

**THE FOOTHILLS CLUSTERS HOMEOWNERS ASSOCIATION- BOARD OF  
DIRECTORS MEETING  
Meeting Minutes**

Monday, August 8, 2022 at 6:30 PM

Location: Zoom Video Conference

1. CALL TO ORDER / ROLL CALL

The meeting was called to order at 6:31.

Board Member/Term Expiration	Present	Absent	Proxy
Brian Bickel 2024	x		
Doug Hughes 2024	x		
Austin Wesnitzer 2024	x		
Aletha Kalish 2023	x		
Michael Katz 2023	x		
Donn Stoltzfus 2023	x		
Frank Karnauskas 2022		x	
Linda Jaworski 2022	x		
Ron Steffens 2022	x		

2. APPROVAL OF PREVIOUS MONTH'S MINUTES

The minutes of the July 11 meeting were approved with one revision.

3. PRESIDENTS COMMENTS

Douglas Hughes recognized the approximately 14 members of the public who were in attendance and offered the opportunity for any quick questions from the public before formal meeting began. One homeowner suggested that the Board retain a service to clean gravel off of the roads after monsoon storms

4. STREET PAVEMENT REPLACEMENT PROJECT NEWS AND STATUS

Brian Bickel reported that he was in the process of responding to a list of questions that the bank recently sent to him. Brian has not yet seen the offered loan terms and thus cannot yet calculate the required debt service.

Donn Stoltzfus reported that the contract has been signed by the contractor and would be signed by the HOA after the loan is accepted.

Austin Wesnitzer joined the meeting at 6:44.

## 5. NOMINATING COMMITTEE FOR BOARD ELECTIONS

Linda Jaworski reported that the committee has been formed for the purpose of recruiting candidates for the fall Board of Directors election. Three positions will be contested, The current Directors in those positions all plan to seek reelection.

## 6. COMMITTEE REPORTS

### **Landscape and Roads Committee:**

Austin Wesnitzer and Ron Steffens led a discussion of the pre-construction trimming that would need to be done prior to the road construction project. Properties experiencing issues with drainage from the streets should be identified to Austin; Linda has already provided an initial listing of such properties. Donn Stoltzfus asked about properties where pavers border the road and Austin explained that the contractor would be responsible for repairing damage, but that he thought care would be taken to minimize such damage.

A green waste pickup will be scheduled later this fall.

### **Architectural Control Committee:**

Linda Jaworski presented the following report:

3839 East Marshall Gulch Place-Application for rooftop solar installation received and approved.

3693 East Diablo Canyon Place-Application for roof repair and maintenance received and approved.

3785 East Marble Peak Place-Application for roof repair and maintenance received and approved.

6763 North Quartzite Canyon Place-Application for stucco application and painting to house and exterior walls received and approved.

6805 North Cascade Spring Place-Application for rainwater harvesting and distribution system approved.

3732 East Guthrie Mountain Place-Application for new roof shingles and replacement to current solar panels approved.

6419 North Burro Creek Place-Application received for painting or trim and garage door received post completion per ACC request. New owner compliant and application placed on file for this lot.

### **Business Process Committee**

No report.

### **Budget and Finance Committee:**

Brian Bickel noted that total assets as of July 31 were \$997,000.

### **Welcoming Committee**

Dan Weisz said that some of the committee priorities are to communicate to new homeowners the existence of the FCHOA website, the process for approval to make changes to the exterior of the home, the importance of knowing property lines particularly when the lot borders the Common Area. He has prepared letters for two circumstances, one when the Common Area borders the lot, and one when that is not the case. These letters were made available to the Board and were well-received. Aletha Kalish stated the importance of a personal visit to follow up on the letter and address any questions that the new owner might have.

### **Communications Committee**

No report.

### **Enforcement Committee:**

Donn Stoltzfus presented the following report. Due to time constraints no discussion or action was taken on the three cases requiring Board action.

#### **A. New Cases**

6419 N. Burro Creek Place: A Courtesy Notice and Site Visit was completed regarding several violations, including painting and native vegetation removal without prior approval, screening of pool equipment from public view, and parking vehicles on landscape. The new owner has agreed to submit the required applications or otherwise come into compliance, including agreeing to plant a tree to replace those destroyed.

#### **B. Ongoing Cases**

3584 E. Gibbon Mountain Place: Contacted new owner, who has contractually agreed to install a new gate or screen after approval by the ACC.

6714 N Quartzite Canyon Place: Awaiting request to the Board to approve RV storage on the lot. Due by September 1.

3800 E. Mt. Kimball. Granted extension. Owner has submitted one ACC application, awaiting second application for paint color approval.

#### **C. Concluded Cases**

3469 E. Nugget Canyon Place: Debris has been removed from the front yard.

3500 E. Guthrie Mountain Place: Water treatment tanks have been removed.

#### **D. Cases Requiring Board Action**

3553. E. Lizard Rock Place: Green waste piles remain. Board to schedule a

hearing and a Second Notice will be sent. Commercial trailer still parked on site. Second Notice will be sent but with September 30 deadline for compliance.

The FCHOA General Violation Fine Schedule (1/2018) and Vehicle and Parking Policy Enforcement Process (4/2019) each include the following:

*BOARD DISCRETION: Notwithstanding the above provisions of the violation schedule, the Board at its sole discretion, may at any time, assess a fine in an amount of to \$2,000 for any incident the Board deems to be egregious, dangerous, that may threaten the life, health, safety, or welfare of any person, resident or owner, or that causes detriment or damage to any Association or another Owner's property. The Board may levy this fine despite any past violation history or lack thereof.*

Pursuant to this authority, a fine is recommended to conclude each of the following cases:

3460 E. Marshall Gulch Place: An unauthorized estate sale occurred at this property on July 9 without submittal of a Traffic Control and Parking Plan to the FCHOA for Approval. The result was customers parking, among other places, on both sides of Evans Mt. Road near Marshall Gulch Place. This coincided with the presence of barricades on Evans Mt Road to protect the concrete work that had been done in the past week, and the result created hazardous driving conditions for individuals attempting to drive on Evans Mt. Road amongst cars parking and pulling out of the shoulders of Evans Mt. Road. The company, The Girls Estate Sales, was previously advised of the need to get prior approval for their sales

I ask that the Board find that the failure to address parking for the sale created a dangerous condition, and to assess a fine of \$100.. An NOV was delivered to The Girls Estate Sales on July 9, and the company representative agreed to pay this fine, if assessed.

3773 E. Marble Peak: An NOV was sent to the owner on June 4 regarding the destruction of a native velvet mesquite tree on a neighbor's lot by the homeowner without prior approval of the HOA. The owner initial agreed to settle the case by paying a fine of \$250, to the FCHOA, but has withdrawn that offer and may make an offer to install a replacement tree.

I ask that the Board find that the destruction of a mature tree with a stated replacement cost in excess of \$5000 is both egregious and caused damage to another owner's property, and that the Board approve a fine of \$250 to be assessed if a replacement tree of comparable size is not installed, at a similar location to the one that was destroyed, by November 30, 2022.

## 6. MASTER ASSOCIATION REPORT

No new items to report.

## EXECUTIVE SESSION

Donn Stoltzfus made a motion that the Board adjourn to Executive Session for the purpose of receiving legal advice from an attorney. Motion passed at 7:32.

Following Executive Session, the Board returned into session and the meeting was adjourned at 8:48.