

**Ryan's Run Homes Association**  
**Board of Directors Meeting**  
**Meeting Minutes**  
**September 9, 2021**

The Ryan's Run Homes Association's Board of Directors (BOD) met at 7:00pm on September 9, 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 May 5, 2021, and the Status Report for the June 24, 2021, Board of Directors Meeting where a quorum of the Board was not present. No updates or corrections to the minutes or report were noted. Thus, the Board unanimously approved the minutes and report as is. The Status Report for the June Meeting will be posted to the Association's website, along with the Meeting Minutes for all the Board of Directors Meetings.
2. The next order of business was the Treasury report. Myra Schraeder reported that the Association's current balance is \$1,236.75 as of June 24, 2021. This balance includes a recorded deposit of \$355 from contributions made at the Summer Social Gathering and payments of \$216.87 for the gathering expenses. A payment of \$700 for Attorney's fees for the Association's legal document review has been made. Once this check clears, the Association's balance will be \$536.75. Myra also noted that we have a new bank – Peoples State Bank – as the previous Stanley Bank was sold.
3. The third order of business was to review the status of the three committees. It was noted that all committee positions have now been filled. Committee reports were as follows:
  - Restrictions Committee:
    - ✓ Steve Grier advised that Tom Schraeder has volunteered to be a member of the Restrictions Committee. We thank Tom for his willingness to participate. Tom rounds out the needed committee membership which includes Steve Grier and Ron Millard. Tom's name will be added to the Association's website under the Restrictions Committee listing.
    - ✓ No other committee activities were noted.
  - Architectural Committee:
    - ✓ Brian Kramer noted that Jimmy and Michelle Saporito will be installing a pool this fall. The Architectural Committee has reviewed sketches of the pool project, and everything looked good for approval. The Saporito's have

already submitted their pool project to the City of Overland Park for approval and permitting. The home's existing septic system near the pool project has also been reviewed as well for compliance.

- ✓ No other committee activities were noted.
- Public Relations Committee:
  - ✓ Summer Social – Many comments were received concerning the event, ALL positive! Everyone enjoyed the event and is looking forward to future social events. Some of the feedback/lessons learned concerning the Summer Social included the following:
    - There was a question about the variation of beverages.
    - Perhaps consider a later start time to avoid sun exposure and the heat of the day.
    - Joe and Karen Hilboldt indicated they would be happy to host this event again in 2022.
    - Consider a portable awning/canopy to create some shade.
  - ✓ The Public Relations Committee will be meeting in October to plan for the bi-annual newsletter and the Christmas Party.
  - ✓ Newsletter – The bi-annual Newsletter will be distributed the week of November 15, 2021, in time to advise the membership of upcoming end/beginning of year events. The Newsletter will include as a minimum:
    - A note from the Association's Board of Directors/President.
    - An update from each committee.
    - Details concerning the Christmas Party currently scheduled for Saturday, December 4, 2021.
    - Notification and details of the upcoming Ryan's Run Homes Association Annual Meeting to be held in the first two weeks of January 2022. (Picking a specific date for the annual meeting and a decision to conduct the meeting as virtual (Zoom) or face-to-face will be made for inclusion in the Newsletter.)
    - Input for the Newsletter should be provided to the Public Relations Committee by November 1, 2021.
  - ✓ Other – It was noted that the Jim and Mary Grant's property may have been sold. Mike O'Neal volunteered to check on the property status.

4. The next order of business was the legal assistance review of the Association's By-laws and Restrictions.

- On July 27, 2021, the Association received our attorney's initial review of Association documents in accordance with Task 1 of the proposed scope of work. Through various emails during the August 16 to 23, 2021, timeframe, the Board of Directors concluded that the attorney had satisfactorily completed Task 1 of the proposed scope of work and that the attorney should be paid the agreed upon \$700 for his effort. The Board voted (via email) 7-0 in favor of payment. Payment was mailed on August 25, 2021.

