



DISCOVERY HOMEOWNERS ASSOCIATION

www.DiscoveryHOA.com

NEWSLETTER – September, 2011

DISCOVERY HOA BOARD OF DIRECTORS

President	Randy Cubero	599-4535
Vice President	Jack Lundberg	531-6526
Secretary/Treasurer	Carole Thurston	388-9711
Architectural Control	Roger Boehnke rjboehnke@msn.com	599-7116
Covenant Compliance Co-Chair	Tom Kerwin	650-5366
Covenant Compliance Co-Chair	Thomas Kummer	528-1682
Administrator (non-board)	Jan Doran	598-9075
Webmaster (non-board)	Lynn Sim	531-0540

PRESIDENTS CORNER

Randy Cubero

President's Corner

This will be my last column as President of the Discovery Homeowners Association and I want to thank all our members for your strong support during the ten years of my tenure. I especially want to thank the members of the Board of Directors as I have come to learn that those homeowners who are truly committed to keeping our subdivision one of the nicest places to live in Colorado Springs are willing to serve in the capacity of Board member. As I leave the position of President my sole desire and wish for the Association is to continue to find those dedicated members who can make a difference by serving on the Board of Directors. There are three major subdivisions to the positions on the Board. One is Architectural Control which issues permits to make changes to the exterior of your homes after the homeowner has properly applied for those changes by submitting a request form to the Architectural Control Committee. Second is Compliance which focuses on having homeowners comply with our covenants. There is no doubt that compliance is one of the most difficult of the Board's activities but at the same time one of the most important duties of the Board. Over the years we have tried to be fair, impartial, and reasonable with homeowners whom we have identified as having violated the covenants. In those cases we have also found that direct face to face communications is preferable to leaving a

“nasty-gram” at their door. The third subdivision of the Board is Management of the Association. This area covers our loyal Administrator’s duties, our Treasurer, welcoming new members and nominating of members to serve on the Board for a three year term. In this latter position we are indebted to Steve Thurston who although he is not a Board member has volunteered for the last three years to seek members to be nominated to the Board. Specifically this year, Steve is looking for 2 members to replace the two members of the Board who have completed their terms. Again, I make the plea that when Steve makes his random or directed calls to please consider placing your name on the list of nominees for the position of Board member. Note also that as President I will be replaced by a new Board member at this coming annual meeting. The President’s position, however, will be determined by the Board members themselves in the first Board meeting after our annual Association Meeting in October. Again, I thank all our members for their continued support of the Association and wish you all continued success in making **Discovery a great place to live.**

Warm regards,
Randy

ARCHITECTURAL CONTROL COMMITTEE

Roger Boehnke



Proposed Covenants

The Discovery Covenants Review Committee and the board of Directors have been working on updating our Covenants for over a year. Each word of the Covenants has been examined, debated, and scrutinized. We want the Covenants to be simple, clear, up to date, and have realistic meaning. We also want to make as few changes as possible and reduce legalese. However, some legalese is required to make the covenants a legal document. Our proposed changes are now being reviewed by a lawyer to put the Covenants in a final form.

We realize that there will be recommended changes to the wording and content to our proposed Covenants. Over the last year we have incorporated many good suggestions by committee members and homeowners. But, now it’s time to finish or this review will become a never ending project.

Here is a summary of the major items that have been changed in the proposed Covenants:

Changed: The title Architectural Control Committee (ACC) is changed to Architectural Review Committee (ARC).

Why: ARC is more descriptive of the functions of that Committee and is consistent with State requirements for homeowners' associations. We also added a formal appeal process to ARC decisions upon homeowner's request.

Added: ARC members shall be appointed or removed by the Board of Directors.

Why: The Covenants do not state how someone routinely becomes a member of the ARC. They do say that a majority of homeowners can change the membership. But, that's not practical for routine administration. The homeowners retain that option in the proposed Covenants.

Added: Extensive and detailed submission requirement pertain only to a **new** house or house addition.

Why: The existing Covenants have a detailed list of everything on the exterior of the house or the lot that the ACC must approve if a change is to be made. This list includes everything on the exterior of the property. If you want to plant a flower or change your porch light, you must submit plans and specifications to include lot size, a topographical map showing 2 foot contours, and all rocks, trees, and shrubs.

