

2016-

MINUTES FROM THE WHITEWATER SPRINGS

BOARD OF DIRECTORS MEETING

Meeting Date/Time: Tuesday, June 14, 2016, 6:00 p.m.

Meeting Location: Joann Cole Mitte Memorial Library, 170 N. Gabriel, Bertram, Texas

Meeting Attendees: Don Rauschuber – POA Board President

Van Henry – POA Board Vice President

Erin Welch – POA Board Secretary

Cheryl Sherman – POA Board Treasurer

Coy Brown – POA Board Member

Multiple Whitewater Springs property and homeowners

Items 1 and 2 Call to Order and Establish Quorum

Don Rauschuber called the meeting to order at 6:03 p.m. A quorum was established, with all Board members present.

Item 3 Public Comment

Ken Dreger commented on the minutes of the meetings not being complete.

David Carmichael requested that the report about the dam and breach inundation prepared by Dee Purkeypile be posted on the website.

Jerry Martinez requested that better information about the meeting dates and times be provided by the Board, due to confusion on NextDoor and information provided on the website.

Doug Bird stated that he had posted online about selling a boat, or possibly throwing it away, stating that it was a community paddle-boat.

Bill Hiers requested that information about Oak Wilt be added to the Welcome Packet, as there is a lot of clearing going on now, and Oak Wilt continues to be an issue.

Item 4 Discuss, consider and take action concerning the May 12, 2016 Board meeting minutes. (D. Rauschuber)

Van Henry did not have the meeting minutes prepared, so this item was postponed to the next Board meeting.

Item 5 Discuss, consider and take action concerning Whitewater Springs Financial Statements as of April 30, 2016. (D. Rauschuber)

Don Rauschuber provided a summary of the financial information included in the backup packet materials. Erin Welch made a motion to approve the financial statements as provided, seconded by Van Henry, and the motion passed unanimously, 5-0.

Item 6 Discuss, consider and take action concerning V&Y Contracting and Paving, LLC, contracts. (B. Hiers)

Don Rauschuber provided a summary of the contract information, and the Board discussed the improvements as presented.

1. Edge Repair and Crack Seal – \$21,750.00

Erin Welch made a motion to approve the contract as presented, to be taken from the Roadway Cleaning/Repair budget item, seconded by Don Rauschuber, and the motion passed unanimously, 5-0.

1. Chaney's Crossing Drive and Murphy Drive Paving – \$105,125.00

Erin Welch made a motion to approve the contract as presented, to be taken from the Non-Recurring/Roads budget item, seconded by Van Henry, and the motion passed unanimously, 5-0.

1. Hollis Trail Surfacing – \$8,500.00

Erin Welch made a motion to approve the contract as presented, to be taken from the Roadway Cleaning/Repair budget item, seconded by Cheryl Sherman, and the motion passed unanimously, 5-0.

Item 7 Discuss, consider and take action concerning approval and payment of bills. (D. Rauschuber)

1. V&Y Contracting – Chaney's Crossing Drive \$76,405.00
2. V&Y Contracting – Hollis Trail \$8,500.00
3. V&Y Contracting – Murphy Drive \$28,720.00
4. V&Y Contracting – Road Edge Repair \$3,750.00

There were no invoices for items A-D, only RFEs for V&Y, and therefore, no action was required or taken.

1. Niemann and Heyer – \$1,463.00

Don Rauschuber made a motion to postpone this item to the next meeting, due to continued discussion about legal matters with Connie Heyer, Erin Welch seconded the motion, and the motion passed unanimously, 5-0.

1. Cooper Design – \$103.94

Don Rauschuber provided a summary of the invoice for website design and maintenance, and made a motion to approve the invoice. Erin Welch seconded the motion, and the motion passed unanimously, 5-0.

1. Other

There were no other invoices for approval.

Item 8 Discuss, consider and take action concerning matters discussed with Ms. Connie Heyer, Niemann & Heyer, LLP, Attorneys at Law, Austin, Texas, including, but not limited to the following items (D. Rauschuber):

1. Developer for Whitewater Springs Subdivision
2. Ownership and maintenance of FM 1174 fence
3. FM 1174 fence: vinyl/plastic versus wood/metal
4. Assessing fines for covenant violations
5. Covenant violation actions and limitations
6. Condensing of restrictive covenants
7. Needed approval(s) for new capital improvements
8. Whitewater Springs Dam Project
9. Enforcement of speed limits and recovering street damages
10. Road Impact Fee
11. Open Meeting Act
12. Street contractor (i.e., Cummings and V&Y)

This item was postponed to the next meeting, as information provided by Connie Heyer was received just before the meeting, and there was no time to review the information. Additionally, the information was incomplete.

