

**DRAFT MINUTES FROM THE WHITEWATER SPRINGS
BOARD OF DIRECTORS CALLED MEETING**

Meeting Date/Time: Thursday, September 25, 2014, 7:00 p.m.
Meeting Location: Joann Cole Mitte Memorial Library, 170 N. Gabriel, Bertram, Texas
Meeting Attendees: Don Rauschuber – POA Board President
LaDale Young – POA Board Secretary
Priscilla Thorp – POA Board Treasurer
Erin Welch – POA Board Member
Multiple POA Members

Note: This was a special called meeting to address remaining agenda items from the June 12, 2014 and June 30, 2014 BOD meetings.

At 7:00 p.m., Don Rauschuber led the Board and attendees in the pledge of allegiance, and LaDale Young led the group in prayer.

Item 1 Call to Order

Don Rauschuber called the meeting to order at approximately 7:02 p.m.

Item 2 Establish Quorum

With four (4) Board members present, a quorum was established. POA Board member, John White, was not in attendance.

Item 3 Public Comment

Gil Silva, 2351 Whitewater Drive, made comments regarding Allen Palmer's resignation from the Wildlife Committee, stating that Mr. Palmer was a treasure to the community, that he resigned in part due to discriminating practices, and that since his resignation, things in the community will diminish.

Frank Caramanica, 1304 Whitewater Drive, requested that the Board consider the following items: Make the existing prohibition of off-road vehicles / ATV's known to the community, as they are against the deed restrictions; Something needs to be done about contractors going in/out over the speed limit, overloaded weights, trash on the roads, possibly via a posted sign reflecting large truck routes, speeds, and load requirements; and, The beaver at the access road to the lake/burn pile, as excess water may weaken and flood the road.

Jack Merkel, 2408 Whitewater Drive, stated that he was in support of Gil Silva's comments regarding Allen Palmer, adding that Mr. Palmer was the backbone of many things that got done in the community. Mr. Merkel said he also understood the proposal that if a sitting Committee Chair put his/her house on the market, he/she must step down as Chair.

David Giles, 104 Woodhollow, addressed Mr. Caramanica's comment about the beaver dam, stating that a 6-inch pipe could be installed in the dam to fix the issue.

Item 4 Discuss, consider and take action concerning approval and payment of bills. (LaDale Young)

LaDale Young made a brief presentation about the latest bills for payment, including two (2) new invoices/RFEs. Priscilla Thorp made a motion to approve, seconded by LaDale Young. The motion passed 4-0.

Item 5 Discuss, consider and take action concerning June 12, 2014 and June 30, 2014, Board minutes (Erin Welch)

Erin Welch stated that since she did not attend the June 12, 2014 Board meeting, Don Rauschuber would prepare those minutes; Don agreed. Erin Welch then presented changes to the draft minutes from the June 30, 2014 Board meeting, which were: Item 11(A) Remove "Don opened the public hearing. POA member," from line 12 and "POA member" from line 14; Item 13(E) Remove "fiver in the" from line two and add "in certain areas" to line two; Item 13(F)(8) replace "fence" with "retaining wall". LaDale Young made a motion to approve the minutes, with Priscilla Thorp seconding the motion. The motion passed 4-0.

Item 6 Discuss, consider and take action concerning year to date POA Financial Statements. (Don Rauschuber)

Don Rauschuber provided a summary of the year to date financial information. One of the attendees in the audience asked where the money is, and Mr. Rauschuber responded that it is being administered by Goodwin Management, and in an account at Western Alliance/BB&T. Erin Welch made a motion to pass the year to date POA financial statements, with LaDale Young seconding the motion. The motion passed 4-0.