Changed: The records shall be maintained for **seven** years.

Why : The existing Covenants state that the ACC shall maintain written records of all applications submitted to it. We are getting a large number of files requiring a big storage space. This satisfies legal requirements.

Changed: The existing Covenants state that lots shall be used solely for one detached single family residential dwelling. We deleted that sentence and added, "**Multi-family dwellings will not be permitted on any lot**".

Why: There is confusion whether the existing wording means only a single family dwelling can be built on a lot (no multi-family); or the only building that can be built on a lot is a single family dwelling (that means no storage sheds, gazebos, play houses, garages , or hot tubs). Two other sections of the existing Covenants require the ACC to consider other buildings on a lot. This wording will allow the ARC to approve other structures on the lot with some restrictions.

Deleted: The requirement for roofing to be shake or cedar shakes.

Why: Added specifications for fire rated roofing that complies with current building regulations.

Deleted: The requirement for garage doors to be made of wood.

Why: Metal and composite doors are now more common than wood and require less maintenance.

Deleted: The requirement that "Painting exterior wood shall not be allowed".

Why: Not realistic and never enforced.

Changed: The requirement that there is a maximum of a three car garage. The wording "No fewer than a two car garage is allowed" was added.

Why: Four car garages have become more common.

Changed: The existing Covenants state that fences are **encouraged** to enclose limited areas in the front, side, or rear of the yard. This was changed to say that fences **may** be used in limited areas of the side or rear yard.

Why: We do not want to encourage fences and do not want them in the front yard. The Covenants still discourage long continuous fences on the lot line.

Changed: The existing Covenants state that the removal of trees, shrubs, and other landscaping will not be allowed unless approved by the ACC. The word **live** was added in front of trees.

Why: It is not realistic to expect homeowners to get permission to take out dead plants. This has never been enforced. Also added, “The removal of dead, diseased, or infected trees, shrubs, or plants is encouraged and does not require ARC approval.

Deleted: The requirement that only plants native to the area can be replanted.

Why: It is not realistic to restrict landscaping only to native plants (Ponderosa Pine, Scrub Oak, and Mountain Mahogany).

Changed: The existing Covenants state that the only sign you can have in your yard is one advertising the property for sale or rent. Added signs for temporary activities and political signs.

Why: State laws require an HOA to permit political signs. Temporary signs showing current property improvements are commonly used by most homeowners.

Changed: The existing Covenants do not allow outside antennas. Changed to say, “Satellite dish antennas 24 inches diameter or less will generally be approved.”

Why: Small satellite antennas are common usage.

These are the major changes. We want to keep the Covenants as brief and clear as possible, so we did not repeat items covered by government regulations or that were redundant. We know the proposed Covenants will not be perfect, hundreds of corrections and suggestions have made that clear. But, these changes will be a big improvement and necessary if we are to keep functioning as an effective home owners association. Finally we would like to point out that our annual dues assessment of \$30.00 will remain in effect and unchanged. We feel certain that our annual dues assessment is sufficient to cover most, if not all, of our homeowners’ disputes through our newly approved Alternative Dispute Resolution Procedures which mandates mediation and arbitration instead of burdensome legal and court costs for the future.

COVENANT COMPLIANCE

Tom Kerwin and Thom Kummer – CO-Chairs

Our goal is to help homeowners in Discovery maintain property values by ensuring the covenants are followed.

The Covenant Compliance Co-Chairs, Thom Kummer and Tom Kerwin have had a busy summer! We have completed an entire review of the neighborhood since our last update. In the last newsletter Thom (Thom Kummer) wrote that we were looking for Spurge, sidewalk clearance and visibility concerns. We attempted to personally meet with property owners that we believed had an issue, and failing to do so left a letter explaining the compliance issue. After we reviewed the neighborhood for these issues we felt it was important to continue our review with a focus on general landscaping. We had to consider that in our neighborhood there is diversity in the landscaping. We believe we have the traditional formal landscaping, natural landscaping, and xeriscaping. One thing we agreed upon was that a landscape that has turned to weeds did not fit any of the categories. Because of the diverse types of landscapes encountered we decided that our focus should be on landscaping that could negatively impact the property values of the neighborhood. We attempted to personally contact every person, but failing to do so we left a notice. If you received a notice we would appreciate hearing from you regarding the notice so the Board can work with you to resolve any issues.

