

Tonto Hills Improvement Association

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

Board of Directors Meeting Minutes Tuesday August 23, 2022 6:30

This meeting was conducted via Zoom webinar.

- I. Call to Order: 6:30 p.m.
- II. Roll Call
 - A. Present – Robyn Baker, Diana Cole, Jim Gibbs, Jacki Hoagland, Michael Jans, Kathleen Kuchta, Nancy Nelson, Bud Tolp
 - B. Absent - Ann Dichiara
 - C. Guests – 17 Tonto Hills owners
- III. Opening Remarks
 - A. Robyn Baker reported that oral arguments for the two motions for summary judgment are scheduled for mid-September and trial is scheduled for January, should it be necessary. Meanwhile, Rent-Sell, LLC has filed its counterclaim against the Association. Our insurance carrier appointed counsel, who will prepare the required responses. The trial for the issues raised in the counterclaim that are different than the issue of the governing documents will be handled in a separate trial.
- IV. Open Forum – no comments
- V. Consent Agenda Items:
 - A. Acceptance of Meeting Agenda of 8/23/22
 - i. Kathy Kuchta made a motion to accept the agenda. Robyn Baker – 2nd. The motion passed.
 - B. Approval of Meeting Minutes of 7/20/22
 - i. Kathy Kuchta made a motion to accept. Robyn Baker – 2nd. The motion passed.
 - C. Approval of Executive Session Minutes of 7/20/22
 - i. Robyn Baker made a motion to accept. Jim Gibbs – 2nd. The motion passed.
- VI. Reports
 - A. Treasurer's
 - i. Kathy Kuchta gave the Treasurer's Report as of July, 2022
 - a. Legal expenses for 2022/2023 fiscal ytd are \$8886.02 which is the only expense significantly over budget for our first quarter.
 - B. ACC
 - i. Bud Tolp gave an update on ACC activities. The pending changes to Addendum A should be available for board review following the next ACC meeting.
 - C. Environmental and Road Safety
 - i. Robyn Baker presented the new MCDOT "Notify Me" app and website (mcdot.me/notify). Information provided by MCDOT will be sent to the community.
 - ii. Robyn also reported that she has sent in 8 requests to address dirt in the road to MCDOT as a result of recent monsoons.

- iii. Michael Jans reviewed the multi-step process which was followed by the Road Committee to gather community input regarding the roads, and thanked Robyn and the committee for all of their effort.
- D. Landscaping and Fire Mitigation
- i. Jim Gibbs reported that our current landscaper is doing a great job and has not increased any of their rates.
- E. THVFD and Firewise
- i. Nancy Nelson reported that the THVFD 2022 General Meeting was held at 7am on 7/30. The new Officers are Rick Holasek – Chief; Keith Heiman – Co-Chief; Eric Luker – Captain. The new Board Members are Ann DiChiara – President; Nancy Nelson- Vice-President and Treasurer; Carol Stedman – Secretary.
 - ii. Michael Jans again encouraged Tonto Hills' members to participate in community boards such as THIA, ACC, THVFD and DWID so that members don't end up holding multiple positions.
- F. Welcome Wagon
- i. Jacki Hoagland reported that a Welcome Wagon meeting was held and progress is being made towards a new hard copy directory.
- VII. Unfinished Business
- A. D of R Committee Update
- i. Robyn Baker reported that 13 Tonto Hills members have volunteered to either be actively on the committee or be a reviewer. A date for the first meeting will be announced soon.
- B. Lot #126 complaint against Lot#125
- i. Michael Jans read the following update from Michael Ordahl, Code Compliance Officer, Maricopa County Planning & Development Department regarding vehicles parked on Lot#125: "There has been a Notice of order to comply sent out to the owner of the property. He has until the end of July to comply or come into a compliance agreement with the County."
- C. Lot #108 complaint against Lot#230A; Lot #212B complaint against Lot#230A dated 3/22/22; Lot #212B complaint against Lot#230A dated 4/19/22; Lot #215A complaint against Lot#231F, 216, 230A, etc.
- i. Michael Jans reported that Mr. Rensel's attorney sent a letter to the THIA attorney claiming "our client's position is that there is no easement and the 1961 Amendment is invalid. Thus, these documents amount to just plain harassment. We request that your client refrain from sending such correspondence to our client until the motions for summary judgment have been ruled upon. If Raven prevails, then your client can recommence the harassment I suppose. But, if we prevail, these communications should stop entirely .If Mr. Jans and the Board continue to send such harassing letters we will be forced to seek an injunction and/or injunction against harassment against Mr. Jans and the Board."
 - ii. The THIA attorney provided the following response to Mr. Rensel's attorney: "the fact of the matter is that your client, along with every other owner in the Tonto Hills community, is bound by the recorded declarations until and unless a Court says

