

High Country Pines Phase I HOA
Minutes of 10-8-22 Meeting

Meeting called to order at 10:20 by Steve Vasey, President.

Quorum established (by Steve): Yes, 5 or more in attendance.

Welcome (by Steve): Welcome, and I'd like to introduce your board: Dave Wiltberger (Vice President), Tim Wolfe (Board Member At Large), Ladean Burkhardt (Architectural Committee), and Kathy Somes (Secretary). Thanks to Chief McClusky and the Heber/Overgaard Fire Dept. for use of their room and maybe their zoom. We are hoping to record the meeting and digitization is coming soon.

Opening Remarks by Steve: The homeowners were asked to silence their phones. Please let us proceed through the agenda before questions/answers. Please wait till the end for questions.

Sales (by Steve): There were 8 sales with 2 pending in the last year. It feels like the sales will slow down now that the market is down a bit. The sales help to increase our revenues a little bit.

Maintenance (by Steve): The county isn't mowing the edges of our streets anymore. We are asking that as homeowners you please take the time to run a weedeater along the street side of your property 6-8' back from the road to keep the fire danger at bay.

Greenbelt (by Steve): There were 14 dead trees remove don the west end of the greenbelt in June. In looking through the greenbelt, the rains have been kind to alleviate the bark beetle. Please take a look at the greenbelt once the rains stop and go through and see if we need any additional removals.

HOA Financial Status (by Steve): Our financial status is good. I have no copy of the financial report today, due to printer problems. The financial report will be posted to the website. Our finances are good, and we are not in any kind of a bad situation – despite the inflation that's going on.

High County Pines Water Co. Sale: Our existing water company will probably be sold. I spoke to Mr. Price at water company acquisitions. The Arizona Corporation Commission met in July and the hearing officer recommended that the sale go through. The commission has to approve, probably mid-October/November. The sale will be effective mid November. I guess we will have to take that as it is and see what happens.

Architectural Committee Report (by Ladean): Since January 5 we have received the following requests: shed replacement on 3 properties which were approved and to be completed in May 2023, June 2023, and June 2023. We have 1 new garage, and a request for another garage – which was denied due to materials and perimeter where they wanted to place it. We received a new build request in March but nothing has been done with it since the request. We have 1 new fence build request and completed. We have 3 new builds completed and sold. We received a request for an awning replacement and a new request received yesterday for a new home build.

Steve: As you can see, the Architectural Committee has been busy and the 3 homes that sold were spec. homes, 2 on Carefree and 1 on Green Tree.

Digitization of Files (By Dave): We would like to start the process of digitizing our HOA files. According to the HOA attorney we have to keep the old files for at least the last 7 years as hard files, not digitized. We, as a board, have to make some decisions going forward. I would advocate that we begin digitizing our HOA files as a web page file system accessible to board members. I am looking at Google workspace web page. It allows us to store files, share files within the members and gives us a Google access where we can meet. The program will host up to 150. If you voice concerns, an email set up and distributed to the Google meet. If you're sending the Architectural Committee questions, etc. it will be presented electronically. This should be a much faster process to enable us to respond to you – you can set up a Google meet. You can set the meeting as a web page for you to visit. That should make it accessible to more people. The meets will have a monthly fee. For just the Board, it would be \$720 per year for full access. We have to make some decisions as to how we want to do that with the old files that are 7 years old, storing the files, etc. If we send the service out it would be \$.15-\$.20 per page. An inhouse set up would be a purchase of a medium volume scanner which would be an asset to the community. The medium volume scanner costs \$600-\$800. They compare with \$2,700 - \$3,000 to get us digitized. When we create it they will teach the board, then the board can present it to the community to let you know what to do. I am probably presenting just a small percentage of what this system is capable of. It's kind of like zoom, but there's lots you can do with it. These costs don't include the updating of the web page to attach it to. It is our desire to make everything we can accessible to the community. For the longest time, I couldn't find the HOA information initially. It would be nice to go to our web page for lots of information. My deadline to make this happen and make sure it's up and operational would be before the end of February. This is my own self-made deadline. The purchase of the scanner would enable us to

scan in architectural plans, etc. The hard drive presents paper information to a digital file and stores that in the scanner. We should be in control of our information.

Upside (By Steve): The upside of this is that, as you know, we share office space with Latch. We will be able to get rid of that office space. Hard copies we haven't made a decision as to where to put the older files – probably in storage somewhere. The HOA records have to be kept forever. We will cross that bridge when the digitization is done.