One item we noticed was weeds that were in sidewalks and growing in rock areas. In some situations we did not leave a notice with these property owners. But, for the benefit of your neighbors please remove any weeds you see in your yard or sidewalk.

Many times homeowners take up projects not realizing that the project needs approval before beginning. Many times they do not realize that the covenants, or sometimes even city codes, require them to maintain certain standards. These are things that keep our neighbors and us safe as we travel the neighborhood. You may be seeing a friendly reminder if we found these or other covenant-related issues to address. If you see us wandering your area, we may come up to say “hello” and introduce ourselves.

Most any project that impacts the outside of your property (painting the exterior, landscaping, mailbox repair or replacement) requires approval from the Architectural Control Committee. (ACC). The ACC and the Covenant Compliance Committee are here to partner with homeowners to quickly get your project approved and within the covenants. We are your neighbors and we want you to be able to improve and enjoy your home in the comfort of knowing that you will continue to enjoy property values that continue to outpace the rest of the city. If you are planning a project, please visit the Discovery Homeowners Association website at <discoveryhoa.com> where you will be guided through the simple and quick process of getting your project up and running without additional interruptions. Also check out the covenants for guidelines as to what aesthetic is acceptable.

If you have questions, please feel free to contact either of us as indicated below.

Tom Kerwin, kerwin.tom@gmail.com Thom Kummer, tkummerdhoa@yahoo.com

We look forward to serving you and getting the chance to meet you.

WELCOME CHAIRMAN
Jack Lundberg – Director, DHA Board



A fringe benefit of my HOA Board assignment to deliver Welcome Packets to new Discovery residents is that I get to explore all the streets in our neighborhood. I never cease to be amazed at the efforts of our neighbors to maintain their properties and the imagination shown in their landscaping. My wife and I, in our regular walks near our home, try to compliment homeowners who we see in the process of maintaining their property. I suggest you try to give some verbal recognition to those neighbors that you see making a difference by tending their property. We all like a little encouragement now and then, so this neighborly notice will be well received. It's also a nice way to get to know your neighbors

On the subject of walking around Discovery – a pleasant way to exercise – now that our sidewalks have been repaired, we find some instances of trees and bushes intruding into the sidewalk area. City code requires does not allow this and it is an inconvenience to those using the sidewalk. Please take a look at the sidewalk area in front of your home and make sure it is “user friendly” to those walking by.

Getting to know your neighbors, aside from just a good thing to do, is also a way to ensure the safety of our neighborhood. Watching for unusual activity in the area and being alert for such when neighbors are away will maintain the Discovery record of being a safe place. This spring, I had the opportunity to participate in the Colorado Springs Citizens Police Academy. I recommend attending that for any of you that want to know just how the CSPD operates. It's pretty impressive. From that experience, I learned of the “Incident Map” which is available at: <http://www.myneighborhoodupdate.net> Perusal of that is a good reason to live in Discovery!

A pessimist sees the difficulty in every opportunity; an optimist sees the opportunity in every difficulty.

Winston Churchill



NOMINATING COMMITTEE

It is time to elect two new directors to the Board to replace the current directors whose terms expire this year. The Nominating Committee will accept nominations for these positions until October 3, 2011. If you would like to run for one of the Board positions or would like to nominate someone else please send me an email of 250 words or less to stevett@q.com. The email should include a summary listing your qualifications or the qualifications of your nominee. If you wish to just suggest someone that you would like to see on the Board just send me the name and the Nominating Committee will contact the individual and ask them if they would like to run. You do not have to have any special skills to be on the Board, just a desire to help make Discovery a great place to live.

We are also looking for some volunteers to serve on the Nominating Committee please send me an email at stevett@q.com or contact me at 719-237-9797.

Thank you,

Carole Thurston, DHA Director & Steve Thurston – Nominating Committee Co-Chairs

“The optimist proclaims that we live in the best of all possible worlds; and the pessimist fears this is true.”

