

**LAKE MOOVALYA KEYS**  
**Board of Directors**  
**Approved Meeting Minutes**  
**June 3, 2019**

**CALL TO ORDER:**

President Tony Gaipa called the Board of Directors Meeting of the Lake Moovalya Keys to order at 6:00 pm.

**PRESENT:**

President	Tony Gaipa	Lot 118
Vice President	Bill Manderscheid	Lot 228
Secretary/Treasurer	Kit Furnell	Lot 16
	Blane Coon	Lot 54
	Kathy Northcutt	Lot 73 and Lot 102
	Chuck Smith	Lot 103 and Lot 104
	Chuck Baker	Lot 116 and Lot 117
	Jack Sweeney	Lot 197

**VIA TELEPHONE**

Kevin Auman	Lot 137
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**ABSENT:**

Chris Chambers	Lot 164
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**OTHERS PRESENT:**

Legal Counsel:	John C. Churchill	Lot 153 and Lot 154
General Manager/ Recording Secretary:	Heather Wilson	Lot 166

**GUESTS:**

Karen Gallio	Lot 1
Trish Wikoff	Lot 95
Kyle Sullivan	Lot 96
Gary Anslyn	Lot 113
Don Alexander	Lot 115
Donna Alexander	Lot 115
Hamish Bell	Lot 121
Mark Nicholls	Lot 169
Wendell Kemme	Lot 207
Jeanette Kemme	Lot 207
Carla Faulkner	David Plunkett Realty
Kim Harsch	Robert Gory Realty

**CALL TO THE PUBLIC**

No Call

**ANNUAL MEETING MINUTES**

Mr. Sweeney requested that a revision be made on page four to read the following: 51% of the voting members present would have to vote in favor of any changes to the rules and that as far as making any changes to the CCR’S, it would take 66% of the community in favor of any changes to the CCR’S.

Mr. Manderscheid made a motion to approve the April 2019 **Homeowners Annual Meeting Minutes** per the changes requested by Mr. Sweeney. Mr. Sweeney seconded the motion and the motion carried unanimously.

**BOARD OF DIRECTORS MEETING MINUTES:**

Mr. Smith made a motion to approve the May 2019 **Board of Directors Meeting Minutes**. Ms. Northcutt seconded the motion and the motion carried unanimously.

**BOOKKEEPERS REPORT, PREPAID BILLS AND BILLS FOR APPROVAL:**

Mr. Sweeney made a motion to approve the May **2019 Bookkeepers Report, Prepaid Bills and Bills for Approval** as discussed. Ms. Furnell seconded the motion and the motion carried unanimously.

**MAY PREPAID BILLS**

<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Amount</u>
05/06/2019	7617	Chris Chambers	Boat ramp sinkhole repair	375.00
05/06/2019	7618	Davis Building Supply	Pine Sol	26.28
05/07/2019	DEBIT	MyFax Services	Virtual Fax Fee	10.00
05/07/2019	7619	Buckskin Fire Dept.	Usage fee for Board Meeting	25.00
05/09/2019	7620	Petty Cash	Replenish petty cash	433.44
05/09/2019	PC	PoopBags.US	Dog poop bags (3/27/19)	199.50
05/09/2019	PC	Otis Hall	Clean boat ramp area after seal coating (4/19/19)	150.00
05/09/2019	PC	Otis Hall	Remove dead oleander from common area on Hopi (4/19/19)	35.00
05/09/2019	PC	Quill	Ballot paper (3/1/19)	16.31
05/09/2019	PC	Quill	Copy paper (3/19/19)	32.63
05/09/2019	DEBIT	Arizona Corp. Comm.	Annual Report Filing Fee	10.00
05/13/2019	DEBIT	Frontier	667-4484	104.46
05/13/2019	DEBIT	Frontier	667-2840	106.90
05/15/2019	DEBIT	Republic Services	3-0527-0040037	4,550.30
05/15/2019	7621	Heather Wilson	GM Advance	1,200.00
		"	Fuel	100.00
		"	Recording Secy. Advance	125.00
05/21/2019	DEBIT	APS	6276651000	54.04
05/21/2019	DEBIT	APS	6125100000	1,639.40
05/23/2019	DEBIT	Brooke Utilities, Inc.	53017-11860	174.00
05/23/2019	7622	Rolyan Buoys	3 new solar light buoys	782.50
05/29/2019	7623	Otis Hall	May Groundskeeping	800.00
05/30/2019	7624	Heather Wilson	GM Balance	1,200.00
		"	Fuel	100.00
		"	Recording Secy. Balance	125.00
05/31/2019	7625	Sue Thomson	May Bookkeeping	1,250.00
		"	Postage	4.95
				<b>13,629.71</b>

