian shared, from the point of view of the board, we contacted the city and asked them to review it and if a neighbor is unhappy with the way things are going, he suggested they contact the city and share their disapproval because there's only so far a board can take these matters.
- Discussion continued among Denise N, Denise M., Sharon, John R, Nancy and Ian about the number of dogs allowed according to city codes, when permissions were necessary, when they are revoked, the smell attracting bugs and rodents, getting the roof-mate involved, asking the board to get more involved, and if any neighbors had complained to the city and they have not for fear of reprimands.
- Miluska said her yard was always poopy and wondered if we could get control of the problem by doing DNA tests on the dog poop. She knows it's expensive but it's a real annoyance to have to pick up after others when you don't have a pet.
- Nancy shared when we live in a community that has a lot of people walking dogs, we get that sometimes. In some gated communities where they can control who's walking within their area, they do the DNA test. Here it would be fairly hard because we have so many people coming from so many directions. We're not a gated community. Anyone can walk through. She wished she had a better answer.

#### Change Documents:

- Sharon confirmed the vote count with Jan and asked her if the board was planning to change the documents so things can be changed in the future if necessary? .
- Jan thought that since we didn't even have a simple majority of 51%, that puts the issue to bed for now.
- Sharon requested the effort continue to try to get something done with the documents so that things can be changed.
- Ian reminded Sharon that based on when she was on the board, there was a conversation with the lawyer and it was felt there was a route to make a change if necessary, but that as a result of the vote, we won't be taking any further action at this time. Sharon didn't accept that answer.
- Michelle asked Sharon what exactly in the restrictions was she asking to be changed.
- Sharon was not asking for anything specifically to be changed but thinks we should be sure we can change the restrictions so if something comes up, we don't keep running into this problem every time.
- Michelle restated that she is asking for clarity in the change process. Sharon agreed.
- Susan asked if that was because the restrictions require 100% agreement in order to make a change to a restriction? That's a real handcuffing and she would rather see it solved before a problem comes up.
- Ian reiterated that last year a committee of people asked the board to look at something. We spent homeowners' money talking to a solicitor, getting some advice, understanding where we were and that if we needed to do something if the vote came back differently, that we had a solution. We spent good money doing that and he didn't see the need to investigate that any further given that our lawyer said there is a solution.
- Susan asked if we were looking at that procedure and Nancy explained that it depends on what needs to be changed because the documents are intertwined and any changes have to align with city and state statutes. Sharon disagreed. We have more than one document and they are all intertwined

Nancy explained. In the past, there have been issues that work with other documents. The rental one is the restriction one. They all connect one way or the other so you end up deciding which one has to be worked with. It would be nice if it was an easy answer or if it could be completely rewritten plus it has to be worked in with the state statutes. John R doesn't think that's a problem

- Ian shared that some of our documents have never been registered with the city. We've been adhering to them even though they are outdated and we're looking at getting them filed even though they are superseded by the local authority. The problem is that if we need to rewrite all the documents to make them succinct, it would cost a lot of money and we don't have that money.
- Sharon complained that Ian was making it more complicated than it needs to be. Discussion continued at length about how to change the documents, the process of selecting a qualified HOA attorney, the identity of the lawyer, who met with her and when, and it all came back to the same issue that the poll doesn't support moving forward. The matter was closed according to Ian.
- John Z asked Ian for clarification that if we have another issue come up, we've been told we have a solution. Ian confirmed his understanding. Right now, we don't have an issue that the homeowners are in favor of changing, John Z continued and Ian agreed.
- Ian called on the rest of the board to weigh in:
- Jan wouldn't support spending any more money on the attorney for some change that might come up in the future. If people want to take up a collection to pay for a lawyer out of their funds rather than ours, which we don't have, that would be a different issue. But we don't have a problem that needs to be solved with a legal solution, which is costly, right now.
- Michelle agreed.
- Linda agreed with the caveat that if we could make changes without a lawyer she would be ok with that, but her bottom line was not to spend it until we have to.
- Nancy was in agreement with Jan, Michelle, Linda, Ian and John.
- Sharon remembered the lawyer's name was Jamie Haines and asked what her solution was and Ian said he would share it in the newsletter.
- Discussion continued along the same lines between Susan and Ian about the need for a change process and the fact that a process had been identified if needed.
- Nancy shared that when you're looking at law, what you're trying to change is important in terms of what documents are used. To say definitely how it would happen, probably we cannot say. The attorney won't even say exactly how it would happen. She would have to sit down and look at our documents, the state documents, all the city restrictions and intertwine them. So, whether it's a simple thing or a big thing, it's going to change, so to get too involved now won't give us an answer for in the future.
- John asked for Ian to include an explanation of the issue with the vote count to be included in the March newsletter for all the people who voted. His discussion at the January meeting wasn't mentioned in the last newsletter and a lot of people don't know what's going on.
- Michelle pointed out that it's all in the minutes. John said no one reads the minutes. Argument continued among several people over what information should be shared in what documents and who reads it and who doesn't know what's going on because they don't attend these meetings.
- Ian tried to quell the disagreement by reminding everyone that most people live in their own bubble and don't want to read our publications if things are going along well in their lives. In the last year, we've caused a lot of turmoil and we responded to a committee's request, had a poll and we didn't get a majority, so we have to park it there. This comes up every so many years and it always gets voted down so we have to recognize it's not an issue. Argument ensued about whether it was included on the 2019 rental ballot and Nancy explained vacation rentals were one of the choices offered at that time.
- Denise M asked why we even have anything? Why don't we just go by whatever Overland Park says we have to do and get rid of whole thing so we don't have to worry about anything and she could paint her house whatever color she wants? There were rumblings from several people talking at the same time.
- Denise M asked if the city paid for the fence to go in? Nancy explained they paid for a portion of it because they took some of our land to widen the street and we paid for some of the fence. All that

information was in the fence piece we sent out in the fall. No city funds are available for repair or replacement now.

- Jan reminded everyone we did send out a lot of information with the ballot so it's not like the homeowners are uninformed. 40% of them chose not to participate. The board approved the minutes tonight and there's a detailed listing of last month's meeting if anyone wants to dig deeper in those weeds, as Michelle suggested earlier.
- Miluska reminded people that there were lots of emails about the issue and information posted in the boxes by the mailboxes.
- Susan expressed thanks for the opportunity to chime in for the first time and thanked the board for everything they have done.

Adjournment:

- Ian thanked everyone who participated in returning the ballots and giving us an answer as to where we are now. He encouraged everyone to join our monthly meetings and adjourned the meeting at 7:49.

Next regular board meeting: Monday, March 21, at 6:30 via Zoom. Interested homeowners can request the Zoom link from Ian.

Respectfully submitted, March 1, 2022.  
Jan Hodgson, Secretary