

**April 24, 2018 Homeowner Meeting Minutes
Cimarron Foothills Estates**

Board Member Attendees: Peter Lincowski, Tom Botchie, Margaret Weinberg, Chris Pappas, Mike Carsten, Karen Egbert Absent: Bob Linsell, Francis Morgan,

Visitor: 239 Jane Glass, 342 Arnold Merin, 680 Tom and Corrine Wilhoit, 242 Peter Nestler, 238 Gary Watts, Wilcox 374, Ian and Katie Jacobson and 236 Felicia Alicea and 241 Lindsey Abbott

Upcoming Dates:

NEXT HOA Board MEETING: TUESDAY, MAY 22ND, 2018 @ CFHS

June 2019 renegotiate trash service

Security dates to be submitted by Mike Carsten

Domain renewal May 2018 (paid)

Sept: Send nomination letter in Sept.

November review the security service

President – Larry Lewis

The meeting was called to order by Larry Lewis at 6:02 p.m.

Secretary – Margaret Weinberg

Minutes taken by Margaret Weinberg.

Peter Lincowski made a motion to approve the minutes. Tom Botchie seconded the motion. The minutes were approved with clarifications.

In Favor: Peter Lincowski, Tom Botchie, Margaret Weinberg, and Karen Egbert. Opposed: None
Motion carried.

Homeowner Business Before the Board

Vice President – Karen Egbert

SHORT TERM RENTAL / BUSINESS RUN FROM HOME

Review of Neighborhood survey regarding changing the CR&R's limiting short term rentals.

The survey asked 3 questions 278 people answered the question. 78% of the association responded.

68% believed one year should be the minimum lease.

24.82% either disagree or strongly disagree with amending the CR&Rs

Would you vote: 7.66% would not vote

(see attached survey)

Larry Lewis went over the results of the meeting with the lawyer with the neighbors present.

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If the Board went forward to restrict the rental length, we would need 75% of the residents to vote x 5 phases (over 300 neighbors.)

Neighbor suggested we could get better data if it were better advertised for results. Peter Nestler talked about combining the 5 phases into one voting body. Said it had been considered approx. 8 years ago by previous Board. If we were to do it, it would be over an extended period of time. We'd have to write down what we want and have it reviewed by lawyers and sent out 60 days in advance. This would have to be mailed out during the end of the year mailing. It's a cumbersome process. Peter Nestler thinks it could be run concurrently. We could consider presenting this possible change to the neighborhood to a vote (risk is different phases could vote differently.)

Reason for survey is to see if we should attempt to change the rules. All 5 phases need to vote separately. Our belief is that we can not vote to change the CR and Rs because we don't have the numbers.

Question if there would be a special assessment for attorneys fees? Larry said no. We have spent approx. \$500 in our initial exploration.

Peter Nestler asked if we can vote during the summer. Larry Lewis responded that we'd have to do a separate meeting and mailing incurring costs etc. Larry Lewis suggested in lieu of attempting to change the CR and Rs we could require that the names of those renting in the neighborhood be given to the Board, and request a payment of \$25 per leasing agreement. If we require that all leases and lessors be identified to the Board, we'd have to do it to ALL neighbors. Larry Lewis suggested that it could be done without delay if it was decided. (After speaking with a lawyer it was determined the Board were within their rights to take this action.)

If there is a complaint about a short term renter it would be difficult to enforce any fines issued by the neighborhood association. Complaints would have to be made to the police. Gary Watts argues (he owns a short term rental) that he does want to preserve the neighborhood, and it is in his interest to have good renters. Neighbor added, that Gary Watts isn't coming from the same perspective as those who own and live in the neighborhood.

Another neighbor added that if it was a one time bad apple, they won't be rented to again and it doesn't necessarily mean it's a regular problem. Another neighbor asks about trash can maintenance and is it in the CR and Rs. Answer is no, but the expectation is that cans are brought from the streets promptly.

Discussion of practicality at this point. Neighbor suggested the poll was not simple enough to get valid info. Neighbor questioned can it be worded as all or nothing?

Neighbor questioned what happens if we change the CR and Rs and there are exiting renters. If we were to enact the change, all contracts could be fulfilled but no more could be made.

