

# Ventana Lakes Property Owners Association

## Board of Directors Regularly Scheduled Meeting Wednesday, February 18, 2009 Minutes

**Called to Order:** by President Sue Alandar at 6:30 p.m.

### Pledge of Allegiance

**Meeting Location:** Ventana Lakes Yacht Club  
20015 North 108<sup>th</sup> Avenue

**Board Members Present:** Sue Alandar, Tony Fiore, Richard (Dick) Matsuishi, Joe McCord,  
and Lori Norris

**Property Manager present:** Jack Donovan

### APPROVAL OF MINUTES

McCord moved, Fiore seconded, APPROVAL OF REGULAR OPEN MEETING JANUARY 21, 2009 AND WORK SESSION MEETING OF JANUARY 12, 2009.

**Motion Passed (4-YES)**

### COMMITTEE REPORTS

Architectural - Chairperson Laura Miller

<u>Application Requests</u>	<u>Processed</u>	<u>Completed Insp.</u>	<u>Violation Follow Up Insp.</u>
Awning / Patio Covers	1	1	0
Concrete Walkway/ Patio	0	2	0
House Painting	6	5	0
Landscape / Maintenance	3	5	3
Pool / Spa	0	0	0
Satellite Dish	0	4	3 relocated
Security Door / Doors	2	2	0
Solar Panels	1	0	0
Other	7	4	6
Home Re-Sale Inspections	0	3	0

Processed Requests = 20

Completed Request Inspections = 26

Denied Requests = 0

Violation follow-up Inspections = 3 Satellite dishes were relocated – Total = 38

Home Re-Sale Inspections 3

**NOTE:** Special thanks to all AC members for their extra time doing our first Community Scanning which began Jan 27<sup>th</sup> till all areas have been covered. (Approx 2 weeks) Things found, mainly yard clean-up and trimming, gates needing refinishing or paint, and garbage can issues.

Maintenance - Chairperson Dave Bracken

I'll keep this short. We'll just keep doing what we need to do to keep everybody happy.

Minutes Prepared Jointly by:

Lori Norris, VLPOA Secretary and Darlene Spiczynski, Volunteer

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Prepared 022009 / 022809

Digital Recording: Yes

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## Lakes - Chairperson Vacant (Manager Donovan reporting)

The lakes continue to be in good health. The fingers on Lake 2 and Lake 1 are being cleaned out. Any time we see garbage we clean it out as quickly as possible. We empty the baskets seven days a week and that is keeping the lakes in good shape. We have had Water Resources come out to do some work on one of the aerators. They tell us our lakes are in good health. With the warm weather coming, we will have to keep a closer eye on them in June, July, August and September, and we will do that.

## Truck Traffic and Environmental - Chairperson Joe McCord

Last night I attended the City County meeting as a representative of Ventana Lakes and just wanted to let you know that there were a total of 12 people in the audience. I look out here and see all these people, and I think that's great. The whole City of Peoria got 12 citizens out and four of those were with Terry Goddard, the Attorney General, who was getting a plaque, so I guess that means there were only 8 people from the entire City attending the City Council Meeting.

The biggest thing we have going right now, and I think everyone should have a notice on their seats, is we have to get letters written to the City Council. You can get them to Jack Donovan or send it by email; all the instructions are here. To date we have 39, that's a good start, but I would like 390. I will get them to Cathy Carlat and she will make copies for all the City Council Members. Then she will deliver them to the members, 15 one day, 12 one day, 10 the next day, so they understand there is a flood of people who want this project done.

The second item, please mark your calendars for Tuesday, April 21. That's the night the City Council is going to make the decision on priorities, as to which projects will be first. We, of course, want to be number one. Please mark your calendar. We will give you plenty of time and more information, but we need as many people as possible there.

President Alandar, We made a good showing last time and we want to do it again. We need to let them know that Ventana Lakes wants this on the top of their list so we can get those trucks off Beardsley.

## **PRESIDENT'S REPORT**

It hardly seems like a year since last February, when we were facing our annual meeting and election. Ventana Lakes has been fortunate to have a very good Board in this time, and we have come a long way. With the candidates who have come forward, it looks like we will have a good Board again. The community's Annual Financial Report had to be mailed because the legal timeline was too short to put it in our newsletter this year, so we had to pay for postage in order to comply with our Bylaws. You will find that the Annual Report includes a cover letter from me that explains much of the work this Board has accomplished in 2008. As you know, the Annual Meeting and the election are on March 3. That will be the last meeting of this Board. The organizational meeting for the new Board has already been set, for Saturday, March 7 at 1:00 p.m. That is when the new Board of Directors will be sworn in, and the officers will be chosen and the schedule for the year will be established.

