

Red Cedar Canyon Townhome Association
Board Meeting: RE: Monthly Meeting
Monday, July 17, 2023, 12 noon
First National Community Bank

The monthly meeting minutes are subject to review and approval by the board of directors (BOD) at the next meeting.

The Monthly BOD meeting of the RCC Townhouse Association (RCCTA) was held at FNC Bank. President Dave Preller (DP) called the meeting to order at 12 noon. Board members present: Dave Preller (DP,) Gretchen Trebnick (GT,) Vice President, Ron Urhammer (RU,) Treasurer, Karen Mackesey (KM,) Secretary, were present. Property Manager Matt Fee (MJF,) was in attendance. Karen Cullum (KC,) Member at Large, was absent due to work obligations. Three homeowners were in attendance: Steven T’Kash (ST,) Judy Frank (JF,) and Doug Lamb (DL,) Wayne Wells (WW,) during open forum.

1. Approval of Meeting Minutes

KM motioned; DP seconded to approve the June 19, 2023, meeting minutes. Motion passed.

2. Agenda Approval

KM motioned; RU seconded to approve the July 17, 2023, agenda as written. Motion carried.
(Agenda attached.)

3. President’s Report

DP reviewed the HOA Annexation of Lots (Common Area) which was composed to note how the HOA became a HOA community. Noted below are some of the main bullet points:

- There is a 21-year precedent as to how homeowners and the HOA work towards, and for, the common goals of the entire HOA; he entailed the yard/snow maintenance, insurance, etc.
- When Hans Hagen developed the community, he annexed completed sections into the RCCTA HOA.
- Interviews with the County Treasurer, City Appraiser and City Administration stated homeowners at RCCTA are taxed according to the documents filed and recorded at the St. Croix County Courthouse. These documents are the same documents which homeowners can view on the RCCTA website.
- Bowmar Appraisers, the company contracted to assess our units, concurred with the City and County personnel. Individual homeowners are taxed individually on their dwellings and all owners are taxed equally for land acreage. In fact, tax records show RCCTA homeowners own 0.00 acres.
- Monthly dues are collected from homeowners on behalf of the HOA. Monthly dues are used to maintain common area/green space, provide maintenance to facilities.
- The HOA has the responsibility to maintain (purchase) liability insurance for ‘the exterior or outside’ of the living unit.

GT motioned; KM seconded to adopt the above policy; DP called for discussion. RU asked if this would supersede the current policy. The BOD discussed it would and the old policy of ‘Common Area’ would be deleted and replaced. The BOD unanimously passed the motion.

Audience members had questions. Those questions will be addressed during the open forum.

DP stated the landscaping plans for two units, 37 and 45 were approved.

Pest control responsibilities and expenses were reviewed. According to the Homeowner vs. HOA Responsibility Chart found on the website, **homeowners are responsible for pest control. The HOA is responsible for repair (in this case repair due to the pest/rodent encroachment.)** Expenses to repair the soffits have been increasing. The handyperson is no longer performing this task; currently, American

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Pest Control has been repairing the soffits. It has been difficult finding a reasonably priced contractor. Thus far, the HOA has incurred over \$2.3k for repairs.

The original Hans Hagen townhome construction allows the soffit to yield to slight pressure allowing pests to enter. Gradually, the HOA is repairing units where the soffits have been compromised. MJF will speak more on the topic during his report. WW will speak about his issue of pests during the Open Forum.

4. Treasurer’s Report

RU presented the financial report.

	June 2023 Financials Reported Out on:		May 2023 Financials Reported Out on:	
	<u>July 17, 2023</u>		<u>June 19, 2023</u>	
Checking Account:	\$	34,484	\$	28,869
Savings Account:	\$	6,080	\$	5,080
Reserve Fund (net)	\$	791,222	\$	777,423
Reserve Fund (gross-w/insurance \$)	\$	1,444,244	\$	1,730,496

The checking account decreased approximately \$10 - \$12k due to expected summer expenses (irrigation, yard work, etc.) Secondly, the quarterly garbage invoice was paid. RU stated the \$16,853 tax levy ‘refund’ was redeposited into the checking account. Noted previously, the WI Department of Revenue levied \$17,188 for ‘prior taxes owed plus fees, interest.’

