

Ryan's Run Homes Association
Board of Directors Meeting
Meeting Minutes
March 25, 2021

The Ryan's Run Homes Association's Board of Directors (BOD) met at 7:00 pm on March 25, 2021. Because of Covid-19 virus concerns, the meeting was implemented via a Zoom meeting. All but one of the seven Directors were present online, which satisfied quorum requirements. The agenda for the meeting is attached for information purposes.

Prior to the meeting, Monty Nigus distributed an activity log of actions performed by the Board that have occurred since the first of the year. This log is attached so that the membership can see some of the detailed activities by the Board since the last Board meeting.

1. The first order of business was to review and approve the Meeting Minutes for the Board of Directors Meeting held on February 17, 2021. No updates or corrections to the minutes were noted, and the Board approved the minutes as is.
2. The next order of business was the Treasury report. Mya Schraeder reported that the Association's current balance is \$1,098.62 – same as for the previous Board meeting.
3. The third order of business was to review the status of the three committees as follows:
 - Steve Grier advised that the Restriction Committee is still soliciting members to serve on this committee. Still no volunteers yet. Monty Nigus is going to reach out to a couple of people to solicit volunteers for the committee.
 - Brian Kramer advised that John Baker and Josh Woolard have both volunteered to serve on the Architectural Committee. Thank you, John and Josh, for your willingness to serve!

Brian is working on a form that members could use and submit to the Architectural Committee to advise of exterior modifications being planned by the homeowner. The form would trigger both the Architectural and Restriction Committees of upcoming work that would need to be reviewed and approved by the Association.

- Mike O'Neal advised that Karen and Joe Hilboldt have volunteered to serve on the Public Relations Committee. Thank you, Karen and Joe, for your willingness to serve! Their addition, along with Michelle Saporito, now completes the Public Relations Committee. The committee is planning to meet in mid-April to talk about and plan our newsletter and the annual social. As discussed in our last Board Meeting, the publishing of the newsletter is being targeted for around mid-May, and the annual social is expected to be held in June (targeting June 13th or 26th). The

results of the committee meeting will be discussed at the next Board Meeting. For the annual social, particular attention will be made to address any Covid-19 concerns which may exist at the time of the event.

Additional discussion also mentioned that we may want to consider attaching the architectural form, once completed by the Architectural Committee, to the newsletter for membership information. The newsletter and form will also reside on the website.

We had a nice, unexpected visit during the meeting from Brooks Kramer, who sat on his Dad's lap quietly for a while!!

4. The fourth order of business focused on reviewing, revising, and updating our current Bylaws and Restrictions. As reported in our last Board Meeting Minutes, Monty Nigus had contacted two attorneys who were recommended by Peter Diedrich and Lyle Pishny, as they had positive working experiences with them. Unfortunately, it was determined that both attorneys had working legal relationships with the Wilshire Hills Development. Because of these relationships and the Association's recent interaction with Wilshire Hills concerning its development, it was decided that our legal services with these attorneys could result in a conflict of interest in the future; thus, they would not be able to work with us. However, the conflicted attorneys did provide recommended attorneys for the Board's consideration. Monty Nigus asked Lyle Pishny to review the general qualifications of the recommended attorneys, and he concurred that they were good attorneys in representing homes associations.

Monty Nigus called two of the recommended attorneys – Rod Hoffman and Mark McFarlane. Rod seemed formal in his working relationship approach relative to communications, meetings, etc., and presented significant experience qualifications in representing homes associations. He was not interested in any type of general services agreement, but rather an on-call contracting approach, where we present our legal needs, and a specific agreement would be established for the requested scope. Mark McFarlane seemed more informal in his working relationship approach, was very conversational, and offered good information about his experience with homes associations. He asked exceptionally good questions about the Ryan's Run Homes Association and advised his contracting approach for services would be like Rod's contracting approach (i.e., on-call).

Based on his conversations, Monty believes both attorneys could adequately perform the necessary legal services required by the Association. Because of his good questions pertaining to our Association, Monty recommended that we initially work with Mark McFarland. Since both attorneys would work under an on-call type of contracting arrangement, if initial legal tasks performed by Mark McFarland are not performed to the Association's satisfaction, we could always go to Rod Hoffman for further legal tasks.

The Board then discussed what legal scope of work we would like for Mark McFarland to perform. The discussion focused on some of the following items.

- Do we go ahead with document review now or wait until something happens to initiate such a legal review? This would delay the expenditure until necessary, but may be too late to keep the Association out of legal issues.
- Our Bylaws and Restrictions have never been legally tested. Can they withstand a legal test?
- Are the Bylaws and Restrictions applicable to current conditions that may face the Association?
- Do the Restrictions have enough detail to define and address situations that may arise in the neighborhood?
- How do the City of Overland Park and/or Johnson County regulations factor into supporting the Restrictions? Current understanding is that, when our neighborhood was annexed in 2008 by Overland Park, that we were “grandfathered in” under the County regulations enforced at the time making the 2008 County regulations the governing document, not the Overland Park regulations.
- Is there adequate direction about assessments (voluntary or mandatory) relative to our potential future needs to maintain the neighborhood and deal with impacts associated with area development.