- Mike O’Neal made a recommendation to form a sub-committee to evaluate the recommendations of the attorney’s initial review of the Association’s legal documents. He suggested that Monty Nigus be a member of the sub-committee because of his past interaction with the attorney. Myra Schraeder and Steve Grier also volunteered to be members of the sub-committee. The goals of the sub-committee would be to review/evaluate the attorney’s recommendations, ascertain action items for the Association to address some of the attorney’s recommendations, and determine specific items for the attorney to perform to address his other recommendations as part of Task 2 of the proposed scope of work. It was requested that the sub-committee have a plan formulated to review with the Board at the next Board of Directors meeting. Once specific items for Task 2 have been agreed upon by the Board, the Task 2 work items will be sent to the attorney to obtain his estimated cost for performing the prescribed work.
- Assessments and/or annual dues for the Ryan’s Run Homes Association have been a topic of discussion at past Board Meetings. One of the comments made by our attorney in performing his initial review of legal documents advised that there currently does not appear to be a method of providing funds for the Association to fulfill its duties and obligations under the Declaration of Restrictions. The attorney noted that previously an amendment to the Ryan’s Run Homes Association Declaration to provide such a method for obtaining funds failed because the Association could not get 100 percent approval. The attorney clarified that the Homes Association Declaration may be amended by only a majority of the owners of the lots.

There were further discussions by the Board about establishing assessments and/or annual dues for the Association. With future legal expenses forthcoming, as well as other expenses such as the annual Summer Social Gathering and Christmas Party, etc., the Board noted that only having a few hundred dollars is not sufficient for an operating fund. Of course, the issue is how to raise funds and how much. Myra Schraeder advised that because of the Association status, that \$5,000 is the maximum amount that can be carried over from year to year. Anything greater could result in fines and/or taxation. Thus, we are somewhat limited in the amount of funds we can have on hand.

Discussions about assessments and/or annual dues included having a “Special Assessment” to begin building our Association funds. Mike O’Neal also suggested we could request voluntary dues for this year. Formal dues could start in 2022 with partial dues (maybe ½) being submitted by the middle of the year. Brian Kramer mentioned that some HOAs have trash and recycling services as part of their annual dues. Brian will investigate this option further.

The subject of assessments and/or annual dues will continue and will be a major subject at the next Board Meeting. The above discussion is provided to start advising

the membership of this need. It was also suggested that an item on this subject be included in the bi-annual Newsletter to be distributed in November 2021 to further enhance membership awareness.

It was agreed that the next Board of Directors meeting will be on November 11, 2021, at 7:00pm via Zoom. Myra Schraeder will send out the Zoom invite to the Board of Directors.

The meeting adjourned at 8:05pm.

Attachments:

- Agenda
- Ryan's Run Homes Association Activity Log

Prepared: Jim Wirt, Secretary/Monty Nigus, President

Ryan's Run Homes Association  
Board of Directors Meeting  
September 9, 2021  
7:00 pm  
Via Zoom

## AGENDA

1. Approval of Board of Directors Meeting Minutes – 210505
2. Approval of Board of Directors Status Report - 210624
3. Treasury Report
  - a. Current Balance/Transactions
4. Committees (Note: All positions have been filled.)
  - a. Restrictions
    - i. Any Updates
    - ii. Add Tom Schraeder to Restrictions Committee List on Website
  - b. Architectural
    - i. Any Updates
  - c. Public Relations
    - i. Newsletter (Plan for Pre-Thanksgiving Letter)
    - ii. Annual Summer Social (Feedback/Lessons Learned)
    - iii. Annual Christmas Party (Plan for Party)
    - iv. Other
5. By-Laws/Restrictions
  - a. Attorney Completed Task 1
  - b. Observations/Summary of Attorney Review
    - i. No Obvious Issues with Corporate Documents/Association in Good Standing with the Kansas Secretary of State
    - ii. Amendments to By-Laws – Dated February 18, 1999
      1. Approval Paper Trail (Quorum/Votes Cast)
      2. Can be Rectified with Proper Procedure
    - iii. Declarations of Restrictions
      1. Acknowledgments/Notarized Signatures
      2. Exhibit A Original Document (Also note that the July 24, 1990, meeting minutes state that Marlin Constance advised that the Declarations of Restrictions is a permanent part of the development and can only be changed by a 100% approval vote of the homeowners.)
      3. Assignment Document of All Rights to Marcon Country Homes, Inc. Per First Amendment
      4. Further Investigations/Review Necessary
    - iv. Ryan's Run Homes Association Declaration
      1. Definition of "property owners"
      2. Notarial Acknowledgements Contain Errors
      3. Can be Rectified with Proper Procedure
    - v. Review of Restrictions Outside of Task 1 Scope of Work