I want to thank this Board and all of you, my friends and neighbors in Ventana Lakes, for the support and the friendship you have offered to me since I had the honor of being elected to this

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position in October of 2007. A lot of you have helped me over some tough spots, picked me up when I've stumbled, and helped me laugh at myself when I've desperately needed it. I appreciate it all. I have to offer special thanks to my husband, Jim, who has fielded phone calls, edited my writing, and put up with my complaints and my absences. He works as hard as I do and doesn't get paid either.

## **TREASURER'S REPORT**

The final 2008 December Financial Statement from Colby Financial was received on Thursday, February 5<sup>th</sup> it was accepted as presented and was posted to the website Monday, February 16, 2009.

**NOTE:** Income Taxes Payable in the amount of \$22,000 is being expensed in 2008 which will correct 2006 & 2007 Tax shortages. Retained Earning fell based on the 2007 Audit in which Colby Financial did not receive until November 2008. Also, the Gardens Accounting charge was reduced by \$396 based on the approved percentage change from 8.11% to 6.35%.

The January 2009 Colby Financial Statement have not been received as of today, therefore this Treasurer's report is based on Wells Fargo Account Statements and may need to be amended later.

### **Master Reserves:**

CD Values (23 Accounts):	\$1,197,016.09
Money Market Account:	<u>\$ 84,285.95</u>
Total Master Reserves:	\$1,274,632.58

One Master CD matured January 30, 2009 in the amount of \$86,078.02, this was placed in the Money Market Account until the Board and Finance Committee clarifies Reserve Expenditure needs.

**NOTE:** Clarify speculation that Association is being charged CDAR Account fees, we are not, according to Colby, Bank pays any fees because they are buying after market CDs.

One Master CD is scheduled to mature February 6, 2009, in approximate amount of \$16,945. As of January 30, 2009, the VLPOA Master has a cash balance of approximately \$84,285.95.

### **Gardens Reserves:**

Total Gardens Reserves: \$209,876.13

There was no Gardens CD activity in January 2009, the next Gardens CD matures March 19, 2009 in an approximate amount of \$86,332. As of January, 2008, the VLPOA Gardens has a cash balance of approximately \$15,767.

### **Delinquent Homeowner Accounts:**

Seven (7) Homeowners are currently in the rears in excess of \$600 which classified them as delinquent accounts for a total of \$8,538.44 (debt). Thirty-two (32) Homeowners were late

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paying their first quarter 2009 Assessments and have been charged the \$15 late fee for a total of \$480 (income). A total of 88 homes have past due balances for a total of \$30,937 (debt).

One homeowner filed Chapter 13 Bankruptcy in January 2009.

McCord moved, Matsuishi seconded, TO ACCEPT TREASURER REPORT DATED FEBRUARY 18, 2009.

**Motion Passed (4-YES)**

## MANAGER'S REPORT

1. We replaced the water heater at the North Park Pool at a cost of less than the estimated \$450. Installation was completed by the Maintenance team.
2. During January, we had two service calls on the exercise equipment for a total cost of \$200. These are repairs over and above our contract with Advantage fitness and represents relatively simple fixes for the equipment.
3. Anderson Lock came out twice in January to do lock repairs. One of the repairs was to the eastside access door to the swimming pool at the Rec Center. What Anderson found, was that someone has been placing paper towels over the upper locking mechanism to prevent the door from closing. This is internal vandalism, by residents. If we are inspected while the door is lamed open, it will result in a \$150 fine and 24 hour shut down of the pool. In addition, every time Anderson comes out, we are charged a minimum of \$75.
4. Pool repairs at the Yacht Club, North Park Pool, Recreation Center Pool and the Coves pool amounted to \$1,411.17. Though a lot of money, keep in mind that the pools and spas are old, and what we are seeing is necessary maintenance.
5. I warned about the coyotes last month, and I have spotted them again this week. If you walk your dog, I would recommend carrying a stick. I had one with me this week, and when I banged it on the ground, the coyote took off in another direction.
6. As I have reported repeatedly in the past several months, we continue to be plagued with irrigation leaks on the property. If you see a leak, call the Management Office at 623-566-6001 and leave a message on line 13. That line is checked on weekend days and holidays. The landscapers will not repair on the weekends or holidays, but will come in and shut off the water, and the repair will be made the next business day.
7. We will be coming into warmer weather, mosquito weather, so if you are aware of a swimming pool, that is not being serviced either in an occupied or unoccupied home, please report it to the Management Office. We then contact Maricopa County Vector Control Department, they send in an inspector and treat the pool to prevent mosquito larva from hatching. We also keep a log of these reports.
8. As we noted in 3 above, we have had a number of cases of vandalism. In addition to the lock problem, we have had water shut off in the men's toilet in the Yacht Club, and incidents with overstuffing of paper in the toilets. Though the latter problems were able to be taken care of by myself or the Maintenance team, it is nonetheless, a distraction and sometimes an expense. Additionally, we have had a rash of outside vandalism; shutting off power to houses at night, and recently, ringing doorbells late at night.