The BOD requested the late fee and fines be paid by the tax accountant. The accountant took responsibility and issued a check to the HOA for \$335 to cover the late fees.

KM motioned; GT seconded to approve the Treasurer’s Report as presented. Motion passed.

5. Manager’s Report

MJF continues to look for a soffit contractor to repair the soffit to prevent re-entry by rodents/pests. He is anticipating that by the end of July he will have some bids.

A second bid was received for the brick and concrete work. He is waiting for the third submission so we may select the best proposal.

MJF submitted a ‘cease and desist’ letter to a homeowner for landscaping work performed without a form and without approval. Unfortunately, the choice of trees which planted are not approved and not acceptable. GT motioned; RU seconded to have the trees removed. Motion passed. MJF will inform the homeowner.

Abrahamson’s is scheduled for shrub planting on July 31, 2023.

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6. Old Business

The BOD had a meeting with Brian Pechack Roofing (BP) before the main meeting. BP stated the 2022 Roof/Hail project is coming to completion. BP agreed to repair all the buildings in the HOA. Insurance coverage did not pay for one building as they stated there was no evidence of hail damage. BP is still working with the provider to provide evidence of damage. So far, the HOA has paid BP \$1.3k and \$0.2k will be sent this week.

He is reviewing the 'punch list' of things to do/repair/inspect with his onsite supervisor, Manuel. He has repaired issues noted by homeowners as well as those he has seen during the inspection. The BOD supported his decision to turn in the information for gutter damage with the request insurance covers the damage.

Once the project has been approved and all documentation has been cleared and processed by State Farm Insurance, a check for recoverable depreciation of \$385,000 will be sent to RCCTA. It will be used to pay BP.

BP performed a quick inspection on roofs as we requested to verify if there was damage because of the hail we received in July. He stated the new shingles looked good.

On July 10, 2023, FPI and the BOD held an information on the cul-de-sac on DWC. It was well attended with good dialogue. The BOD deferred to the professional engineering opinion of FPI as to how and where the lanes would be contoured with regards to water runoff on lanes. FPI also took into consideration promoting the longevity of the asphalt.

The phase one driveways resulted in a better plowing surface. Since the lanes are no longer 'sunken' or concave in the center for drainage, which is great in the summer but not during the winter when ice buildup occurs, the snowplows were able to scrape down the entire lane, especially the center with better results.

Further, there is no effective way to ensure lanes are free of ice throughout the winter. We live in a northern climate and as seen during the past decade, we have had an increased pattern of freezing rain, melting snow, refreezing, etc. Also, the nature of how Hans Hagen designed the downspouts on the front of the garage/AC wall funnels the water (and freezing water) down the center of the driveways and lanes.

The anticipated start date is July 17, 2023, which should be completed within 2 weeks. The milling and other miscellaneous blacktop repairs will happen after completion of the main asphalt project. The \$282k project will be funded using the reserve fund. One more phase remains for the future.

The BOD's budget planning meeting is set for September 27, 2023.

7. New Business

The BOD has two positions on the BOD up for elections during the Annual Meeting, September 20, 2023. Two BOD members are not seeking re-election. Currently, they hold the Vice President and Treasurer's position. Please consider running for one of these two positions so we may have a full five-member board. **The open positions are for three-year terms.** After elections, the BOD determines who performs what tasks; you are signing up to be a BOD member and then the BOD members elect who fills what position.

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8. Homeowner Input/Open Forum

WW discussed the rodent issue he has been experiencing for quite some time. Raccoons have been entering his attic and have been causing problems. They contacted the pest control company which had a challenging time trapping the animals. WW requested assistance from the HOA in the issue as the trapping cost has escalated. At this time, the soffit has been secured. The homeowners are responsible for the pests/rodents and the HOA pays for the repair. The BOD will discuss long-term solutions for this constant problem. Finding capable, insured, contractors willing to tackle the repairs has been impeding swift resolution.

The other priority of the audience's concern was focused on the common area. Homeowners wanted to further understand what common area meant, how the county interprets the documents, what the original home developer promised individual's when they bought the property, ownership versus rights of individuals versus rights and responsibility of the HOA.

RU motioned; DP second to adjourn the meeting. Motion passed. Meeting adjourned at 1:44 pm.

