

**Quail Crossing Homeowner's Association Newsletter-Fall/Winter-2014**

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Board of Directors: **President-** Chris Robrahn, 733-0223, fplanner@cox.net or crobrahn@cox.net , **Vice-President-** Jeanie Shackelford 633-1599, jeanieshackelford@cox.net, **Treasurer-** Mark Egger, 323-4916, mepe1062@msn.com. **Secretary:** Craig Kamman- CFKamman@gmail.com , **Welcome committee chair** –Mark Egger, **Newsletter Editor-** Alan Brown, 617-2789, 218-6279 (work) arbrown@butlercc.edu, **Landscape and Design Committee :** Chris Robrahn, Alan Brown, and Michael Wilcox, 618-5911, mw2813@yp.com., **At large members:** Michael Cunningham- 733-6115, mpcunningham@cox.net, Daniel Lee, 371-9727- hawkfan4169@gmail.com, and Craig Glass, 213-5323- cglass32g@yahoo.com, **Webmaster-**Cathy Wilcox (non-board volunteer)

PRESIDENT'S MESSAGE**VOTING ON PROPOSED HOA COVENANT CHANGES****By Chris Robrahn, Quail Crossing HOA President**

The Quail Crossing Home Owner's Association annual meeting will be held on Thursday, January 8th, 2015, 7:00 p.m. at Peace Lutheran Church, 405 W. 21st St. in Andover (directly east of of Quail Crossing).

This year the HOA board is encouraging residents to consider several changes to the Quail Crossing covenants. Some are simple additions, some provide clarification, others will benefit the residents and the neighborhood at large. All require residents to vote!

Please consider attending the annual meeting in January and voting on these changes (listed on page 2). If you cannot attend the meeting, a proxy and meeting notice is being mailed to your home. A proxy allows a Quail Crossing board member (or another resident of your choice, if they are attending) to enter your vote in your behalf. Any Quail Crossing board member would be willing to take your proxy. Should you have any questions, please contact me directly or Jeanie Shackelford, vice president.

The resident semi-annual assessments have been mailed. It includes the regular \$112.50 amount due, but also includes the \$40.00 special assessment to residents for the services of Darren Brown, who we contracted to provide an independent analysis of the gasoline leak issue (and proposed remedy) with NuStar and KDHE. It is a prudent expenditure and worth far more than we are paying!

Finally, consider serving on the HOA board. We have elections for half the board (serving 2 year terms). We welcome participation by residents who want to attend and participate on the board.

BOARD MEETINGS

QC board meetings, since the summer, have dealt with the following issues: 1) the east side of the lake was seeded in fescue to stabilize the soil and improve the look of our attractive lake. The cost of about \$4,800 included bringing in top soil before seeding to replace that which had eroded. A significant portion of the costs was for bringing in tons of additional rock to stabilize the soil around the large drains that bring storm water into the lake.

2) The board has spent considerable time working toward closing the last of the **temporary rentals** that were approved previously for hardships. These have always been limited to a year. QC experience has shown that owners with a rental waiver routinely come back with a continued hardship story and feel entitled to extensions. They tend to resist selling their vacated properties to an owner-occupying buyer.

The association has to stay vigilant for indications that home owners are not offering the "sale" of their homes using "**Rent to Own**" and "**Lease to Own**" contracts. These do **NOT** constitute a sale of the property where the new resident has an "equitable interest" in the property. That means they have NO money invested in the

property or any incentive to keep the property well cared for. Contact a board member if you have questions or see evidence that a homeowner in QC is trying to sell their home under those conditions.

3) The QC board hired an independent expert to review and advise the community on the **gasoline leak remediation project** after an affirmative vote by the community to a one-time \$40 special assessment (See Gasoline Leak Update article below for more detail). The expert rendered a report and will provide one more when a final remediation plan is submitted, and prior to commencement of the project this spring.

4) **Burglary in Quail Crossing**. QC's police liaison reported at the December Board meeting that there had been a burglary in QC in November. He advised that the entire community should keep all their homes and car doors locked and their garage doors down to discourage another burglary in the community. We should all be alert to suspicious activity that includes strange people or vehicles, and strangers in yards. Watch the front and back doors of your surrounding neighbors. Any doubts about something, call 911. It is our combined efforts to these matters that will increase the safety of us all.