**BOOKKEEPERS REPORT, PREPAID BILLS AND BILLS FOR APPROVAL**

**CONTINUED:**

**BILLS FOR APPROVAL**

Law Office of John C. Churchill (5/30/19 – HOA)	\$137.50
Law Office of John C. Churchill (4/30/19 – Bolton)	\$247.50

Mr. Gaipa reported that a bill from Chris Chambers in the amount of Nine Hundred Fifty-Five Dollars and Forty-Three Cents (\$955.43) to replace the guard post at the entrance needs the Board's approval.

Mr. Sweeney made a motion to approve the invoice in the amount of Nine Hundred Fifty-Five Dollars and Forty-Three Cents (\$955.43) to replace the guard post at the entrance. Mr. Manderscheid seconded the motion and the motion passed unanimously.

**Balance Sheet**

Mr. Smith made a motion to approve the May 2019 **Balance Sheet**.

Ms. Northcutt seconded the motion and the motion carried unanimously.

Mr. Manderscheid reported that Lot 168 - 8941 Yaqui Loop had renters occupying the house and that he does not see the rental deposit on the balance sheet.

Ms. Wilson reported that she just received a rental sheet for that property from Jamie Holzhauer and that she contacted the homeowner of the property to verify that Jamie Holzhauer is handling her rental and that the homeowner confirmed that Jamie Holzhauer is handling her rental for her and that she will send in her rental deposit. Ms. Wilson confirmed with Sue Thomson yesterday that she was in receipt of the rental deposit and that it will be reflected on next month's statement.

**Profit and Loss Report**

Mr. Sweeney made a motion to approve the May 2019 **Profit and Loss Report**.

Mr. Smith seconded the motion and the motion carried unanimously.

**GENERAL MANAGER'S REPORT:**

Ms. Wilson reported that she was not able to complete the General Manager's report that she was gone on vacation and that she will be submitting it to the Board by the end of the week.

Mr. Sweeney made a motion that the Board review the General Manager's report by email and to approve it via email. Mr. Manderscheid seconded the motion and the motion passed unanimously.

**OLD BUSINESS:**

**Construction Progress Report**

Ms. Wilson reported that we currently have eleven (11) Lots that are under some type of construction/home improvements; Lot 14, Lot 25, Lot 56, Lot 67, Lot 69, Lot 101, Lot 123, Lot 126, Lot 199, Lot 208 and Lot 227.

## **OLD BUSINESS CONTINUED:**

### **Construction Progress Report Continued**

Mr. Sweeney reported that he measured the finished height of the new construction on Lot 56 and discovered that the finished height was over our allowable height limit, so Mr. Sweeney contacted the Mike Riviere, the homeowner and advised him that the according to his measurements his structure is over the allowable height limit and asked Mike Riviere to send him the survey of the lot. Mike Riviere told Mr. Sweeney that he is aware that the house is a little over the allowable height limit, so Mr. Sweeney made arrangements to meet with Mike Riviere at the property and they came to the agreement that the house is 6-1/2 inches over the height limit.

