

**LAKE MOOVALYA KEYS**  
**Board of Directors**  
**Approved Meeting Minutes**  
**February 1, 2021**

**CALL TO ORDER:**

Mr. Sweeney called the Board of Directors Meeting of the Lake Moovalya Keys to order at 6:00 pm. Mr. Sweeney asked Zoom participants to use the "Raise Your Hand" feature in Zoom if they wish to speak and that Ms. Wilson will acknowledge you when it is your turn.

**PRESENT: VIA ZOOM**

|                     |                   |                     |
|---------------------|-------------------|---------------------|
| President           | Jack Sweeney      | Lot 197             |
| Vice President      | Kevin Auman       | Lot 137             |
| Secretary/Treasurer | Karen Gallio      | Lot 1               |
|                     | Kit Furnell       | Lot 16              |
|                     | Mark Volkoff      | Lot 33              |
|                     | Blane Coon        | Lot 54              |
|                     | Kathy Northcutt   | Lot 73 and Lot 102  |
|                     | Chuck Smith       | Lot 103 and Lot 104 |
|                     | Chuck Baker       | Lot 117             |
|                     | Chris Chambers    | Lot 164             |
|                     | Bill Manderscheid | Lot 228             |

**OTHERS PRESENT:**

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

**ABSENT:** None

**ZOOM GUESTS:**

|                    |                     |
|--------------------|---------------------|
| Marty Cecarelli    | Lot 41 and Lot 42   |
| Dorae Pagano       | Lot 62 and Lot 87   |
| David Elliot       | Lot 100             |
| Hamish Bell        | Lot 121             |
| Mark Panetta       | Lot 130             |
| Linda Deters       | Lot 142             |
| Bill Woodward      | Lot 148             |
| Liz Woodward       | Lot 148             |
| Mark Nicholls      | Lot 169             |
| Robert Vasquez     | Lot 181             |
| Scott Homan        | Lot 212             |
| Dennis Smith       | Lot 214             |
| Steve Habermann    | Lot 226 and Lot 229 |
| Kathleen Habermann | Lot 226 and Lot 229 |
| Christie Ward      | Lot 227             |

**CALL TO THE PUBLIC:**

No call

**APPROVAL OF BOARD OF DIRECTORS MEETING MINUTES:**

Mr. Manderscheid made a motion to approve the **December 2020 Board of Directors Meeting Minutes**. Mr. Auman seconded the motion and the motion carried unanimously.

**FINANCIALS**

**Bookkeeper’s Report, Prepaid Bills and Bills for Approval**

Mr. Auman made a motion to approve the **December 2020 and January 2021 Bookkeepers Report, Prepaid Bills and Bills for Approval**. Mr. Baker seconded the motion and the motion carried unanimously.