JANUARY ANNUAL MEETING- VOTE FOR NEW BOARD MEMBERS

Every year at our annual meeting we ask our community members to step and serve on QC's governing board. QC Board meets monthly on the 2nd Thursday of the month at 7pm. Typically the board has not met in July and August. Our community needs the strength of active and engaged leaders. We need at least one to three new board members to replace retiring and inactive board members. First year members are "at large" and are not asked to take an office. They may volunteer to help with community projects. The HOA board provides the leadership glue that keeps the community in good shape and functioning smoothly. If you will commit the time to serve on QC's HOA board, you will find it a gratifying experience. Moreover, your contribution will keep QC a vibrant and attractive community to live in, and contribute to sustaining the values of our respective properties. Come to the annual meeting to participate in our collective community governance. Take the extra step and join the board to have a vote in QC's future. For more information, contact Chris Robrahn, HOA president at (316) 733-0223.

PROPOSED COVENANT CHANGES TO BE VOTED ON AT THE JANUARY 8TH ANNUAL MEETING

Note: These are condensed summaries of covenant changes not actual covenant wording.

(1) **UNATTACHED BUILDINGS.** Currently, sheds are regulated to no larger than 12 x 14 (168 square feet), look like the front of residence, and materials used (siding, roofing, paint, etc.) must be the same as residence. Sheds on lake lots are not allowed. (2) Shed roofs must be "weathered wood" composite heritage type shingles.

PROPOSED CHANGE: *Expands the covenant to include requirements for concrete footings/foundations in line with City requirements and must have concrete footings or a concrete slab foundation with concrete footings at least 12 inches by 12 inches in length and width and depth of 18 inches with at least 12 inches in undisturbed soil and 6 inches about ground level.*

(2) **TRASH CANS:** Currently, covenant prohibits dumping of trash and limits storage of building materials to no more than 30 days before construction commencement.

PROPOSED CHANGE: *Replaces and updates the covenant to reflect a fully developed neighborhood by addressing regular removal of trash and location of trash containers. No lumber, metals, bulk materials, refuse, or trash shall be kept, stored, or allowed to accumulate on Lots or Common Areas except for temporary storage of materials for approved structure construction. Trash must be collected regularly with cans put out*

only immediately before pick up day and stored at all other times so as not to be seen in front of the home or garage.

(3) SIGNS IN YARDS: Currently, only permits signs for the purpose of selling a home.

PROPOSED CHANGE: Expands the covenant to align with State law that *allows political signs regarding candidates for public or association office or ballot questions being also permitted for temporary periods associated with voting elections.*

(4) PROPERTY AND YARD MAINTENANCE Currently requires owners to keep lots and improvements in good repair, including maintaining lawns, trees, and shrubs, and property in good quality condition. After a 15 day notice from the HOA with a 2/3 HOA Board vote, it allows the board to enter the Lot to repair or maintain the Lot with the cost being paid by the owner through a special assessment.

PROPOSED CHANGE: Clarifies yard and home maintenance and removes reference to the HOA Board arranging for correction by entering the Lot. Owner keeps the Lot and improvements in good order and repair, including the following: *painting, sealing, staining (or other appropriate external care) of all structures; planting, watering, edging, trimming and mowing of all lawns; and pruning and maintenance of all trees, shrubbery and plantings on the Lot including easements and rights-of-way abutting the Lot. Lawns visible from the street and common areas shall be continually maintained green in color throughout the growing season for a minimum time period of May to October. All maintenance shall be conducted at a quality and frequency consistent with a high quality residential neighborhood.*

(5) DESCRIPTION OF THE ASSOCIATION, describes general powers and duties of the Association.

PROPOSED CHANGE: Removes references to the Developer and expands the provision for electing HOA Board members and filling vacancies of unexpired Board memberships. *The Board of Directors will consist of a president, vice president, treasurer, secretary, and a minimum of two (2) members-at-large. Upon a Director's death, resignation, or absence from four (4) or more consecutive Board meetings, the Board may fill the Director vacancy for the unexpired portion of any term or, if earlier, until the next regularly scheduled election of Board members.*

(6) GRASS Currently prohibits Zoysia or Bermuda grass.