Item 9 Discuss, consider and take action on entry light(s) repair. (D. Rauschuber)

Gil Silva made a brief presentation regarding manufacturing specifications and potential costs to switch to low-voltage lights, then the Board discussed the information. There was a brief discussion about relocating the mailboxes and repositioning the cameras to include the area of the mailboxes; Lot 370 would require an easement for this relocation. The discussion went back to the entry lights, in that Gill Silva would provide additional information on a low-voltage system and changing all the lights from incandescent to LED. Repairs are needed now for spotlighting the signs and in between the sign and the gate, at an anticipated cost of \$115/light and costs for an electrician to make the repairs. Don Rauschuber made a motion to authorize a \$500 expenditure from the Maintenance/Repair budget item to repair the two (2) lights referenced and hire an electrician to make the improvements. Erin Welch seconded the motion. There was further discussion about the cost for the electrician, and it was anticipated to be approximately \$200 or less. The motion passed unanimously, 5-0.

Item 10 Discuss, consider and take action concerning the replacement of the FM 1174 fence. (D. Rauschuber)

This item was postponed to the next meeting, as incomplete information was provided by Connie Heyer.

Item 11 Discuss, consider and take action concerning stocking Whitewater Springs Lake with tilapia as foliage stock. (V. Henry)

John Nowak provided a summary of the potential project and provided a handout to the Board with his findings and recommendation. Mr. Nowak stated that, per his research, he recommends hiring a lake management company to survey the lake for fish population, then restock the lake with a recommended mix of natural fish, instead of invasive or otherwise detrimental species; he will also obtain more information about potential costs and the overall process. Based on information Mr. Nowak has obtained, he expects a survey of the 17-acre lake to cost approximately \$1,200. Additionally, to stock the pond, based on a smaller pond cost assessment, could be approximately \$25,000. Don Rauschuber made a motion to authorize John Nowak to coordinate an aquatic survey of the Whitewater Springs Reservoir, and Erin Welch seconded the motion. The Board then discussed the potential project. Don Rauschuber recommended a new budget line item of "WWS Fisheries Project" to fund the study and survey; Eldon McGill recommended having a single budget item for all the proposed lake improvements. Don Rauschuber then amended his original motion as follows: Amend the budget for a new line item of "Wildlife Habitat", and authorize a not-to-exceed expenditure of

\$5,000 for all proposed lake projects, and directed Cheryl Sherman to create the new line item. Van Henry seconded the amended motion, and the amended motion passed unanimously, 5-0.

Erin Welch then made a motion to authorize John Nowak to coordinate with a lake management consultant to prepare an aquatic survey at a not-to-exceed cost of \$1,800. Don Rauschuber seconded the motion, and the Board discussed the motion. Based on Board discussion, Erin Welch amended the original motion as follows: John Nowak is assigned to the Wildlife Committee, along with Ken Dreger, Mike Austin, and Shawn Vickers, and John Nowak is authorized to investigate hiring a lake management company to conduct a lake analysis of the Whitewater Springs reservoir at a not-to-exceed cost of \$1,800, and bring a contract(s) back to the Board for approval. Cheryl Sherman seconded the amended motion, and the amended motion passed unanimously, 5-0.

Item 12 Discuss, consider and take action concerning the purchase of a floating dock to be installed on Whitewater Springs Reservoir. (D. Rauschuber)

Don Rauschuber provided a brief summary of the agenda item and proposed project, and provided questions about insurance. LaDale Young stated that insurance would increase approximately \$140 annually to cover the floating dock. Ken Dreger stated that the Wildlife Committee budget would incur the maintenance costs, and that the community could build and maintain the dock as needed. The location of the dock could be near the picnic tables on the south side of the lake, and that it could be any configuration, but approximately 48 feet long. The item then went to the Board for discussion. Erin Welch made a motion to approve \$5,465 for the floating dock, to be included in the new Wildlife Habitat line item referenced earlier, increasing the Wildlife Habitat budget from \$5,000 to not-to-exceed \$12,000. Van Henry seconded the motion, and the Board discussed the proposal further. Based on Board discussion, Ken Dreger was directed to order the floating dock sometime in July 2016. The motion passed unanimously, 5-0.

Item 13 Discuss, consider and take action concerning pool house repairs or replacement. (D. Rauschuber)

Together with:

Item 14 Discuss, consider and take action concerning portable restroom and shower facilities for swimming pool. (V. Henry)

Don Rauschuber provided a summary and recap of the last discussions, stating that the restrooms need to be addressed as soon as possible for the summer usage of the pool area.

Gil Silva provided a summary and recap of previously provided information. Improvements to the pool house will require, among other elements, a plumber for the water connections, and this could be at a cost of approximately \$3,500, and the same plumber could install an outdoor shower at a cost of approximately \$300, if needed. The pool house improvements were further discussed by the meeting attendees and the Board, with the general consensus being that bathrooms are needed now, and other pool house and/or potential community center could be developed over time. Don Rauschuber made a motion that Van Henry and Gil Silva will coordinate the rental of a portable toilet(s) with a sink, and work with the WWS Water Supply Corp to obtain a water meter/connection (or possibly use what is existing), at a not-to-exceed budget of \$1,000 over a two-month period, with the costs to be taken from the Pool Maintenance budget. Erin Welch seconded the motion, and the motion passed unanimously, 5-0.