**PREPAID BILLS**

| Date         | Num   | Name                             | Memo                             | Amount             |
|--------------|-------|----------------------------------|----------------------------------|--------------------|
|              | DEBIT | Desert Dominion Security         | November 27 & 28                 | 406.40             |
| 12/07/2020   | DEBIT | MyFax Services                   | Virtual Fax Fee                  | 10.00              |
| 12/07/2020   | 7837  | Shaffer Welding Services         | Repair trash gate latch          | 85.00              |
| 12/09/2020   | 7838  | Krupnik & Speas, PLLC            | #7687                            | 1,073.00           |
|              |       | "                                | #7779                            | 1,448.00           |
| 12/09/2020   | 7839  | Law Office of John C. Churchill  | November legal services          | 550.00             |
| 12/09/2020   | 7840  | NSC Certified Public Accountants | 2018 - 2019 Review               | 5,000.00           |
| 12/09/2020   | 7841  | Colorado River Crisis Services   | Proposed Amendment copies        | 82.50              |
| 12/09/2020   | 7842  | Patrick Porterfield              | Overseeding lawn                 | 200.00             |
| 12/09/2020   | 7843  | McIntosh Controls, Inc.          | Service/repairs to gate system   | 1,010.19           |
| 12/10/2020   | 7844  | Havasu Sweeping                  | Street sweeping                  | 450.00             |
| 12/10/2020   | 7845  | Davis Building Supply            | Manure & seed                    | 384.69             |
|              |       | "                                | Bolts & cleaning supplies        | 43.77              |
|              |       | "                                | 2-cycle oil                      | 17.03              |
| 12/11/2020   | DEBIT | Frontier                         | 667-4484                         | 108.91             |
| 12/11/2020   | DEBIT | Frontier                         | 667-2840                         | 111.35             |
| 12/15/2020   | DEBIT | Republic Services                | 3-0527-0040037                   | 4,337.76           |
| 12/15/2020   | 7846  | Heather Wilson                   | GM Advance                       | 1,433.33           |
|              |       | "                                | Vehicle Allowance                | 100.00             |
|              |       | "                                | Recording Secy. Advance          | 125.00             |
| 12/15/2020   | 7847  | La Paz County Sheriff            | Jan. 4 Board Meeting @ Boathouse | 100.00             |
| 12/18/2020   | 7848  | Postmaster                       | Stamps                           | 110.00             |
| 12/21/2020   | DEBIT | GoDaddy                          | Website                          | 21.17              |
| 12/22/2020   | DEBIT | APS                              | 6125100000                       | 1,636.22           |
| 12/22/2020   | DEBIT | APS                              | 6276651000                       | 61.74              |
| 12/28/2020   | DEBIT | EPCOR                            | Water                            | 258.57             |
| 12/31/2020   | 7849  | Heather Wilson                   | GM Balance                       | 1,433.33           |
|              |       | "                                | Vehicle Allowance                | 100.00             |
|              |       | "                                | Recording Secy. Balance          | 125.00             |
| 12/31/2020   | 7850  | Otis Hall                        | December Groundskeeping          | 800.00             |
| 12/31/2020   | 7851  | Sue Thomson                      | December Bookkeeping             | 1,250.00           |
|              |       |                                  | Postage                          | <u>21.45</u>       |
| <b>TOTAL</b> |       |                                  |                                  | <b>\$22,894.41</b> |

## **DECEMBER FINANCIALS**

### **BALANCE SHEET**

Mr. Auman made a motion to approve the **December 2020 Balance Sheet**. Mr. Baker seconded the motion and the motion carried unanimously.

### **PROFIT AND LOSS STATEMENT**

Mr. Manderscheid made a motion to approve the **December 2020 Profit and Loss Statement**. Ms. Gallio seconded the motion and the motion carried unanimously.

## **JANUARY 2021 FINANCIALS**

### **BALANCE SHEET**

Mr. Smith made a motion to approve the **January 2021 Balance Sheet**. Mr. Coon seconded the motion and the motion carried unanimously.

### **PROFIT AND LOSS STATEMENT**

Mr. Manderscheid made a motion to approve the **January 2021 Profit and Loss Statement**. Mr. Baker seconded the motion and the motion carried unanimously.

### **2021 BUDGET REVIEW**

Mr. Sweeney reported; There is no allocation for Capital Expenses and recommends that the Board allocate \$10,000.00 to Capital Expenses.

Mr. Baker reported; The Board needs to obtain a 10-year-maintenance plan for the roads and asked Ms. Wilson to reach out to T and C Seal Coating and ask them to submit a 10-year Maintenance Plan.

Ms. Wilson reported; In 2-3 Years the streets will be due for a crack fill and a possible seal coat and that she will get with T and C Seal Coating.

Ms. Wilson also reported; The proposed budget includes painting of the trash enclosures, entrance gates, tool shed and re-rocking of the overflow parking lot.

Ms. Dorae Pagano Homeowner of Lot 62 and Lot 87 asked the Board at what point in time is the membership going to be allowed to see the "2021 Approved Budget"

Mr. Sweeney stated. The "2021 Approved Budget will be posted on the website under the "Members" only section and if anyone has questions regarding the "2021 Approved Budget", they can address it in the Call to the Public in a Board Meeting.

Mr. Sweeney made a motion to approve the "2021 Budget" as presented with the addition of allocating \$10,000.00 to the Capital Expense category. Mr. Baker seconded the motion and the motion carried unanimously.