HOA Management Company (By Steve): We have had a couple of inquiries about whether or not we should go with a management company. Out of curiosity, I contacted HomeCo. They manage Phase II, Bison, and Mogollon Resort. Some of the information was sent to us via brochure, stating what they will do. We inquired as to the cost and it would be \$8,400 per year for our community. This would basically kill all of our dues revenue. Anything over and above that, we would have to impose as an assessment. They weren't really forthcoming like our greenbelt management, hiring of contractors for the greenbelt, etc. They did say that they would do it but it was unknown as to any additional fees for that. I would hate to cut into our reserves for that, if it's something we can do. I personally don't want to turn over the control of our community to a management company. Violations would be handled the same way. Again, I don't think we should consider it at this point. If it comes down to the board talking about it we can, but we won't do anything without the consensus of the homeowners. I have talked to the President of Phase II HOA and he's not real thrilled. There are others out there, but we picked this one because they are in this area.

2024 Election (By Steve): The board elections are about 1 year away. There will be 3 positions open: My position (President), Dave Wiltberger (Vice President), and Tim Wolfe (Board Member at Large). If anyone of you know of anyone to put their name on the ballot, please send us an email. This notification of HOA election information will be going out about a year from now.

Board Decision (Re Trimming of Greenbelt/street connecting areas): We had this done last year. In the bids solicited we had 1 person that wants the job, Jim Wyman. He's the same person that did it last year. From my perspective, I think he did a pretty good job trimming what was necessary. Our decision would be basically to hire him again. He's asking \$875. Dave thinks it's a good value for what he's cutting. Ladean liked what he did. The Board passed this to the homeowners. Dana Christensen and Barbara Stone thought it should be a homeowner vote.

Homeowner's Questions:

George Gollick (Lot 23). Jim only cuts the high grass and weeds where the greenbelt touches the roadway. What about the other lots that aren't trimmed? I cut mine, but I don't appreciate that the grass/weeds next door and across the street are so high and no one's doing anything about it.

Steve: All properties that have a lot of dead vegetation have been addressed. Sometimes because of our policies it takes a little while for things to get done. We are on top of that and will follow up on our prior notices.

Ladean: George, you know we have to follow the guidelines set forth as to how to address violations. People are very occupied with life and this may not be one of their priorities.

George: Is there some type of law where they're held accountable?

Ladean: Again, we have sent letters and numerous people haven't taken their letters. We can approach the Fire Dept. and maybe they can say as a fire situation you can/should correct this. Sometimes a notice from the Board gets ignored.

Dave: I'd much rather have the cutting down short done in the spring to prepare for the fire season.

George: We fined people for being late in getting their house built too late – why can't we fine people for not cutting down their grass?

Steve: We can certainly do that. I think we should get it cut and charge them for it and then lien their property.

Ladean: We realize some people think we're not working fast enough and people that have served on an HOA board should know that there are procedures for these types of complaints. Some people don't hold their property to the same standards that we do.

Dana Christensen (Lot 80): George and I and others in this room understand. However, many of the homeowners live in a place that everyone around them is keeping up their property. Thank

you! Mel and I work our butts off keeping up our 2 properties. I was on the Board 2 years ago for 3 years. The lots across the street from us have never been cleaned up. There's lots of fire dangerous items laying on the lot.

Barbara Stone (Lot 142): When I moved here it was a nice little village. When something needed to be done we approached each other and we got along. When someone is too old or in the hospital, we helped. We want our community to be the best in Heber. We need to keep the laws, and keep the grass cut. We can help out if they're too old or infirmed. We should all stick together. We have gotten bigger and I hardly know anyone. We can't just ignore it if they're doing something wrong. This is our land and we should care for it and love it. We should all work together and help each other. Mel and Dana helped me when my husband got sick. When did the Board go in with the other leasor of the office property.

Steve: It was approximately 2 years ago.

Barbara Stone (Lot 142): How much are we paying for the space?

Steve: We split the rent with the Latch people but we have access as we need it to the whole space. They deal with kids and in order to keep kids out of our files they framed in a small area for our office. This was done to contain our file cabinets so they would be secure. The entire office space is available to us if we need it.

Tim: The office rent is \$7,500 per year. The sublease income is \$3,060. They pay half of the rent. When we move out of there it is our plan to rent a space for the 7 year old files.

Dave: We will look at what our cost is to go from 7 years and digitize all of them. We could eventually take all of our files and digitize all of them. Those are the decisions the Board has to make as we move along.

Barbara Stone (Lot 142): I think we should fine people if they don't take care of their properties like they're supposed to. How long does it take? You write 3 letters and then the 3rd letter includes wording that if a homeowner doesn't contact or clear up the lot, the fine will start? If you're not fining people I could get chickens or a cow. It wouldn't make any difference, some of the places look like trash right now.