Branch Cabell, *The Silver Stallion*



BEARS!

Fall is a critical time for preventing bear conflicts

For Colorado residents, September's shorter days and cool, crisp mornings signal that it's time to wrap up summer projects and prepare for winter weather. For black bears, the arrival of fall is more like a warning: "Time to eat as much as possible – if you want to live."

With bears now entering their binge-eating season, Colorado Parks and Wildlife managers are urging residents and visitors to take special care to secure trash, birdseed and other easy sources of food. Bears that learn to find meals around homes and businesses often become problem bears that end up being destroyed, wildlife managers say.

Black bears don't technically hibernate – it's more like a long sleep. However, the result is the same – Colorado bears need to pack on enough fat to survive four or five months without a meal, so during late summer and fall, bears enter a condition called "hyperphagia," which compels them to eat for as much as 20 hours a day.

"It's unfortunate, but some bears are killed simply because people can't be bothered to secure their food or trash," said Area Wildlife Manager JT Romatzke. "Public safety has to be our first priority, but I can tell you that putting a bear down because of someone's thoughtlessness is one of the worst parts of my job."

The problem is compounded by a bear's natural intelligence and excellent memory. Once a bear learns how to get an easy meal, they will apply that knowledge again and again in the following years. Sows can teach their cubs the same behavior, creating a cycle that can bring them into a conflict with people.

Although wildlife managers have the option to relocate a nuisance bear, it is an option that is becoming increasingly difficult as development continues to encroach on bear habitat. In addition, it is not uncommon for relocated bears to return in search of the easy meals that got them into trouble in the first place, or resume their bad habits in their new habitat.

Although bears do not typically attack humans, they are large, powerful animals and their determination to eat makes them dangerous when they learn human items and places are a source of food.

Many bears that enter homes do so through an unlocked or open window or door. Close and lock all bear-accessible windows and doors when you leave the house, and at night before you go to bed.

If you must leave downstairs windows open, install sturdy grates or bars. Screens don't keep out bears.

Keep garage doors and windows closed and locked when you're not home, or at night. Don't leave your garage door standing open when you're not outside. Install extra-sturdy doors if you have a freezer, refrigerator, pet food, bird seed, or other attractants in your garage.

Keep car doors and windows closed and locked if you park outside. Make sure there's nothing with an odor in your vehicle, including candy, gum, air fresheners, trash, lotions and lip balms.

Bears are great climbers - remove any tree limbs that might provide access to upper level decks and windows.

Replace exterior lever-style door handles with good quality round door knobs that bears can't pull or push open.

Put on talk radio (not music) when you leave home; the human voice startles most bears.

Get Rid of Attractants

Bears follow their super-sensitive noses to anything that smells like food, and can follow scents from up to five miles away.

Don't leave trash out overnight unless it's in a bear-proof enclosure or container. Obey all local regulations.

We recommend feeding birds only when bears are hibernating.

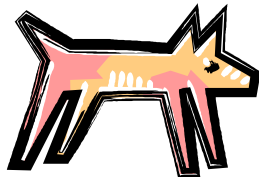
Teach Bears They're Not Welcome

If a bear comes into your yard or close to your home, do yourself and the bear a big favor, and scare it away. A confident attitude plus loud noises like a firm yell, clapping your hands, banging on pots and pans or blowing an air horn sends most bears running.

If a bear enters your home, open doors and windows and make sure it can leave the same way it got in. Don't approach the bear or block escape routes.

Never approach a bear. If a bear won't leave, call your local CPW office. If a bear presents an immediate threat to human safety, call 911.

[Division of Wildlife](#)



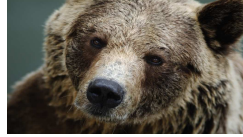
Dogs Running Loose – Please Report

Discovery Homeowner Association has received calls from neighbors who have had some very serious encounters with unleashed dogs in our neighborhood. On two occasions persons walking their dog have had their dog attacked and had to seek medical care for the dog. Dogs running in a group of two or three have been sighted and the Animal Control called. But, in each occurrence by the time they arrive the dogs are gone.

Please keep your dog on a leash or in a fenced area or protected by Invisible Fence. It is against the law for a dog to run loose.