## **OLD BUSINESS**

### **Construction Progress Report**

Mr. Sweeney reported; we currently have fourteen (14) projects under construction or pending Board approval. Lot 14, Lot 25, Lot 42, Lot 67, Lot 76, Lot 83, Lot 101, Lot 123, Lot 181, Lot 208, Lot 226, Lot 227, Lot 228 and Lot 231.

## **OLD BUSINESS CONTINUED**

### **Rental Review Committee**

Mr. Sweeney reported; He has reviewed the Rental Committee's proposed "Revised Rules" and the proposed "New Rules" and commended both Mr. Volkoff and the Rental Committee for a job well done, and that he feels they are comprehensive and enforceable.

Mr. Sweeney suggested that the proposed rules be posted on the website under the "Members Only" section to allow the membership the opportunity to review them for a 30-day period prior to submitting them to the Board for approval, so that the Board can move forward with the voting of the proposed "Revised Rules" and the proposed "New Rules" by the membership.

Mr. Volkoff reported; He agrees with Mr. Sweeney in allowing the membership the opportunity to review the proposed "Revised Rules" and proposed "New Rules" and allowing the membership to voice their opinions as well.

Ms. Wilson reported; It is not clear to her as to whether or not snowbird rentals are required to turn in a TIS sheet and if she is to bill snowbird rentals the \$25.00 TIS processing fee, that it is her understanding that all rentals, long term and short term are to submit a TIS sheet and are be charged a \$25.00 processing fee.

Mr. Baker stated, we should have a TIS sheet for all rentals, long or short term so that we know who is on the property and have their information on file.

Mr. Volkoff reported; He agrees with Ms. Wilson, but at this time, our current rule states that a TIS only needs to be submitted for short-term rental, so we need to update our rules.

Mr. Sweeney reported; When the \$25.00 TIS processing fee rule was proposed, we classified a short-term as anything under 30 days and that the Board of Directors previously approved the implementation of the Arizona Statute, which allows the Association to charge a \$25.00 TIS processing fee for all rentals.

Mr. Sweeney reported; Due to the fact that our current rule states "short term rentals only" we are going to have to honor that rule at this time. Therefore, there will be no \$25.00 TIS processing fee for a snowbird rental until the rules are updated and that a TIS is not only about the \$25.00 processing fee, but it is also about knowing who is staying on the property and who your neighbors are and asked Mr. Churchill (Legal Counsel) for direction.

Mr. Churchill stated, we cannot discriminate against different types of rentals and that every rental should be filling out a TIS and paying the \$25.00 processing fee, that our current rules were drafted prior to "**Arizona Revised Statutes Title 33. Property § 33-1806.01. Rental property; member and agent information; fee; disclosure**" and the law is quite clear; we **cannot** have a different set of rules for long term rentals.

Mr. Auman reported; He feels if the homeowner is not on the property a TIS should be submitted notifying the General Manager as to who is on the property and that everyone should pay the \$25.00 TIS processing fee.

Mr. Sweeney stated, He agrees with Mr. Auman but suggested waiving the fees for family.

## **OLD BUSINESS CONTINUED**

### **Rental Review Committee Continued**

Mr. Volkoff reported; He agrees that every rental, short or long term should pay the \$25.00 TIS processing fee, however he does feel that we may run into some resistance from homeowners whose property is **not** a rental property by asking them to provide a TIS Sheet when they are not on the property.

Dennis Smith homeowner of Lot 214 – 8786 Hopi Drive stated; The work that the Rental Committee has done under the direction of Mr. Volkoff in regards to the proposed rules are solid and that he cautions the Board against “over-reach” in terms of notification in writing when it comes to a family member staying on the property when the property owner is not present, he feels that we should not push that point if there is no exchange of money.

Mr. Churchill reported; He would like to have the opportunity to review final draft of the Rules prior to publishing them.

### **Voting Results of Amendment to CC&R’S**

Mr. Sweeney reported that none of the amendments to the CC&R’s passed.

