

THE



Sandia Heights Homeowners Association

August - September 2004

SHHA wins significant lawsuit!

A new owner purchased an existing house in Unit 14 in 2001. The new owner applied to the SHHA Architectural Control Committee (ACC) on September 20, 2001, to expand the house by enlarging the garage. After meeting with the new owner to discuss various options, the ACC denied the construction request in October 2001. The enlarged garage would have required a front and side set-back variance.

Like almost all units in Sandia Heights, the covenants applicable to all lots in Unit 14 prescribe front, side and rear setback requirements; in Unit 14 those reserved setback requirements are 45' in the front and 15' in the side and rear. The ACC has the power to grant exceptions to those requirements for good cause when necessary to enable a lot owner to make reasonable beneficial use of his property.

Without approval from the ACC, the new owner began pouring cement for the foundation of the enlarged garage. The ACC issued a stop-work request on November 16, 2001. On November 30, 2001, the ACC, in concert with immediate neighbors, was granted a temporary restraining order by the Bernalillo County court. The judge set a trial date to hear the merits of the ACC petition.

The trial was held in November 2003, almost two years after the lawsuit was first started. The trial judge (Ted Baca), acting without a jury, took several more months to render his decision. In late June, Judge Baca ruled in favor of SHHA and has permanently enjoined construction of the garage addition. Judge Baca also dismissed personal liability claims the new owner had asserted against the members of the ACC which voted not to grant his requested variance.

The SHHA and the members of the ACC were represented by Albuquerque attorney Robert B. Martinez.

By Bob Francis and Larry Greher

TREASURER'S REPORT
By: Cheryl Iverson – Treasurer

CASH FLOW – July 2004		
RECEIVED		
ACC		\$625.00
Wine Tasting Income		\$12.00
Member Dues		\$11,644.69
		\$12,281.69
EXPENSES		
<u>Committee Expense</u>		
Legal		
CSC (new covenant research)		\$461.37
<u>Office Expense</u>		
Appearance		\$17.99
Comcast		\$59.34
Copier Cost		\$392.43
Miscellaneous		\$68.94
Notary		\$70.00
Office Lease		\$933.86
Postage meter		\$246.06
Security		\$11.59
Telephone		\$122.94
Total Office Expense		\$4,101.27
Office Staff		\$2,584.90
Sandia Services		\$1,116.53
State Corp. Fee		\$50.00
Taxes, IRS		\$367.83
Taxes, NM Gross Receipt		\$416.66
Total Disbursed		\$6,920.44
Received less disbursed		\$5,361.25

Condition July 31, 2004		
Cash in Banks		
Checking		\$48,457.97
CD		\$32,716.19
Petty Cash		\$41.28
Total Cash in Bank		\$81,215.44
Other Assets (at Cost)		
Computers & software		\$5,023.46
Due from Advertising Sold		\$0.00
Event Signs		\$164.54
Holiday Decorations		\$77.25
Inv Glass/Mugs		\$749.09
Office Accessories		\$1,207.06
Office Furniture		\$5,396.44
Postage in meter		\$420.94
Postage Bulk		\$358.81
Prepaid Rent		\$991.10
Security Deposits		\$1,075.75
Total Other Assets		\$15,464.44
Total Assets		\$98,679.88
Liabilities		
Prepaid Advertising		\$9,958.28
Legal Reserve		\$20,000.00
Legal Covenant Review		\$538.63
Total Liabilities		\$30,496.91
Cash in Banks less liabilities		\$50,718.53

TRASH PICKUP

By Tom Coyne

Covenants Support Committee Member

Now that we are busy clearing our properties of unwanted vegetation, some of us are putting our trash out long before our pickup day. These bags and bundles of trash detract from our beautiful neighborhoods. In the interest of keeping our neighborhoods neat and tidy, the Bernalillo County Ordinance requires us to put our trash out no earlier than 5PM the day before trash pickup and no later than 7AM the day of trash pickup. Trash should be kept away from the street at all other times. If your trash pickup occurs later in the day, as long as you put your trash out before the truck arrives, you will be in good shape. The 7AM time is to insure that those of us who are scheduled for early pickup will not be left holding the bag, so to speak.