If you see dogs running loose unleashed please call The Humane Society of the Pikes Peak Region at 473-1741. If there is an attack by a dog they will send someone out immediately. If you know the resident property of the dogs that are running loose you can file a formal complaint as well. The Humane Society will patrol areas of sightings.

Discovery HOA Board of Directors would appreciate a call as well so we can be on the look-out and are made aware of the situation. **You can call anyone on the board (listed on page 1 of the newsletter).**



“BURGLARS” BEARS and DOGS

The following articles focus on Discovery neighborhood concerns.

Burglars and Car Break-ins

In the last few weeks several homes and at least one car have been burglarized or broken-into. At least one homeowner was a victim of opportunity due to a garage door left open over night. However it wasn't just the garage that was the scene of the crime – the burglar(s) brazenly walked into the house and helped themselves to items in plain sight – wallet, lap top, etc. Then they used the credit card to fill their gas tank and buy a few “necessities” along the way.

The auto event happened on the same date and approximate time as the home burglary. Several things of value were taken from the car.

Another home in Discovery was entered by breaking a glass door to gain access. The family was in the process of moving and neighbors reported the incident.

We know of these three cases because the property owner or neighbor reported them to someone on the Board as well as to the Colorado Springs Police Department. The following link is to the CSPD incident report map - <http://www.myneighborhoodupdate.net> Just enter City and address to view incidents.

If you have had home or car break-ins recently please let us know so we can work pro-actively with the police and the neighborhood.

This past week there have been reports of solicitors in the neighborhood asking “do you have an alarm system?” and then representing themselves as a salesman for ADT. They have nothing to identify themselves. **Do not be fooled – this could be a set-up.** Calls to ADT confirmed they do not solicit business without appropriate identification.

For those homeowners who do not have security systems there are some inexpensive ways to assure your garage door is closed. It is a small device that can be purchased and installed easily to show a red or green light when the door is either open or closed. **KEEP IT CLOSED!**

- **Please keep your garage door closed at all times.**
- **When you are working in your yard or are inside the house an open garage door is an “opportunity invitation” for burglars to help themselves.**
- **Keep your doors and windows locked even when you're home.**
- **Don't mail your bill payments from your mailbox.**
- **Have a trusted neighbor pick up your mail and paper if you're on a trip.**



DRY CREEK IN DISCOVERY

Many Discovery homes back up Dry Creek – which is never dry. During a rain storms it can become a fast and furious stream that is very dangerous. During the dry summer months the water still flows down the creek, but it moves slowly and in some cases sits and becomes stagnant, especially on the east side of the Pebble Way Bridge.

The Board is working with the City to address the problem with stagnation and getting the creek to flow freely downstream where it eventually flows into Monument Creek. The City has applied for a permit from the Corp of Engineers to proceed. They also need some cold, dry weather because it's too muddy to take equipment down there.

There is an additional problem that occurs when the silt builds up under the bridge and slows down the natural flow. They will clean that out and remove some of the willows that have grown out of control a little west of the bridge.

The Board will notify the residents prior to any work being done, which might be late fall or early spring depending on when they receive a permit.



School is in Session!

Speed limit when lights are flashing 20 MPH

Neighborhood Speed Limit 25 MPH – ALL OTHER TIMES

The speed limit on all neighborhood streets is 25 MPH unless otherwise posted. School crossings are 20 MPH when lights are flashing.

Please slow down and help prevent a senseless accident. Save yourself a VERY expensive ticket and points against your driver's license.

THANK YOU

El Paso County News Release
27 East Vermijo Avenue
Colorado Springs, CO 80903
www.elpasoco.com



COMMISSIONERS

Amy Lathen	District 2 (Chair)
Sallie Clark	District 3 (Vice Chair)
Dennis Hisey	District 4
Darryl Glenn	District 1
Peggy Littleton	District 5

For Immediate Release



Contact: Dave Rose
Public Information Officer
Phone: 520-6540 Cell: 337-9239
DaveRose@elpasoco.com

El Paso County Now Enrolling Citizen Students For 2011 Citizens' College
Participants Will Receive Up-Close Look at County Government Functions and Services