The August 21, 2023, monthly HOA meeting will be at 12:00 pm; it will be held at the FNC Bank. RU motioned; DP seconded to adjourn the meeting. Motion passed. The meeting adjourned at 1:44 pm.

Respectively submitted,

Karen M. Mackesey
Red Cedar Canyon Townhouse Association, Secretary

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RCCTA EXECUTIVE BOARD MEETING AGENDA

Type of Meeting: Regular Monthly Board
Meeting Date: July 17, 2023
Location: First National Community Bank
Call to Order: 12:00 pm

- 1.0 Call to Order
- 2.0 Roll Call
- 3.0 Approval of Previous Meeting Minutes
- 4.0 Approval of Meeting Agenda
- 5.0 Reports
 - 5.1 President's Report
 - 1. Common Area Statement
 - 2. Landscape Plan(s) Approvals
 - 3.
 - 5.2 Treasurer's Report
 - 1. Financial Report Out
 - 2.
 - 5.3 Manager's Report
 - 1. Updates
 - 2.
- 6.0 Old Business
 - 6.1. Roof Repair and Replacement Project
 - 6.2. Asphalt Project – review, new aprons, Midwest
 - 6.3. Tax Filing Update – levy for taxes: \$17k - \$31k
 - 6.4 Shrubs, Retaining Wall Repairs, Tow Dawg Concrete
 - 6.5. Update Reserve Study Revision
 - 6.6.
- 7.0 New Business
 - 7.1.
- 8.0 Homeowner Input/Open Forum
 - 8.1. Open Board Positions
- 9.0 Next Meeting Date and Time
- 10.0 Adjournment

Important Dates to Remember:

- 1. September 20, 2023, Annual RCCTA HOA Meeting, Hudson High School
- 2. Budget Planning for 2024, September 27, 2023, (BOD.)

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Prepared By: RCCTA BOD

July, 2023

**RED CEDAR CANYON TOWNHOME ASSOCIATION BOARD OF
DIRECTOR'S POSITION ON COMMON AREA: Rights and Obligations**

The RCCTA Covenants and By-Laws, in addition to twenty-one years of past practices and precedent, provide the following summary from the RCCTA Board of Directors:

- Once homeowners purchase a unit in RCCTA they become a member of the Association and agree to abide by the Covenants, By-laws and Policies of RCCTA.
- The obligation of the Association to maintain, repair and improve the exterior of the units allow access to all areas outside the "living unit".
- RCCTA has the authority to assess monthly homeowners fees for the maintenance, repair, and improvements to all exterior areas of the units.

COMMON AREA ESTABLISHED THROUGH THE FOLLOWING:

- We have 21 years of precedent with RCCTA and homeowners forming a successful partnership in the application and enforcement of our governing documents. The Association and homeowners have worked together to maintain and improve landscaping and mulch areas around the "living unit". The obligation to maintain the common and mulch areas, as well as approve landscaping/planting plans, lies with Association. (Many homeowners choose to maintain the mulch area by their living unit).
- Annexation: Our governing documents include 6 or more Supplemental Declarations or Annexations of lots into RCCTA Common Area. Additional research through St Croix County records indicate there may be up to 12 Declarations of Annexation on file. See Attachment - Landscape Easements in RCCTA governing documents.
- Documents or surveys support the homeowners owning just the footprint around their common walls. We ascertain the footprint of their lot extends only to the mulch area. See Plat Photo in Attachments below.
- Interviews and Findings from County/City Officials: The County Treasurer, City Appraiser and City Administration all said the Association is taxed with the understanding of common property. All use the same documents found in the RCCTA's governing documents recorded at the county.
- Bowmar Appraisal confirmed the same conclusion.
 - Bowmar stated if it was not common property, whereas land/acreage taxes were not divided equally (all members of RCCTA essentially pay 1/112 of all land

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Prepared By: RCCTA BOD

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associated with RCCTA) then taxes would have to be amended appropriately for previous years.

