

Virginia City Highlands Property Owners' Association
Minutes: Monthly Meeting – Tuesday, March 12, 2013
V.C. Highlands Fire Station Training Room

Present: Dave Thomas, Mary Tallent-Stewart, Patrick Flanagan, Karlyn McPartlin, and Jack McGuffey

Absent: None

I. Call to Order, Declaration of a Quorum, and Approval of Meeting Agenda

President Thomas called the meeting to order at 7:05 pm and declared a quorum present. No corrections or additions to the agenda were made.

II. Approve Minutes of February 12, 2013 Meeting

A motion by Flanagan, seconded by Tallent-Stewart to approve the minutes as submitted was approved unanimously.

III. Appointment of New Board Member

A motion by Thomas, seconded by Flanagan, to appoint Jack McGuffey to the vacant position on the board was approved unanimously.

IV. Review of Financial Statements

Thomas reviewed the financial statements for the month of February. Total expenses were \$13,627; income was \$29,880. The cash balance at the end of February was \$295,231.

The complete financial statements are available on the association web site at <http://www.vchpoa.org/Financials.shtml>

Thomas noted that both year-to-date expenditures and income were over the budgeted amount. The expenses for the month included the annual audit and significant equipment repair, as detailed at the February meeting. The cash balance is nearly the same as at this time last year. He also noted that 124 lots had not yet paid their annual dues and were sent late notices.

A letter from Hampton and Hampton, the association's legal counsel, explained that they had recovered \$5,573 in late fees and fines in 2012. To date they have collected \$50,902 in delinquent fees for the association. Thomas noted that upon request they had waived legal fees for humanitarian reasons in one case.

A motion by McPartlin, seconded by Tallent-Stewart to accept the financial reports as submitted was approved unanimously.

V. Comments by Association Members (NRS 116.31083.5)

ZoAnn Abel rose to say that the chemical put on the road is turning to concrete in their culvert. She believes that it is toxic to their pets. Jaye Fontana also complained about the use of mag chloride on the roads. She would like to attend a road meeting and asked when they were held. The meetings are held as needed and are posted on the association web site. Thomas stated that many studies have been done on the use of magnesium chloride on roads in states with heavy winters and it has been found to be beneficial. He said that if it weren't used folks would complain about dust and wash boarding.

Flanagan said that he has studied the issue and read a great deal of research that was done by the late Jerry Snell. He said that before its use there were more serious complaints about dust control and breathing problems. After studying the chemical he feels its use is the better solution to the two problems.

Other owners expressed complaints about the way the roadwork is being done and the lack of road base. Daryl Saccheri stated that the chemical has been banned in some states since it contaminates wells. Other studies have found this claim not to be valid.

Jay Carmona said he was speaking on behalf of several homeowners. He presented a list of concerns that the board and road committee will address. The cost of road maintenance and the use of mag chloride on the roads was one of the major concerns.

Steve Morrow, volunteer road manager, said it costs about \$15,000 per mile for the installation of gravel plus approximately \$3,000 per mile for the application of mag chloride. The annual budget for all roadwork, including labor, materials, and snowplowing is about \$130,000.

An owner who lives on Clemens Road said that her neighbors had opted out of chemical use last year and that her road was in good shape. Jack McGuffey lives on Empire. He stated that prior to the current road program there was about a foot of mud in wet season. Since current program has been in place, people drive fast and traffic is heavy in his area. In the past, dust was terrible. He is in favor of mag chloride use and said that the slimy condition is temporary during wet weather. Now wash boarding and dust are not as bad as before.

Andy Biederman has watched Dortort for many years. Early conditions were very bad. Since the road plan was developed and the aprons put in off Cartwright there has been better care, better drainage, and little potholing. Kids used to walk to the bus stop engulfed in dust. Now, since mag chloride, that is not the case. POA is responsible for controlling dust. Leslie Biederman added that heavily traveled roads have held up better now than ever and the roads are more stable than ever. As a realtor she travels all the roads in the area and tells buyers about association rules and dues, etc. Buyers are amazed that roads are in as good a condition as they are for the dues we pay. Andy said that the state environmental protection agency state does not consider this area rural due to amount of traffic. If dust complaints were made they would monitor and require remediation. Mary Tallent-Stewart added that an arborist from the Nevada Division of Forestry did a study of the trees in the area a few years ago and reported to the annual meeting a. The conclusion was that the dust is killing juniper trees in area. The arborist was not concerned about the chemical use.

Morrow said that there has been a lot of loose interpretation of data. If folks have scientific data, please bring it forward. He prepared a white paper that was published in last summer's newsletter. He referenced a great deal of research. The chemical is used to bind the road base as well as for dust suppressant. He and the road committee have learned lessons and know better how to do placement.

Jim Russell asked if anyone has done study on well contamination. None were cited.

VI. Committee Reports

A. Architectural Committee

Rita Lumos reported that there were no applicants at the March meeting.

B. Road Report

Road issues were covered at length during the public comments.

C. Park Committee

There has been no activity by the park committee.

VII. Unfinished Business

A. New Signage for Entrance-Legal Review

No progress has been made on this issue. Word is still awaited from the District Attorney.

VIII. New Business

A. Proposed Ban on Wildlife Trapping

Tallent-Stewart reported that an individual who lives on Lousetown has been trapping bobcats in accordance with Nevada Dept. of Wildlife rules. He is using impaling traps,

which many find objectionable. She said that the sheriff says association can ban trapping within the subdivision if they choose. VRWPA has discussed the issue and would support ban.

Ray McPartlin said he doesn't think it is a board issue since it is legal under state regulations. Enforcement of a ban would be a difficult issue. It was suggested that the association might instead ask the county to address the issue. The board feels it needs more information. McGuffey volunteered to look into issue. The trapping season is over for now. The issue will be continued at the next meeting.

B. Proposed Rules for Decorum at Association meetings

Flanagan presented a draft of proposed rules. He said that his draft is based on rules developed in Washoe County and being considered by Storey County. McGuffey said that the rules are basically from Robert's Rules of Order, which the board is already bound to adhere to. McPartlin objects strongly to time limits and doesn't want to adopt rules.

No action was taken to adopt the rules presented.

C. Fire Department Use of Association Grader for Training

Tallent-Stewart reported that she had received an email from Shane Dixon of the fire department. It was a request to use the association grader to train department recruits in the use of heavy equipment on a Long Valley Road project.

A motion by Tallent-Stewart, seconded by McPartlin to allow use of the grader as long as our operator is used, and that the department would pay the operators salary was approved unanimously. It should be clear that there would be no charge for the equipment usage, but the department will repair any damages. Tallent-Stewart will reply.

IX. Any Other Matters which the Board Members Wish to Discuss

No other matters were brought before the board.

X. Comments by Association Members (NRS 116.3108.3(c))

Jaye Fontana asked again when there will be a road committee meeting. Morrow said it will be in next few weeks, but no date set yet. It will be held at the fire station. The date and time will be posted on the association web site.

XI. Executive Session to Discuss Possible Violations of the CC&R's, if Necessary

The regular meeting was recessed at 9:12 pm and the board went into executive session. In accordance with Nevada Revised Statutes the proceedings of executive sessions are kept confidential. Full minutes of the executive session are available upon request.

XII. Adjourn

There being no further business, the meeting was adjourned at 9:25pm

Respectfully submitted,
Rita Lumos, Recording Secretary