

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

September 12, 2011

CALL TO ORDER

Vice-President Chuck Baker called the regular meeting of the Lake Moovalya Keys Board of Directors to order at 6:01 p.m. as Chairman of the Board, substituting for Mr. Sweeney.

PRESENT

Vice President: Chuck Baker

Secretary/Treasurer: Laura Lancaster (via teleconference)

Board Members: Chris Chambers, Gary Svider, William (Squeak) Kossnar, Joe Price, Blane Coon, Ryan Shubin & Christie May Ward

ABSENT

President: Jack Sweeney

OTHERS PRESENT

General Manager: Cheryl Shockley

Bookkeeper/Recording Secretary: Sue Thomson

Legal Counsel: John C. Churchill

Guests: Stan Vescio (long-term tenant, Lot 82), Etta Mae Svider, Carl Bozeman (Lot 61), Carla Faulkner (David Plunkett Realty)

CALL TO PUBLIC

Mr. Vescio said he is there to talk about white line rules and regulations, CC&R's, homeowners getting tickets and harassment by the General Manager. Mr. Baker tabled the discussion until later in the meeting.

MINUTES

Ms. Lancaster moved to approve the July Minutes; the motion was seconded and carried unanimously. Mr. Kossnar moved to approve the Minutes of the July Executive Session meeting. The motion was seconded and carried unanimously. Mr. Price moved to approve the Annual Meeting Minutes from the April meeting. The motion was seconded. It was requested that a similar/duplicate paragraph be deleted and the number of votes be added to the Minutes concerning the ballot propositions and the vote count on the Directors' election. There being no further discussion, the motion to approve the Annual Meeting Minutes, as corrected, was carried unanimously.

FINANCIAL REPORTS

Mr. Price moved to approve the July/August Bookkeeper's Report, the Prepaid Bills and Bills for Approval. The motion was seconded. Mr. Svider asked about the additional \$350 paid to Ms. Shockley. Ms. Thomson said that Mr. Sweeney instructed her to make the payment and that Mr. Sweeney had planned to discuss it at this meeting. Mr. Svider asked Ms. Shockley about it, and Ms. Shockley said it was extra compensation per Mr. Sweeney and that he was going to discuss it with the Board tonight, but it had to do with a misunderstanding about the transition with Ms. Thomson. Mr. Baker deferred the matter to the next meeting for Mr. Sweeney to discuss. There being no further discussion, the motion was carried.

PREPAID BILLS

Date	Num	Name	Memo	Amount
07/03/2011	PC	Henry R. Baca	8 Hrs. @ \$15/hr. - security	120.00
07/06/2011	6281	Brandon Johnson	12 Hrs. @ \$20/hr. - security	240.00
07/06/2011	6282	Jeffrey M. Heanes	6 Hrs. @ \$35/hr. - security	210.00
07/06/2011	6283	Erik J. Schneider	6 Hrs. @ \$35/hr. - security	210.00
07/06/2011	6284	Cheryl Shockley	24 Hrs. @ \$20/hr. - security	480.00
07/06/2011	PC	LD Products	Postage meter ink	28.93
07/06/2011	PC	Rush Signs	Guard shack sign	55.00
07/06/2011	6285	Petty Cash	Replenish (\$203.93)	
07/06/2011	6286	Frontier	667-2840	58.95
07/06/2011		"	667-4484	58.10
07/06/2011	6287	Allied Waste Services	3-0527-0040037	2,868.66
07/15/2011	6288	Cheryl Shockley	Advance	1,100.00
07/15/2011		"	Fuel Advance	100.00
07/20/2011	6289	APS	732930287 & 589381281	1,715.78
07/20/2011	6290	Brooke Utilities, Inc.	53017-11860	261.12
07/20/2011	6291	AT&T	928-667-4484	57.51
			Weed killer/holiday security supplies	
07/20/2011	6292	Davis Building Supply		98.60
07/20/2011	6293	NetServeOnSite	1 year website service	150.00
07/20/2011	6294	Law Office of John C. Churchill	HOA gen'l. (5/31 invoice)	202.50
07/20/2011		"	Grybowski (5/31 invoice)	11.00
07/20/2011	6295	Law Office of John C. Churchill	HOA gen'l. (6/30 invoice)	202.50
07/20/2011		"	Grybowski (6/30 invoice)	125.13
07/20/2011		"	Breazeale (6/30 invoice)	788.38
07/24/2011	6296	Parker Tree Service	Palm tree removal	450.00
07/31/2011	6297	Cheryl Shockley	Balance July	750.00
07/31/2011		"	Balance fuel	100.00
07/31/2011		"	Internet	24.95
07/31/2011	6298	Otis Hall	July Groundskeeping	650.00
07/31/2011	6299	Sue Thomson	July	1,150.00
07/31/2011		"	June Pitney Bowes Rental	38.93
07/31/2011		"	Postage	11.44
07/31/2011		"	Postage meter refill	200.00
07/31/2011	6300	Parker Tree Service	Trim 8 palm trees	400.00
08/03/2011	6301	Allied Waste Services	3-0527-0040037	2,681.29
08/03/2011	6302	Frontier	667-2840	58.92
08/03/2011		"	667-4484	58.07
08/03/2011	6303	Davis Building Supply	#130290	82.83
08/06/2011	6304	Parker Office Supply	Toner	179.74
			Add'tl. compensation per J. Sweeney	
08/09/2011	6305	Cheryl Shockley		350.00
08/11/2011	6308	AT&T	928-667-4484 & 928-667-2840	35.32
08/15/2011	6306	VOID	VOID	0.00
08/15/2011	6307	Cheryl Shockley	Advance	925.00
08/15/2011		"	Fuel Advance	100.00
08/19/2011	6309	APS	732930287 & 589381281	1,724.50
08/19/2011	6310	Brooke Utilities, Inc.	53017-11860	337.14