## **NEW BUSINESS**

### **Lot 226 – 8908 Riverside Drive Habermann Plans for Approval**

Mr. Sweeney reported; The Board is in receipt of plans submitted by the Habermann’s and the plans are not in compliance with the CC&R’s due to the fact the square footage of the existing building is less than 1,300 square feet and the CC&R’s require at least 1,400 square feet of livable space and unfortunately, Ms. Habermann included the outside space to the interior square footage.

Ms. Habermann reported; She was going by what is on record with the La Paz County Assessor’s Office.

Mr. Sweeney reported; He physically walked the property and measured it with a tape and the Habermann’s plans are reflecting calculations that included the outside of the building and the interior of the existing building is less than 1,300 square feet and Ms. Habermann’s plans will need to comply with the current CC&R’s Section 12 – Use and Occupancy Restrictions Paragraph 12.2.2.

Ms. Habermann asked the Board if they would approve the interior plans that are being submitted today. Mr. Sweeney told Ms. Habermann that the building itself does not comply with the 1,400 square foot rule and therefore the plans as submitted do not meet the CC&R’s, and he recommends that the Board not approve the drawings as submitted.

Ms. Habermann reported; She will make the changes and resubmit the plans and then asked the Board about the “exceptions” to create variances.

Mr. Churchill reported; The Board does not have the power to create variances.

Mr. Auman made a motion to **not** approve Lot 226 – 8908 Riverside Drive Drawings as submitted. Ms. Gallio seconded the motion and the motion carried unanimously.

### **Lot 228 – 8930 Riverside Drive Plans for Approval**

Mr. Sweeney reported; The Board is in receipt of plans for Lot 228 - 8930 Riverside Drive seeking approval to build a partition to attach to an existing wall that will be no higher than 6’, which is the maximum allowable height.

## **NEW BUSINESS CONTINUED**

Ms. Habermann reported; Mr. Manderscheid does not own that wall that she owns the wall and the Board does not have the jurisdiction to allow Mr. Manderscheid to raise a wall he does not own and that she is not willing not give Mr. Manderscheid the approval to attach anything to her wall.

Mr. Manderscheid reported; He is not raising the wall, he is installing a partition that will attach to his side of the wall and that the finished height of the partition is 6', which is within the guidelines of the CC&R's. Mr. Manderscheid also stated, if in fact the Habermann's do own the wall, he then will redesign his partition and install it solely on his property, which he has the right to do.

Mr. Sweeney reported; At this time, he is not confirmed who actually owns the wall in question and the plans that are being submitted today shows the partition being attached to the wall, therefore at this time he is asking Mr. Manderscheid to redraw the plans without attaching the partition to the wall in question and resubmit them at the March 1, 2021 Board Meeting.

Mr. Churchill reported; Setbacks are for the structure, not for walls and that you can build a wall anywhere you want on your property that you do not have to build it on the property line.

### **Lot 42 - 8713 Moovalya Drive – Plans for Approval**

Mr. Sweeney reported; The Board is in receipt of drawings for Lot 42 – 8713 Moovalya Drive requesting approval to demo the existing patio and rebuild the patio two feet higher which is in compliance with the height restrictions and the CC&R's and made a motion to approve the plans as submitted. Blane Coon seconded the motion and the motion carried unanimously.

### **Annual Meeting**

- **Date of Annual Meeting**

Mr. Sweeney reported; The CC&R's require that we hold our Homeowners Annual Meeting sometime before June 30, 2021 and asked Ms. Wilson to research dates in June and that it needs to be held in the Pavilion at the La Paz County Park in order to practice social distancing and Ms. Wilson to report back at the March 1, 2021 Board Meeting.

- **Third Party to Count Ballots**

Mr. Sweeney reported; Derek Sabor is researching third party voting companies and reminded everyone if we do move forward with a third-party voting service it will require a CC&R change.

Derek Sabor stated that he will obtain the information and present it at the March 1, 2021 Board Meeting.

### **Executive Session:**

No Executive Session

Mr. Sweeney adjourned the meeting at 7:05 pm.

Next Board of Directors Meeting will be March 1, 2021 at 6:00 pm via Zoom.

Submitted by Recording Secretary, Mary Hamilton