

Vistoso Pointe Home Owners Association

Subject: Vistoso Pointe HOA Annual Meeting

Date: Oct 26, 2016

Venue: Daniels' Residence 12679 N Vistoso View Pl

Convene: 6:30 PM AST

Attendance: 11 Lots were represented, 8,9,11,13,15,20,23,25,26,27,32

Topics:

Roll Call of Directors to determine if Quorum requirement met: All 5 Directors present Bill Daniels, Eddie Croy, Diane DeGumba, Mike DeSantis, Lynn Huebner - Business can be conducted.

Reading of Minutes of 2016 Annual Meeting: Postponed until 2017 Annual Meeting (Protocal)

Report of Officers

- President Bill Daniels: A few residents asked why we compete with cars when we egress and ingress the neighborhood when we should have a pedestrian gate. We polled the owners and the majority voted to open up the welded shut gate. (This was an action from the annual meeting) We had approval for \$1000 but got the job done (after multiple bids) for under \$800. Volunteers provided the oversight of the work (thanks to Ron for moving the 3 ton bolder 6 feet)
- Action: Lynn Huebner asked that we organize a volunteer effort to place flagstone on both sides of the new door in the gate. This is approved on the condition that the owner of Lot 5 agree to the work since it is on their property. The HOA offered to pay for the material. She is looking for someone with a truck to help her transport the material. Diane DeGumba offered to get a bid from Gail (our landscaper) for the cost to do this work (backup plan in case we can not get a pickup truck).
- We are a volunteer managed HOA and that saves us a lot of money. It depends on all home owners complying with our CC&Rs. We may need to hire a lawyer to motivate a few lot owners to comply. All of us will pay to motivate the few.
- There was preliminary discussion about the need to hire a law firm to represent us and aid us in enforcing our CC&Rs and Architectural Guidelines.

Treasurer Mike DeSantis: Year to-date we are very close to budget. Mike brought copies of the budget, expenses, and reserve fund status for review. If you want details or a copy, we will send you one. We are in great financial shape.

Secretary Filings with the ACC complete - meeting minutes available on line with 30 days of meeting

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Report of Committees

ARC Bill Daniels: 1) Construction on Lot 30 – issues – will be discussed in new business

2) Lot 9 – near completion (exterior complete – stairwell to go) – no issues

3) Planned construction on lot 14 (completed concept review and approved for preliminary design) – grading date unknown – no issues

Action: It was suggested that in the future we show a lot map to place the discussion in context.

Landscape Becki Daniels: Committee composed of Diane DeGumba, Kathryn Benders, Lynn Huebner, Becki Daniels.

Decision made to continue with lighted wreath and lighted LED rope lights to replace existing lights when they go out on the gate.

Budget Pest control was contacted to help with eradicating burrowing pests. They do not perform that service, however, they do control our weeds and they do an adequate job with that.

4 times a year Desertscape disturbs and rakes to remove pest's holes/homes. In between the landscape committee disturbs holes, applies DIY chemicals where there are no roots and rakes the dirt and gravel.

Action: Deal with these pests using chemicals (ammonia, castor oil) and filling up holes and raking as we see them.

Desertscape is our landscaping provider and we are concerned with the health of two Yucca's. They have not looked well since planted by Desertscape. Two agaves are showing signs of stress. These may need to be replaced along with one other agave that died several months ago.

Action: Contact Deserscape and schedule a walk through to assess status and plans.

Communications Diane DeGumba: Updated email to VistosoPointe32@gmail.com due to security issues. Working well. Could use help with our website maintenance!

Discussed duties (this committee is the resident/HOA point of contact, collects and distributes all mail, maintains web site. Also discussed the separation of the duties of President, Treasurer, and Communications chair.

Action: The Board will investigate a method to make this informal protocol a formal operating structure because it works well for our self managed HOA and insures transparency.

Old Business

1)) Transparency of Architectural Review Committee process – residents want to know in advance of construction that will affect them – Action: ARC to develop a process to inform the community of planned construction and follow up with adjacent lot owners to ensure they are aware.

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- Announce at Board Meetings planned construction on any of our 32 Lots
- Blast email to owners any planned construction when the ARC receives a request
- Available construction plans for view (on request) when reviewed by the ARC
- Update ongoing construction at Board Meetings

David Rafferty (Lot 32) suggested we also post this information on the web site. This was agreed resulting in 5 ways to inform the community of planned construction. Action closed.

2) Improvements without Receiving Approval of the ARC

Much discussion – no resolution. Action: The VP ARC will meet at 0900 MST at the Daniels' residence on March 10 2016 with lot 13 owners to discuss a way forward.