After the general discussion, it was suggested that an initial or cursory review of the Association documents by the attorney would be appropriate at this time to obtain initial feedback concerning any recommended updates or revisions to the documents. If pertinent changes are recommended, then we could proceed to implementing additional tasks to legally incorporate such changes. Monty Nigus volunteered to draft a scope of work to guide the attorney in performing this initial task. After drafting, he will share with the Board for comments. After incorporating comments, he will then send the scope of work, along with appropriate Association documents, to Mark McFarland to obtain his estimated price and schedule for performing the services. The Board would review his proposal, approve the expenditure (if appropriate), and issue a notice-to-proceed. The Board agreed to move forward with this approach.

5. The next order of business was the status update of our website development. Kim Wirt was able to secure www.RyansRunHOA.org as our website. Kim also developed an initial framework for the website using WordPress. The website includes Home page, Newsletters, Events, Board of Directors, Committees, and Contact information. Jim advised the cost of the website will be more than the \$18.00/year, as reported at the last meeting. The total for both the domain (\$18.00) and the WordPress hosting (\$96.00) will be \$114/year. With the initial framework in place, we now need to gather content to populate the website. Myra Schraeder volunteered to assist in developing copy and

photos to begin the process. Jim will work with Kim and his daughter Ashley to come up with some good images for the website.

6. For the sixth order of business, Monty Nigus provided a summary of the Wilshire Hills Development activities. To date, there have been nine blasts, five since the last Board meeting. Steve Grier asked if there were only four blasts remaining, because at the beginning of the work, Wilshire Hills indicated there would be a total of 13 blasts. The blasting effort is primarily for construction of the sanitary sewers for the project. Monty advised that Wilshire Hills had recently indicated that a few additional blasts may be needed due to higher-than-expected bedrock elevations, which may now impact some of the storm sewer excavations. No other action needed at this time.
7. The last order of business concerned assessments. The Board had a general discussion on this topic. Monty Nigus will include this topic in the scope request to the attorney to get his recommendations on this subject. Assessments (voluntary or mandatory) continue to be an outstanding item to be resolved. The Board will continue to evaluate the subject of assessments for eventual presentation to the membership for comment and approval.

It was agreed that the next Board of Directors meeting will be on May 6th at 7:00pm via Zoom. Myra Schraeder will send out the Zoom invite to the Board of Directors.

The meeting adjourned at 8:35pm.

Attachments:

- Agenda
- Ryan's Run Homes Association Activity Log

Prepared By: Jim Wirt, Secretary/Monty Nigus, President

Ryan's Run Homes Association
Board of Directors Meeting
March 25, 2021
7:00 pm
Via Zoom

AGENDA

- Approval of Board of Director Meeting Minutes – 210217
- Treasury Report
 - Current Balance
 - Any Transactions
- Committees
 - Restrictions
 - Architectural
 - Form for Exterior Upgrades/Any Progress
 - Public Relations
 - Newsletter
 - Annual social
 - Any Member Misfortunes or Celebrations
- By-Laws/Restrictions
 - Legal Solicitation (Rod Hoffman/Mark McFarland)
 - Scope for Initial Assignment/Task
- Website Development Update
 - Input Needed
- Wilshire Hills Development
 - Any Action Needed
- Assessments

Zoom Information

Topic: Ryan's Run HOA Board Zoom Meeting
Time: Mar 25, 2021 07:00 PM Central Time (US and Canada)

Join Zoom Meeting

<https://clcop.zoom.us/j/97863908021?pwd=aGlxeHArWk01dlp6RnNFUWw1S2E0Zz09>

Meeting ID: 978 6390 8021
Passcode: 614674

Ryan's Run Homes Association Activity Log

January 2021:

- 210103: Held 2021 Annual Meeting via zoom meeting.
- 210105: Prepared and distributed Annual Meeting minutes.
- 210105 – 210107: Coordinated “pre-blast surveys” with homeowners, Morgan Construction Services, Inc., and City of Overland Park Fire Marshall, including the inclusion of interior “pre-blast surveys”.
- 210107: Held First Board of Directors Meeting via zoom meeting.
- 210107: Jim Wirt/Kim Popp initiated development of website and logo.
- 210107: Peter Dietrich provided the name of a lawyer/law firm who might be interested in representing Ryan's Run.
- 210107 – 210112: Prepared for City of Overland Park Board of Zoning and Appeals public hearing scheduled for January 12th for Kangas variance by developing a slide presentation.
- 210109: Distributed Ryan's Run Homes Association documentation to membership.
- 210109: Distributed copy of earlier version of assessment amendment to Directors for use in developing options for possible assessments for the Association.
- 210110: Mya initiated development of Nextdoor with the membership.
- 210112: Prepared and distributed BOD Meeting minutes.
- 210112: City of Overland Park advised that Kangas withdrew his variance application.
- 210114: Received estimated blasting schedule from the blasting contractor The Pexco Company, LLC and distributed to homeowners.
- 210116: Myra completed the transfer of Treasurer information from Tom Cason to her and the signatory on account at the bank. Myra is now our new Treasurer for the Ryan's Run Homes Association.
- 210120: Sent informational email to membership concerning the US 69 Expansion Project.
- 210120: Watched/Listened to the last 45 minutes of the US 69 Expansion Project live virtual meeting.
- 210123: Sent email to Jesse Kangas about offering to meet with him about helping him plan his detached structure.
- 210125: Sent text to Jesse Kangas about offering to meet with him about helping him plan his detached structure.
- 210126: Spoke with Chris Kurtz about legal services for the RRHA. He advised this would be fine, and that he would mainly get involved in enforcing by-laws and restrictions. I advised I would get back to him after discussing with the board.
- 210129: Spoke with Stan Woodward about legal services for the RRHA. He advised this would be fine, and that he would mainly get involved in developing and