- vi. Overland Park and/or Johnson County Jurisdiction Outside of Task 1  
Scope of Work
  - vii. Method of Providing Funds Amendment for Association Does Not Need  
100% Approval, but Majority of Owners
  - viii. Obtain Copy of Kansas Uniform Common Interest Owners Bill of Rights  
Act
- c. Next Steps
- 6. Next Board Meeting November 11, 2021

**Zoom Information**

Topic: HOA Bd Meeting

Time: Sep 9, 2021, 07:00 PM Central Time (US and Canada)

Join Zoom Meeting

<https://clcop.zoom.us/j/84612914348?pwd=S3F4RUpoK09UVmFEejVsK2Rva3NiZz09>

Meeting ID: 846 1291 4348

Passcode: 250618

# 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 12<sup>th</sup> 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 29<sup>th</sup>.
- 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 Saporito 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.
- 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](mailto: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.

#### **Above Activities Included with 210325 Board Meeting Minutes**

- 210325: Held third Board Meeting of the year via zoom. All but one board member was present.
- 210327: Myra Schraeder reached out to the membership via NextDoor to solicit comments and input for the new Association website.
- 210328: Jim Wirt and I prepared and distributed the 210325 Board Meeting Minutes.

- 210407: Contacted Pexco, the blasting company for the Wilshire Hills Development. They advised that the blasting work is now complete. Notified the membership of this activity completion.
- 210414: Emailed Jeff Ashner of Wilshire Hills Development to confirm that no more blasting will be required on the project, including the second plat. Jeff called me on April 22<sup>nd</sup> in response to confirm that is the case. Any rock removal, if required, moving forward will be accomplished with a rock hammer, not blasting. If for some reason blasting is required, he will let us know.
- 210423: Drafted legal assistance letter and distributed it to the Board for review and comment.
- 210501: Public Relations Committee held a meeting to discuss/formalize details for the annual social event and newsletter publication. A memo was produced summarizing the meeting results, which was provided to the Board for their review and input.
- 210504: Called Attorney Mark McFarland about the possibility of providing legal assistance to the Association. He was okay with that. Hand-delivered our legal assistance letter to Mark. He will review, call if he has questions, and provide estimated costs/schedule per the information requested in our letter.
- 210504: Reached out to Ron Millard about serving on the Restrictions Committee. He graciously accepted the role. We still have one position on the Restrictions Committee to fill. Once this is done, we will have all Board and Committee positions filled.

**Above Activities Included with 210505 Board Meeting Minutes**

- 210505: Held fourth Board Meeting of the year via zoom. All Board members were present.
- 210510: Advised membership that the Santa Maria's are getting some driveway (concrete) work done and that there will be some truck/equipment traffic through their gate leading to their property at the end of 170<sup>th</sup>. This activity is not related to the Wilshire Hills Development. Wilshire Hills continues to upon their agreement of not using this entrance until they start the second phase of their development.
- 210512: Received an email from Mark McFarland which provided his proposal to perform Task 1 of our proposal request letter. He would need 2 man-hours and \$700 to complete Task 1.
- 210513: Received letter from City of Overland Park concerning a public information meeting about the expansion of 167<sup>th</sup> Street between Switzer and Antioch Roads. Presumably, all homeowners got this letter and are already notified of the meeting if they wish to attend.
- 210517: Jim Wirt and I prepared and distributed the 210505 Board Meeting Minutes.
- 210521: Public Relations Committee prepared and published the May 2021 newsletter. Electronic and hard-copy versions of the newsletter were distributed.