Item 7 Discuss, consider and take action concerning Technology Committee Phase I Study. (Committee Members / Don Rauschuber)

Don Rauschuber thanked the Technology Committee for preparing such a comprehensive and well-done report. David Giles made a brief presentation describing the findings in the report. The Board and the Committee representatives asked and answered questions about possible costs for the improvements, how they would be paid for, where the towers for internet/phone/cable could be located, how tall the towers would be, the number of towers required to service the subdivision, and if the increased value the new technology would bring to the subdivision would possible increase/exceed the current assessments. Mr. Rauschuber requested a formal business plan, and to fix the cell phone issues in the subdivision now, adding that connectivity is required throughout the subdivision, not just the lots with existing homes. Erin Welch made a motion to accept the Phase I report and request a Phase II report for primary internet/cell services and a business plan, to include Operations & Maintenance costs and how to pay for this by early November. Mr. Rauschuber added that research should be done to determine if there would be any code issues with the ACC, etc., regarding the number and location of towers. LaDale Young seconded the motion. The motion passed 4-0.

Item 8 Discuss, consider and take action concerning a Memorandum of Understanding between the US Fish and Wildlife Service and Whitewater Springs/Madison Realty Group. (Don Rauschuber/Marjorie Dearmont/Ken Dreger)

Don Rauschuber made a general summary of the Memorandum of Understanding pertaining to the need for a fuel break, either by manual clearing or a prescribed burn. Based on the letter from US Fish and Wildlife Service, a prescribed/controlled burn is

the most appropriate option. LaDale Young made a motion to follow the Service's recommendation of a prescribed/controlled burn, with Don Rauschuber adding a clarification to the motion to enter into the Memorandum of Understanding for a controlled burn in the 7.9-acre SFB (shaded fuel break) POA area described in the MOU packet, with the Wildlife Committee contacting owners in that area to obtain their authorization to do so. LaDale Young made an amended motion to approve a controlled burn on POA land, for the POA Board to enter into the MOU, and meet the requirements of any active burn ban at the time of the burn. Priscilla Thorp seconded the motion. The motion passed 4-0. Don Rauschuber made a second motion for the Board President or Vice President to contact the owners in the area of the 8.6-acre buffer to the SFB referenced in the US Fish and Wildlife letter to inform them of the approximate burn dates and information on the prescribed burn; the motion also requested additional liability information. LaDale Young seconded the motion. The motion passed 4-0.

Item 9 Discuss, consider and take follow-up action concerning Resolution Nos. 042214A (Whitewater Springs Committees), 042214B (Public Release of Draft Board Documents) and 042214C (WWS Official Website). (Don Rauschuber)

Don Rauschuber signed the three resolutions, and provided them to LaDale Young for signature. Regarding Resolution 042214A, a final committee list is required, and this item was tabled until the November Board meeting. Resolution 042214B was accepted with no changes or comments. Regarding Resolution 042214C, Don Rauschuber said that Goodwin Management recommended Troy Bara to administer the website, at a fee of \$80 per hour, billing on a quarter-hour basis, but he would try to get a quote from Bara prior to the November meeting. No final action was taken regarding the resolutions.

Item 10 Discuss, consider and take action concerning the Whitewater Springs Dam and Reservoir Rehabilitation Project and the Balcones Ridgeway Retention Reservoir Project. (Don Rauschuber/Bill Hiers)

Don Rauschuber presented the latest information regarding his correspondence with Dee Purkeypile, and presented Bill Hiers' efforts on the WWS dam, providing a summary of Phase I and Phase II of the project. Phase I, at a cost of \$38,047, will include work on the spillway on the north side, excavation, rip rap, SWPPP, demolition of the current spillway, and addition of two check dams, but would not include culverts. Phase II, at a cost of \$62,711, will include concreting the dam and spillway, low-flow conduit under the spillway, rip rap, raise the dam with fill by 1.5 feet, and SWPPP. Mr. Rauschuber stated that he had worked with Mr. Hiers, and the overall rip-rap costs may come in lower than anticipated. Don Rauschuber made a motion to advertise through the Road Committee for a base construction bid for the spillway, per the revised Phase I and Phase II plans from Mr. Purkeypile. Mr. Rauschuber opened the item for public comment. Ken Dreger asked why we couldn't prepare an RFP for the work. Don Rauschuber made an amended motion to request that Dee Purkeypile, at a cost of \$5,000, prepare an RFP for Phases I and II of his plans, and an alternate RFP for Phase I only, and finalize his work on the Balcones Ridgeway Pond plans. LaDale Young seconded the motion. The motion passed 4-0. Don Rauschuber stated that the LCRA will let the Board decommission the pond by cutting a notch in the dam, using local soils to revegetate, putting in a rock gabion berm upstream for approximately \$28,000-\$30,000, per Dee Purkeypile's estimates. Don Rauschuber then made a second motion for Dee Purkeypile to draw up plans for the November 2014 Board meeting for