If you are going to be out of town and not able to put your trash out in accordance with the above guideline, there are a couple of things you can do. One is to ask a neighbor to place your trash at the curb in accordance with the guideline. The second is to take your trash to the Eagle Rock Convenience Center located at 6301 Eagle Rock Rd. NE prior to leaving. This trash drop-off center is located near the intersection of Alameda and San Pedro. It is open 7 days a week from 8AM to 5PM and charges \$3.00 per load.



Attention Art Lovers, Creators and Appreciators,

An art committee has been formed in Sandia Heights to showcase the talent in our community. An event called “**ArtsView @ Sandia Heights**” will introduce several artists and their works to residents and guests of Sandia Heights in a tour of studios. ArtsView takes place on Sunday, October 24, 2004, from 1-5 PM.

The October issue of the grit will have a map of studio locations and more detailed information on the artists and event. Sandia Heights is blessed with more artists than can be presented in this one showcase, so with your support this is the first of many ArtsViews.

Artists who are interested to participate should contact Khondeh Payne (797-4306 khondeh@comcast.net).



Executive Committee

Ralph Rudolph - President

Larry Greher – Vice President

Cheryl Iverson - Treasurer

Board Members

Kerney Bolton

Mark Boslough

Jeff Brinker

Ed Cohen

Thomas Coyne

Larry Desonier

Jim Erspamer

Rick Fairbanks

Bob Francis

Kenneth Hook

William McCall

Anton Salem

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MOSTLY CLASSICAL AT YOUR BACK DOOR By Gene Church

Well, maybe not quite your back door. It's really around the end of the Sandia Mountains via I-40 to exit 175, and then 3/4 mile north on Highway 14. This is the setting for a musical adventure that probably not too many of us know about. The East Mountain Artist Series, a not-for-profit organization, will begin its ninth concert season in September. The presenting artists are all accomplished and outstanding in their field.

This schedule for this season is:

September 26, 2004 - The Sierra Trio (piano, violin, & cello)

October 24, 2004 - Leonard & Arlette Felberg (piano & violin)

November 21, 2004 - Alma Flamenco (flamenco dancers)

January 16, 2005 - The Sierra Trio, with guest Margaret Hawn (viola)

February 13, 2005 - David Curtin (piano)

March 6, 2005 - 9th Annual Youth Concert

April 10, 2005 - Duke City Chorus (vocal)

May 8, 2005 - The Sierra Trio, Annual Mother's Day Concert

Ticket prices at the door are a very reasonable \$10 for adults, \$8 for seniors, \$3 for students, and \$1 for children under 12 (season tickets are available). And if that is not reasonable enough, how about free refreshments at intermission, and free childcare! All concerts utilize the facilities of the Mountainside United Methodist Church at 4 Penny Lane in Cedar Crest. These concerts are enjoyed by music lovers both east and west of the Sandias. If you would like to enjoy a Sunday afternoon of delightful entertainment, beginning at 3:00 PM, contact either Sara or Gene Church, 821-0268, for more information.

Parks & New Development Committee By Mark Boslough

Please report extreme speeding to sheriff

Several incidents of extreme speeding have been reported over the last month.

On July 11, a resident of Bobcat reported a motorcyclist speeding back and

forth on Bobcat at speeds up to 70 mph. He repeatedly ran the stop sign at the corner of Bobcat and Deer Drive.

On the morning of July 13, a resident of Tramway Lane was standing next to the street with his 6-year-old daughter when two cars, side by side, raced past at speeds up to 65 mph.

Another resident of Tramway Lane reported motorcycle racers flying by his house on July 28 at about 55 mph.

Please, if you observe this behavior, report it to the Bernalillo County Sheriff immediately. Even if you did not get a license number, this is a serious crime and needs to be documented.

STUCCO WARNING

By Bob Francis

Communications and Publications

If you want to re-stucco your home, you should be aware of the type of stucco being used. Stucco containing plastic or synthetic material may trap water inside your walls. This condition could cause mold or invite unwanted insects such as ants, and/or termites. If your contractor wants to use plastic stucco, be sure you get a warranty in writing which protects you from these conditions.

