

# The Spires Drainage HOA

C/O Z & R Property Management  
6015 Lehman Drive, Suite 205 / CSC 80918

## Community Updates (Spring 2011)

**The Board of Directors:** Your Board consists of five (5) homeowners who volunteer their time to serve the community. The Board decides the financial and contractual matters of the Association, oversees all Committees, reviews homeowner comments, correspondence and complaints and supervises the general day to day operations of the Association.



Your 2011 Board of Directors representatives are:

**Ben DeMeter (President)**  
**Roland Harris (Vice President)**  
**Brent Mellow (Secretary) ~ new this year**  
**Larry Gilliam (Treasurer)**  
**Wayne Booker (Director @ Large)**

Board meetings are normally held on the 3rd Friday of each month at 8:00 a.m. at The Country Club of Colorado. Please verify the meeting date, time and location with the Property Manager. If you would like to be placed on the agenda or speak with a member, please contact Z & R.

**Information and results from the 2011 Annual Meeting:** We had a total of thirty-five (35) homes represented at this year's meeting. Of those, five (5) were by proxy, eight (8) were by directed proxy vote and twenty-two (22) owners were present. We did have a quorum. As you can see listed above, the new Board volunteer is shown.

- The Board wanted to remind everyone the reason "The Spires Drainage Homeowners Association" formerly known as The Boulders Broadmoor, was formed was due to the City mandating that an Association be created to maintain the two (2) Erosion Control Dams, aka Debris Flow Ponds and numerous Private Drainage Ways aka Drainage Flow Channels. It was not until years later that the Covenants were successfully amended to include general maintenance of the Common Elements and Covenant review and enforcement.
- A question was asked about why there are missing sections of sidewalk in the community. A survey was conducted in February which showed there are 26 vacant lots with no homes built yet and 1 other area where a home is built with no walk ~ the Board is working with that owner.

The Association carries the following Insurance Policies:

Commercial General Liability, Directors & Officers, Fidelity and a special Catastrophic Loss (CL) policy for the Erosion Control Dams and the Drainage Flow Channels. The CL policy currently has a \$2.5 million dollar limit with a \$250k deductible which at the time the policy was bound, a lot of negotiating was done to keep the deductible at \$250k. There is a possibility that each year the policy renews, the deductible could greatly increase. That's a concern the Board is very aware of and wants to ensure ample funds are being put away to Reserves in the event of a loss.

## Erosion Control Dams / Drainage Flow Channels:

1) What are the Drainage Flow Channels (Private Drainage Ways) and where are they located?

*- The DFC's the are established drainage areas that run through the Association. They are natural drainage areas which also serve as the exit pathways for each Erosion Control Dam. There are 17 total drainage channels established which are shown on the Plat in the Covenants. A map of their location can be viewed at [www.thespireshoa.com](http://www.thespireshoa.com), then click on the Erosion Control tab. The areas on the map marked in green are the DFC's.*

2) What inspections and maintenance are conducted by the Association in the DFC's?

*- Similar to the Erosion Control Dams, all 17 DFC's will be inspected twice a year, in the spring and fall and also after any significant rainfall event. Owner's are encouraged to report any problems they see in these areas.*

*- The Association will make any necessary repairs, perform clean-up actions and remove any items/debris in these areas to ensure the drainage flow is not interrupted. It is important to ensure no landscaping, debris, dead trees, vegetation or adjacent lot erosion items will impact the natural flow of water through the drainage channels.*

3) What portion of an owner's lot is not maintained by the Association.

*- All portions of the lot outside of the channel easement area are each owner's responsibility. Most of the easement areas generally extend into each Lot about 20' from the property boundary, but each lot varies. As stated above, the Association asks that each owner keeps an eye on that portion of their Lot to ensure no items are placed in the drainage flow area.*

4) What are the owner's responsibilities for the easement portion of their lot which has the Drainage Flow Channel?

*- Owner's are not to dump any items in the drainage area and need to keep the area free from landscaping and other debris; such as fallen trees, grass clippings, rocks, boulders, dead plant material, left over landscaping materials, etc. Owner's are encouraged to check the area and report any unusual items to the Management Company.*

5) Erosion Control Dams:

*- These dams are located in the wooded area west of Wellfleet Street and are accessed through an easement over another person's property. The physical location of each dam is located on Association owned property.*

*- Each dam is inspected yearly by the State of Colorado, Department of Natural Resources, Division of Water Resources in addition the Association has an Engineering firm conduct a yearly inspection and two (2) seasonal inspections (spring and fall). In the event there are any significant rainfalls throughout the year, prompt inspections are conducted. For more information, please visit [www.thespireshoa.com](http://www.thespireshoa.com), then click on the Erosion Control tab. The areas on the map marked in green are the DFC's.*

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**Association Policy Updates:** The Board of Directors recently updated the Collection Policy which implements a new \$30.00 late fee. “Late Charge. A late charge in the amount of \$30.00 per month shall be imposed for any assessment, fine or other charge not paid within 30 days of the due date without further notice to the Owner. Such late charge is a personal obligation of the Owner and a lien on the Lot. This charge will be implemented beginning June 1, 2011.”

