

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

Meeting Date/Time: Thursday, January 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
Priscilla Thorp – Outgoing POA Vice President
LaDale Young – Outgoing POA Board Treasurer
Erin Welch – POA Board Secretary
Van Henry – POA Board Member
Coy Brown – Incoming POA Board Member
Cheryl Sherman – Incoming 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 6:02 p.m. The Pledge of Allegiance was said, and a prayer was given by LaDale Young. A quorum was established, with all incoming and outgoing members present.

Item 3 Public Comment

Don Rauschuber introduced Linvel Baker, one of the original Whitewater Springs residents, who is campaigning for Precinct 3 Commissioner. Mr. Baker made a brief presentation about his campaign.

Carol Ann Young stated that the Fire Chief was invited to tonight's meeting, and would be late. When he arrives, he will make a brief presentation about the burn site process.

Item 4 Discuss, consider and take action concerning December 19, 2015 Property Owners Association relating to the following matters:

A. Election of Directors for FY 2016

Don Rauschuber confirmed the election of two (2) new Board members from the December election results. Coy Brown and Cheryl Sherman were elected. Priscilla Thorp and LaDale Young are the two (2) outgoing Board members, and the Board thanked them for their service during their term. The new Board lineup is now: Don Rauschuber, Erin Welch, Van Henry, Coy Brown, and Cheryl Sherman.

B. Internet Improvements Referendum

Don Rauschuber confirmed the results of the referendum for internet improvements. The referendum did not pass.

Item 5 Discuss, consider and take action regarding the election of Board officers for FY 2016. (D. Rauschuber)

Erin Welch nominated Don Rauschuber for POA Board President, seconded by Priscilla Thorp. The motion passed unanimously, 5-0. Don Rauschuber nominated Erin Welch for Secretary, seconded by Van Henry. The motion passed unanimously, 5-0. Don Rauschuber nominated Van Henry for Vice President, seconded by Erin Welch. The motion passed unanimously, 5-0. Erin Welch nominated Cheryl Sherman for Treasurer, seconded by Don Rauschuber. The motion passed unanimously, 5-0. The 2016 POA Board officers are:

- Don Rauschuber – President
- Van Henry – Vice President
- Cheryl Sherman – Treasurer
- Erin Welch – Secretary

Item 6 **Discuss, consider and take action concerning November 12, 2015 and December 19, 2015 Board meeting(s) minutes. (E. Welch)**

Don Rauschuber made a motion for approval of the November 12, 2015 meeting minutes, seconded by Van Henry. The motion passed unanimously, 5-0. Minutes from the November 23, 2015 meeting (a continuation of the November 12, 2015 meeting) will be approved at the next Board meeting, since they were not included on this agenda. Minutes from the December 19, 2015 annual meeting are not required to be approved until the next annual meeting, but may be available at the next Board meeting.

Item 7 **Discuss, consider and take action concerning December 2015 Financial Statements. (D. Rauschuber)**

LaDale Young stated that he would work with Cheryl Sherman for approximately ninety (90) days, in order to provide assistance, as needed, with financial matters of the POA.

Don Rauschuber provided a brief summary of the financial statement, as presented in the backup packet for the meeting, including cash-on-hand, assessment information (uncollected included), and other income. Total income is \$269,775.50 (short by approximately 7.45%), and total expenses is \$305,844.35 (over by approximately 4.4%). Fund change is \$36,068.85. Erin Welch made a motion to approve the financials as presented, seconded by Van Henry. The motion passed unanimously, 5-0.

Item 8 **Discuss, consider and take action concerning approval and payment of bills. (D. Rauschuber)**

LaDale Young presented the bills to be paid. Included in the bills is an additional payment to the insurance company to cover additional homes constructed or under construction. There are 75 homes either constructed or approved for construction, which requires an additional payment of \$18.88. No action was required, and none was taken, but the \$18.88 expenditure was authorized by the Board under prior approvals of low-cost expenditures. Don Rauschuber then summarized the RFE process and petty cash process as approvable by the Board, with the Board allowed to approve up to \$500 in expenses to be paid for from petty cash with no formal action. Additionally, as previously approved by the Board, the Finance Committee and Vice President can authorize up to \$1,000 in expenses without Board action. No action was required and none was taken.