Issue Resolved.

3) Owner Lot 7 asked about the natural buffer zone on her property. She asked could she improve the area with plants. She was asked to submit an ARC request form before she makes any improvements. The owner requested we explain the building envelope. The ARC would be happy to come to the site and explain – just give us an email and set up a time. No action at this time.

ARC met with Lot 7 owner and did a walk through of property explaining all boundaries and conditions. Then provided a letter of Approval with conditions. Work performed - conditions not met.

There was discussion about the trimming of the “natural area” on the lot lines. Lot 8 requested a copy of the letter sent to lot 7 from the ARC. This was provided. There was also concern about the tree trimming and removal of plants behind lot 7. It was suggested that we determine if the conservation easement was violated.

Action: Volunteers to make measurements to confirm that the conservation easement has not been violated. (Update: This measurement has been performed and there is no violation on the conservation easement but the required 2 foot natural area to the north of the property line has been removed which is in violation of the ARC conditional approval).

New Business

1) Lot 30 is not building per approved plan (Notified Oct 19,2016 email) - Lawyer suggests we send a “**CEASE AND DESIST DEMAND**” Letter

Action: send Lot 30 a Cease and Desist Demand letter.

2) Lot 7 Excess lighting at night (Notified April1, 2016 - letter) There was discussion and it was agreed that our entry lights violate our dark skies requirement.

Action : Replace the entry lights with canister lights that do not allow direct view of the bulbs. Matt Sexton / Bill Daniels to produce a solution to provide to the board for funding.

Action: Contact TOV to determine if Lot 7 is compliant with their dark skies requirements.

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3) Lot 19 Requires Painting (Notified April 8, 2016 - letter) Discussion

Action: Send follow up letter to Lot 19 informing them they are in violation of the VP Architectural Guidelines and to paint the home. Include an ARC Request form and information that the LRV of the paint can not exceed 40

4) Fountain Fix Bid (\$2384.18 new high efficiency pump motor + filter system) requested 3 bids and only one received. Existing pump needs repair (\$1000?).

One home owner asked why keep the fountain. We could remove the fountain and replace it with a desert scape feature. Much discussion. The VP BOD could make a decision to do this or just fix the fountain but this decision affects Lots 1 – 29 directly. It was agreed to involve these Lots directly with a email vote just like we did for the gate.

Action: Send Blast email to Lot 1-29 asking for a vote. Laura Sayers agreed to write the language and send to the BOD for approval and action.

There was a motion to approve the cost to replace the pump if the community votes to fix the pump. The BOD voted 5 for the motion and 0 against.

5) Waste Management has provided us a Contract (\$19.35 / month for 1 year – 60 month contract) to renew our relationship with them. It was discussed that the HOA does not have the authority to commit all home owners to a single supplier. After the meeting, this statement was proved inaccurate. Our HOA does have the authority to make a contract with a single supplier.

Action: Contact WM and request that their commitment to price and term of the agreement must match. That is 12 month commitment yields a 12 month term (not a 60 month term).

6) Contract with Brown Law (\$50 per month + costs) Our HOA does not have legal representation. The BOD investigated options to this several months ago when we were threatened with a lawsuit. The costs of hiring a Law firm started with about \$2000 for the Law firm to read our legal documents (CC&Rs, By Laws, Architectural Guidelines). Brown Law Group is the same law group that represents the Master HOA (Vistoso Community Association - VCA). Our HOA is a sunset of the VCA. I asked Phil Brown if our legal issues would be covered by his relationship with the VCA. He stated we could always ask the VCA BOD for their help. The VP BOD discussed this and decided that it was not in our best interest to pursue this approach. Our HOA should adjudicate our internal issues. The Brown Law Group offered a retain fee structure of \$50 a month flat fee. We get unlimited access to the Firms legal advice plus other benefits.

A motion was made to hire the Brown/Olcot Law firm. Motion passed 5 for, 0 against.

7) Budget for 2017 Discussion. Our expenses and revenue match. No need to increase (or decrease) fees. This budget includes the new monthly charge of \$50 for the legal representation and replacement of the fountain pump (if the community votes to go in that direction).

8) Lot 13 asked if they could put up a basketball goal for 2 months. This depends on the approval by all adjacent lot owners.

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Action Item: Lynn offered to ask all adjacent lot owners for their permission and get back to Susan. If this is approved it does not constitute permission to keep the temporary goal erected past January 2017. The VP Architectural Guidelines were recently updated to prevent basketball goals.

A Motion was made to adjourn. Motion passed 5 for, 0 against.

Adjourn: 8 PM AST