The Board is in the process of updating the Investment of Reserves policy. Copies of both new policies will be placed on the website under the CC&R’s / Rules tab.

**Individual Lawn & Lot Care:** Owners are encouraged to pay some extra attention to your yard each year. If you don’t perform some of the services yourself, you can join up with a few neighbors to hire the work out or you can rent some of the equipment.

Some of the more common recommended services are: yearly aeration (spring and fall), fertilization 3 times a season, edging of all concrete edges ~ this really makes a big difference in the appearance of your home, it gives that clean manicured look and seasonal control for weeds with pre and post emergent chemicals. Owners are also encouraged to remove weeds/grass that grow in the joints at the street or sidewalk at your lot. A simple raking/refreshing of mulch will also improve the curb appeal.

If you have dead trees, please have them replaced, with Deciduous trees being a minimum size of 2.5” caliper and Evergreens being a minimum of 6’ tall at planted depth. If you have trees that are established and do not require staking for high winds, please remove the tree stakes.

A few sprinkler system watering tips:

- Minimize evaporation by watering in the early morning or evening (before 9 a.m. or after 6 p.m.) when temperatures are cooler and winds are lighter.
- Water only when plants and grass need it and not more than three (3) days a week (for existing grass).
- Apply water only as fast as your soil can absorb it so it does not pool or run off. If run off or pooling occurs before water penetrates to six (6) inches, water in two shorter cycles separated by a few hours.
- If one-quarter to one-half of an inch of rain has fallen, delay watering until necessary.
- Direct downspouts and other run off toward shrubs and trees.

**Colorado Division of Wildlife:**

As many of you know, we live in a very populated “wildlife” area in The Spires. There are many different species we share our homes with and it is strongly recommended that you visit the Division Of Wildlife’s webpage for more information at <http://wildlife.state.co.us/>.

**Dead Animal Removal: City property 385-5934 / Private property 444-8988**



**[www.thespireshoa.com](http://www.thespireshoa.com)**

The Association has a web page for the community. Come take a look, sign up for updates via email, which will include future editions of this Newsletter.

**Z & R  
Property  
Management:**

As our managers,  
Z & R implements all of  
the Board's decisions.

Any Association  
questions can be  
forwarded to Z & R at  
Office: 594-0506  
Fax: 594-0473.

Any homeowner who  
has a problem, comment  
or suggestion is asked to  
submit a letter to Z & R  
for proper follow-up and  
Board review.

The address for Board &  
ACC correspondence is

6015 Lehman Dr. #205,  
C/S, CO 80918.

If you need to update  
personal information  
please mail that to

**The Spires DHA  
6015 Lehman Dr.,  
#205 CSC, 80918**

Emails can be sent to  
[Derek@Zandrmgmt.com](mailto:Derek@Zandrmgmt.com)

The emergency pager for  
non-business hours and  
weekends is 594-0506.

## **Architectural Control Committee (ACC):**

Any change to the exterior of your home or lot requires a written submittal to the ACC. Submittals should be emailed, mailed or dropped off at Z & R's office. The type and nature of your request will determine the time required to have it reviewed. **It is recommended that all requests include color photographs, sample brochures, drawings, etc.** More common items that require prior written approval before work begins are: central air conditioning, dog runs, privacy type fencing, security/storm doors, new roofing materials, gutters, painting your home (existing color or changing to new), installing replacement windows, any landscaping items and play or sports equipment (play sets, trampolines, etc.).



**2011 Committee members are:** Ille Brebach, Ben DeMeter (Board Liaison), Tom Dewar, Alan Jacobs, Ed Lyons, Brent Mellow (Board Liaison) and Derek Patterson. Starr Pro is the Architect used for new home plans, remodels and major projects. If you are unsure if you need to submit an item, please call Z & R for assistance.

**What is the purpose of the Association?:** There has been some confusion as to how the Association was formed and what the purpose of the HOA is.

The HOA was formed due to the City of Colorado Springs and the State of Colorado mandating an Association be created to maintain the Erosion Control Dams and Drainage Flow Channels and at the same time the Association governing documents were put in place (Declaration of Conditions, Covenants, Restrictions and Easements) that contained the standards for maintenance of the Common Elements and the structure for Association covenant enforcement and Architectural Control Committee (Approving Authority) review. During the period of Declarant control, which ended in January 2009, numerous Amendments were made to the Covenants from 1997 to 2007. Copies of all governing documents are available on the Association's website, **[www.thespireshoa.com](http://www.thespireshoa.com)**.

Here are a few statements taken from the Covenants:

"The Association shall be formed for purposes of maintaining and repairing the "Debris Flow Channels" as indicated on the Plats ... the Debris Flow Channels benefit all of the Owners, regardless of their location thereof."