Item 9 **Discuss, consider and take action concerning a professional services agreement with Niemann & Heyer, LLP, Attorneys at Law, Austin, Texas. (D. Rauschuber)**

No letter of engagement had been received as of the date of this Board meeting, and this issue was postponed to the next meeting.

Item 10 **Discuss, consider and take action concerning the USFWS Shaded Fuel Break Project. (D. Rauschuber)**

Don Rauschuber presented a summary of the Memorandum of Understanding from the US Fish & Wildlife Department regarding the proposed fuel break project, as included in the POA Board meeting backup packet, and read the letter into record, including the proposed end date of December 31, 2020 for the overall project.

The Board will prepare a letter and list of property owners affected by the fuel break project. Erin Welch offered to prepare the ownership list, and Van Henry offered to coordinate with Terri Whaley of the Architectural Control Committee for the letter

preparation. Don Rauschuber will clarify questions regarding the format of the letter. Mr. Rauschuber made a motion for approval of the Memorandum of Understanding as presented, Erin Welch seconded the motion, and the motion passed unanimously, 5-0.

Bobby Huffstuttler, Bertram Fire Marshal, arrived at the meeting, so Item 11 was postponed until after discussion on Item 12.

Item 12

Discuss, consider and take action concerning the following matters: (V. Henry)

A. Open burning within WWS Subdivision

Bobby Huffstuttler, the Bertram Fire Marshal, made a brief presentation about the requirements for open burning on private lots within the subdivision, with the understanding that there has been an uptick in construction and lot clearing. Mr. Huffstuttler confirmed that Whitewater Springs is a Fire Wise Community, and that there are existing rules in place which follow or exceed state requirements. Mr. Huffstuttler stated that a fire may be deemed illegal if the property owner does not contact the Sheriff's office or Fire Department prior to burning on their lot, and that an individual burn pile of 3' wide by 2' high is the maximum size a fire may be without calling the authorities to alert them of the burn. Don Rauschuber asked Mr. Huffstuttler if there is anything the Board can do to further prevent any issues with on-site burns as well as the Section 5 burn site. Mr. Huffstuttler stated that Section 5 could have water brought to it, clear out the fire hydrants and install flush valves. Bill Hiers stated that fire hydrants are best, but they are expensive; other such improvements are planned but are not feasible at this time.

B. Section V Burn Site

Bobby Huffstuttler provided information about the proposed controlled burn at the Section 5 burn site. This includes getting volunteers and breaking up the pile into multiple smaller piles for the burn. LaDale Young said he would verify the status of the burn site, including the existing chain and existing/proposed signage across the site to keep the site shut down; there was some discussion about further securing the burn site. Don Rauschuber then directed LaDale Young and Mike Austin to coordinate with the Fire Marshal's office and County Commissioner, if needed, and recommended a \$400 per day contribution to the Fire Marshal's office. Don Rauschuber made a motion to authorize LaDale Young and Mike Austin to work with the Fire Marshal's office on the controlled burn on the Section 5 burn site, at a not-to-exceed cost of \$800. Erin Welch seconded the motion, and the motion passed unanimously, 5-0.

Public Comment and Board Discussion for Section 5 Burn Site. There was discussion about keeping the burn site open or closed, and the potential to levy fines/fees for non-compliant use of the burn site. Don Rauschuber directed David Giles and Mike Austin to prepare a recommendation for the burn site sign text, confirming that the burn site will remain closed until the Fire Marshal has conducted the controlled burn to remove existing materials. No further action was required or taken.