Mr. Sweeney reported that Mike Riviere agreed to make the necessary modifications to the finished height of the house so that the height of the house will be in compliance with the Moovalya Keys CCR's. Mr. Sweeney reported that he will re-verify the finished height when all of the correction have be completed.

### **Down River Boat Ramp Repair**

Ms. Wilson reported that Chris Chambers has provided her with a scope of work that she would like to send out for bidding once the Board reviews it. Jack Sweeney reported that he did make a small change to the scope of work and that he feels it is good to send out to bid.

Ms. Wilson reported that she will send it out to bid and turn the bids into Mr. Sweeney for review.

### **Damaged Guard Post at Entrance**

Mr. Gaipa reported that Chris Chamber has installed a new guard post at the entrance and that the work has been completed.

### **Video Cameras at Guard Shack**

Mr. Sweeney reported that the existing video cameras are "analog" and are no longer manufactured and that after extensive research on line he was able to locate some "analog" cameras so he purchased them.

Mr. Sweeney also reported that in the future we will need to upgrade our entire system to HD due to the fact that it is cheaper to purchase a new HD system than it is to upgrade our old system.

Hamish Bell homeowner of Lot 121 asked who views the video footage. Mr. Gaipa reported that the video footage is only viewed when some type of crime happens, if someone runs in to the gate or if the Sherriff's Department is looking for something.

Mr. Sweeney reported that the video recorder is able to record up to seventy-five (75) days before it re-records over the footage.

## **OLD BUSINESS CONTINUED:**

### **Suddenlink**

Ms. Wilson reported that she went into Suddenlink's Parker Office and requested that a field technician contact her in regards to all of the Suddenlink issues that are taking place in the Moovalya Keys and that after a couple of weeks went by she still had no response back from Suddenlink so she went back into the Parker office and asked for the contact information their legal department and was told that someone will contact her regarding her request.

Ms. Wilson reported that a couple of days later she was contacted by Suddenlink's "Quality Control Department" and they asked that she put a list of addresses together along with the issues at hand so that they can do their research. Ms. Wilson reported that she complied that list and sent it to Suddenlink and to all of the Board Members.

Ms. Wilson reported within a couple of days Suddenlink did send out their "Quality Control Person" along with their construction crew to resolve our /cable/phones issues. Suddenlink's Quality Control person told her that everything that I have shown him appears to be solvable and to give him a couple of weeks and he and I will meet back up on site for an update.

## **NEW BUSINESS:**

### **Solar Lights on Buoys**

Jack Sweeney reported that both the up and down river solar lights were broken and that he has made new flanges and replaced the broken solar lights and that the middle buoy also needed replacing so in total he has replaced (3) solar lights.

Ms. Wilson reported that she has also purchased three (3) new wraps that say no wake that can be wrapped around the buoys to cover up the stickers.

Mr. Sweeney reported that he attempted to wrap the buoys with the new buoys wraps, however his boat is too high for him to be able to get the new wrap on the buoy so if anyone wants to volunteer to attempt to install the new wraps that we do have them and to contact Heather Wilson.

Mr. Sweeney reported that we currently have two (2) spare solar lights in our possession for future replacement.

### **Community Message Board**

Mr. Gaipa reported that Steve Catlin a homeowner in the Moovalya Keys has asked for the Board to consider the installation of a community message board over by the mail boxes, however Steve Catlin was not present at the Board Meeting to make his presentation.

Mr. Sweeney asked that the message board be tabled and to ask Steve Catlin to attend the next board meeting with specifications on the message board and to also present a couple of choices of message boards to choose from.

**NEW BUSINESS CONTINUED:**

**Rental Committee**

Ms. Northcutt reported that the Rental Committee did meet last night in effort to discuss solutions to some of the current issues that our homeowners are experiencing with the short terms rentals and to also be sure that all homeowners are following the same rental guidelines and that they are passing on our guidelines and rules to their tenants.