Neighborhood Announcements

- **Extended SHHA office hours!** The office is open 9am – 3pm for the summer.
- **Next BOD meeting August 11th** at #5 Fire station, 11700 Paseo Del Norte.
- Contractor Evaluations are a helpful tool for our residents. Please make sure that you complete and return them as you have work done in your home.
- Check out the SHHA website at: Sandiahomeowners.org for updates and neighborhood resources.

Our Annual Garden Walk was on June 12, 2004. Five Gardens were on the tour, each with its own unique set of variation of flowers, shrubs, trees, and water fountains. Many thanks to the hosts:

- **Peggy Atencio & Don DeGasperi**
- **Ingrid & Mark Gorham**
- **Peggy & Stewart Kohler**
- **Jenison Klinger & William Dawes**
- **Joyce Stalgren**



Upcoming Events

Field Trip: Wednesday August 18th. Time: 8:30-1:30 at the Los Lunas Plant Materials Center

The Program includes: Tour of 7 stations by NMSU and Natural Resources Conservation Service scientists presenting their research and additional interesting projects involving native and agronomic plants. Other topics will be presented by the local experts. In addition, there are Exhibits, Wagon Ride, and free Lunch.

Directions: South on I-25 to the Los Lunas exit. At the top of the exit ramp, turn left onto SR 6 and go east to Highway 314, turn right (south). Drive about 3 miles past the Correctional Center, and turn right (west) on Miller St. The PMC is about 1 mile down the road on the right.

Car Pool: Anyone interested in car-pooling should meet at Albertson's parking lot at Academy and Tramway by 8:15.

All Sandia Heights residents are invited to join the Wildflower Club members for this exciting field trip.

Members Annual Patio Potluck Supper: Wednesday, **September 15, 2004, 6:00 p.m.** at the home of Dan and Jacque Caudillo, 2744 Tramway Circle NE. All members will receive the announcement in the mail.

Reminder: The annual membership dues are to be paid in September. If you are not planning to attend the patio supper, please send your membership fee to Susan Cook (see below for address).

To become a member, please send a check for the annual membership fee of \$8.00/person or \$10.00/couple payable to the Sandia Heights Wildflower Club to: Susan Cook, 1842 Tramway Terrace Loop NE, Albuquerque, NM 87122.

SHHA MEMBER CLASSIFIEDS

(Free for SHHA members as space allows)

<p>Experienced Pet Sitter: Hardworking, positive attitude 15 yr. old. Loves pet sitting & odd jobs. Call Andy @ 821-0482</p>	<p>Experienced 18 year old House Sitter References available. Overnight or daily visits. Call Olivia @ 270-4415</p>	<p>MANY THANKS! To whomever found my CDs and returned them to the library. You save me time, trouble and worry!</p>
<p>Retired Hospice Nurse. Available for pet care. Call Anne @ 856-6896</p>	<p>Taking a summer trip? For a reliable person to watch your house call Stuart @ 228-7685</p>	<p>Call Heather for Babysitting Reliable, has transportation & references. 796-0601</p>

COUNTY PROMISES TO HELP WITH SPEEDING ON SAN RAFAEL

By Mark Boslough

Several representatives of Bernalillo County attended our July meeting. The county officials assured members of the SHHA Board that they take our neighborhood's speeding problems seriously. Bernalillo County Fire Marshal Kent Hendrickson had vetoed the attempt of residents of San Rafael and Tramway Lane to have speed humps installed on their streets. Now he and Fire Chief Bett Clark are working with Richard Mobarak--a Traffic Engineer from the Public Works Department--to find an alternative traffic calming measure that will make our streets safer without the risk of slowing down emergency response vehicles.

Chief Clark presented the idea of installing traffic calming devices called "chokers" on San Rafael, as a pilot project. Mr. Mobarak described the preliminary design, which constricts the road at strategic locations and forces traffic to slow down. Other municipalities have had good luck with these devices, which have been shown to improve pedestrian safety. The county will collect data to determine their effectiveness before installing them elsewhere.

