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# COMMUNITY LIVING



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MAINTENANCE MATRIXES**  
The Impact of New Legislation



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Quarterly Tip



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## FROM THE PRESIDENT



**MATT DREWES,**  
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As Chapter President, it is my pleasure to work with the numerous volunteers who make CAI-MN such a success, and to see the hard work they put in to bring us events like the recent Trade Show and several others throughout the year. It is tremendously rewarding to be part of an organization filled with so many great people who care about more than what they do in their own interests, but also how they do it and how their own contributions affect the industry and the other people in it.

Homeowners, property managers, and business partners of all kinds continue to find that CAI-MN isn't just about what our organization can do for us, but the variety of things we can do with and for this organization that will repay us with not only new business relationships, but also mentors, colleagues, and friends.

We want CAI-MN to be a forum where everyone has a chance to make connections, and (hopefully) even learn something.

If the urge strikes you to get involved in a way that fits your own skills and interests, or even if you have questions or comments for us about the magazine or a future event, we'd love to hear from you at [info@cai-mn.com](mailto:info@cai-mn.com).

[This article is adapted from the President's Message that appeared in the 2018 Trade Show Program.]

## MINNESOTA COMMUNITY LIVING | VOLUME 37

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# Should Tree Care Be Included In Your

BY PAUL ASLESON

When was the last time you thought about the benefit of having beautiful, healthy trees on your property? While well maintained trees can increase property values by providing environmental, health and aesthetic benefits, trees that are not cared for can be liabilities.

Too often, tree care is performed in a reactive way and trees only receive attention when they are damaged or become a nuisance. Unfortunately, this reactive approach typically costs the property owner more in the long term than if following a proactive plan to care for the trees was followed.

A tree management plan, starting with a tree inventory of the property, and combined with pruning, removal, planting and treatment priorities, can increase the long term health of the trees on the premises while providing a maintenance schedule that can be budgeted for annually.

Following is a description of the key elements of a proactive tree management plan:

## TREE INVENTORY

Inventorying the trees on the property is a great place to begin to develop your tree management plan. There are many different tree inventory programs currently available which provide a wide variety of functionality. A certified arborist or tree care company which specializes in tree inventories can help you to determine the right fit for the specific needs and goals for the proper management of your trees.

Tree inventories gather critical information such as: tree species, size, location, overall health, current treatments, etc. These details can then be used to develop a priority maintenance schedule for tree pruning, removal, planting and plant health care related services. Not only will your inventory be beneficial for tracking services as they relate to your maintenance plan and annual budgeting, it can also help to project future maintenance and its associated cost.

An increase in communication between property managers and vendors will also be established with prioritized services based on their cost and impact to the surrounding environment.

## TREE PRUNING

Landscape trees often require periodic pruning to sustain their aesthetic beauty and maintain their structural stability. Pruning timing and objectives can vary greatly given the tree species, location and overall health. Often, pruning is essential in accomplishing safety and compatibility concerns on a property.

There are several different types of pruning: crown cleaning to remove deadwood and storm damaged branches; crown thinning to remove epicormic (water sprout) growth or interior crossing/rubbing branches; crown raising to provide necessary clearance for neighboring streets, walkways, driveways, etc.; and crown reduction to provide clearance for neighboring plants or buildings and restoring storm damaged trees or providing site lines for a landscape feature.

Ideally, pruning should be prioritized by categorizing trees into three classifications: high, moderate, and low priority. A certified arborist can sort the trees into these three groups and a budget should be created to concentrate on priority items.



*Paul Asleson is a Consulting Arborist with Birch Tree Care. I.S.A. Certified Arborist MN-0316A.*

# Annual Maintenance Budget?

## TREE REMOVAL

As is the case with the pruning portion of a tree management plan, trees on your property should be assessed by a certified arborist to rate their overall stability. Trees with a poor stability rating should be prioritized for tree removal. Other possible reasons for tree removal include: insect infestation, disease, poor planting location, overall nuisance and trees whose defects cannot be remedied through corrective pruning. These trees should be grouped into four classifications based upon the risk that they pose to the public or to property: extreme, high, moderate, and low priority.