PROPOSED CHANGE: Emphasizes fescue as the approved grass while allowing other grass types subject first to review and approval by the Design Committee. *Fescue is the approved grass type. Effective January 2015, no other grass types shall be planted and/or seeded unless such plans and specifications have been submitted in advance to and approved in writing by the Design Committee.*

(7) ARBITRATION FOR CONFLICT RESOLUTION Currently, covenant enforcement is by arbitration requiring each party to pay an arbitrator which select a 3rd whose cost is split by the two parties. The three arbitrators make a binding decision with regard to the arbitrated covenant issue.

PROPOSED CHANGE: Removes the requirements for arbitration for covenant enforcement and replaces it with a modern provision to enforce covenant compliance, including notification, hearing, and damages, when appropriate. *The Association or any Owner has the right to enforce, by any proceeding at law or in equity, all covenants, conditions and restrictions including actions to stop a breach of covenants with the violator paying all costs associated with an enforcement procedure. The Association Directors shall determine compliance with the declared covenant and if the lot is not compliant within fifteen (15) days of notice of non-compliance the owner shall pay damages. Notice of non-compliance and hearing. Upon written receipt of an allegation of non-compliance, the Board shall review the allegation and determine if action is necessary. If action is necessary, the owner will be notified in writing of the allegation and has (15) days to request a hearing*

with the Board of Directors to dispute the allegation. If the Owner fails to respond to the notification within fifteen (15) days, or their dispute of the allegation is rejected by a Board hearing, the Board will notify the Owner in writing of the covenant non-compliance. Owner will have (15) days from the date of that non-compliance notice to come into compliance or provide written request for a reasonable alternative timeframe for achieving compliance. Determination of compliance and its timeliness are then at Board discretion. **Damages for breach of Covenant.** If the Lot is not in compliance within fifteen (15) days of the notice of non-compliance, the Owner shall pay the Association \$50 for each day of non-compliance from the date of the notice of non-compliance, not to exceed \$500 per month of non-compliance. This is a liquidated damages payment for the Owner's breach of the Covenant, not a penalty. The amount will become a lien on the Lot when due. This lien will be inferior/subordinate to valid existing or future first mortgage liens on the Lot. If the Owner fails to pay the amount due within thirty (30) days from the levy date, a 10% interest per year will be compounded on the levy from the thirtieth (30th) day after levy was due. These liquidated damages provisions are in addition to, not in lieu of, the right of the Board of Directors, the Association or any Owner to enforce, by any proceeding at law or in equity, all covenants, conditions and restrictions. This does not preclude the Association from also imposing special assessments in accordance with Covenants in amounts necessary to repair or remedy any property to conform to covenants and to file a lien(s) on the property for the special assessments.

COME TO THE ANNUAL MEETING JANUARY 8th, 2015, 7PM, PEACE LUTHERAN CHURCH (JUST EAST ON 21ST) TO DISCUSS AND VOTE ON THE ABOVE COVENTANT CHANGES AND OTHER IMPORTANT COMMUNITY ISSUES.

GASOLINE LEAK UPDATE Jeanie Shackelford, QC Board

Residents voted and approved a one-time \$40 assessment to cover the cost of hiring an environmental consultant. The consultant has reviewed available data and the proposed soil excavation plan. His review has proved beneficial in highlighting some missing critical data to fully assess the reasonableness of the soil clean-up plan. As a result of the consultant's review, the HOA Board has asked the Kansas Department of Health & Environment (KDHE) and NuStar to conduct additional testing near the leak site. KDHE and the City of Andover have also requested NuStar provide additional information prior to excavating the soil and replacing the street. NuStar is to submit the expanded soil excavation plan and the groundwater clean-up plan to KDHE by December 31. Soil excavation is now delayed until the spring.

The proposed excavation site is smaller than originally anticipated and is confined to a section of Mountain Street within the pipeline easement. Because the proposed site does not involve the commons area or residents' yards, NuStar asserts residents' approval is not needed to proceed with excavation. However, the HOA has insisted that Quail Crossing residents' first receive the consultant's assessment of the excavation plan reasonableness and that residents be afforded opportunity to voice any comments. Residents will be notified when the independent consultant's review is fully complete and meeting presentation is scheduled.