- In other words, if homeowners 'owned' the land within the 'lot lines,' those units sitting on a larger 'lot/lands' would pay significantly more and those with less 'acreage' associated with where their unit sits on the 'lot/land,' would pay much less.
- **Property Taxes:** St Croix County tax statements indicate each resident owns 1/112 of the property in RCCTA. The records show the resident owns 0.00 acres. We are all taxed the same amount - 1/112 of \$3.9 million, or \$3,550 per homeowner.
- In addition, homeowners need to own the title to the property and not RCCTA as the County would tax BOTH the homeowner and the Association.
- **Monthly Dues:** the Association collects monthly dues from homeowners in order to maintain the common area, roads, lanes, etc. The Association also *uses these dues to insure the neighborhood for damage and liability on common areas, sidewalks, and lanes that may occur.*
- **Insurance:** homeowners usually only take out "condominium insurance" which covers studs inside only. Few homeowners purchase insurance to cover liability on common area, the association does that.

WHAT YOU OWN ACCORDING TO OUR GOVERNING DOCS:

- Article IV. Section 8 . Right of Enjoyment . Every Owner shall have a non-exclusive right and easements of enjoyment in and to the Common Area, which right and easement shall include, but not be limited to, easements for ingress and egress to such Owner's Lot for the Owner and the Owner's invitees, for lateral support, for utility, water and sewer easements, vehicular parking, pedestrian ingress and egress, and use and enjoyment of open spaces and all other parts of the Common Area. Such right and easements shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions :
 - D. The right of the Owner of each Lot to an exclusive easement on the Common Area for entrances to a Living Unit or to areas occupied by fireplaces, roof overhangs, balconies, air conditioning compressors, flower boxes, patios, and other appurtenances which are part of the original construction of any Living Unit.
- See Scanned Plat Photo in Attachments below.

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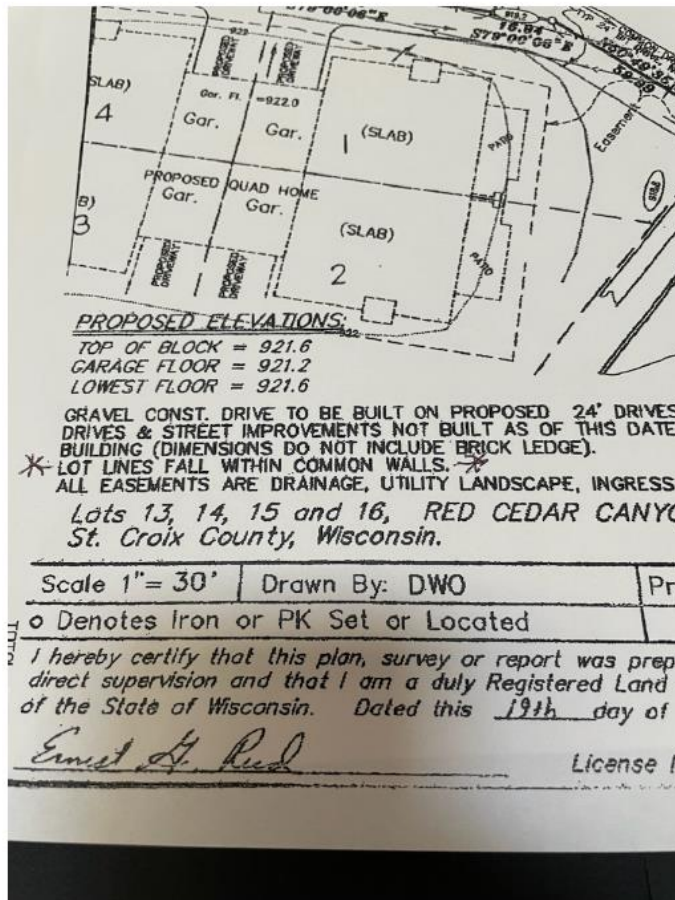
Prepared By: RCCTA BOD

July, 2023

References:

By-Laws:

1. Article III, Sec 1 - Membership
2. Article X, Assessments
3. Article III, Sec 3 - Membership
4. Article V Assessments, Sec 16 - Personal Obligation; Lien
5. Article IV, Sec 10 - Association's Rights
6. Article IV, Sec 14 - Easement for the Benefit of the Association
7. Article VII, Sec 42 - Exteriors
8. Article VII, Sec 43 - Lawn and Planting Maintenance
9. Article VIII, Sec 8 - Owner's Maintenance; Sec 48 - Upkeep and Maintenance
10. Article XIV, Sec 89 - Right to Cure
11. Article XIV, Sec 90 - Enforcement
12. Article IV, Sec 8 - Right of Enjoyment
13. RCCTA Code of Conduct Policy
14. Interviews with The County Treasurer, City Appraiser and City Administration, and Bowmar Appraisal



