

**LAKE MOOVALYA KEYS II**  
**Board of Directors Meeting**

**AUGUST 11, 2014**  
**Robert Gory Realty**

**CALL TO ORDER**

President Stefanie Hartnell called the meeting to order at 6:00 p.m.

**PRESENT** Stefanie Hartnell, Todd Cramer, Robert Gory, John Mihelich & Chuck Baker

**OTHERS PRESENT** *Recording Secretary:* Sue Thomson  
*Guests:* Cheryl Samuelson (12), Ket Furnell (62), Wendy Wynkoop (28), Pam Leggett (9), Edith Mansfield (3), Betty Ockershausen (56) and John McClellan (29-32)

CC&R's - There has been no discussion amongst the Board about the CC&R's since the annual meeting on May 24, and we gathered 46 'yes' votes (10 short of passage). Mr. Baker said that everyone has issues with the CC&R's, but this update has to be done; things could happen, bad things that could destroy the neighborhood, and we need to resolve the differences. We have new owners coming in, and we can no longer rely on out-of-date CC&R's. Mr. Mihelich said that any major changes to the draft will require us to start over in the distribution and voting process. Ms. Hartnell suggested taking the draft section by section in an attempt to work out the differences. The major sticking point with a group of owners is three pages dedicated to a Design Review Committee, and the group would like all three pages deleted entirely.

Ms. Samuelson said that the Board is basically the design review committee, so we don't need a Design Review Committee. While the County codes are not as strict, Ms. Furnell said we want more precise restrictions than the County has. She said that if the County changes their rules, we would have to comply with their changes. Ms. Hartnell pointed out that one area that differs is our 1,400 square foot minimum; the County's minimum is less than that. Ms. Samuelson said she is not opposed to height and square footage clauses.

Mr. Baker said that committees don't work, but they have never told someone how to paint their house. An atrocious color on a house is something different, and an HOA would take that person to court. Mr. Mihelich said that some people would withdraw their 'yes' votes if the Design Review Committee pages were removed.

Mr. Cramer said that a Design Review Committee is separate from the Board. He said lawyers don't like to leave issues to subjectivity, which is why all the possible bases have been covered in the draft prepared by legal counsel; that the draft covers all possible scenarios. He also said that we tried to find a balance to cover everything; that if you have a board made up of your neighbors, it's reasonable, unless someone has a vendetta.

Ms. Leggett said we are inviting lawsuits by telling people what we can and can't do; that we should let County regulations govern. Mr. Cramer said our CC&R's cover other details aside from County code; we're not talking about codes. Ms. Leggett asked what, then, are we trying to do. Are we trying to set time limits on the discussion of plans? Mr. Cramer said, for one thing, the proposed draft is more lenient regarding height; that they would allow for two stories, whereas the old CC&R's don't. County code is too general by saying structures only have to be in harmony with their surroundings.

Mr. Mihelich said he had to get an umbrella policy because he doesn't feel protected under the outdated CC&R's.

Ms. Samuelson said she would like some language about outdoor lighting put in section 12.8; that light sources shall be shielded, pointed downward and directed away from adjacent lots, preferably the motion-sensor type. Mr. Mihelich said that if that clause were passed, almost everyone would be in violation of it with their current porch lights. Mr. Cramer said that porch lights aren't normally shrouded. Ms. Wynkoop said that Ms. Herrick (16/17) is unhappy that she had to take her light down, due to it shining in the McClellan residence. Mr. McClellan said the street lights are installed per code and they shoot downward.

Mr. McClellan also said that he doesn't agree with the formation of a Design Review Committee; it's too much overkill, and we are not a PUC, that every house in Keys II is different.

Ms. Leggett said Mr. Mihelich made the statement at the annual meeting that an architectural review committee is non-negotiable. Mr. Baker said we now have a new Board, and the new Board says it is negotiable. Ms. Furnell said that Ms. Samuelson should make herself self-appointed spokesperson and meet with people to re-write the sticking points, focusing solely on the Design Review Committee clauses. Ms. Leggett said this has already been done; Ms. Hartnell said that section needs more discussion. Ms. Furnell said that everyone won't vote 'yes' for the changes. Ms. Hartnell said that as a starting point, we need to take it line by line and simplify without entirely deleting the three pages.

Ms. Samuelson asked if the use and occupancy section needs rewording. Mr. Cramer asked her to identify specific points in that section so they can be reviewed. He said that most of that section is merely legal restrictions.

There was concern over existing trailers and replacement restrictions. Mr. Mihelich said that unless an act of God occurs, the replacement would need to be a structure with a foundation. Maybe such a clause should include the age of the trailer, perhaps not more than 10 years old, which language would allow another trailer to take its place. There are four lots left that have trailers on them; Ms. Rose (52) replaced the old trailer on her lot with a new trailer that complies with County code.

*Beach Repair* - Ms. Hartnell presented a proposal from Steve Stanton Construction to repair a portion of the wall at the beach/ramp that is posing a hazard due to damaged block, exposing some rebar, at a cost of \$1,361.20. Ms. Hartnell said she also requested bids from Mike Dyer and Kevin Foote, but she only received the Stanton bid. *Mr. Baker made a motion to accept the bid from Steve Stanton Construction to do the digging, saw cut and remove the top course*

*of the existing wall and replace with new cinder block with vertical rebar epoxied into the wall with one horizontal rebar; grouted and water proofed on the back side before backfilling. Ms. Hartnell seconded the motion. It was decided that the work would be done in the fall and that Ms. Hartnell would contact Steve Stanton to proceed then. There being no further discussion, the motion carried unanimously.*

*Website - Ms. Hartnell got a quote of \$1,000 from Frank Goodyear for the formation of a website for the HOA. Thereafter, there would be a small annual maintenance fee to keep the website up to date. Ms. Hartnell said having a website is a good way to communicate with owners, as well as notify people of upcoming meetings. Also, she would like to establish pre-set Board meeting dates. Mr. Baker made a motion that we accept Mr. Goodyear's quote of \$1,000 to form a website for the Association. Mr. Mihelich seconded the motion and the motion carried unanimously.*

*Beach Rules – Ms. Mansfield asked about beach rules, and Ms. Hartnell said we only have what is currently posted; that dogs need to be leashed and the gate should stay closed. Ms. Mansfield said many people are using Ms. Hatfield's (2) breezeway to get to and from the beach, causing her motion light to go on. Ms. Mansfield was informed that we need to get revised CC&R's in place before we can make rules and establish fines. Ms. Mansfield also said that beach canopies stay up too long. Again, Ms. Mansfield was informed that without new CC&R's we have no enforcement mechanism.*

*Line of Sight Problem at Mohave & Lakeview – Ms. Leggett discussed a vehicle wreck at this corner due to lack of visibility when pulling out onto Lakeview from the stop sign at Mohave. Mr. Mihelich said he would talk to Mr. Berry (59) about the shrubbery causing the problem to see if it can be eliminated or trimmed further.*

*Board Meeting Dates – There was a discussion about the best time to schedule quarterly meetings that's convenient for everyone. It was decided that we would start with the 3<sup>rd</sup> Monday of the first month of each quarter and see if that's something that would work for the Board members.*

## **ADJOURNMENT**

The meeting was adjourned at 7:40 p.m.

Submitted by Sue Thomson  
Recording Secretary