Consult the International Society of Arboriculture's Best Management Practices: Tree Risk Assessment publication for the rating matrices and information on how to group trees into each priority rating. These categories provide great information for budgeting purposes as well as future considerations. Trees which are rated as extreme or high risk should be budgeted for and removed in an expedited fashion. Trees categorized in the moderate to low classifications could be budgeted for and removed at a later date.

## TREE PLANTING

The decision to remove a tree should include an evaluation on whether or not the tree should be replaced. This evaluation should be geared towards the idea of placing the right tree in the right space. The following site considerations should be evaluated: soil characteristics, environmental conditions, site location and maintenance requirements. Only trees which meet their specific site specifications should be considered for a given space. Your tree inventory should also be reviewed for available planting sites as well as details regarding species diversity on the property. This information will help create a more resilient tree population.

Annual budgeting and a tree management plan will be essential in the coming years to lay out a cost effective strategy to deal with the removal and replacement of our ash tree population. This type of an approach can provide a twofold benefit: deferred cost over multiple years, rather than a one-time cost, and minimizing the aesthetic and environmental impact on a property by removing trees in stages, rather than all at once.

## TREE HEALTH CARE

While removal and replacement of Emerald ash trees is certainly an option within your management plan, it is not the only approach. Fortunately, there are several different treatment methods to preserve the ash population in your community that have become more cost effective over the last several years. Typically, the cost of treating an ash tree for approximately 20 years (maybe more depending on its importance to the property) is equal to its removal and replacement cost. Ash trees are not the only species which can benefit from proactive plant health care. Crabapple trees can be shielded from apple scab proliferation, linden and birch trees (among many others) can be sheltered from Japanese beetle infestation, and oak and elm trees can be protected from vascular wilt diseases.

The overall vitality and vigor of the trees you manage can be improved through tree fertilization and soil conditioning where essential nutrients and soil microbes are absent or unavailable. Preserving tree health before it starts the decline spiral can provide financial benefits by reducing the cost of tree removal, tree replacement and loss of environmental benefits.

## CONCLUSION

Through a well-developed tree management plan and an annual maintenance budget for tree care, trees can be looked after proactively, substantially reducing tree care related costs. Their long term health can be increased through tracking, sanitation, species diversity and treatment. Trees provide us with so many benefits, from their oxygen production, cooling attributes in the summer months and their ability to reduce storm water run-off – it's important to give them the attention they need and deserve. As Teddy Roosevelt once said "To exist as a nation, prosper as a state, and live as a people, we must have trees".





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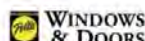
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# The New Reality for Maintenance Matrixes

BY MATT DREWES



The 1999 film “The Matrix” featured a computer programmer named Neo who wanted to understand why the world never made complete sense to him. [Bear with me a moment. This really does relate to community associations.] In part, Neo’s frustration was due to the fact that he and everyone else were kept preoccupied by a belief that the world we live in is something entirely different than reality. [Spoiler Alert!! Movie plot details to follow.] “The Matrix,” Neo learned, was an artificial construct (a computer program) designed to lull humans into complacency so they could all be plugged into a giant power plant for the benefit of our robot masters. This program didn’t prevent misery or suffering or struggle, but this artificial system worked because it provided order and rules and gave apparent structure to the world that the human mind would accept. This article isn’t going to show you “how deep the rabbit hole goes,” as Morpheus offered to Neo. But I do hope it will reveal to you the merits of the community association’s own version of “the matrix;” the maintenance matrix (otherwise known as a maintenance chart), and why now is the time you need to refresh your matrix even if you already have one.

As you already know if you live in or manage a community association, or work with them regularly,

each common interest community is comprised of a large number of components and systems that support, protect and/or connect the various homes within the community. To understand how these systems are to be maintained, repaired, and replaced, and who is supposed to pay for each, community associations are given a few cryptic lines in the declaration. These provisions might appear as indecipherable as the computer code underlying the computer program in “The Matrix.” What’s an “exterior surface?” Who’s really supposed to pay for new windows? What about decks and patios, or the front steps? When these questions arise, we all might wish for a new reality that just gave us rules that make sense, even if it’s not the reality we would have chosen for ourselves. How about a maintenance matrix?

