

Minutes
Alpine Heights Homeowners Association
Members' Meeting
Thursday, March 9, 2023
5:30 p.m.
Holy Nativity Catholic Church

1. Call to Order

Board Members in Attendance:

Marta Donovan
Cathy Hines
Lance Marble
Kim Nichols
Bill Phillips
Richard Simpson

Absent:

Peter Wagner

2. Confirmation of Quorum

43 Lot owners were represented

3. Purpose of the Meeting

President Cathy Hines introduced Richard Simpson as a Board member. He was selected by the Board to serve the balance of the term held by Dean Martinson, who retired from the Board.

Cathy stated that the purpose of the meeting, per the agenda (Attachment 1), was to discuss the legal status of Lot 147 and vote on an authorization to approve a special assessment for legal costs. She provided a summary of the current HOA budget and the estimate of possible legal costs provided by a law firm representing the Board: Smoot, Denious, Wilson and Murray of Phoenix.

4. Summary of Issues related to Lot 147

Board member Lance Marble presented a summary of the actions the Town of Payson has taken since 2019 that claim to have removed Lot 147 from the Alpine Heights HOA. He concluded by saying that if negotiations between the HOA lawyer and the Town of Payson lawyer prove successful, the assessment will not be necessary. However, he noted that the assessment would strengthen the HOA lawyer's

position by proving the Association is prepared to take legal action if necessary.

5. The floor was open to questions from the members. The following questions were asked and discussed:

Is the case winnable? The Board cited the opinion of both the current lawyers and James Hazlewood (the previous lawyer) that the HOA has a defensible case.

A member reported that the Payson development office had told him that given a request for re-zoning, development of the 14.4 acres adjacent to Hillcrest Drive might allow as many as 250 units if townhouses were built.

A member asked if it had been considered that an emergency only gate could be added for emergency access on lot 147. The Board responded that it is something that has been discussed.

A member reported that most community gates ~~can~~ be opened by a push, and codes are often widely disseminated, circumventing security.

The question was asked whether the second water tank will be built so as to prevent accidental flooding of homes in Alpine Heights. This was answered by saying the tank would be outside of the HOA boundaries.

A member asked what offer the Town of Payson had made for settlement, and whether an assessment was necessary if a settlement is possible without going to court. Lance Marble said the HOA position is that Lot 147 must be acknowledged to be part of the Alpine Heights HOA.

A member noted that the cost of an archaeological survey as approved by the Town Council was greater than the cost of Lot 147 when purchased by the Town and subsequently traded for an alternative water tank site.

A member asked if additional donations would be accepted to meet legal costs. The Board answered yes.

A member asked why the Town justified the need for a second water tank. Board members answered that different justifications have been offered, including seasonal water supply for Mesa del Caballos, back-up to allow

draining and cleaning the existing tank, and even water supply for any new development off Hillcrest Drive.

A member noted that the tone of the discussion revealed a great deal of cynicism about the Town of Payson's intentions. He said he had been reassured personally by Mayor Chris Higgins that the Town of Payson had not broken any regulations or laws. He criticized the HOA for taking a confrontational approach to dealing with the Town.

A member noted that any development off Hillcrest would be confronted by resistance from homeowners on Maranatha Drive, which is a private road.

A member noted that the Title Company that recorded the land swap involving Lot 147 did not issue title insurance and never notified the HOA.

An enlarged map of the lot boundaries surrounding Lot 147 was circulated to the members to answer questions about the location and context of Lot 147.

A member stated that a special assessment for possible legal costs would be worth it to give the HOA additional leverage in legal negotiations.

A member suggested that the issues surrounding the Town's actions regarding Lot 147 should interest other Homeowner Associations in Payson, as it establishes a dangerous precedent that weakens the legal standing of any HOA.

A member suggested that the HOA ask the lawyers to pursue legal action based on loss of rights by an entity "acting beyond the bounds of actual authority."

A member concluded that if the HOA does not pursue legal action the Town will continue to act unilaterally and violate laws and regulations. She said that the HOA must act to preserve its legal rights. She suggested the HOA act in concert with the homeowners on Maranatha Drive.

At that point the Board asked any outstanding ballots to be turned in and for Volunteers to count the ballots. The Tally was prepared by Sharon Campbell, Coco Lewis and Mike Heather. They reported that 59 ballots had been received, both in the mail by March 8 or collected at the meeting. They reported that 40 ballots were in favor of authorizing the \$200 special assessment and 19 opposed.

At 8:15 p.m. the meeting was adjourned.

Agenda
Alpine Heights Homeowners Association
Members' Meeting
Thursday March 9, 2023
5:30 pm
Holy Nativity Catholic Church

1. Call to Order
2. Confirmation of Quorum
3. Purpose of the Meeting
4. Summary of Issues related to Lot 147
5. Questions and Discussion
6. Vote and Results
7. Adjournment

ALPINE HEIGHTS HOMEOWNERS ASSOCIATION

Treasurer Report Oct. 1, 2022 - Feb. 28, 2023

Checking Account Balance: \$9,862.72 Oct 1, 2022

	Current Month	Year to Date
Annual dues 2022-2023		\$3,702.00
Transfer Fees		\$600.00
TOTAL INCOME:		\$4,302.00

EXPENSES:

Insurance	\$728.00	\$728.00
Corporation Commission	\$10.00	\$10.00
Annual Meeting		\$24.65
Spring Picnic		
Website	\$33.48	\$33.48
Printing/Copying		\$161.37
Post Office (stamps and mailings)	\$25.20	\$358.28
Office Supplies	\$20.17	\$20.17
Tax Preparation & Audit		\$300.00
State Income Tax		\$50.00
Federal Income Tax		
Yearly Post Office Box Rental		\$232.00
Brush Removal		
Lien fees		\$30.00
Fee for radio time		\$400.00
Lawyer fees	\$525.00	\$5,648.50
TOTAL EXPENSES:	\$1,341.85	\$7,996.45

Checking Acct Balance	\$6,168.27	Feb. 28, 2023
Savings	\$10,739.51	
Time Certificate of Deposit Balance	\$15,740.50	
TOTAL FUNDS ON DEPOSIT:	\$32,648.28	