Item 11

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

Don Rauschuber stated that the FM 1174 fence is located within a Public Utility Easement (PUE). The primary question is whether the fence is an amenity or just an owner fence, meaning a fence owned and maintained solely by the property owners on whose lots the fence is located. The fence provides some security measure regarding vehicular access into the subdivision. There was public discussion about the fence, and David Giles offered to prepare information about alternative fences for installation

along FM 1174. Leonard Urbanovsky provided information about a fence contractor who would remove the old fence and haul it to the burn site and replace it with a similar fence for approximately \$38,715, or if the fence was hauled off-site, for an additional \$1,850. Van Henry suggested the Board use Mr. Giles' offer with Mr. Urbanovski's alternatives, and defer the fence issue to the next meeting. Mr. Giles and Gil Silva will work on fencing options, including removal of the existing fence, and potential other new options.

Item 13

Discuss, consider and take action regarding road impact fee. (V. Henry)

There was open discussion about the road impact fee, including the original intent of repairing roadways damaged by construction, and Bill Hiers confirmed that originally, the Board adopted fees at that time for road damages and repairs associated with construction traffic. The primary issues are that the terminology is incorrect and the fee is too low at this time. Don Rauschuber offered to speak with Matt Gibson at Goodwin Management regarding this issue. Further discussion about this issue was postponed to the next Board meeting.

Bill Hiers provided the following suggested changes to the Whitewater Springs Property Owners Association, Inc. Architectural Control Committee (ACC) New Home Construction Application:

- *Copy of builder's liability insurance.*
- *Non-reimbursable Road Impact Fee in the form of a cashier's check for \$1,500, made payable to "Whitewater Springs POA". On bottom left corner of front of check write your lot No. and the words "Road Impact Fee". Please note that the road impact fee covers general damage and wear-and-tear caused by heavy vehicles (cement trucks, building materials trucks, etc) required to build your home. Any SPECIFIC damage to the WWS roads directly attributed to the owner, contractor or his subs must be repaired to the satisfaction of the Road Committee Chair or the owner/contractor will be billed for the repair.*

I would also suggest separating the Builder's Insurance and the road impact as I've shown. I understand that after the ACC's approval of the project, and prior to beginning any construction, a driveway extending from the street to the slab location of 4 inches of gravel, compacted rock, crushed limestone (not Road Base) or better, must be installed.

*Bill Hiers
Road Committee Chair
14 January 2016*

Item 14

Discuss, consider and take action concerning tree/shrub maintenance in the Pavilion and other Common Areas. (V. Henry)

Van Henry provided a summary of the maintenance to be done at the Pavilion. There was discussion about a prior professional estimate provided for the work to be done, and multiple property owners then offered to do the work themselves at a much lower cost. The primary concern of volunteers conducting the work instead of professional pertains to insurance liability. Van Henry made a motion to authorize Leonard Urbanovsky and other volunteers to trim the low-hanging limbs at the Pavilion. Coy Brown seconded the motion, and there was further Board discussion. Don Rauschuber then amended the original motion as follows: Authorize Leonard Urbanovsky and other volunteers to trim the low-hanging limbs at the Pavilion, and charge the project to the Park/Greenbelt Maintenance budget at a not-to-exceed cost of \$1,500, salvage as much of the trimmings for fire wood for property owners, and any non-fire wood is to be taken to the Section 5 burn site. Coy Brown seconded the motion, and the motion

passed 4-1, with Erin Welch in opposition. There was additional discussion about the project between the Board and the proposed volunteer team, addressing questions of liability and safety, including prior similar projects. The amended motion was further amended to include a lift for the work, for completion by January 28, 2016, and the motion passed unanimously, 5-0.

Item 15 Discuss, consider and take action concerning Cow Creek Nature Trail maintenance. (V. Henry)

Van Henry made a brief presentation, stating that he and Mike Austin would walk the area along Cow Creek this weekend, and provide more information at the next meeting. Mr. Henry made a motion to postpone this item to the March Board meeting, Don Rauschuber seconded the motion, and the motion passed unanimously, 5-0.