decommissioning the pond via an RFP similar to that for the dam. Erin Welch seconded the motion. The motion passed 4-0.

Item 11 Discuss, consider and take action concerning the maintenance for Whitewater Springs Section II streets and erosion control. (Don Rauschuber)

Don Rauschuber referenced a letter sent by Bill McLean to the POA Board regarding erosion/sedimentation controls for the Section 2 cul-de-sacs, Canyon Ridge Court and Suncrest Trail. The letter requests that the POA maintain these cul-de-sacs, and includes a summary of the history of the property, from Wollaston, to the Settlement Agreement requirement to complete the cul-de-sacs passed onto Montvale, and that upon completion of the streets they were handed over for maintenance to the POA. These cul-de-sacs need erosion controls, and Mr. Rauschuber confirmed that Montvale will provide these cul-de-sac erosion controls at their cost. There was a discussion about existing utilities along the cul-de-sacs, and it was decided that the erosion controls issue would be tabled until the November Board meeting, in order to determine the most appropriate sequence for improving the cul-de-sacs, to include utilities, erosion controls, and roadway repairs. No motion was made.

Item 12 Discuss, consider and action concerning Committee Reports:

A. ACC Committee

Van Henry made a brief presentation regarding garden fences and provided the Board with a hand-out with information from the ACC describing what is allowed and what is not allowed. Mr. Henry went on to talk about the two subdivision signs on FM 1174, asking if the number of signs is appropriate, based on the CCR requirements for individual homeowners to be limited to a single sign at 4'x4'. The issue of developer signs was discussed, with the developer signs being larger than 4'x4'. Don Rauschuber said he could review the CCRs regarding signage.

B. Budget/Finance Committee – Assist Board of Directors in the preparation of annual budget

Financial information was provided earlier in the Board meeting. No other report was provided.

C. Pool Committee – WWS Pool and Grounds Maintenance and Protection

Sam Locke had nothing to report for the Pool Committee.

D. Road Committee

Bill Hiers made a presentation to the Board. The water bill had increased in September, due to a vehicle backing over the hose bib and spilling about 8,500 gallons of water. No identification of the vehicle could be provided. Mr. Hiers said that the repair work could be done by the Road Committee. Don Rauschuber requested a leakage estimate. Mr. Hiers then discussed erosion control projects. The primary project is the detention pond at Chaney's Crossing by the pool. The other projects, including Upper/Lower Wagon Wheel by the low-water crossing, maintaining the riprap at Wagon Wheel south of the low-water crossing, the riprap at Chaney's Crossing, and the flume on Shady Hollow at Chaney's Crossing, have a total cost of \$66,551 (a proposal for which was provided to LaDale Young). Mr. Hiers recommends SK Nelson, as they can provide approximately 800 tons of limestone at \$7 per ton. This would allow the Committee to stockpile limestone for use on future projects. Mr. Hiers anticipates needing 300-400 tons of stone for the