There are a number of benefits to creating and using a maintenance matrix. It offers consistent results, since it presents a common resource that everyone can turn to when questions arise. Because it’s created in the form of a chart, it provides an easy reference for what would otherwise be complex questions of document interpretation. In addition, it creates a reality that the vast majority of people will be able to accept, even where there might be ambiguity in the declaration, or philosophical determination of how to handle a discretionary item.



There are also external reasons to have a maintenance matrix prepared. During the past six years, two significant pieces of legislation have gone into effect that dictate the role and responsibility of homeowners associations and how they manage their planning and budgeting for maintenance of their communities. Since January 2012, the Minnesota Common Interest Ownership Act has required associations to include in their annual budgets a replacement reserve that is adequate to replace all the components the association is required to replace at the end of each component's useful life. Based on this statute, many associations have already prepared a maintenance matrix of some kind. A new law has added new wrinkles, however.

Following the 2017 legislative session, existing associations will be required (before 2019) to prepare a "preventative maintenance plan, maintenance schedule, and maintenance budget" for the common elements, which must be distributed to all homeowners. This change in the law, together with the 2012 amendment, has created a need for a resource like a maintenance matrix. Since the matrix contains a list of virtually all of the components of a community association that either is a common element or otherwise relates to the exterior of the community, it serves as an easy reference manual for preparing these required maintenance and reserve budgets.

In the movie, *The Matrix* was an artificial construct; a false reality portrayed to those trapped within it. While a maintenance matrix is more a useful tool than the nefarious plot to control behavior that was depicted in the movie, there are some similarities. For example, the purpose of the maintenance matrix is to create simplified guidelines for how the various components of the community will be maintained, repaired, and replaced. In that sense, it is a substitute for what might otherwise be an unpleasant reality. Each time a component requires work, the Board and

all the affected owners could go read the declaration and see if they can decipher (let alone agree upon) its meaning. Or, the Board can invest in getting the professional help needed to create a maintenance matrix which will answer these questions.

Be aware, however, that the matrix cannot protect you if you've interpreted the documents incorrectly, or abused the opportunity to create a plan. For this reason, most maintenance matrixes are prepared by or with the significant input of attorneys. Whoever you work with, be sure you consult with appropriate professionals to ensure your interpretation of the declaration is valid, and that you're giving due regard to any applicable statutory provisions. Not only will this help you to create a valid chart, but as a non-profit board of directors, you derive additional protection against any possible claims if your decisions were made in reasonable belief that you're relying upon the advice of qualified professionals.

When used correctly, a maintenance matrix is a comprehensive list of all the components of a community that are likely to require maintenance, repair, or replacement, and will show who is supposed to perform the work on those components. Perhaps even more importantly, a proper matrix will clarify the allocation of the financial responsibility for each type of work. This is because there are many tasks involved in repairing, maintaining, and replacing the components of a common interest community that might be performed by the association, but are the financial responsibility of one or more owners. If you don't have a chart, or currently have a chart that lists only who shall perform each of the various items of work, you need to upgrade your programming, and update your matrix, to reflect who bears the financial responsibility for each of these tasks. In addition, your schedule should be updated before the end of 2018 to show (and help you budget for) when these tasks will be performed, to ensure compliance with the 2017 legislation described above.

*Matt Drewes is a Shareholder with the law firm of DeWitt Mackall Crounse & Moore S.C. He is the current President of CAI's Minnesota chapter.*

Please note: This article is intended to provide general information only. You should not rely upon it for legal advice, as proper advice depends upon various facts and circumstances unique to each matter. No attorney-client relationship is formed without a signed letter or agreement by which the client and the firm agree to the terms of the representation.

## THE MATRIX

**Morpheus:** I imagine that right now you're feeling a bit like Alice.

**Neo:** You could say that.

**Morpheus:** I can see it in your eyes. You have the look of a man who accepts what he sees because he's expecting to wake up. Ironically, this is not far from the truth.

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BY MARK LARSON

# How to Respond in the First 24 Hours of a Disaster



Mark Larson is President of Clean Response, a Twin Cities-based property restorations services specialist with 20 years of experience in fire, flood and water damage, offering 24-hour disaster response. Clean Response is a member of CAI-MN. [www.cleanresponse.com](http://www.cleanresponse.com)

**P**lanning is one of the hallmarks of a strong recovery after disaster. Better outcomes occur by knowing who to call and what to do in those first 24 hours after damage in your community.