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July, 2023

Common Area - ANNEXATION

EXHIBIT B

Common Area

There is no Common Area included with the Property described in the Declaration. Common Area, if any, in the Proposed Development Area **shall be annexed by means of a Supplemental Declaration as provided in this Declaration.**

THIS IS A SUMMARY OF THE MULTIPLE PAGES (16) ATTACHED TO OUR GOVERNING DOCUMENTS COVERING ANNEXATIONS OF RCCTA LOTS:

FIRST SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR RED CEDAR CANYON TOWNHOUSE ASSOC., INC **DECEMBER, 2001 LOTS 67 - 82**

SECOND SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR RED CEDAR CANYON TOWNHOUSE ASSOC., INC **JULY, 2001 LOTS 1 - 24**

FIRST SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR RED CEDAR CANYON TOWNHOUSE ASSOC., INC **JANUARY 8, 2002 Lots 1-16 Parcel: 236-2025-00-000**

THIRD SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR RED CEDAR CANYON TOWNHOUSE ASSOC., INC **MAY, 2003 LOTS 32 - 61**

FOURTH SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR RED CEDAR CANYON TOWNHOUSE ASSOC., INC **SEPTEMBER, 2005 LOTS 1 - 22 Red Cedar Canyon Deerwood Overlook**

FIFTH SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR RED CEDAR CANYON TOWNHOUSE ASSOC., INC **FEBRUARY, 2008 LOTS 85-86-87-88 Sixth Edition**

EXHIBIT D LANDSCAPE EASEMENTS

WHEREAS, Article X, Section 9 of said Declarations provides in relevant part as follows: "Additional land within the Proposed Development Area may be annexed by, or with the consent of, the Declarant.. without the consent of the other Owners or of mortgage holders of Lots within 5 years of the date of recording of this Declaration, provided that (1) the FHA or VA determine that the annexation is in accord with the general plan of development heretofore approved by them, or (2) Declarant (or such holder) then avers that neither the FHA nor the VA had then approved such a general plan for this development. Such annexation shall be accomplished by means of one or more Supplemental Declarations executed by Declarant (or such holder and the then owner of the land to be added) and recorded with the Register of Deeds for St. Croix County, Wisconsin.

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Special Meeting of the RCCTA BOD on July 19, 2023

The Special Meeting minutes are subject to review and approval by the board of directors (BOD.)

A special Zoom meeting was called by President Dave Preller (DP,) Wednesday, July 19, 2023, at 6:30 pm. At 6:30 pm, the meeting was called to order. Board members present: Gretchen Trebnick (GT,) Vice President, Ron Urhammer (RU,) Treasurer, Karen Mackesey (KM,) Secretary, and Karen Cullum (KC,) Member at Large.

The special meeting was called to rescind Monday's, July 17, 2023, approved motion at the Monthly HOA Board Meeting, which addressed the BOD's opinion on common area vs. private area.

KM motioned; RU seconded to rescind the action of the BOD to adopt the 'BOD's position on Common Area.' DP opened it for discussion. It was determined the motion to rescind would rescind the entire action. The vote was called; **motion passed, unanimously.**

KM motioned; KC seconded to substitute a revision which would be noted as RCCTA's historical summary of common area. Discussion followed. The BOD will only present legal documents of recorded information as found in documents, by-laws, rules, regulations, etc. Code of Conduct will be added. The document will present only data. From documented evidence presented, homeowners will be able to review the history.

The BOD corrected/edited specific terminology in the original document previously approved on July 17, 2023. All BOD inferences were either eliminated or corrected if necessary. **The document will be identified and referred to as: RCCTA's Historical Summary of Discussion Regarding Common Area.**

KM motioned; GT seconded to amend the motion to write up a revised statement of the RCCTA's Historical Summary of Discussion Regarding Common Area, send it to the BOD for review, and approve or reject the document as written. Amended motion unanimously approved.