08/31/2011	6311	Cheryl Shockley	Balance August	925.00
08/31/2011	"	"	Balance fuel	100.00
08/31/2011	"	"	Internet	24.95
08/31/2011	6312	Otis Hall	August Groundskeeping	650.00
08/31/2011	6313	Sue Thomson	August	1,150.00
08/31/2011	"	"	July Pitney Bowes Rental	30.94
08/31/2011	"	"	Postage	7.04
				22,338.22

BILLS FOR APPROVAL

Law Office of John C. Churchill (7/31 invoices)	
HOA general	135.00
Grybowski	45.00
Breazeale	90.44

Mr. Price moved to approve the August Balance Sheet and the combined July/August Profit & Loss. The motion was seconded and carried unanimously.

GENERAL MANAGER’S REPORT

July Report - Mr. Price asked who hit the gate, and Ms. Shockley said that Paul Touw (Lot 135) hit it, and he paid for the repairs. Mr. Vescio brought up the ticket he received for parking over the white line on July 15 and 16, and Mr. Baker again deferred the matter. Mr. Baker asked about the raccoons that were caught, and Ms. Shockley said she took the trap to Lot 95 and caught three of them there.

August Report – The Labor Day Report date was changed to the 9th. Ms. Lancaster asked about the fatal boat accident involving a private dock at the south entrance to the Keys and inquired of Mr. Churchill if the Association is in any way responsible. Mr. Churchill said he was out of town at the time and did not have details. Ms. Shockley said it was on Doug Peters dock (Lot 19).

Ms. Shockley said Tom Hale (Lot 20) talked to her regarding his concern about the slippery ramp, and the girl who broke her arm on it; that maybe the Board wants to do something to make it less slippery. Doug Peters’ dad built the ramp, and he used to keep it chained, but it has been unchained since the ramp became property of the Association. Mr. Baker said Doug Peters’ dad did build and concrete it, but nothing has ever been done to make it safer. The other ramp has the same problem; it’s just not as steep. Mr. Churchill suggested the matter be discussed in Executive Session.

Mr. Chambers was asked about the fatal boat accident, and he said that prior to the boat hitting the dock straight on, the victim had been sitting in the open bow, in front of the boat driver, when the driver cut the corner too tight. He was also going too fast.

Mr. Baker tabled a discussion about outstanding fines to Executive Session.

CALL TO PUBLIC

Mr. Vescio said he is totally responsible for the white line violation on July 16 and that he will pay the ticket. On Thursday, July 14 he said he showed up at Lot 118 to get a construction deposit, and a demolition trailer was parked there over the weekend while he was out of town. He returned on Sunday and on Monday morning there was a notice that it needed to be moved, due to it being parked there for over 72 hours. Mr. Price explained the 72-hour rule; that if the vehicle is parked partially in and partially out of the property boundary, which is not the white line, that the 72-hour rule applies. Mr. Vescio said he had permission from the homeowner to park there, and further that any tickets should be given to the homeowner, not the owner of the vehicle. Mr. Bozeman said he got a ticket a few years ago when one of his construction crew parked their truck over the white line.