otherwise. The Association's board of directors is tasked with enforcing the declaration of restrictions and will continue to fulfill their duties in doing so. If your client chooses not to follow what is stated in the recorded declarations, he can expect to receive letters from the Association, as would any other owner in the community who fails to comply. Your threats of harassment are misguided and lack any merit in fact or law. It can hardly be considered harassment for an Association to enforce the recorded declarations against members of the Association. Your client's belief that he is not bound by the recorded documents does not legally absolve him of his contractual obligations nor does it prevent the Association from enforcing the restrictions. If your client feels the need to file a completely frivolous claim seeking an injunction, the Association will vigorously defend itself against what would amount to a waste of the Court's time and resources."

- iii. Michael Jans will send a followup letter to Mr Rensel as required by the THIA Bylaws Article 6 Section 4.

- D. Lot#216 complaint against Lot#215A and Lot#188 complaint against Lot#215A
 - i. The construction materials on Lot#215A have been somewhat cleared.
 - ii. Diana Cole made a motion that the owner of Lot#215A is in violation of #17e of the Tonto Hills D of R's and that a letter be sent from the board giving them 30 days to remove the balance of materials from the lot. Robyn Baker – 2nd. The motion passed.
- E. Lot #188 complaint against Lot#212B
 - i. The complainant was requested for the past two board meetings to attend and answer questions relevant to his complaint. As he has not attended and questions remain outstanding, the board decided by consensus to table this complaint.

VIII. New Business

- A. Consideration for a revision to new standpipe installation plan
 - i. Rick Nelson explained that the original standpipe plan called for THIA funding the new standpipes and installation. The work would be done by District employees. It was previously decided to delay the installation until after the County paving project was completed. This would avoid potentially relocating the new standpipes by the Water District. The paving project has now slipped until at least 2024. At the July Water District meeting, a request was made to begin installation of the standpipes now. The Water District will be considering this request at our August meeting. The DWID wants to coordinate with the Association and make sure the benefits and impacts are understood. Rick stated that if the standpipes have to be moved the DWID and/or County will absorb the costs. The DWID's proposal is that the THIA board approve funds for materials for 5 standpipes at approx. \$2000 per standpipe to be spend this fiscal year.
 - ii. There was a discussion on pros and cons of waiting until the new road plan is available in projected spring of 2023. These included fire mitigation and materials cost increasing vs risk of road plan being changed.
 - iii. Kathy Kuchta pointed out that the THIA has already approved general funds for the standpipes when they voted to increase THIA dues.

- iv. Nancy Nelson made a motion that \$10,000 for 5 standpipes be allocated for the purchase of materials by the DWID in this fiscal year. The DWID is expected to consult with the county on standpipe placement prior to installation and to prioritize which standpipes are installed first with fire personnel. Kathy Kuchta – 2nd. The motion passed.

IX. Announcements

- A. The next board meeting is 9/20/22 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 8:12 PM.

Diana Cole 9/20/2022

Diana Cole, Secretary