GT motioned; KM seconded to make a statement that RCCTA BODs recognize the governing documents as the official authority and rule on common area/green space. Motion passed, unanimously.

KC motioned; RU seconded to adjourn the meeting. Motion passed. The meeting adjourned at 7:43 pm.

Regards,

Karen M. Mackesey
Red Cedar Canyon Townhouse Association, Secretary

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**Revision of Original Common Area Statement presented at the
July 17, 2023, Monthly BOD Meeting to:
RCCTA's Historical Summary of Common Area as of July 19, 2023**

The RCCTA Covenants and By-Laws, in addition to 21 years of past practices and precedent, provide the following summary from the RCCTA Board of Directors:

- Once homeowners purchase a unit in RCCTA they become a member of the Association and agree to abide by the Covenants, By-laws and Policies of RCCTA.
- The obligation of the Association to maintain, repair and improve the exterior of the units allow access to all areas outside the "living unit".
- RCCTA has the authority to assess monthly homeowner fees for the maintenance, repair, and improvements to all exterior areas of the units.

COMMON AREA DISCUSSION SUMMARY:

- We have 21 years of precedent with RCCTA and homeowners forming a successful partnership in the application and enforcement of our governing documents. The Association and homeowners have worked together to maintain and improve landscaping and mulch areas around the "living unit". The obligation to maintain the common and mulch areas, as well as approve landscaping/planting plans, lies with the Association. (Many homeowners choose to maintain the mulch area by their living unit).
- Annexation: our governing documents include 6 or more Supplemental Declarations or Annexations of lots into RCCTA Common Area. Additional research through St Croix County records indicate there may be up to 12 Declarations of Annexation on file. See Attachment - Landscape Easements in RCCTA governing documents.
- Interviews From County/City Officials: the County Treasurer, City Appraiser (Bowmar Appraisal, Inc.) and City Administration all said the Association is taxed with the understanding of common property/green space as proclaimed in the RCCTA's declarations which are recorded at the county.
- Property Taxes: current St Croix County tax statements, with respect to the 2022 Valuations, indicate residents own 0.000 acres.
- Monthly Dues: the Association collects monthly dues from homeowners in order to maintain the common area/green space, sidewalks, lanes, etc. The Association also *uses these dues to insure the neighborhood for damage and liability on common areas/green space, sidewalks, and lanes that may occur.*
- Insurance: homeowners are only required to take out "condominium insurance" which covers studs inside only. Few homeowners purchase insurance to cover liability on common area/green space, the association does that.

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- Code of Conduct: the RCCTA is committed to providing a friendly, safe and welcoming environment for all residents. The January 18, 2021, policy states homeowners are to have a mutual respect for neighbors, the property manager, all work crews and the Board.
Unacceptable behavior will not be tolerated. The expectation is that all homeowners will abide with this code of conduct.

RCCTA GOVERNING DOCS REFERENCES:

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D. The right of the Owner of each Lot to an **exclusive easement** on the Common Area for entrances to a Living Unit or to areas occupied by fireplaces, roof overhangs, balconies, air conditioning compressors, flower boxes, patios, and other appurtenances which are part of the original construction of any Living Unit.

References: By-Laws:

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Article VIII, Sec 8 - Owner's Maintenance; Sec 48 - Upkeep and Maintenance
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Common Area - ANNEXATION

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Common Area

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SECOND SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR RED CEDAR CANYON TOWNHOUSE ASSOC,, INC 24	JULY, 2001 LOTS 1 -
FIRST SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR RED CEDAR CANYON TOWNHOUSE ASSOC,, INC 1-16 Parcel: 236-2025-00-000	JANUARY 8, 2002 Lots
THIRD SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR RED CEDAR CANYON TOWNHOUSE ASSOC,, INC 32 - 61	MAY, 2003 LOTS
FOURTH SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR RED CEDAR CANYON TOWNHOUSE ASSOC,, INC - 22 Red Cedar Canyon Deerwood Overlook	SEPTEMBER, 2005 LOTS 1
FIFTH SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR RED CEDAR CANYON TOWNHOUSE ASSOC,, INC 85-86-87-88 Sixth Edition	FEBRUARY, 2008 LOTS
EXHIBIT D LANDSCAPE	
EASEMENTS	

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