After calling emergency personnel, a natural impulse is to call your insurance agent or insurance provider. This is a good decision, but not the only one. Your agent is an important advisor in a disaster situation. However, your association shouldn't rely on your insurance provider to direct your plan. Their primary goal is to minimize the cost of a claim. Your goals go beyond that. For example:

- Mobilizing your disaster team
- Identifying and remediating hazardous material
- Restoring and maintaining safety
- Minimizing damage to other property or the community
- Communicating effectively
- Organizing recovery efforts

When was the last time you reviewed your association's disaster plan? If you are a property manager or association board member, improve any areas of uncertainty by considering the following tips. If you are a member of a homeowner association, share this article and ask leaders about the association's disaster plan.



## ALERTING FIRST RESPONDERS

First responders can include fire and emergency personnel, but they also can include other specialists such as your insurance provider, electricians or plumbers and commercial cleaners and restoration specialists.

An emergency is not a good time to try to select the right vendor. Have a list of your key first responders in a document that is easily accessible and know who is responsible for calling them. Review potential vendors now for your preferred vendors list. It is okay to get referrals from your insurance provider, but they may give you several names to consider. Make sure your chosen vendors are available for emergencies and have the experience to handle the most extreme emergency possible.

## HAZARDOUS MATERIAL

When property is damaged, especially older buildings, remediation specialists can come across materials like asbestos in ceilings, in the wrapping on pipes, or layers of flooring under carpeting. Early in the assessment of damage, and throughout the process, anticipate the potential for hazardous materials like this that are no longer up to code. Make sure your chosen restoration professionals are experienced with identifying hazardous materials and properly dealing with them to meet health, safety and industry standards.

## RESTORING AND MAINTAINING SAFETY

Depending on the emergency, you could have concerns about resident or neighborhood safety. You may or may not have to move homeowners out. Determine scenarios in which the emergency calls for resident evacuation, and how you will proceed successfully. Review your community map for the best routes to direct a sudden heavy flow of traffic in or out of the area. Consider ways to keep unnecessary traffic out of the area, so you can share this information with police and other authorities.

If your community has security systems compromised from the disaster, plan on other forms of security to support safety. Likewise, plan to work with experts in emergency board-up services to secure any physically damaged buildings.

## MINIMIZING DAMAGE

When property is damaged by smoke, fire or water, the first 24 hours are critical to avoid further damage as much as possible. Mold can begin growing within hours, but may not be visible to the human eye for days. Smoke can permeate many materials in the building and among homeowner belongings. Smoke starts to corrode metals in 24 hours, and needs to be handled quickly to avoid this. Both water and smoke damage lead to air quality issues if not handled properly.

When damaged areas are properly dried or removed within the first 24 hours, you have a much better chance of minimizing damage. The right techniques may also minimize the extent of demolition required, which reduces costs.

## COMMUNICATION PLANNING

One of the biggest challenges in a disaster situation is communication. That's why your association should organize an efficient communications plan that recognizes the priorities and type of communication required.

- Who is in contact with emergency responders? Does that point person have an updated first responders list?
- Who is in charge of managing homeowner communications? How will homeowners best receive this communication? Have homeowners opted in to receive group texting alerts in an emergency?
- Do you need one or more people on the property grounds to direct homeowner questions? Are those people equipped with a consistent message and proper protocols?
- Once initial communications occur, what are the next logical steps to get updates from restoration and insurance partners? How will you keep homeowners informed?

Keep your board or property management staff up to date on any changes to this communications plan. If disaster strikes, they can quickly mobilize even on a weekend.

## RECOVERY PLANS/NEXT STEPS

Once the initial disaster is managed, there are many items to oversee during recovery and restoration of your property or neighborhood. There will be damage estimates and insurance claim management, technicians and contractors to schedule and ongoing project and communications oversight. It's important to have the right team in place to help your board or property management team make the best use of resources.

Make sure you have a clear timeline to share with homeowners, especially if they are unable to return to their homes immediately after the disaster. Support homeowners with identifying alternative lodging through insurance as well as options for things like storage of personal possessions or pet boarding. Such support will go a long way toward easing the stress of homeowners impacted by a disaster.