- 210521: Formally launched the Ryan's Run website to the membership. Jim/Kim Wirt and Myra Schraeder were the leaders in this effort.
- 210523: Myra Schraeder advised that her husband, Tom, is willing to serve on the Restrictions Committee. Steve Grier, chairman of the committee, will reach out to him and welcome him to the committee. Tom's filling this position now completes all positions for the Board and Committees.
- 210603: Wendy Krause, Mike O'Neal, and I discussed the possibility of the Kona Ice truck participating in the Annual So Gathering. This idea was brought up at the last Board Meeting, and Wendy was asked to obtain information/costs about their service. Wendy obtained this information, and the three of us decided that we should decline their service for this initial Gathering based on cost and not knowing what the attendance (turnout) might be. It was further noted that after this initial Gathering that we would have a better idea on how to plan future Gatherings such that these types of services could be provided.
- 210603: Sent out an email to the membership reminding them to RSVP for the Annual Summer Gathering.
- 210604: Sent an invite to the Pishny's for the Annual Summer Gathering.
- 210604: Advised our attorney via email, Mark McFarland, that we should be able to give him a notice-to-proceed for Task 1 within the next couple of weeks.
- 210610: Myra Schraeder developed simple deposit and expense forms for the Association. These forms will be added to the website by Kim/Jim Wirt for everyone's use in the future.
- 210613: Held the 2021 Annual Summer Gathering at the Joe/Karen Hilboldt's home. A good time was had by all.
- 210622: Sent an email to Jeff Ashner of the Wilshire Hills Development construction project advising that there are three dead trees along our shared property line that may impact a couple of Ryan's Run homeowner's property. Also, advised that airborne dirt and sawdust from the debris grinding process from their land clearing process is collecting in a Ryan's Run homeowner's swimming pool.
- 210624: Left voice mail with Mark McFarland, our attorney for the Task 1 review concerning how he was going to treat the review of our existing restrictions. It would be good to get his initial feedback on this from the review where the Johnson County regulations govern our area. The attorney has not returned my call.

**Above Activities Included with 210624 Board Meeting Status Report Memo**

- 210624: Held fifth Board Meeting of the year via zoom. Only two Board members were present, which was not a quorum, and official Board business could not be performed. Since the meeting was going to be mainly informational with no input or decisions by the Board, it was decided just to publish a Status Report documenting some of the informational items.

- 210630: Wendy Krause advised that Tim and she will be hosting a Meet and Greet party for Dr. Faris Farassati, who is running for Overland Park Mayor, on July 18th at their home from 6:30-8:30 pm. The purpose of the party will be to hear Faris' platform and ask questions. Jeff Cox, who is running for Overland Park City Council - Ward 6 (that is our Ward), will also be there to provide his perspective on City matters and be available for questions. This will be a great opportunity for fellowship, attaining information, and thanking Faris for his encouragement to our neighborhood. Wendy sent an email invite out to the membership and other Ryan's Run friends about this Meet and Greet party.
- 210705-210710: Received emails, text messages, and phone calls from a Ryan's Run resident, who advised that significant fireworks on the evening of July 4<sup>th</sup> were shot off near and over his property from an adjacent homeowner's property. Noise pollution was also an issue with blaring music from large outdoor speakers. The resident provided a photo of some of the firework's debris that was collected from his roof, deck, and yard areas. The resident was terribly upset about the impact to his property and noted that the neighbor's celebration exceeded normal expectations for a July 4<sup>th</sup> celebration. The impacted resident asked if fireworks were legal in Ryan's Run or the City. Monty Nigus advised that he did not believe the restrictions mention fireworks, but the City and County both band fireworks. Monty provided the resident with links to each entity's website, where the fireworks issue is defined. The resident advised that, if this happens again to this magnitude, he will be calling the Overland Park police.

Discussed this event with the Board of Directors to see if we should issue a note to the membership advising them to keep their adjacent neighbors in mind when planning celebrations on their property and that communications with adjacent neighbors is always good to assure no misunderstandings when it comes to avoiding any celebration impacts. The feedback from the Board was somewhat variable on this matter; thus, it was decided not to issue a note to the membership. This will be a topic of further discussion at future Board Meetings to determine if any follow-up action is necessary.

- 210712: Monty Nigus prepared and distributed a Status Report for the 210624 Board Meeting.
- 210712: Wendy Krause advised that Jim and Mary Grant have moved to the Waldo area and that they wish to have names and contact information removed from the Ryan's Run distribution list.
- 210725: Prepared and issued a Notice-to-Proceed letter to Mark McFarland for the implementation of Task 1 for the review of and recommendations for revising/updating the Ryan's Run Homes Association legal documents.
- 210727: Received Mark McFarland's initial review comments per Task 1 of our proposal request letter concerning the Ryan's Run Homes Association legal documents. Distributed the comments to the Board members for their use in preparing for the next Board Meeting to be held on September 9<sup>th</sup>, where these comments will be discussed.

- 210815: Prepared a summary of our attorney's initial review comments per Task 1 and distributed to the Board Members for their use in upcoming Board Meeting on September 9<sup>th</sup>.
- 210823: Through various emails, obtained the Board's approval to pay our attorney for his Task 1 initial review work. The Board voted 7-0 in favor of payment.
- 210825: Transmitted our attorney's payment via regular mail.