Ms. Shockley said she observed the truck over the white line on Friday night, but didn't give a ticket then thinking maybe they were working still and they were going to move it in a bit, but Saturday at 10 a.m. the truck is still in the same spot, never moved, garage doors closed, clearly no one working, so she issued a citation. Then to clarify what Mr. Vescio was talking about, across the street at Schroth's house, there was a white flatbed trailer, and it had no lot number on it. She didn't know if it belonged to Gaipa or if it belonged to Mr. Vescio and it had been parked there for at least a week in that same spot, and she noticed that Mr. Vescio had parked his work truck over there. She left a note on his work truck Monday morning asking if he could please move the truck; the trailer has been parked here for over a week so it needs to be moved immediately. That's all she did. Mr. Vescio never came to her, he never protested, and there's a place to protest on the citation. All he had to do was have Mr. Gaipa write a letter to her saying, 'sorry I was the one who parked the truck there, the fine belongs to me because I'm the one who left it there over the white line.' She said Mr. Vescio never approached her about the truck and trailer being parked at Schroth's; and he went to her boyfriend, Mitch, at another job site outside the Keys and immediately started yelling at Mitch about her job, which Ms. Shockley felt was very wrong.

Mr. Vescio asked where's our limitation of a trailer, a dump truck, a dumpster being from a company; where's the string line you can put around that property to throw trash away; it's never been a problem in the past. Mr. Baker said he thinks it has been a little bit of a problem, but putting those things on the homeowner's property isn't the same as putting those things on a neighbor's property. The Association owns part of the land where these things were parked, and it varies, but if you take the white line and the house, about half is Keys' property and half is homeowner property. Mr. Vescio said that the borderline needs to be surveyed.

Ms. Shockley said that Mr. Vescio could have had Schroth call her and have him say, 'I gave Mr. Vescio permission to park his things there while he's doing construction,' and she would have said okay, because he was behind the white line. Mr. Vescio said he was out of town until Sunday; Ms. Shockley said the note wasn't placed until Monday.

Mr. Kossnar said that having a demo permit has nothing to do with parking privileges; we just want to make sure the area is cleaned up; it has nothing to do with extra parking; it's a demo permit. Mr. Vescio asked if someone with demo equipment coming from outside the Keys brings their trailer, their truck, their dump truck, are they in violation because they don't have a lot number on their vehicle. Mr. Kossnar said a demo permit just lets us know what's going on construction-wise; it has nothing to do with who's coming in, and parking where. Mr. Vescio asked what the stipulations are for someone coming from the outside to do demo work, where to bring their own vehicle, trailer, dumpster, whatever, to take away the debris that needs to leave the Keys.

Mr. Baker responded by saying that the only problem is that the truck was parked over the line. If you're in and out the same day, we don't hassle those workers, but yours was parked there for three or four days.

Mr. Churchill said he is trying to understand where Mr. Vescio is coming from. He has two problems, one of which Mr. Vescio is taking blame for on the white line. The second problem is apparently Mr. Vescio moved his truck and trailer to across the street partially on someone else's property and was asked to move it. A property owner cannot give consent to anybody to park on Keys' property, and the Keys' property is rarely where the white line is. Homeowners can only consent to someone parking on the homeowner's property, so if you park partially on homeowner property and partially on Keys' property, the homeowner can only give consent to park on his property, but only the Association can give consent to park on Association property. Our representative is normally Ms. Shockley, and if she says, no, you can't park there, you can't park there.

Mr. Baker said there isn't any place in the Keys where you can park just over the line and not be on somebody's property. In some cases the property owner may own 6', maybe not even that wide, but he believes there is no place where that line says you can park a car and not be on Keys' property.

Mr. Churchill said it's incumbent upon the property owner to know where their property lines are, and if the property owner gives someone consent to park in a certain place, and he doesn't know where the line is, then he's doing it at his own risk because he may be giving consent that he can't give. In most places,

assuming the house is 10' from the roadway, if you go from the roadway 10' and the house is not there, (but many of the old homes are closer than 10') most of the time the property ends where the concrete is.

Ms. Shockley said when she left Mr. Vescio a note on his truck on Monday (the 18th) about his truck being parked by the bridge on the side of Schroth's property, she just said can you please move it and could he let her know whose trailer it is, because it has been here over a week without being moved. Both vehicles, that night before the Board meeting, Mitch told Ms. Shockley that Mr. Vescio talked to him about it, but when Ms. Shockley went thru the Keys, both were moved, but they were never moved back to the house under construction, so if they were used for a demo project, why were they never moved back there for the demo project.