Recognize, too, that not every step of recovery will be perfect, and it may take longer than initially expected depending on the extent of damage. However, with pre-planning and a trusted group of specialists, you will respond well in that first 24 hours and beyond.

For more details to support your disaster planning strategy, visit:

<http://www.cleanresponse.com/disaster-planning-resource>

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It was early on a weekday morning when I came downstairs looking for that first cup of coffee. I'm stumbling around in the kitchen and hear the sound of water running. We generally tend not to leave the taps on overnight, so this was disconcerting. Heck it sounds like it was coming from the basement.

And here is the reason we're glad our basement is unfinished. There was a miniature creek running to our floor drain from underneath the water heater. Aw nuts. There goes the morning's hot shower.



## Water, Water Everywhere and Ne'er a Drop to Drink

BY CHUCK KRUMRIE

Water where it oughtn't be can be more damaging than fire. So it's a savvy homeowner who knows the weak spots in the water supply system and checks them regularly.

A water heater is a metal tank filled with water. Thus oxidation (rust) is ever at work. All water heaters will fail and the most common cause is the bottom rusting out. And they often simply work until they don't...with little warning. Every month or so, take a couple seconds to feel the bottom of the tank. If it's wet, it could be a sign of a leak in progress. You may be able to extend the life of the tank by draining off a cup of water from the bottom valve once a month. This can siphon off sediment which settles to the bottom.

While you're giving your water heater a physical, be aware of where the main shut-off to your home is. It's the larger line coming off the meter and should have a ball valve on it. A ball valve is a handle on the line. If the handle is parallel with the line, the valve is open. If it's perpendicular, the valve is closed. The location to the main shut-off is invaluable to know in case a break occurs in a

place where you can't get to the proximate shut-off or if it's a hot water line.

Again, I speak from experience. One foot being out the door one day, I hear my wife give a loud yelp from upstairs. The shower valve had just decided to burst. Rather than mess around getting behind the access panel in the bathroom, I went to the basement and threw the main shut-off and called the plumber.

Do you have an outdoor spigot? Do you know the best way to winterize it? Close the interior valve and open the spigot on the exterior. This allows for water not to be trapped in freezing elements between the two valves. There may also be a little screw cap near the interior valve which you can remove to drain off more water. I figured it was good enough to close both valves for the winter until I found the next spring that the exterior pipe had split down the middle. Something about water having greater volume in its solid than in its liquid state.

Once you get the brand new washer and dryer installed, whoever thinks twice about the washer intake hoses? Kind of like dishwasher supply lines: out of sight, out of mind. Because the lines are constantly charged and because their material makes them the weakest link in the chain, they have developed a well-deserved reputation for just going off. A quick way to avert disaster is to install braided metal hoses. These aren't rupture-proof but when they go, they weep water instead of spraying it all over.

You may wish to consider the further step of installing a ball valve right before where the hoses meet their lines. The valve can be closed when you aren't doing a load of whites.

Not all valves are designed to be opened and closed regularly. Those which serve the supply lines for your sinks and toilets are best left open unless work is being done in that direct location. Given excessive manipulation, they are prone to start leaking. If you've ever looked down and spotted a small pool of water around your toilet's base, think "wax ring".



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The wax ring is designed to provide a seal against water and sewer gas where the toilet meets the waste stack. And like everything else, it has a limited useful lifespan. Rather like the water heater, it works until it doesn't, doesn't give much forewarning and doesn't make sense to proactively replace unless you're planning a remodeling job.

A final note on water consumption. Leaks are relatively easy to spot: water where it oughtn't to be. However, there are more insidious consumptions of water which can end up costing you some money over time. The drippy faucet is obvious. But do check underneath your sinks for staining, dripping or wet pipes. Everyone has had a singing or sighing toilet. This is the Fluidmaster calling for replacement or maybe the ball float needing adjustment. The silent thief of toilet water is the tank flapper.

Just like the wax seal, it loses its seal-ability over time. Since water is supposed to be in the tank and the bowl at all times, you won't notice a gapping flapper. However, you can make a quick diagnosis by dropping some food coloring (or one of those Easter egg dye tablets) into the tank. Wait a half hour and check the color in the bowl. Your flapper is failing if the bowl water is tinted.