"To be a homeowners association for the homeowners ... to provide for the maintenance of the debris flow channels described in the Covenants and such other tasks as a majority of the members of the Association may elect from time to time pursuant to the terms of the Association by-laws and the Covenants;"

"To provide for the ownership (if any), care, management, control, preservation, operation, maintenance, repair, restoration and replacement of the Maintenance Area ..."

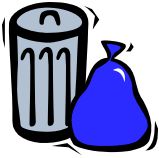
"To levy and enforce adequate assessments to meet all expenses of the Association ..."

"To enforce in its own name or on behalf of its Members ... the protective covenants, conditions and restrictions set forth in the Covenants and in rules and regulations of the Association ..."

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**Trash:**

Trash removal is provided by several companies. Due to problems with high winds and animals, the Board strongly recommends that owners ask for toters to be provided for their service. All trash containers must have an attached lid and be secured.



**Ensure all trash is placed outside the day of pick-up and is stored inside at the end of pick-up day.**

Many of the high wind problems can be avoided by everyone taking a few simple steps on trash days – here are some ideas :

- Put out the trash on the morning of the pickup. Not the night before.
- Always use an enclosed garbage can and its strongly recommended to use bungee cords or other strapping methods to secure the lid.
- We can have SERIOUS WINDS a fact that should come as no surprise to any resident. The winds can, and often do, blow over the trashcans and then spread your trash all over neighbor's yards.
- On windy days, please consider putting your trash in a protected area next to the house (e.g. between the garage doors – in a protected corner).
- Finally, secure your garbage can top in some manner (e.g. bungee cord, rope or some kind of latching system) to prevent the wind from blowing open the top and spreading your trash.
- If you have extra trash that won't fit in your garbage cans (like boxes or plastic garbage bags), please make sure that they too are securely closed and are heavy enough not to be blown over or that they are contained some how.

We all want to be good neighbors and we all want to live in a clean neighborhood,

**Plan Now for Wildfire Risk Reduction Projects:** The location of The Spires Drainage HOA is within a Wildfire Risk area. Homeowners can access their rating at <http://csfd.springsgov.com> and are encouraged to also review the ratings for the overall neighborhood. Five levels of ratings include extreme, very high, high, moderate and low. Proactive fuel mitigation and structural improvements can potentially save a home! CSFD's Fire Wise staff are available to teach homeowners how to incorporate "extreme landscaping" techniques that will significantly increase a homes chances of surviving a wildfire. On-site personal consultations are available by appointment.

***Call 385-7342 to schedule an appointment.***



**Parking / Storage of Vehicles, Trailers, Etc.:**

All vehicles will be parked so as not to inhibit traffic or damage surrounding natural landscape or adjoining property. Vehicles shall not be left on community roads overnight. No recreational or utility trailers may be parked on the property unless enclosed within the garage.

**What is not allowed:** "No boat, trailer, camper (on or off supporting vehicles) tractor, commercial vehicle, mobile home, motor home, motorcycle, any towed trailer unit, or truck excepting only pickups solely for the private use of the residents of a dwelling unit shall be parked overnight within any Lot or Building Site except in a completely enclosed Structure, or fully screened in a manner approved by the Approving Authority so as not to be visible at ground level from any neighboring property or street."

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The Association strongly encourages owners to NOT push / dispose of snow in the street or drainage curb area. This creates significant ice damming and problems for vehicle traffic, walkers and future snow removal efforts.

## Colorado City Code - Snow Removal

This code was last updated by Ordinance 06-162 passed September 26, 2006.

### 3.4.201: DEFINITIONS:

**DANGEROUS ACCUMULATION OF SNOW OR ICE:** An accumulation of snow or ice or both on the sidewalk which constitutes an unreasonable risk to the health or safety of the public which the real property owner or occupant abutting or adjacent to the sidewalk or the real property owner or occupant whose property is subject to a public easement or right of way knows to exist or in the exercise of reasonable care should have known to exist. or right of way.

### 3.4.202: SNOW REMOVAL REQUIRED; TIME LIMITS:

- A. It shall be unlawful for the owner to permit snow or ice or both to remain on the sidewalk which abuts the real property, or to which the real property is adjacent, or upon any sidewalk located upon the real property subject to a public easement or right of way, at any time after:
  - 1. For residential property, twenty four (24) hours after the termination of the falling snow.
  - 2. For commercial property, five o'clock (5:00) P.M. the next business day following termination of the falling snow.
- B. This section imposes an affirmative duty to remove snow and ice from the sidewalks to protect public safety. Violation of this duty shall constitute negligence per se and an unlawful act, subjecting the violator to civil liability for any injury proximately caused by the violation, civil liability for the costs of removal and criminal prosecution.
- C. **RESIDENTIAL PROPERTY:** Property which is designed, intended and used primarily for human dwelling purposes.
- D. **TERMINATION OF FALLING SNOW:** The cessation of snowfall for any period exceeding four (4) hours. (Ord. 93-141; Ord. 99-110; Ord. 01-42).