For any questions or comments, feel free to contact HOA Board members Jeanie Shackelford at (316)633-1599 (1309 Quail Crossing Ct.) (jeanieshackelford@cox.net) or Chris Robrahn at (316)733-0223 (1926 Beretta Ct.) (fplanner@cox.net).

QC FALL 2014 YARD OF DISTINCTION AWARD The landscaping and design group met October 19th to judge homes for the Quail Crossing Fall 2014 Yard of Distinction award. This summer's award winners were Dean and Holly Ramsett of 1913 N. Beretta Ct. They received a \$25 gift card from Outdoor Living Center at Treescapes on Andover Rd. Honorable mentions go to 1602 Browning and 1019 Mountain.



Fall 2014 Quail Crossing Yard of Distinction Award winning yard: 1913 N. Beretta Ct.



Fall award winners Dean and Holly Ramsett .

QC HOLIDAY 2014 YARD OF DISTINCTION AWARD

On the evening of December 22, the design group met to review QC homes for the Holiday Yard of distinction award that honors the best of the community's holiday displays. This year's winners were Gerald and Christina Roos of 1602 W.



Holiday 2014 Yard of Distinction award Award winning yard of Gerald and Christian Roos, of 1602 W. Browning

Browning. They received the traditional \$25 gift certificate from Outdoor Living Center at Treescapes on Andover Rd. See pictures of other lights in QC.



Christina Roos, Holiday lights winner 2014



Other attractive light displays in QC

GREEN VS BROWN LAWNS IN QC



Fescue-December



Bermuda-December

A proposed covenant change will place the emphasis on **Fescue** as the approved grass for reseeding lawns in QC. **Bermuda** grass that has invaded many yard in QC in not an approved grass. Bermuda is a hot weather grass that greens slowly in the spring and turns brown at the first frost. Not an attractive condition for yards in QC. It's only plus is that it is heat and drought tolerant. Yards with Bermuda look dead for much of the year. Compare adjacent pictures of fescue and Bermuda grass in mid-December. It has always been an expectation in QC that our members keep their yards sufficiently watered to keep grass **green** and alive during the growing season. A few of our members refuse to water their yards to keep them alive during dry periods in the summer. This causes the grass to die and weeds and Bermuda to take over. This will no longer be an acceptable approach to yard care in QC.

TRASH CAN RULES TO CHANGE WITH APPROVED COVENANT AMMENDMENT



QCHOA has always encouraged homeowners to keep their trash cans out of sight from the street



except on the day of trash pickup. The remainder of the week they should not be visible from the street. A new covenant summarized above will codify this as an enforceable standard in the community. As it is written, cans may still be stored on the side of the house, but they must be backed away from front of house to make them less conspicuous. Cans parked in front of the house or garage all



week, implies our community has a focus on TRASH, not our attractive yards. It should be noted that in many high quality neighborhoods, cans must be garaged, stored at the back of the house, or behind a permanent concealing enclosure on the side of the house. Our newly



proposed covenant should encourage the relatively few QC members that consistently leave there barrels out front to store them in a more esthetic manner. Time to play the “Is it your can game” Look at the pictured cans to identify your



own or a neighbor’s. These were out in front on a non-trash pickup day in December.

EXPECTING SNOW-GET YOUR VEHICLES OFF QC STREETS SO THEY CAN BE PLOWED

The City of Andover plowed QC streets of the 1-2” snow on 12/18. Most of you wisely pulled the vehicles you routinely park on the street into your drive to let effective plowing occur. QCHOA encourages all our residents to garage their vehicles for safety from theft, vandalism and accidental sideswipe, and park extra vehicles in the driveway to keep our streets open for unimpeded traffic flow. If you have to keep a vehicle on the street recognize the extra risks you incur. At a minimum, please get you vehicle off the streets so that you don’t have to dig yourself out when the snow plows come through.

ROBRAHN’S RAMBLINGS

WINTER A GREAT TIME TO PLAN YARD PROJECTS

by Chris Robrahn, HOA President Landscape & Design chair

For many of us, winter can be that season when work outdoors on yard and lawn related projects ends and it can be “forgotten” until along about April when the grass starts to become an issue.

The reality is, winter can be a great planning season. I think I finish mowing leaves in December, just in time for the Christmas decorations, then in January I usually do a “mid-season mow” on my lawn to keep the leaves down. While Fescue doesn’t need to be mowed in the middle of the winter in Kansas, it does keep the lawn looking neat. Probably wise to keep it mowed long as well so as to provide protection for the roots with the cold nights we can have.