Mr. Svider said he's had a lot of frustration and hopes that board members are being held to the same standards as everybody else. Mr. Baker said that should be being done. Mrs. Svider produced photos of an RV and personal watercraft (belonging to Mr. Baker) that she said were parked illegally, because they were parked there for more than three days. Mr. Baker said that the RV was not parked there for more than three days because he didn't have time enough to get it ready for his vacation. He said if he deserved a ticket, then he had no problem with getting one. Ms. Shockley said the PWC's were parked entirely on his own property and therefore do not apply to the 72-hour rule. Mr. Svider said the RV was there longer than three days, but Mr. Baker said it wasn't. Mr. Price looked at the photo and said it looks like he's within Mr. Baker's boundary, but it is close. Mrs. Svider expressed her frustration with Ms. Shockley and said she isn't doing her job, and she should be fired. Mr. Baker told Mrs. Svider that she had no right to make such a comment, since she is not on the Board.

Mr. Vescio talked about Craig's Air Conditioning being parked illegally at Lot 10 while he was away that weekend, and Ms. Shockley's report says that she had advised the contractors working on that house that during the weekdays parking is not a big issue. Ms. Shockley did report that, but clarified that on weekends she has been advising contractors to park inside the white line because there are people backing up big boats, small boats and PWC's all the way down Moovalya Drive, and when work trucks are parked on the street on Saturdays could they please park behind the white line, because there are homeowners coming in trying to get to the boat ramp. That's all she advised them, and she told them where they could park where they could be behind the white line so they could still get to the job. She said on Mondays through Thursdays there's not a lot of traffic, but when it's a weekend or a holiday, she's on those contractors, telling them it's a weekend and/or a holiday, and there's going to be a lot of traffic, at which time they will have to park behind the white line. Ms. Shockley said she sees nothing wrong with that.

Mr. Baker asked if there were any other issues anyone needed to discuss, and Mr. Vescio said that Ms. Shockley's boyfriend, Mitch, approached him on the job at Lot 10 and walked through and asked for Mr. Vescio, helping himself into the house, and he had said to Mr. Vescio that there's nothing between him and Mr. Vescio. Mitch told him it's a war that will never be won, and Mr. Vescio was very unhappy with Mitch and escorted him off the property. Mr. Vescio said this sounds like a personal issue because he came to a previous board meeting and discussed the trash that was being dumped in the dumpster. He said we have people that we pay to tend to the trash, and 'this is a war that can't be won' about him dumping some trash? Ms. Shockley replied that Mitch just wanted Mr. Vescio to know that her job didn't have anything to do with you the two of them personally; that Mitch was just there to ask a favor of Mr. Vescio about something else.

NEW BUSINESS

Ms. Shockley presented a photo and pricing proposal for new signs, including new street signs, no-wake signs and slow down signs, to replace current signs which need replacing due to fading. She said the speed limit sign on Apache at Papago should be replaced and suggested moving the stop signs at the gates and replacing them with *Wait for Gate to Open* signs. She said she researched all available signs and recommended *Slow Down – Speed Limit 15 MPH* and buoy signs; that a new *No Wake* sign was needed at the Moovalya ramp. Ms. Ward suggested waiting until after Executive Session to decide what we need. Mr. Kossnar suggested new *Use at Your Own Risk* signs at the ramps.

Mr. Kossnar made a motion that the Association approve the \$589 recommended purchase of the proposed street, no-wake and slow down signs. The motion was seconded. Ms. Shockley said that we

should approve an additional boat ramp and no-wake signs and asked about color preference. Mr. Bozeman suggested *5 MPH Speed Limit* signs for boats, and the Board said that was not a good idea, because different boats throw different wakes at different speeds. Mr. Chambers said we need strobes for the buoys, and Ms. Shockley said they have been ordered. *Mr. Kossnar revised his motion that the Association approve up to \$1,200 for the purchase of street, no-wake, slow down, speed limit, gate and ramp signs. The motion was seconded and the consensus was to go with the yellow and black colored speed limit signs. There being no further discussion, the motion carried unanimously.*

OLD BUSINESS

Ms. Shockley said she would talk to Mr. Sweeney about the gate status when he returns; that he has been gone a lot. She said she has only had a few calls about the gate. Mr. Baker said it works five out of six times for him, and Mr. Chambers said it has been working for him.