amending by-laws, restrictions, etc. I advised I would get back to him after discussing with the board.

- 210129: Called Jess Kangas about offering to meet with him about helping him plan his detached structure. Got no answer, so left a message for him to call me back. Jesse called me back and said he was not interested in meeting with us. He did not mention anything about status of a building.
- 210129: Sent email to Danielle at the City about notification of an HOA during the building permit issuance process. She advised that the City advises folks to check with their HOA, but the City does not hold up a building permit without knowledge of the HOA review.
- 210120: Coordinated information before and after the **first** blast at the Wilshire Hills development. The blast registered 0.239"/sec which is less than the 1.0"/sec limit.

February 2021:

- 210201: Coordinated questions and answers with the City of Overland Park Fire Marshal and the blasting Contractor concerning the impact of the blast that occurred on January 29th.
- 210201: Coordinated information before and after the **second** blast at the Wilshire Hills development. The blast registered 0.312"/sec which is less than the 1.0"/sec limit.
- 210203: Advised neighborhood that the sound heard and felt around 8:45am was not a blast from the Wilshire Hills development. The City of Overland Park Fire Marshal called me and advised that they are looking into what caused that event. To date, it has not been determined. Most believe it was a sonic boom.
- 210203: Coordinated information before and after the **third** blast at the Wilshire Hills development. The blast registered 0.318"/sec which is less than the 1.0"/sec limit.
- 210205: Coordinated information before and after the **fourth** blast at the Wilshire Hills development. The blast registered 0.219"/sec which is less than the 1.0"/sec limit.
- 210210: Advised City again of my contact information representing the Ryan's Run Homes Association for their record.
- 210216: Emailed Michelle Sapporito about serving on the Public Relations Committee. She accepted.

Above Activities Included with 210217 Board Meeting Minutes

- 210217: Held second Board Meeting of the year via zoom. All but one board member was present.
- 210218: Mike O'Neal advised that Joe and Karen Hilboldt volunteered to serve on the Public Relations Committee. This committee is now complete and will meet in April to start planning for the newsletter and annual mid-year neighborhood get-to-together.
- 210220: Jim Wirt and I prepared and distributed the 210217 Board Meeting Minutes.

- 210223: Contacted Chris Kurtz about providing legal services to our Association relative to review and enforcement of our Bylaws and Restrictions. Chris responded back on 210225 that there was a conflict of interest and that he could not provide such services. Chris did provide three, recommended attorneys for our consideration. I advised the Board of this situation, recommending that we proceed with screening the three attorneys. By 210227, all Board members agreed to proceed in this manner.
- 210224: Coordinated information before and after the **fifth** blast at the Wilshire Hills development. The blast registered 0.189"/sec which is less than the 1.0"/sec limit.
- 210226: Coordinated information before and after the **sixth** blast at the Wilshire Hills development. The blast registered 0.245"/sec which is less than the 1.0"/sec limit.
- 210227: Notified the Public Relations Committee that Irene Page had a mini-stroke and is in the hospital. The PR Committee initiated follow-up activities to neighborhood support as deemed appropriate.

March 2021:

- 210301: Contacted Lyle Pishny via email about the list of recommended attorneys provided by Chris Kurtz. He advised via telephone that he suggests contacting them in reverse order (Hoffman, McFarland, Ridgway). I will proceed in that manner.
- 210302: Coordinated information before and after the **seventh** blast at the Wilshire Hills development. The blast registered 0.189"/sec which is less than the 1.0"/sec limit.
- 210302: Made initial contact with Rod Hoffman concerning providing legal services for the Association. Will follow-up with the Board as to whether to pursue his services.
- 210304: Coordinated information before and after the **eighth** blast at the Wilshire Hills development. The blast registered 0.169"/sec which is less than the 1.0"/sec limit.
- 210308: Coordinated information before and after the **ninth** blast at the Wilshire Hills development. The blast registered 0.151"/sec which is less than the 1.0"/sec limit.
- 210323: Made initial contact with Mark McFarland concerning providing legal services for the Association. Will follow-up with the Board as to whether to pursue his services. Mark's direct line is 913-549-1105 and email is mmcfarland@hinklaw.com.
- 210323: Contacted Josh Woolard about serving on either the Architectural Committee or the Restrictions Committee. Josh advised that he would be willing to serve on the Architectural Committee. Josh, along with Brian Kramer and John Baker, now completes this committee.