

Tonto Hills Improvement Association

President: Michael Jans
Vice President: Nancy Nelson
Treasurer: Kathleen Kuchta
Secretary: Diana Cole

Board of Directors Meeting Minutes Wednesday, July 20, 2022 6:30

This meeting was conducted via Zoom webinar.

- I. Call to Order: 6:31 p.m.
- II. Roll Call
 - A. Present – Robyn Baker, Diana Cole, Ann Dichiara, Jim Gibbs, Jacki Hoagland, Michael Jans, Kathleen Kuchta, Nancy Nelson
 - B. Absent – Bud Tolp
 - C. Guests – 14 Tonto Hills owners
- III. Opening Remarks
 - A. Robyn Baker gave an update on the Westhoff, et al. vs Rent-Sell, LLC litigation regarding the 1961 amendment to the Tonto Hills Declaration of Restrictions.
 - i. As reported in last month's meeting, Plaintiffs filed a motion for summary judgment. The Defendant filed a response, and the Plaintiffs filed a reply to the Defendant's response. Recently, the Defendant has filed a separate motion for summary judgement, which will be timely responded to by Plaintiffs.
- IV. Open Forum
 - A. Phil Kaufman, Lot #179 initiated a discussion on whether the 6' Escape Zones were necessary on the side roads and cul-de-sacs. Robyn Baker stated that the next set of drawings for Tonto Hills Low Volume Roads (TT0609) from MCDOT were expected to be received about a year out and when these drawings are received the board will publish to the community and gather feedback. She also stated that she believed the project has been pushed off until 2024, that MCDOT indicated that the Escape Zones that they proposed will likely not be contiguous, are willing to work with residents who may have hardscaping in the path, and that the project is to be completed within the county's right of way. In the meantime, residents who have concerns are encouraged to contact MCDOT directly using the form provided by MCDOT and sent by email out to Tonto Hills residents on 6-21-22 or contacting Steve Wilcox at Steven Wilcox (DOT) Steven.Wilcox@Maricopa.Gov.
- V. Consent Agenda Items:
 - A. Acceptance of Meeting Agenda of 7/20/22
 - i. Diana Cole made a motion to accept the agenda with the amended addition of four items added to New Business, all complaints submitted to the board in the last several days. Ann DiChiara – 2nd. The motion passed.
 - B. Approval of Meeting Minutes of 6/15/22
 - i. Ann DiChiara made a motion to accept. Nancy Nelson – 2nd. The motion passed.
 - C. Approval of Executive Session Minutes of 6/15/22
 - i. Ann DiChiara made a motion to accept. Robyn Baker – 2nd. The motion passed.
- VI. Reports
 - A. Treasurer's

- i. Kathy Kuchta gave the Treasurer's Report as of June, 2022
 - a. Dues have been paid with the exception of \$3475 in full and partial payments outstanding. Kathy is contacting each lot owner to attempt to receive payment prior to initiating any liens.
 - b. Legal expenses for fiscal ytd are \$7334.17 which is the only expense significantly over budget for our first quarter.

B. ACC

- i. Robyn Baker presented a request for setback variance from Lot#54, Nick and Amber Tilley. This setback requirement is #17b of the Tonto Hills D of R's.
- ii. Mr. Tilley noted that 4 lots in Tonto Hills that have less than a 50' setback (lots #30, 19, 149, 158) and stated environmental and drainage concerns if the house is moved behind the 50 foot setback line.
- iii. There was a discussion on precedence, accuracy of measurements from the GIS website, and whether the board had the authority to grant a variance from the D of R's.
- iv. Robyn Baker made a motion to uphold the ACC's denial of Lot 54's request to grant a variance to the 50 ft. setback requirement as stated in the Tonto Hills D of R's. Ann DiChiara-2nd. The vote was 6 in favor and 2 abstain. The motion passed.