Question about how this would work with 5 phases? We explain that the change would be uniform, but sent out to each 5 phases.

Peter Nestler clarified that only the entire house can be rented out, not sublet.

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Larry Lewis read the complete legal section concerning Arizona ARS 33-2806.01 for all the hear.

Arizona: ARS 33-1806.01 Law only applies to municipalities

D. On request of an association or its managing agent for the disclosures prescribed in subsection C of this section, the managing agent or, if there is no managing agent, **the association may charge a fee of not more than twenty-five dollars, which shall be paid within fifteen days after the postmarked request. The fee may be charged for each new tenancy for that property** but may not be charged for a renewal of a lease.

Except for the fee permitted by this subsection and fees related to the use of recreational facilities, the association or its managing agent shall not assess, levy or charge a fee or fine or otherwise impose a requirement on a member's rental property any differently than on an owner-occupied property in the association.

C. Notwithstanding any provision in the community documents, on rental of a member's property an association shall not require a member or a member's agent to disclose any information regarding a tenant other than the **name and contact information for any adults occupying the property, the time period of the lease, including the beginning and ending dates of the tenancy, and a description and the license plate numbers of the tenants' vehicles.** If the planned community is an age restricted community, the member, the member's agent or the tenant shall show a government issued identification that bears a photograph and that confirms that the tenant meets the community's age restrictions or requirements.

E. Notwithstanding any provision in the community documents, the association is prohibited from doing any of the following:

4. Imposing on a member or managing agent any fee, assessment, **penalty or other charge in an amount greater than fifteen dollars for incomplete or late information regarding the information requested pursuant to subsection C** of this section.

Call for a vote if we want to move forward with an amendment Karen Egbert made a motion Tom Botchie seconds the motion to initiate proceeding to amend the CR and Rs of the 5 phases to limit short term rentals.

Larry Lewis votes no, Margaret Weinberg and Peter Lincowski abstained, Karen Egbert votes No, Chris Pappas votes No, Mike Carsten votes, No Tom Botchie votes Yes.

Karen made a motion to call for a vote to uphold ARS 33-1806.01: **name and contact information for any adults occupying the property, the time period of the lease, including the beginning and ending dates of the tenancy, and a description and the license plate numbers of the tenants' vehicles.** And to collect \$25 registration fee as allowed by state statute. Mike Carsten seconded it. The vote was unanimous to uphold ARS 33-1806.1

The Board expressed to neighbors present that although we would not be taking action to change the CR and Rs at this time to restrict short term rentals, the Board would be willing to hear from neighbors and consider actions concerning short term rental restrictions in the future if it was proven there was sufficient neighborhood interest.

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CR&R – Bob Linsell (Bob Linsell is absent)

- Creation of Rules and Regulations? Attorney said we can't change the rules and regulations, but we can make proposed amendments. Tom Botchie provided some possible wording for proposed changes. Guidelines can be suggested. There are room for clarifications.
- Lot 194 – DB – Junk Truck in driveway – next step (Larry Lewis to handle) Currently can't do much because his house is falling apart. Board can't force him.
- Lot 209 – MA – report back on letter and fine for exceeding six months construction limit. Bob Linsell sent out a letter. Talked to the homeowner (he responded via email) His general contractor had health issues and he had to let him go and took over himself. He is working on it again. He has done landscaping work and painting and other progress. Our understanding is that if currently there are ACs on the roof, they can remain on the roof. Planning on wrapping up exterior construction by May 1st. Interior work will finish up in the fall. Bob Linsell told him he'd get the Boards approval. Progress is being made. Karen Egbert suggested to write a letter back with everything agreed upon to put it in writing. Fines are an amendment to the bylaws and can be more easily changed.
- Lot 95 – storage lockers still in drive way – House has been turned back to the bank foreclosure. Storage lockers should be gone by the end of the month. Lot 95 owner died. the bank will be responsible for cleaning it up and/or paying the fine.
- Lot 117 – 5945 Paseo Cimarron – white roof will send them a notice of violation to finish the painting. Had a fire and when they redid the house the repaired part is the correct color but the old portion of the roof is white. A Lot 255 Canoe and motorcycle in his driveway. Motorcycle is fine but canoe and junk should be removed.
- Lot 351 Dog barking complaint (renters occupy the house.) Bob Linsell hand delivered a letter to the homeowner and spoke to her in person. She doesn't believe the dog barking is a problem. Bob Linsell told them they need to do something about the dog barking. The dogs are large and imposing. The renters said they are moving by Feb 15.
- Lot 226 Neighbor has had a storage trailer parked in their driveway for the last year. Bob Linsell will follow up the complaint.