Gary Anslyn homeowner of Lot113 reported that he attended the “Rental Committee Meeting” last night with good intentions of coming up with solutions to the rental issues that we are currently experiencing and that he was surprised to hear from a Board Member that was present at that meeting, that he was more in tuned to condemning the rental rights of the homeowners rather that coming up with solutions to the issues and concerns of the non-rental homeowners.

Gary Anslyn stated that he also felt that the Board member was also condemning individuals personally for renting out their properties and that the Board member did not offer any solutions and that he felt the Board member just attacked the rental people and that he felt if that is the direction that any future meetings are going to go, then he does not see how we are ever going to come up with any solutions to the issues at hand. Gary Anslyn also stated that he felt that entire meeting got totally off track and that nothing was resolved and that he was really disappointed and offended by being attacked as a person that rents out his house.

Mr. Manderscheid reported that he is the Board member that Gary Anslyn is referring to and that his frustrations were coming from the fact that we as residences find ourselves policing the rentals because these rentals are our neighbors and he has found that some of the renters can be very nasty people when you ask them to not do something and that was point that he was trying to make at the “Rental Committee Meeting”.

Mr. Gaipa reported that he feels that the “Rental Committee Meeting” is a starting point as to identifying the problems and concerns so that they can come up with some solutions and that he is aware that this issue is very frustrating to both sides; rental/non-rental, but by identifying the problems we can work on solving them.

Mr. Gaipa also reported that one thing that he did get out of the “Rental Committee Meeting” was that times are changing, individuals are now using online rental agencies i.e.: VRBO, Air BNB and Away from Home just to name a few and that these properties are not managed by an onsite property manager. Mr. Gaipa also reported that these individuals need to make arrangements to have someone available to manage their rental and to be sure that the renters are equipped with the necessary parking permits, that they are aware of our rules and that this person also needs to be available to respond immediately to any problem that may arise.

**NEW BUSINESS CONTINUED:**

**Rental Committee Continued**

Mr. Gaipa stated that he does feel that these problems can be worked out with the future monthly “Rental Committee Meetings”.

**NEW BUSINESS CONTINUED:**

**Rental Committee Continued**

Ms. Wilson reported that she has updated the rental sheet that she utilizes every week and that this year we have more homeowners that are not only using the realtors to rent out their houses but they too are also listing their houses on the internet and that the rental bookings that come from the internet are handled by the homeowner not the realtors.

Mr. Churchill reported that the Moovalya Keys CCR's specifically states that rental houses are to be rented out to a "single family" only and that being said, when a rental house is rented out to more than a "single family" it is in violation of the CCR's.

Mr. Gaipa reported that it is going to be hard to patrol as to whether or not a renter is a family member or not. Mr. Gaipa also reported that there is an allotted amount of twelve people being allowed to stay at a rental property.

Mr. Sweeney reported that originally it was being considered to vote on allowing twelve (12) people to stay in a rental house and that it was voted down at the meeting because the homeowners felt that it was too many and therefore nowhere does it state how many people can be in a rental house at one time.

Mr. Auman reported that the definition of a "single family" is under **Section 1 Definitions - Section 1.14 Family**; which shall mean a husband and wife and their children, or an unmarried person or couple and their children and their relatives and that this needs to be taken into consideration when a homeowner is considering renting out their home.

Mr. Churchill stated that even though homeowners are hiring realtors or utilizing the internet to rent out their house, they as a homeowner are ultimately responsible for whoever is renting their house and if the homeowner does not enforce our CCR's and rules with their renters, then they are ultimately responsible to the HOA, not the Realtor or the internet agency.

Mr. Churchill stated that when a homeowner is considering renting out their house that they need to refer to "**Section 12.17 - Rental of Lots**" in the CCR's, that being said Mr. Churchill suggested to the Rental Committee when they are looking for solutions to the issues at hand to be sure to refer back to the CCR's "**Section 12.17 - Rental of Lots**."

Karen Gallio homeowner of Lot 1, reported that it is not only about the amount of renters that are staying in a rental house that is concerning, but also the amount of vehicles and trailers that come along with the rentals that are more than the property can accommodate.