C. Environmental and Road Safety – See comments in Open Forum

D. Landscaping and Fire Mitigation

- i. Jim Gibbs had nothing to report

E. THVFD and Firewise

- i. Ann DiChiara reported that CPR training is scheduled for 8/10 at 1PM and is open to the community.
- ii. The THVFD 2022 General Meeting will be held at 7am on 7/30. Election of Board Officers and Fire Chief, co-Chief and Captain will take place as well as approval of an amendment to the Bylaws. All firefighters and residents who assist THVFD and persons interested in protecting Tonto Hills and its environs from fire and fire damage are welcome to attend and vote.
- iii. Firewise signs are being placed by the Kachina and Deer Trail entrances and Ann asked Jim Gibbs to contact our landscapers to clean up the Deer Trail entrance.
- iv. Ann asked all residents to continue to notify her of hours spent on lot clean up by either the owner or any landscaping company as required by Firewise.

F. Welcome Wagon

- i. Jacki Hoagland and Ann DiChiara will be hosting a get together on 7/28 at 6PM for all neighbors who are interested in helping the Welcome Wagon, including updating the address book.

VII. Unfinished Business

A. D of R Committee Update

- i. Robyn will be sending out an email blast requesting input and volunteers from the community on the D of R update committee.

B. Lot #126 complaint against Lot#125

- i. Lot #125 owner has not complied with the Board's request to remove any of the numerous vehicles parked on the lot.

- ii. The Board sent a letter to MCDOT regarding the number of vehicles still parked on lot#125 on 7-17-22
- C. Lot #108 complaint against Lot#230A
 - i. The Board sent a letter to owner of Lot#230A giving him 30 days to remove the debris.
- D. Lot #212B complaint against Lot#230A dated 3/22/22
 - i. The Board sent a letter to owner of Lot#230A giving him 30 days to remove the items impeding access to Tract G parking, entrance and exit.
- E. Lot #212B complaint against Lot#230A dated 4/19/22
 - i. The Board sent a letter to owner of Lot#230A giving him 30 days to remove the items impeding access to Tract G parking, entrance and exit.
- F. Lot #215A complaint against Lot#231F, 216, 230A, etc.
 - i. The Board sent a letter to owner of Lot#230A giving him 30 days to remove the item impeding access to Tract G parking, entrance and exit.

VIII. New Business

- A. Lot#216 complaint against Lot#215A
 - i. Michael Jans notified the owner of Lot #215A of the complaint who immediately responded with an apology and the information that the construction items were supposed to be removed last week, and that he would contact the construction company to remove them next week.
 - ii. The board agreed to table additional action until next month's meeting.
- B. Lot#188 complaint against Lot#215A
 - i. Michael Jans notified the owner of Lot #215A of the complaint who immediately responded with an apology and the information that the construction items were supposed to be removed last week, and that he would contact the construction company to remove them next week.
 - ii. The board agreed to table additional action until next month's meeting.
- C. Lot# 188 complaint against Lot#199
 - i. Jacki Hoagland reported that Lot#199 has ongoing construction necessitating a portable toilet.
 - ii. Diana Cole made a motion to close this complaint. Ann DiChiara- 2nd. The motion passed.
- D. Lot #188 complaint against Lot#212B
 - i. Michael Jans read the complaint relating to parking at RavensView. The complainant, Robert Tattle, was not at the meeting to answer questions.
 - ii. Nancy Nelson stated that the statute that Mr. Tattle quoted was a municipal and not a county parking statute.
 - iii. The board agreed to table the complaint until next month with the desire that Mr. Tattle would attend the meeting to provide more information regarding his complaint.

IX. Announcements

- A. The next board meeting is Tuesday, 8/23 via Zoom.
- B. Future Board Agenda Items – none

- X. Adjournment– Michael Jans adjourned the meeting to Executive Session under Section 10.0 Reasons #1 and #2 of Tonto Hills Bylaws at 8:04 PM.

8/23/2022 Diana Cole

Diana Cole, Secretary