El Paso County, Sept. 12, 2011 – Although area students have been back in the classroom for a number of weeks, El Paso County's enrollment for the 2011 Citizens' College is in full swing. This year's College will take place on consecutive Saturdays, October 22 and 29, with classes beginning at 8:30 a.m. and concluding at or before 5 p.m. both days, hosted at the Criminal Justice Center's Training Facility. Citizens' College provides public participants the opportunity to learn in a classroom-style, accelerated-education environment about the multi-faceted, statutory functions and services that El Paso County provides to its 630 thousand-plus residents. County officials, administrators and affiliated agency leaders serve as College instructors for an estimated 40 student attendees. Citizens' College is an annual, public outreach and education event sponsored by the Citizen Outreach Group (COG) – a citizen-based volunteer committee appointed by the El Paso County Commissioners with the mission to help build understanding of and encourage participation in County Government.

The 2011 Citizens' College syllabus will cover a wide range of topics, including: **County Government 101, Child/Adult Protection and Social Support Programs, Criminal Prosecution and Investigation, Public Health and Safety, Road and Bridge Operations and Maintenance, Land Use and Zoning Regulations, Parks and Recreation Programs, Environmental Services, Property Tax Assessments and Collections, County Budget and Finance, Q&A With County Commissioners and more. A portion of this year's College will be dedicated to the County's 150th Anniversary in 2011—including a historical video highlighting various County milestones over the course of the last century and a half.** Citizens' College students also will participate in "field trips" to the Criminal Justice Center and El Paso County Coroner's Office in order to learn, first hand, about the County's public safety and justice operations.

El Paso Board of County Commissioners Chair and COG Commissioner Liaison Amy Lathen has participated in Citizens' College as both a student and instructor: "As a former graduate of the Citizens' College, I highly recommend this experience to anyone who wants a better understanding of how local government operates and what distinguishes us from other governing bodies. This is also a great opportunity for citizens to dialogue with all of their County-based, elected officials under the same roof."

All costs associated with El Paso County's Citizens' College are covered by local businesses, community partners and private contributions – no taxpayer dollars are used.

For more information about El Paso County's 2011 Citizens' College and to apply online, visit <http://www.elpasoco.com/citizenscollege>. The application deadline is Friday, October 7, and selected students will be contacted by October 14.

Board Members At Work!



Director Jack Lundberg and President Randy Cubero

A few weeks ago the Pebble Way Bridge was decorated with graffiti. The incident was reported to the Colorado Springs Police Department and Code Enforcement responded and used a nice gray paint to cover the art work. However, it wasn't the same color as the bridge so the Discovery HOA purchased the paint and Jack and Randy took time out of their busy schedules to repaint the entire span.



MARK YOUR CALENDARS

**DISCOVERY HOMEOWNERS ASSOCIATION
ANNUAL MEETING**

- **WHEN: OCTOBER 27, 6:30 -9:00 p.m.**
 - (Date changed by Bylaw amendment – 2010 Annual Meeting)
- **WHERE: WOODMEN VALLEY STONE CHAPEL**
- **RSVP to Jan Doran – jdoran1003@aol.com or 291-9632**

If you are unable to attend in person you may fill out the proxy below and give it to a neighbor or a member of the Board to vote on your behalf. Your annual dues must be paid in order to vote. One vote per property.

PROXY FORM FOR OCTOBER 27, 2011 ANNUAL MEETING

As a lot owner in discovery and a member of the Discovery Homeowners Association in Good Standing*, I am entitled to vote on all matters brought before the Discovery Homeowners 2011 Association Annual Meeting. In my absence, I hereby authorize

_____ TO VOTE ON MY BEHALF AT
THE OCTOBER 27th, 2011 ANNUAL MEETING.

SIGNED _____ DATE _____ 2011

ADDRESS _____

Please return by email (jdoran1003@aol.com) **OR** Fax (594-4629) **OR** arrange to have this Proxy form presented at the annual meeting **OR** deliver to any Board Member or Jan Doran, Administrator at 7147 Wintry Loop – 598-9075

**Article VII, Section 1, of the DHA By-laws permits the Board to suspend voting rights “during any period in which such member shall be in default in the payment of any assessment levied by the Association.”*