The Board and meeting attendees then discussed pool house repairs and potential community center specifically. The location of the proposed new pool house is an issue. The pool house cannot be located on Lot 22, as that is owned by Huron. (Erin Welch may reach out to surveyor Don Sherman to verify if there is any encroachment of the pool or driveway on Lot 22.) The east side is a septic area, and there could be setback issues with Lot 22 and the commons area. By the December meeting, there needs to be a permanent solution to the restroom and community center, possibly via a formal Resolution. Additionally, the driveway and parking configuration need to be addressed and improved. The question was raised, to be asked of Board counsel Connie Heyer, if all the commons areas in the location of the pool/pavilion could be joined together as a single lot/commons area. Jerry Martinez stated that a new community center would be an asset to the community, as there could be more community functions held there. Don Rauschuber requested that additional information be brought to the Board in the form of a formal plan with all elements, including materials, size, potential development phasing, so a decision can be made on how to move forward with this issue. This could be a potential Referendum for later this year, and Mr. Rauschuber can discuss that issue with Board counsel Connie Heyer. No formal action was taken on this item.

Item 15 Discuss, consider and take action concerning cell phone and/or internet service. (V. Henry)

Jerry Martinez provided a general summary of the potential project, including funding concerns (the subdivision has too much money on hand to qualify for government funding), stating that the project would not be satellite based, additional lobbying will be needed with Frontier Communications for DSL as they need to update the lines from Georgetown to Bertram, the material will be copper instead of fiber (less expensive), and confirming that the allotted funds for the project were spent for 2016. If Bertram has funds to update their lines in the future, that

will benefit Whitewater Springs. The Technology Committee, or members of the previous committee, will continue to work on this project, but are awaiting further notice and information from Frontier Communications' HOA Assistance Division. No action was taken on this item.

Item 16 Discuss, consider and take action concerning a Welcome Booklet. (E. Welch)

Erin Welch stated that the Welcome Packet was nearly complete, and anticipates having it finalized and ready for distribution at the next Board meeting. No action was taken.

Item 17 Discuss, consider and take action concerning Committee Reports:

1. Pool Committee

Gil Silva provided a report and handout.

- Gil painted the chain blocking the entrance to the pavilion area and hung a "CAUTION 5 MPH" reflecting sign on the chain.
- Gil suggests purchasing two (2) exterior wood tables approximately 30" x 96" to place near the pavilion BBQ as serving tables, for use by the POA as needed.
- Gil purchased and installed six (6) new combination padlocks and bolts for the pool bathroom structure for security.
- Gil suggests an outdoor shower on the outside wall of the existing pool pump house facing the pool on a concrete slab, and has contacted a plumber (Mike Krischke Plumbing) to provide a quote.
- The double door entrance to the pool pump house needs a slide-bolt.

1. Road Committee

No report.

1. Security Committee

No report.

1. Technology Committee

No report.

1. Wildlife Habitat Committee

No report.

1. Maintenance Committee

Gil Silva provided a report and handout, including information previously discussed about the entry lights.

- The Community Wildlife Habitat sign was found face-down behind the mailbox area beneath several realtor signs. Gil cleaned it up and delivered it to Marjorie Dearmont as requested.

1. Nomination Committee

No report.

1. Fire Wise Committee

No report.

1. Architectural Control Committee

Cathy Frioux provided a brief summary and handout.

- New Business. Applications were approved for a driveway skirt, storage building, and dog run at the Palmer's residence. Several inquiries by potential and new property owners have been fielded concerned the ACC requirements for new construction. Clarification is needed for homes that were built before many of the covenants were in place as to the status of these homes if they are resold. What can/cannot be replaced? This question is mainly regarding fences. Can a chain link fence be replaced with another one, even if it is currently prohibited? Based on Board discussion, it was determined that a non-compliant element cannot be furthered.

- Old Business. There are 4 homes under construction, with 2 of them nearly ready for move-in. An application for a fence installed without ACC approval is being sought with little success, and will be referred to the Board for action. We emphasize that the ACC would appreciate residents asking for permission rather than forgiveness when considering home/property improvements. It is getting tedious finding out about violations and then trying to get the matter resolved.

1. Other Committee

No other reports.

Item 18 Discuss, consider and take action concerning the setting of dates and agenda items for future WWS POA Board meetings. (D. Rauschuber)

The Board set two potential dates, depending on the availability of the library: July 26 or August

2. Cheryl Sherman will coordinate the library schedule and update the Board regarding which date is available.

Item 19 Adjournment

At 9:12 p.m., Don Rauschuber made a motion to adjourn, seconded by Van Henry, and passed unanimously, 5-0.

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