I won't be arguing for banishment of indoor plumbing any time soon. But we're all smarter if we respect what water can do and keep it where it belongs

*Chuck Krumrie, CMCA, is Broker and Owner of Urbanwood, Inc. of South Minneapolis. Since 2005, Urbanwood has provided service to smaller CICs in the Twin Cities Metro Area.*

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# Landscape Maintenance Practices That Save Money

BY TIM MALOOLY

There are many approaches to caring for your community's outdoor environment that will lead to better looking lawns and planted areas – and save money. Some are no-brainers and some may take getting used to as they represent a change from what residents are accustomed to.

## IRRIGATION PRACTICES THAT SAVE MONEY:

Communities sprinkle thousands of dollars worth of water onto their outdoor environments every year. This is an easy place to identify ways to save money.

### Have Your Irrigation System Checked

If the system isn't in good working order, fixing it is the quickest way to save water. We recommend working with a third party certified landscape irrigation auditor. In some cases, watershed district funding may be available to help defray the cost of an audit. Check with your local watershed district for more information.

The irrigation professional can help you save water by:

- Performing a visual audit, noting deficiencies and giving you a repair plan
- Performing maintenance on misdirected, broken or leaking sprinklers
- Adjusting the schedule to suit the microclimate of each zone (for example, a shady area between buildings will need less water)

### Get on a Maintenance Program

There are three types of maintenance programs:

1. None. Startup and shutdown only.
2. Break-Fix. Perform maintenance only when something is broken.
3. Proactive. Conduct periodic walk-throughs and make adjustments.

The last one – proactively maintaining your system – is the most expensive annually, but by far the least expensive over the life of your assets. These assets include the irrigation system, water, the landscape itself and your property value. With proactive maintenance, the amount of water and money saved is significant.

A commonly sized HOA can use upwards of 40,000 gallons for irrigation in one evening.

If the system isn't properly maintained, it's likely running in "set and forget" mode, wasting at least 40% of the water flowing through the pipes.

Using a cost of \$276 per thousand gallons (the actual fee in Chanhassen, MN), that's \$9,200 wasted over a year, and that doesn't include extra fertilizer and mowing requirements that result from over-watering.

### Refine Your Water Delivery

To ensure you are delivering the right amount of water to your landscape, you need to adjust your irrigation systems for changing weather conditions. It's not enough to do this once at the start of the season (set it and forget it). We experience significant changes in rainfall, even in the heat of summer, and the irrigation schedule needs to be adjusted accordingly. At a minimum, a qualified irrigation professional needs to adjust irrigation schedules during periodic visits during the season.

Technologies can be applied to further refine water delivery.

- Rain sensing technology (required in Minnesota since 2003) will automatically interrupt the irrigation schedule during periods of rain.
- SMART irrigation controllers contain technology to adjust schedules daily based on changing weather and other available inputs.
- Soil moisture sensors communicate with your SMART controller and provide daily data on both soil and root moisture to properly manage watering activity.

Think tighter scheduling won't make much of a difference? Read on.

Your watershed district may offer financial incentives to install technology like a SMART controller that is EPA WaterSense® certified.



## OTHER SMART STEWARDSHIP PRACTICES THAT SAVE MONEY:

### Mow Higher

In the heat of summer (end of June through end of August), ask your grounds crew to mow as high as the members of your community will tolerate, up to four inches if possible. The stronger a blade of grass is above the surface, the stronger its root system becomes. This makes your grass more robust and drought tolerant. It requires less water and less frequent fertilization, reducing your resource costs. It also means the crew mows less frequently, reducing your labor costs.

### Select the Best Plant Species

Whether we're talking turf, shrubs, trees or ornamental plantings, plant material selection can dramatically reduce the need for – and cost of – watering. Plants native to this region are naturally resilient. They have survived in our climate without special care for thousands of years. Providing the right amount of irrigation and nutrients helps establish them and can make them grow better.

Native plants are hardy. Once they're established, they typically don't require fertilizer or irrigation. Native plants provide food and habitat for animals and pollinators. They're easier to care for because most native species are perennial and maintain themselves by reseeding on the same site. Some non-native species can also do well in this region if properly selected and planted for soil type, amount of water, sunlight, etc. You may wish to get the help of a certified horticulturist to determine the most successful and attractive palette for your property, based on your goals.