Mr. Chambers would like a reminder to go out for the next Annual Meeting about putting up the street address plaques on the canal side of Keys' homes to better improve emergency response time from the water. Mr. Baker said we could post a reminder on the Special Notices page on the website, and Ms. Ward said that the Special Notices page needs updating. She also said the August 2009 link on the website does not bring up anything, and Ms. Thomson said she would have the link removed, since there was no meeting in August 2009.

OTHER NEW BUSINESS

Mr. Svider asked about repairing the door on the guard shack that was somehow damaged. Ms. Shockley said it got kicked in, but she doesn't know who did it. She also said the air conditioner in the guard shack is not working well; that air conditioning cools the surveillance equipment.

Mr. Kossnar said that Mr. Sweeney is looking at bids to paint the bridges; that Otis could paint them at a more reasonable cost, and that he could paint the guard shack door at the same time, if it doesn't need replacing.

Mr. Svider reported that the vacant lot across from Lot 220 is looking shabby. Ms. Shockley said that she sends out weed letters and suggested that the Board come up with uniformity regarding clean up on all vacant lots. She said Lot 25 is protesting Otis's fee for cleaning that lot for the owner; that the owner never sees her lot and the vegetation returns quickly. Ms. Shockley said that the Board also does not stand behind it fines, such as the one assessed to Lot 209 in 2008 that was reduced and is still in dispute and remains unpaid. Ms. Shockley said it is hard to keep on top of all the weed control, and on Lot 209, there are weeds all the way to the canal. Mr. Baker said we used to send a 30-day letter, and then hire someone else to clean it and bill the owner.

Mr. Kossnar said he meant to add some homeowner complaints to the Agenda. He received complaints about Mr. Ferber's sign at Lot 220, a complaint about weeds next to Ms. Ward's Lot 227, and a complaint that her camper is parked in the back of her lot, with the slides out and that it was being used to sleep in. Also there is a boat in disrepair. Ms. Shockley said the neighbor needed permission from Ms. Ward to move the boat across her property to the adjacent lot, and Ms. Shockley thought Ms. Ward had given her permission to do that. Mr. Kossnar said the boat tarp is torn apart, there are weeds, and people don't want to look at this, and now a Board member is using an RV for a weekend spot. Ms. Ward said they keep it plugged in to keep it cool, but ordinarily that's not what happens. Mr. Kossnar said the rules say you can't do that on the back of a property; you can't sleep in an RV. Mr. Churchill said that the camper can't be occupied, and there's a \$25 fine for the first violation, and a \$50 violation thereafter.

Mr. Price said there is a product called Aqua Shade that kills weeds, that is EPA legal, and one gallon covers an acre 4' deep. Mr. Vescio said that Rich Fevurly (Lot 79) talked to him about the weeds in the canal, and the Army Corp. says we don't own the canals, so we can't remove the weeds. Mr. Baker said that about twenty years ago, the Association spent two or three years investigating dredging and weed removal from the canals; he said we would have needed an 8' dam where all the dry lots are to hold all the sludge. Mr. Vescio said that Mr. Fevurly talked to him about his research on the matter, including using the overflow parking lots, tankers and air bags. Mr. Price said he checked into it last year, and it

would cost millions of dollars, but you can get a permit at a cost of \$50,000, and we would need a pit. It would be far too costly.

The meeting adjourned to Executive Session at 7:10 p.m.

The regular meeting resumed at 7:27 p.m.

Mr. Kossnar made a motion to approve the purchase of two Use at Your Own Risk boat ramp signs. The motion was seconded. Mr. Chambers suggested we get the word out about a different, toll-free in case of emergency dispatch telephone number that would be more useful to those calling from California cell phones. He said calls made to the normal dispatch number from California cells get routed to a different dispatch, in Needles, resulting in local response delays. There being no further discussion, the motion carried.

Ms. Lancaster made a motion to approve Michael Bersch's engagement letter for his services on the 2010 review. The motion was seconded and carried.

Mr. Price made a motion to drop the Lot 69 outstanding fine. The motion was seconded and carried.

Mr. Coon asked what should be done about Mr. Vescio's 72-hour violation at Lot 118. Ms. Shockley said there was nothing to be done about it, since Mr. Vescio did not get in trouble for the 72-hour matter.

ADJOURNMENT

The meeting adjourned at 7:33 p.m.

Submitted by Recording Secretary, Sue Thomson

APPROVED BY BOARD OF DIRECTORS 10/3/11