There was no disagreement about the need to slow down traffic on San Rafael. The only debate is about the methods. Data collected three years ago demonstrates that about 90% of drivers exceed the posted speed limit. Everyone agrees that this is unacceptable on a multiple use residential street like San Rafael. The survey detected vehicles speeding past at more the double the speed limit every two minutes during a peak hour in the morning--when children are walking to bus stops. Over the four-day period of the survey, three extreme speeders were tracked moving in excess of 51 mph in the 15 mph zone! This survey took place near the intersection of San

Rafael and Laural Loop, which is close to the proposed location of one of the new chokers. The preliminary design specifications and drawings are on display at the SHHA office, at 2-B, San Rafael.

KWIK LUBE OPENS

Albuquerque Kwik Lube opened on August 2nd. SHHA has had a constructive relationship with George Burnell and Matt Musgrave, the owners, and we want to encourage our residents to take their autos there. I did on opening day and I was impressed with their competence and courtesy. Their main focus is preventive maintenance and that includes oil changes, transmission services, radiator flushes, air filters, fuel filters and emission testing.

They are open from 8 AM-6 PM Monday through Friday and from 8 AM-5 PM on Saturday. The full service oil change including at least 20 individual maintenance tasks (vacuuming and window washing among them) is \$29.99. You can get a \$5 discount on your first oil change if you show them this article. Their phone number is 821-9090.

George Burnell is the manager. He is a "local boy" trying to make good in his own business. He managed Jiffy Lube stations for over ten years. George is married and they have two young children.

We are meeting with George to review the plans for a proposed six retail unit building that will be constructed between the empty Eckerd building and the Kwik Lube building.

Many of you have probably noticed that TRICOR, the owners of the empty building, have now employed Grubb and Ellis, who specialize in commercial real estate, to help them market that property.

Don Wortman, Chair
Special Liaison Committee

COMMENTS FROM HOMEOWNERS AT JUNE ANNUAL MEETING:

By Ralph Rudolph, president

The homeowners gave the Association very good marks at the Annual Meeting. We distributed a detailed list of their few complaints to the Board at the July Meeting and asked each committee to address them. Naturally, a good many are already being addressed. I'll try to break these down into several areas:

Traffic & Safety: Complaints about speeding are ongoing. We have added a few speed bumps and stop signs and are working with the Fire Department and other County officials to install rumble strips and trial choke points. There were also requests to trim back the chamisa at certain roadways. This is being coordinated with the County, but chamisa is tough stuff and has fouled up the trimming machines.

Signage: Sandia Heights signs used to be posted at the various entrances to our community, but were removed because they deteriorated. The Parks Committee has been asked to look into costs to replace them.

Fire Protection: There were rumors that the nearby fire substation on Paseo del Norte was not manned. It is manned 24 hours a day, 7 days a week.

Dog Litter & Leashing: These are County ordinances, not an SHHA ones. We have provided signs for residents to post and may provide "doggie poop" stations, but we can't do a lot more. It's really up to our residents to be good neighbors and obey the law. We are not police.

Better Covenant Enforcement: Numerous issues exist: illegal RVs, boats, unpainted roof equipment, unscreened coolers, overgrown trees blocking views, and forbidden trees such as Siberian elms. **The problem is that the Covenants require that a homeowner in the Unit file a complaint. Without a filed complaint, the CSC is powerless. If the new unified covenants pass, the CSC will not require the filed complaint and will be empowered to act on its own.** The CSC always acts on written complaints filed by members of SHHA.

Governance issues: BOD meetings should have speakers on topics related to Sandia Heights. (Note: we have as many as three at some sessions. They are usually advertised on our website). There should be nametags for Board members. (Done!) Duties of Officers Board members and committees should be spelled out. (The duties of Officers and Board members are spelled out in our Bylaws, which are posted on our website. The duties of all committees are spelled out in the Committee Charters, which will soon be posted on our website). Please post when committees meet so interested members can attend. (We hope this will soon be on our website).

Grit: Please spell and grammar check. (We now have such a person). Allow more controversy in the Grit. (We allow controversy if it serves a constructive purpose).

Covenants: Please change the Brushwood Bear Covenants to bar second-story additions. Only the Unit's homeowners can change the covenants by a 75% vote. We can help if necessary. One Unit made changes on their own last year.

Miscellaneous: Stop allowing trash to be left out days in advance of pickup. (Homeowners should notify Bernalillo County of violations). We need a community center. (We haven't the money without a substantial dues increase). We want to start a gourmet group. (Write an article for the Grit and wait for responses).

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