Item 16 Discuss, consider and take action concerning the funding of an AED alarm box. (V. Henry)

Van Henry made a brief presentation about the AED alarm box and associated equipment, confirming that a box would be needed prior to purchasing a strobe alarm, to be wall mounted, at a cost of approximately \$350, including shipping and taxes. Don Rauschuber made a motion to approve the purchase of the AED standard size stainless steel audible alarm and strobe at a not-to-exceed cost of \$350 within two (2) weeks. If the purchase was not made within two (2) weeks, the Board would withdraw the prior purchase commitment and reauthorize a not-to-exceed expenditure of \$950 for the AED purchase. The equipment should be mounted within two (2) weeks of purchase, and the funds will be taken from the Pool/Spa Maintenance budget. Erin Welch seconded the motion, and the motion passed unanimously, 5-0.

Item 17 Discuss, consider and take action concerning remote monitoring equipment to be installed at the WWS FM 1174 entrance gate. (V. Henry)

Van Henry made a brief presentation about the potential for Ron Frioux to remotely view the feed and tapes from the entrance fence, instead of having to go to the actual cameras. There was discussion about anticipated costs and equipment and what the process will be for installation and operation. Additional details are needed. Don Rauschuber made a motion to postpone this item to the next Board meeting, Van Henry seconded the motion, and the motion passed unanimously, 5-0.

Item 18 Discuss, consider and take action concerning a Welcome Booklet. (E. Welch)

Erin Welch stated that the welcome packet is still in the works, and may be ready for the next Board meeting. Along with Item 20, Don Rauschuber made a motion to postpone this item until the next Board meeting, Erin Welch seconded the motion, and the motion passed unanimously, 5-0.

Item 19 Discuss, consider and take action concerning Pool House improvements recommended by POA's insurance provider. (D. Rauschuber)

Don Rauschuber provided a general summary of e-mail correspondence between LaDale Young and Debra Dickens with Galloway Insurance specific to a site visit she conducted. There were three (3) recommendations made by Debra Dickens: 1) Provide a current address for the site, increase the premium by \$18.88 for the additional homes (75 total), and provide stairs with railing to access the pool house. Earlier in the Board meeting, the Board authorized the \$18.88 expenditure. LaDale Young provided Debra Dickens with the current address information in his e-mail correspondence to her. Don Rauschuber directed Sam Locke to look into adding railing for the stairs.

- Item 20** **Discuss, consider and take action concerning builder/homeowner “fast guide” for construction and renovation. (V. Henry)**
Van Henry stated that along with Item 18, this item is still in process with Erin Welch and other property owners. Along with Item 18, Don Rauschuber made a motion to postpone this item until the next Board meeting, Erin Welch seconded the motion, and the motion passed unanimously, 5-0.
- Item 21** **Discuss, consider and take action concerning Pavilion shade structure previously approved by Board.**
Jerry Martinez stated that the project was canceled, as the final project budget exceeded the \$1,301.20 authorized in 2015. No further discussion was required.
- Item 22** **Discuss, consider and take action concerning Committee Reports:**
There were no committee reports presented.
- Item 23** **Discuss, consider and take action concerning the setting of dates and agenda items for future WWS POA Board meetings. (D. Rauschuber)**
Don Rauschuber suggested the following dates for Board meetings in 2016:
- March 24, 2016 at 6:00 p.m.
 - June 9, 2016 at 6:00 p.m.
 - September 8, 2016 at 6:00 p.m.
 - October 27, 2016 at 6:00 p.m.
- The dates were agreed upon by the Board, subject to change based on the availability of the library.
- Item 24** **Adjournment**
At 9:02 p.m., Van Henry made a motion to adjourn, Erin Welch seconded the motion, and the motion passed unanimously, 5-0.