But once we hit about mid-January, I start thinking about improvements and my desire to get back out there and do something in the garden or to improve a landscape area. I spent time updating my landscape lights last winter and need to finish that job.... And to add to my “rock border” in the back around my landscape pond. Many landscape retailers like “Tree Top Nursery” and “Johnsons” have classes on various aspects of lawn care and yard project ideas for you to consider, especially in March.

If we have an abnormally dry winter, you should make an effort to water your yard a little so the grass (tree and shrub) roots won’t be put in a challenged position, especially when it warms up and they start to grow. Any kind of effort will pay off.

I say, do your homework on your yard in advance. Maybe even get your materials during the colder months, then implement changes when it warms up. There is nothing like a green and well maintained lawn to add to the fresh spring appeal to your home and property. A wise investment for 2015!

QUAIL CROSSING COMMUNITY BUSINESSES

Here is a list of community businesses taking advantage of free advertising in the newsletter. Add your business’ name to this list by submitting a maximum of 5 lines of text to QC’s email address:

quailcrossinghoa@yahoo.com. Include: business name, address, phone number, what services/goods you sell, contact person at the business and any discounts you are willing to offer fellow QC residents. Listings represent an unpaid service to community members and not an endorsement by Quail Crossing Homeowners Association or its Board. We are aware that a number of our new community members own their own businesses. Send in a no-cost listing to get your business before 160+ homeowners.

Babysitting- Sara Weber (15 yrs.), much babysitting experience, loves kids, knows CPR, sara_weber25@yahoo.com, 440-8944.

C and D Construction, Craig Glass, 316-213-5323, Home building, renovations, and repairs. canddconstruction@yahoo.com. “Your Exterior/Interior Solutions Provider”

Edward Jones, Michael Young, Financial Advisor, 550 N. 159th St. E, Suite 153, Bus. 316-733-4653, cell 316-204-9375. michael.young@edwardjones.com

Hartley Fitness, Brett and Lynda Hartley-We offer in-home workout programs such as P90x, Insanity and Turbofire. Coaching is FREE with purchase. 1312 W. Gambels Ct, www.beachbodycoach.com/corsair86, p90hartley@gmail.com, 316-990-5488.

Jayhawk Landscaping- Sprinkler winterization (blowout), Sprinkler backflow testing, landscaping and mowing. Gary David-owner, 733-9689 office, Store: (Hrs 8:30-5:30 Fri & Sat) 733-6719, 1618 N. Main, Andover.

UPDATED E-MAILS ADDRESSES ARE ALWAYS NEEDED

We use e-mail to alert members to the posting of new newsletters and to apprise our members of emergencies or other QC community information. We send postcards alerting our members that a new newsletter has been posted to our website which costs the community money. If you get a postcard, let us know your email, if you get a postcard AND an email, let us know so you can be taken off the postcard list. Please get this information to newsletter editor, Alan Brown, at arbrown@butlercc.edu or 617-2789

QC VOLUNTEERS

Many in our community volunteer their time and energies to make Quail Crossing a great place to live. QCHOA would like to regularly recognize community members for their efforts. If you have done good works in the community or you know a neighbor who has, email the specifics to arbrown@butlercc.edu. This could be a community service or a kindness to a neighbor. The QC Board listed at the top of the newsletter administers the necessary functions of the community and are all elected volunteers. **Jeanie Shackelford** continues to serve as liaison between the KDHE, NUSTAR, and the QC community about the gas leak and has been instrumental in working on a refined and more modern set of community covenants.

QC MEMBERS' NEWS OR COMMENTS IN PRINT

The space below is a place for QC members to share personal news or a comment in print with the rest of the QC community. If you have something you would like to share in the QC newsletter (with or without attribution) e-mail it to the editor at: arbrown@butlercc.edu.

BE SURE TO WATER YOUR TREES AND SHRUBS OCCASIONALLY WHEN IT'S DRY THIS WINTER. THIS HELPS THEM SURVIVE THE WINTER AND INITIATE STRONG GROWTH NEXT SPRING. JOYOUS HOLIDAY WISHES TO ALL QC'S RESIDENTS.