Ladean: We still have to follow procedures. If they don't comply after the 3rd letter they will be fined every day.

Barbara Stone (Lot 142): You know them well.

Jeff Burkhardt (Lot ?): The board has procedures to follow. They fine someone and then if they don't pay they fine them till their house is sold and there is a lien on that house.

Ladean: The lien runs for 5 years. You can't sell a home without honoring the lien.

Dave: An HOA lien is not a first lien or mechanic's lien. A mechanic's lien could force a payment in 1 year. That puts their lien in front of even a mortgage payment. HOA liens can only be forced at the time of sale. It's a limited power lien. As a neighbor, I am as passionate as you are. I am investing every year on my property. I live on Mainline on the first house to the right. I am trying to finish the lot next door to me. I am passionate about it too. Tim and I are family – we feel the same way as you do. I learned over the last 2 years we are limited. If we want to change it. The By-Laws have to have 100% approval from all of the property owners to change them.

Barbara Stone (Lot 142): Have we ever done that?

Dave: We have things that we are facing right now, such as the Air BNB's. It would be nice if we didn't have to have them. We have looked at many ways to change that. We are working with old By-Laws that date back to 1985, when the community was created. We can't change the past. It takes 1 person to vote no, and we can't change the By-Laws.

Kathy: It's impossible to get 100% approval. Just look at the attendance today. We don't even have 50% of the homeowners here for an annual meeting, much less 100% for a vote.

Ladean: Look at Rick ...

Rick Van Deusen (Lot 10): 65% is the best we ever had. There has never been 100% approval. There has never been a change in the CCR's. I've been on the Board a hundred times. Every

time we came up with an idea, there was always that 1 person. In 2001 I was on the Board when we had 61 lots with dead bark beetle kills. We gave the homeowners 30 days to clean their lots. We didn't do 3 letters. We had 100% compliance. After 30 days you pay for the work. One of my neighbors' property that borders mine is a jungle. I am an arborist and I tried everything I could to get her to clear her property. Her reply was that I like the woodsy look and I'm not want to cut it down. She's owned that property for 21 years. I go on her property and cut down the dead trees. I take care of the 5 lots that border my property. I still do that to this day on Mainline and High Country Dr. Some of the lots look terrible. In Forest Trails and Mogollon Estates you don't see that. They have a committee that walks every lot. I wish we had something like that. I have fear of fire and so does my wife.

Ladean: I remember when you sent out the letters. I don't know that we could send them a letter that we would do it and they would have to pay for it. We have a lot near us that we've been trying to buy. We sent them letters stating we will clean up your lot. We asked the HOA to clean it up. The people are from Iowa. You can't force people. How would you feel if I confronted you directly?

Mary (Lot 134): The By-Laws and all of that stuff is in there - What will it take to add new By-Laws or to do something that we can address some of this stuff where these people are homeowners? There has got to be a way for us to do something.

Dave: We can't change the By-Laws. We can't add, change, move, or anything on the By-Laws without 100% approval of the homeowners.

Mary: There has got to be a way, maybe ask the HOA attorney.

Dave: You're right there, there should be a way but we can't go back. As a member and neighbor, I feel your frustration. We have a total of 5 openings coming up on the board. I implore you with a passion, please join and help us. I have sat on boards regarding schools, business, etc. This HOA board with these By-Laws, their hands are tied.

Rick: When we took over the association in 1996 we got these rules which were developed in 1986 when the subdivision was started.

Hermann (Lot ?): Can we have a lawsuit against the builder?

Dave: No, they are able to set up rules before selling.

Rick: When we vote for the Architectural Committee we went through a process where there were 5-6 submissions on the Architectural Guidelines. We went from 21 to 6. I've always thought the Architectural Guidelines could be changed.

Steve: We tried that and there is a law on the books, Kalek vs State of Arizona. We can do it, but we can't enforce it. That comes straight from the HOA attorney.

Dave: Yes, we asked that question.

George Gollick (Lot 123): How is our relationship with the Fire Chief? Can the Fire Dept. go in and in a case of residential property or where there is a vacant lot that's a mess – can he send something to tell the homeowner that they're not in compliance with the safety guidelines?

Dave: Good question.

Steve: Is there any county ordinance to enforce clean up?

George Gollick (Lot 123): Some of these are vacant lots. I know an insurance company wouldn't be happy with that and could make your life miserable till you cleaned it up. Maybe the Fire Chief could have something to say about that.

Dave: That's an awesome idea.

George Gollick (Lot 123): I went out and cut the bulk of my trees up high enough I can walk under them. When is the grass is too high, you know that's a way for the fire to climb.

