

Tonto Hills Improvement Association

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

Board of Directors Meeting Minutes Tuesday, January 10, 2023 6:30

This meeting was conducted via Zoom webinar.

- I. Call to Order: 6:33 p.m.
- II. Roll Call
 - A. Present – Robyn Baker, Diana Cole, Jim Gibbs, Jacki Hoagland, Kathleen Kuchta, Nancy Nelson
 - B. Absent – Michael Jans, Bud Tolp
 - C. Guests – 14 Tonto Hills owners
- III. Opening Remarks
 - A. Nancy Nelson announced that Michael Jans will be leaving Tonto Hills to be closer to family and is resigning effective 1/10/23. Nancy thanked Michael on behalf of the board for his leadership and service to the community over the last four years and wished Michael and Teresa all the best with their move.
 - B. Nancy Nelson gave an update on the Westhoff, et al, vs Rent-Sell, LLC litigation. The judge has granted THIA's motion for summary judgment. While the lawsuit is not fully resolved yet, the judge's ruling, as it currently stands, means that the DofR 1961 amendment is valid and cannot be challenged. This is great news for the community, and the DofR conditions we all agreed to when purchasing our properties remain valid.
 - C. Robyn Baker reported there is nothing to report on the Rent-Sell, LLC vs THIA countersuit.
- IV. Open Forum
 - A. Steve Rensel asked about the status of complaints against the board. Nancy Nelson referred him to the 12/7/22 minutes and the balance of this meeting.
- V. Consent Agenda Items:
 - A. Acceptance of Meeting Agenda of 1/10/23
 - i. Diana Cole requested the addition of two items: Moving Future Meeting Dates up to Item VI.g., and adding the Resignation of Michael Jans to New Business.
 - ii. Robyn Baker made a motion to accept the agenda with those changes. Ann DiChiara – 2nd. The motion passed.
 - A. Approval of Meeting Minutes of 12/7/22
 - i. Kathy Kuchta 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 December, 2022
 - a. Legal expenses ytd through November are \$38859 and is the only item substantially over budget

- b. The proposed budget for 2023/2024 will be presented at the next regular board meeting.
 - B. ACC
 - i. Nothing new to report on the update to the Addendum A revisions.
 - C. Environmental and Road Safety
 - i. Robyn encourages everyone to use the NOTIFY MCDOT app or website to report road issues, debris or right of way issues.
 - D. Landscaping and Fire Mitigation
 - i. Jim Gibbs reported several lights at the entrance are being replaced
 - E. THVFD and Firewise
 - i. There is a drill on Saturday
 - ii. There will be a free CPR training in Feb. Interested residents should contact Ann or Nancy.
 - iii. Scott and Sam Bell will be rejoining the THVFD.
 - iv. Ann encourages all residents to be sure that their house numbers are visible. This is a safety issue so that emergency vehicles can locate your home.
 - F. Welcome Wagon
 - i. Jacki Hoagland reported that the paper directories will be available by the AGM.
 - ii. Ann DiChiara reported that 1 Welcome Wagon basket was delivered this month.
 - G. Future Meeting Dates – The next regular board meeting will be held on Thursday 2/16/23.
- VII. Unfinished Business
- A. D of R Committee Update
 - i. Nancy Nelson reported that 71 responses have been received so far.
 - ii. Rick Nelson stated that the goal is to have one DofR ballot measure be voted on with results reported at the AGM.
 - iii. Kathy Kuchta made a motion that the board hold a Special Board Meeting on 1/24/23 at 6:30 to review the survey results and identify ballot measure(s). Ann DiChiara- 2nd. The motion passed.
 - B. 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. These complaints are on hold pending the outcome of the Westhoff vs Rent-Sell lawsuit
 - C. Lot #126 complaint against Lot#125 for vehicles.
 - i. Several members of the board visited Lot#125 on 12/10/22. The board was not permitted on Lot#125 but viewed the vehicles from the street and adjacent property.
 - ii. Several cars have been removed. The county has issued a letter stating that Lot#125 is no longer in violation.
 - iii. Diana Cole made a motion that the complaint be dismissed because the county had found that the lot is now in compliance, and the lot is no longer in violation of DofR's P21. Further the board recommends that Mr. Hellge pursue property appraisals if he

feels Lot#125 is still not in compliance. Robyn Baker- 2nd. The motion passed 4-0 with Ann DiChiara, Jacki Hoagland, and Kathy Kuchta abstaining.

- D. Lot #125 complaint against Lot#126 that the placement of box trees devalued Lot#125
 - i. Several members of the board visited Lot#126 on 12/10/22. The board was not permitted on Lot#125 but viewed the trees and properties from the street and Lot #126.
 - ii. The trees do not appear to devalue Lot#125. Installation by Moon Valley Nursery may have damaged the pad on Lot#125.
 - iii. Diana Cole made a motion to dismiss this complaint as the complaint is not related to the DofR's, and the board encourages that the neighbors work together with Moon Valley Nursery to resolve this issue. Nancy Nelson-2nd. The motion passed.

- E. Lot#212B in violation of DofR's P11
 - i. The original request was made on 9/23/2020 for a 3 month period of construction.
 - ii. Kym Westhoff stated that the unit wasn't placed until 2022 and that another request was made in 2/2022 and received board approval. A record of that request in our minutes was not found.
 - iii. Ms. Westhoff stated that the unit is a storage unit and contains power equipment along with refrigerators needed for the remodel. Revised plans will be submitted to the ACC although no expansion is planned. No permits are required for the storage unit. Permits for the remodel have not yet been received.
 - iv. Nancy Nelson requested that Ms. Westhoff provide documentation of the request, along with a timeline of how long the unit would be there.

- F. Missing ACC Minutes
 - i. All ACC members who were on the ACC and still live in Tonto Hills during the period in question have responded except for Steve Rensel.
 - ii. Diana Cole thanked Corey Garrison and Robert Tattle for providing 6 of the missing minutes

- G. AGM update
 - i. Diana Cole reported that there are currently 4 candidates for the board and 3 for the ACC and asked interested residents to submit their candidate forms.

VIII. New Business

- A. New letter from Lot#80 dated 12/31/22
 - i. Nancy Nelson state the reissued complaint from Lot#80 against Lot#212B was already being addressed
 - ii. Nancy addressed the complaint against Lot# 64 regarding a wall built in 2019 and a fence placed on the stem wall in 2021. In both cases Ms. Hoagland contacted the ACC and was advised that since the wall was under 3' and no permit was required that no ACC approval was required.
 - iii. Nancy stated that all actionable items had been addressed.

- B. Resignation of Michael Jans – held over until 2/16/23

- IX. Announcements
 - A. The next regular board meeting is 2/16/23 at 6:30PM via Zoom. There will be a special board meeting on 1/24/23 at 6:30 via Zoom to address the DofR survey results.
 - B. Future Board Agenda Items – see minutes

- X. Adjournment–
 - A. Kathy Kuchta made a motion to adjourn. Ann DiChiara-2nd. The meeting adjourned to Executive Session under Section 10.0 Reasons #1 and #2 of Tonto Hills Bylaws at 7:28 PM.

Diana Cole Approved 2-16-23

Diana Cole, Secretary