### Replace High Maintenance Turf

When it comes to turf grass, the choice is between non-native species. Fine fescue is a better option than Kentucky bluegrass, but all turf requires maintenance: watering, mowing, fertilization, and periodic repair. The annual cost to maintain cool season turf averages \$.25 per sq. ft., not including irrigation. For 10,000 sq. ft. of lawn, that equates to \$2,500 a year. If you replace some of that turf with lower maintenance plantings, you'll come out ahead year after year.

Consider replacing sections of cool season turf with a lower maintenance area of wildflowers, prairie grass, ornamental grasses or woody plants. Your initial investment in these plants is offset by year-over-year reductions in maintenance. You don't have to do this throughout your entire property to realize benefits – every square foot provides long term savings.

### Plant Trees

This practice takes a long-range view. An investment in trees boosts property value by up to 15%\* and delivers many additional benefits to communities:

- They provide shade
- They absorb rain and stormwater
- They can help cool buildings and provide a wind screen
- They require little maintenance
- They displace turf that is high maintenance
- They provide habitat for birds
- They are attractive and provide varied interest in all seasons

The good news is, you don't have to go "all in" to reap rewards. Any of these practices could be implemented as a pilot project on a portion of your property to test resident reactions and start a dialog.

\* "Good tree cover" or "well-spaced" mature trees (trees planted or preserved for aesthetics, shade, energy conservation, and screening purposes) can increase the value of a developed property by 6% to 15%, or add 20% to 30% to the value of an undeveloped property (Source: Minnesota Society of Arboriculture, 1996).

*Tim Malooly is President of Water in Motion, Irrigation by Design, Dulcet Fountains and Aeration.*



*Areas of turf replaced by alternative native plants and trees*

# Community Association Water Usage

As most people would agree, water conservation is a good goal for any property owner to have. That concept also applies to associations when determining how, when, and if to restrict water usage on or within the association's property. Restrictions can relate to not only common elements, or common property of the association, but potentially affect individual units depending on the type of association that exists.

First and foremost, the initial consideration is to have knowledge and understanding of any municipal requirements for water restrictions. Many cities, if not most, have some sort of water restrictions in place at various times of the year under certain conditions (odd/even days, odd/even addresses, etc.). While these types of restrictions often relate mainly to single-family homes or to detached association developments, they can also affect multi-family type associations. Those types of restrictions would govern the use of irrigation systems in that particular city (typically, private wells or other alternate systems are excluded from these types of municipal restrictions).

Associations and management companies must be aware of their local water restrictions first so that the association can ensure that it is in compliance with those restrictions and avoid any repercussions regarding that. Violating those types of water restrictions could lead to various issues such as fines or other property concerns.<sup>1</sup>

An additional question arises over-and-above those municipal restrictions as to what extent an association can restrict water usage or should restrict water usage. Obviously, all associations are different on how they are structured with unit boundaries and common areas. Certainly, an association can control usage of water in the common areas, subject to the government imposed restrictions set forth above.

Beyond that, the association could certainly have a more stringent restriction on water usage in the common areas. As you have seen from other articles in this issue, sometimes "less is more" when it comes to irrigating landscaped areas and conserving water. Thus, a more strict water conservation/restriction policy for association common areas can be effective in decreasing use of water.

As to units, again the initial evaluation of what can be implemented is governed by the municipal water restrictions that may be in place. If it is a single-family association type development, the individual addresses would be subject to

BY CHRIS JONES



the day and/or address restrictions for water usage in the applicable city. In a non-detached or "typical" community association, typically the main areas irrigated would be "common areas" which would be under the control of the association and subject to the restrictions placed by the city and then by the restrictions in association policies or governing documents related to the usage of water.

In addition, an issue could also arise as to requirements for installation of more water efficient fixtures both in common areas and units. Certainly, as to the common areas the association has the right to install more water efficient fixtures to be utilized in those common areas. Is there a requirement that an association do so? Again, subject to any governmental restrictions requiring the usage of certain types of fixtures in specific situations, it is not a requirement to have more efficient plumbing fixtures, but certainly a beneficial goal to be sought by the association if desired.