Mr. Gaipa reported that the Rental Committee needs to come up with alternate solutions to accommodate the parking of the additional vehicles and trailers that come with the rentals and that is why he is suggested that these vehicles and trailers go down to the Bluewater Casino and pay for the launching of their boat and just leave it in the overflow parking area of the Bluewater Casino.

**NEW BUSINESS CONTINUED:**

**Rental Committee Continued**

Mr. Manderscheid reported that there are rental houses that do not allow the renters to have access to parking in the garage of the rental house and that per the CCR's, the entire property is to be made available, which includes the garage when you are renting out your property.

Mr. Gaipa reported that each rental house needs to be accessed as to how many vehicles and trailers that it can accommodate for parking and that the remainder of the vehicles and trailers need to find alternate parking, such as the utilization of the Bluewater Casino.

Mr. Gaipa reported that the next "Rental Committee Meeting" will be on **Sunday June 30, 2019 at 2:00 pm** and will be held at the Buckskin Fire Department.

Mr. Gaipa also reported that Sunday has been picked because the majority of the people that are planning on attending the meeting are available on that day and at that time.

Mr. Gaipa welcomed concerns and solutions from homeowners to be presented at the next "Rental Committee Meeting".

Mark Nicholls homeowner of Lot 169 stated that we all have to remember that we do own homes that are in a resort community and that there is always going to be issues that are going to be needed to be addressed, whether it is a renter or a homeowner and asked Mr. Manderscheid what his ultimate goal is when it comes to short term rentals, is it his plan to get rid of the short term rentals completely?

Mr. Manderscheid stated that would be nice, but that is a utopia, and that being said, he feels that we as homeowners should not have to put up with the annoyances and the policing of rental properties and he also stated that not all of the homeowners that rent out their houses have even taken the time to attend the "Short Term Rental Committee Meetings" such as Mark Nicholls has, so that they can participate in the concerns of the homeowners and the solutions to our concerns.

Mr. Baker reported that not all of the renters are bad renters and if the rental houses limited the amount of people that stay in the rental houses then that will eliminate a lot of the issues. Mr. Baker also reported that the house that is next door to him, he counted over twenty-five (25) people, six (6) vehicles parked outside of the house and four (4) boats parked at the dock which is way too many people in one house.

Mr. Gaipa agreed twenty-five (25) people at one rental house is too many and these are the type of issues that the Rental Committee is addressing.

Hamish Bell reported that the Rental Committee has a lot of work to do in order to resolve some of the issues at hand and that we need to give the Rental Committee the opportunity to present their solutions to the Board of Directors so that the solutions can be implemented.



**NEW BUSINESS CONTINUED:**

**Discussion of increasing the Board Membership from ten (10) – (11)**

Mr. Gaipa reported that we experienced a constitutional crisis at last month's meeting and he feels that we should increase the Board of Directors Membership from ten (10) to eleven (11) and that the vacancy should be filled with the member that had the next highest votes on the 2019 Ballots.

Mr. Sweeney made a motion per **Section 4.4. Board of Directors** to increase the Board of Directors Membership from ten (10) to eleven (11). Mr. Manderscheid seconded the motion.

**Discussion**

Mr. Churchill reported that the CCR's states that if there was a "vacancy" on the Board of Directors then the Board of Directors can nominate a person to fill that vacancy 's term, and to his knowledge at this time there is "no vacancy" and that the Board is only requesting to increase the membership from ten (10) to eleven (11).

Mr. Gaipa reported that due to the fact that there currently is "no vacancy" on the Board of Directors at this time and that the CCR's require that there is a vacancy, there will be no vote at this time to increase the Board of Directors membership.

Mr. Sweeney withdrew his motion.

The next Board of Directors meeting date is July, 1 2019

Meeting adjourned at 7:15 pm

Submitted by Recording Secretary, Heather Wilson