dam work, and 300-400 tons for other projects, and the additional stone could be stockpiled on Montvale's burn pile lots. Don Rauschuber made a motion to approve the Road Committee projects, per Mr. Hiers' letter of August 13, 2014, which include the detention pond work at a cost of \$32,330, Upper Wagon Wheel at a cost of \$16,320, Lower Wagon Wheel at a cost of \$10,965, Maintenance of the rip rap on Wagon Wheel south of the low-water crossing at a cost of \$1,020, riprap on Chaney's Crossing at a cost of \$5,610, and the flume on Shady Hollow at Chaney's Crossing at a cost of \$306, as presented by Mr. Hiers, to be done by SK Nelson at a total cost of \$66,551, and to approve the purchase and stockpiling of 800 tons of limestone at \$5,600, for a total cost of the two projects of \$72,151. Erin Welch seconded the motion. The motion passed 4-0.

Mr. Hiers then said that better signage was needed throughout the subdivision to provide information about truck size limits, special permits required for larger trucks, and banning "super dump" truck at all times. Don Rauschuber said this could be discussed more at the November meeting, but was not sure how it could be enforced.

Mr. Hiers moved on to say that the Road Committee had used up the weed killer for areas along the roadways, and referenced the RFE he provided for \$909 for additional weed killer. He also referenced the RFE for \$250 to purchase a test seed/grass mix in certain areas with caliche. LaDale Young made a motion to approve a total of \$1,150 for the two RFEs. Priscilla Thorp seconded the motion. The motion passed 4-0. Mr. Hiers then updated the Board that SK Nelson would be ready the following week to begin their work.

Gil Silva brought up to the Board that about 2-3 weeks prior to the meeting, there were surveyors changing flags on his lot, and he wanted to know who they were. None of the Board members or any of the attendees knew, and Don Rauschuber recommended that Mr. Silva contact the Sheriff's office.

E. Security Committee – Maintenance of Subdivision Egress and Ingress Security and Public Education

No report was provided.

F. Technology Committee – Development of Subdivision Wireless Telephone and Internet Services

Van Henry's presentation earlier in the night met the requirement for the Technology Committee report.

G. Wildlife Habitat Maintenance Committee

No report was provided.

H. Finance Committee

No report was provided.

I. Nominating Committee

LaDale Young made a brief presentation, stating that the Nominating Committee met approximately two weeks prior, and that they are working on a letter to the POA regarding nominations for the Board of Directors.

J. Other Committee

No report was provided.

Item 13

Discuss, consider and action concerning the December 2014 Annual Whitewater Springs Property Owners Meeting, including but not limited to, the following items:

A. Date for December Meeting; B. Location

Don Rauschuber made a motion to set the meeting date for Saturday, December 6, 2014 at the Comfort Inn in Burnet at 1:00 p.m. Erin Welch seconded the motion. The motion passed 4-0.

C. Possible referendums items (e.g., WWS Dam Rehabilitation, Technology Improvements, Repair/Replacement of FM 1174 Fence, Term Limits for Board Members)

Per an e-mail provided by Allen Palmer to the Board dated September 10, 2014, Mr. Palmer requested to set term limits for Board members. However, this is against State code; therefore, no term limits can be set. Also in Mr. Palmer's e-mail was a request to ensure the POA attorney review the existing amended CCRs shown on the subdivision website, to ensure they are properly signed off and approved. Adam Pugh (POA attorney) should review this. Finally, there was a brief discussion about the fence along FM 1174. The fence needs repairs, and it needs to be determined how the repairs will be paid for, either by individual lot owners or a cost-share with the POA. LaDale Young said he would research the matter further for the November meeting, adding that he could organize a group of volunteers and the needed materials to paint and prime portions of the fence.

D. Other Annual Meeting Matters

No other comments or matters were discussed.

Item 14

Discuss, consider and action concerning the setting of dates and agenda items for future WWS POA Board meetings. (Don Rauschuber)

The Board set the next called meeting for Thursday, November 6, 2014, at the library, to address the items that could not be finalized in this meeting.

Item 15

Adjournment

At 9:40 p.m., the Board adjourned the meeting.

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