OTHER QUESTIONS REGARDING THE CREATION OF HOA RULES AND REGULATIONS

suggestions not rule changes

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1. Recreational vehicle parking and visitation restrictions?
2. Driveway maintenance requirements
3. Lamppost and mailbox requirements and restrictions
4. "junk" car restrictions and removal
5. Home repair and maintenance requirements including landscaping
6. Barking dog's nuisance procedures
7. Fencing specifications
8. Define what neighbors should be requesting for architectural review/approval forms

Treasurer – Peter Lincowski:

YTD review of collections efforts: 5 homeowners have not paid yet. One is on a payment plan. Fines increase with late payments.

308 Neighbor on the payment plan requested that the ex husband be removed from collection efforts, but the Board can't do it without legal change.

Corp commission filing is due June 19th.

Architecture – Tom Botchie:

Review of ongoing and new projects from Tom Botchie's worksheet.

Lot 293 In work: Garage construction and setback variance has conditional approval. Construction in progress. Has run over the 6 month limit but is making progress.

Lot 67: In Progress: Back yard remodel in work moving along.

Lot 345 Solar panel installation not complete. Delay by installer.

Lot 126 In Progress: New addition to home.

Lot 281 in progress

219 solar scheduled

375 solar scheduled

Lot 209: Delayed construction. Neighbors are angry because it has been under construction for 2 years. Bob Linsell and Andy Gaudet will work together to compose the letter and be reviewed by the Board. Bob Linsell will inform him of the infraction and fines and the date of his hearing to appear before the Board. (April 24, the April Board meeting.)

Lot 238: Solar panels approved to start in December. Was completed. Tom Botchie took photos of his solar panels. Tom Botchie noted his roof was white.

Lot 281: Building a new garage and porch/balcony addition. Collected the money for new construction approval. Received Board approval. Check was sent to Pat Stoll.

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Owner is complaining that they paid \$150 for paint approval but there is no fee for paint approval. It needs to be reimbursed. Pat Stoll offered that she can write a letter informing neighbors that are owed a refund for completed, approved work. She will arrange to refund money to those due a refund.

Tom Botchie expresses concern with the 6 month deadline for construction. He believes it is too short to be realistic.

Lot: 345: In Progress: Solar panel installation.

Lot 234: Want to put in a standing seam metal roof.

Lot (mail box change) neighbor came to meeting in Jan? Sent Tom a photo of proposed mailbox is fine.

Safety and Security Mike Carsten

One alarm and 18 vacation checks. Pat has stickers for homeowners. She is sending some to Karen so that we have them if we need it.

Roads and Medians – Chris Pappas

Update regarding ongoing median maintenance Neighbor is happy with the median trimming, but she has questions about dirt that has been dumped into the median from Paseo Ventoso to Cimarron the bottom half is covered in dumped dirt. Chris Pappas will look at it and check with the city for an explanation.

Webmaster – Francis Morgan

Francis Morgan has been updating the neighborhood database with info from Pat Stoll. Larry Lewis will coordinate the midterm newsletter including the status of the short term rental and the link to the survey.

Old Business: Question of Board roles. Everyone decided to stay in their current role.

New business:

Bob Linsell received 36 quotes for the driveway refresh. One woman was upset that she was on the list because her husband wanted to be on the list and he passed away.

Bob Linsell proposed that we make a motion that we to develop formal standard operating procedures/ rules to supplement the CR and Rs. The Board approved. Send your suggestions to Bob Linsell. Goal is to vote on standards in May 22.

A motion was made by Mike Carsten to close the meeting at 7:19 p.m., it was seconded by Chris Pappas. In Favor: Peter Lincowski, Tom Botchie, Margaret Weinberg, and Karen Egbert, Larry Lewis. Opposed:

None

Motion carried.