# and Restrictions



Depending on the nature and structure of the association, the governing documents may not require the individual units to utilize more efficient plumbing fixtures or other types of related items. It may be possible for an association to include provisions in its governing documents that require certain standards to be met for any replacement of fixtures from those originally included, similar to architectural standards. While an association has control over what happens in the common areas, it has somewhat less control over how to restrict, replacement and usage of plumbing fixtures in individual units. It is likely that most associations do not have any such restrictions in their governing documents at present, and if there was a desire to change the requirements to allow that, it would likely require an amendment to the governing documents and some sort of approval system throughout the association as a whole. The extent to which that may be possible would be driven by the desire of the association and its unit owners as to their views on water conservation.

We can all agree that conserving water and protecting our environment is and should be a goal of all property owners. Associations should be aware of existing government requirements in that area and make sure that there is compliance with them first of all. To the extent an association wishes to further extend or increase any such restrictions or requirements for conservation, the association should pay attention to the governing documents and the locations at which such work is done before any action is taken.

*Chris Jones is a partner with the law firm of Hellmuth & Johnson PLLC. He is also a member of CAI's Minnesota chapter board of directors.*

<sup>1</sup> I would not recommend that you trailer in your own water a la Tom Selleck in California!  
(<https://www.nbcnews.com/storyline/california-drought/tom-selleck>)



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BY HEIDI STINSON

# MEMBER PULSE

## SHARE YOUR RECYCLING PROJECTS WITH CAI-MN:

Please take part in the Member Pulse by e-mailing photos of your reuse/recycling projects to:

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Please put "Member Pulse" in the subject line and include your contact information and a brief explanation of your project.

Select photos will be published in the next issue of *Minnesota Community Living*.

## RECYCLE USE PURPOSE

Are you brainstorming on ideas to pretty up the entrance to your building or adding a planter to your deck or patio? Considering using recycled materials for your project?

Spring is right around the corner. The perks of reusing materials are many. First, it's cheap, and in most cases free. Second, you can create something that is unique for you or your place of business. Third, you can feel good about saving one more piece of trash from the ever-growing landfill. And, finally you have a unique conversation piece.

I took this pallet and stapled a black garbage bag to the inside, creating a sling for the dirt to go into. I then poked holes in the sling to create a drainage path for the water. Finally, I put the evergreen in the holes. Whalla! There you have a pretty seasonal planter.

I used the planter this winter for some seasonally appropriate pine sprigs. Come spring, I will be planting herbs in one of the pallets and flowers in the other. This could be an individual project or a community project that many can participate and take pride in.

**Happy Planting!**

*Heidi Stinson is with Stinson Services Inc. She is also a member of the chapter's Editorial Committee.*



Photo by Heidi Stinson.

# Trade Show 2018 Event Recap

BY CARIN GARAGHTY

Nowhere this year but in Minnesota can we find a super-cold Super Bowl and other super games like Plinko, straight from the TV studios in Beverly Hills, Calif., all in the same winter. The former saw the Eagles winning the big prize and the latter was won by “contestants” at the annual Trade Show of the Community Associations Institute of Minnesota (CAI-MN).

The event was held on Wednesday, Feb. 28, at the Double-Tree Bloomington and was another successful execution by the hard-working Trade Show Committee. Tables of business partners filled the room – with information and goodies and fabulous prizes – while homeowners, managers and professionals in roofing, finance, construction, cleaning, disaster restoration, reserve savings, insurance and many more met and mingled.

That, plus a fabulous feast as always, followed education sessions on community association insurance claims, the new 2019 building maintenance requirement and an “Ask the Attorney” session. Is there a better way to spend a day?

Photographer Heidi Stinson of Stinson Services earns thanks for her contribution to this edition of *Minnesota Community Living* (see event photos on page 28-29) and videographer Matthew McDaniel of Hoffman Weber Construction also deserves recognition for a great highlight reel that can be found at <http://bit.ly/cai-video>.

Thank you to the more than 300 attendees and to everyone that worked so hard to make this such an outstanding event. The Trade Show Committee finally may kick back and relax – at least for a minute or two before planning begins for 2019.

*Carin Garaghty is with Cedar Management. She is also a member of the chapter's Editorial Committee.*

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# Trade Show 2018

Photos by Heidi Stinson.











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