Jeff Burkhardt (Lot 116): I sympathize with the people and I agree that the Fire Chief would have a lot more to say about this. As far as Barbie, I bought in 1994. I think Rick, George, and

Pete Kenney were the only ones here. The other thing we say is that we hire someone to come in and clean up the lot. I trim from my property up to the street.

Ladean: I don't want that homeowner to get after me ...

Dana: Can there be any recognition for homeowners for having their trailers out of sight, clean yards, etc? The ones that follow the noise restrictions, speed limit, etc.?

Dave: What recognition would you suggest?

Dana: How about applause? Send a letter or email thanking them for doing a good job. We have so many restaurants in this area, spend \$20 for a gift certificate to thank them. I think that because so many people including current Board members – there are so many people out of compliance. I guess they believe their trailers are invisible from the road. There are gobs of them in plain view. I wonder if this could be a 100% agreement.

Dave: Are you insinuating that the Board members are seeking special permission? Or that the Board members are on the Board to take advantage of these special privileges?

Barbie: Some of you have trailers.

Dave: Are you questioning the integrity of this Board?

Dana: There are so many people that don't follow the guidelines.

Ladean: I understand that I am part of the directive about the RV. I am a sitting Board member. Yes, my van is sitting on my property. I am working on whatever I can afford to put up to block the view of my van.

Dana: I bet every single person would like to have a trailer on their property. That's all I'm saying.

Ladean: You want the Board to put out a feeler about allowing people to have trailers on their property?

Dana: I'd love to put a trailer on my property.

Jeff: Also to let everyone know, I have contacted the county to cut the weeds. Everyone should do that. In other areas, chip sealing the road is also usually done every year.

Steve: Those other communities pay to have their roads done.

Jeff: I have talked to DPS and the Sheriff about people speeding in here. There is nothing we can do but call the cops with the license number of the speeders.

Ladean: Jeff and I personally have called the county entities and we have provided this information to other people in the past. The county offices are in the building between the dome school and the dump.

Barbie: Are you going to send out more letters concerning the trailers?

Steve: All of these have been sent. The process takes up to 90 days before fines can be levied.

Jeff: Two wrongs don't make a right.

Tim: One thing I'd like to know is how many outstanding letters do we have out regarding the weeds?

Steve: Probably 10 in the second letter stage for weeds and trees.

Barbie: Gave the Board a list of violations as well as someone having large drainage pipes/tubes on their property.

Steve: That one is a vacant lot.

Barbie: So we can remove them?

Steve: In that situation, the way the property runs, those big pipes were to run the water through the wash for the house to be built. I am not sure if it fell through or what. I will contact the property owner and find out.

Barbie: The park is full of weeds.

Rick: I kept the park trimmed up for the past 5 years with no cost to the HOA. The park is in memory of Pete Kenney, who ran the association with me, and was a friend of mine. I have now retired for health reasons. I just can't do it anymore. The park cleanup is now the responsibility of the HOA.

Mary: Are you going to do the weeds near the road?

Ladean: With the homeowners remaining, do you think we should hire Jim for \$875 to do the greenbelt.

There was an affirmative vote from the majority.

Steve: Mary, is it your property that needs help?

Mary: No, it's the culdesac.

Ladean: We would love everyone here to have them come in and trim our ditches. We were previously told we would be looked at in 2023. Please call the county, we pay our taxes and need our ditches cut. There is a young lady trying to get them to do the culvert at the beginning of her street. We aren't a county entity. She calls every week and never hears back.

Don Plate (Lot ?): Should we hold off paying our taxes till 2023?

George: Being on this Board several years, about the management company – they don't solve your problems. You still have to have a board to interface with them.

Steve: We kind of would. The Board is basically a figure head. They make decisions but if the management company doesn't like it – too bad. The management company has the ultimate say.

Jeff: You're paying the management company and there is ...

Dave: I would never take the power from this community.

Ladean: We would love you to come aboard and make us better. We'd love to hear your input.

Dave: Tim and I joined the board at the same time. We did that when they reached out because there wasn't enough to form a quorum.

George: We've been as low as 3 people on the Board. I know what's going on here.

Ladean: We thank you for that acknowledgment.

Mary: Knowing now, how it was written, it makes a big difference knowing that. I have been here 6 years and never been told we can't change these.

Hermann: The CCR's state that it takes 100%?

Don: When they wrote those how many people were here?

Rick: It's not how many people who live here, it's the number of property owners.

Don: It was 1986 when they wrote it, how many property owners were there at that time?

Mary: That helped.

Dave moved that we adjourn, and Ladean seconded the motion. Adjourned at 12:20.

Please note: Dana Christensen provided the board with a 1 page document with questions.

Minutes prepared by Katherine L. Somes, HOA Secretary