Minutes Prepared Jointly by:

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Digital Recording: Yes

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9. If you are not receiving our Emails, and want to receive them, there may be two problems: 1) our Emails may be going to your Spam folder, if that is the case just mark them “not Spam”, 2) If your provider is Cox, they may be blocking them. If that is the case, contact Cox with the problem.

## OPERATIONAL MATTERS

1. Only one bid was received from Arizona’s Finest Property Care to lay sod on the banks around Lake 2. The project will include preparation of the banks, evaluation of the irrigation system and placement of the sod. The total cost for the project is \$40,561.43

McCord motioned, Norris seconded, ACCEPT BID FROM ARIZONA’S FINEST PROPERTY CARE, LLC OF \$40,561.43 TO LAY SOD ON BANKS AROUND LAKE 2.

**Motion Passed (4-YES)**

Director McCord, We have to be very careful what we do with the banks, particularly at the Shores. If we change the grading of the banks, we have to get a permit from the City. If we get a permit from the City, we could lose our grandfather exemption from the Americans with Disabilities Act. Right now Lake 2 is exempt. If we lose that, the Feds will come in and say now you have to put a sidewalk all the way around the lake so that wheelchair people will have access to it. That would cost us \$100,000-\$150,000 or more. We have to be real careful as to what we do with the banks. If we change too much, we run that risk.

This was promised to the Shores in 2002 and wasn’t done, so we are long overdue in repair of one of our most visible properties; the one you see from Beardsley. This is not something we are just doing for the Shores. We are doing it for ourselves, but we are doing it because it should be done because it was promised seven years ago.

2. At our January meeting, regarding the solar panels, I reported the following, “Heliocol – Recreation Center; \$15,716; Yacht Club: \$9,277. Total cost: \$24,993. Systems would be roof mounted.” In reality, the unit at the Recreation Center will be roof mounted, while the unit at the Yacht Club will be ground mounted. The necessity of ground mounting at the Y/C, is due to the distance from the roof of the Y/C to the pool. By ground mounting, Heliocol will have a very short piping trail to the Y/C pool.
3. We have not accepted the bid by Advanced Painting to complete the internal fences at the Lake 2 properties. We have asked another painter to look at the job, and we expect to begin the job the first week in March. Providing the cost is reasonable, and approximates the original bid from Advanced, we will proceed.
4. The last remaining project in the Yacht Club kitchen has been to bring the two Viking stoves into compliance with Maricopa County regulations. The problem has been the lack of electric ignition of the burners and the ovens. We had originally contracted with Sears Appliance to do the repairs, but their technician walked into the kitchen, looked at the stoves and said, “We don’t work on Vikings.” So we started again and found a company that would work on the Vikings. After two days of intense work, they declared that the stoves were irreparable. Irene Hart went on line and found a stove with 6 burners, griddle, 2 ovens and a broiler for

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\$1,999. We recommend the purchase of this stove as a replacement of the two that are currently in the kitchen.

Norris motioned, Fiore seconded, APPROVE PURCHASE OF USED GARLAND RESTAURANT 60" RANGE WITH 2 OVENS & BROILER FOR \$1,999.00 PLUS \$150 FOR INSTALLATION.

**Motion Passed (4-YES)**

5. Repair of tile area at the Yacht Club pool: We have asked two companies to quote us on removal of the entire tile and replace it with epoxy based paint.

Maintenance Committee Chair Dave Bracken, Jack got a bid from the Grout Doctor for removal of the string of tile around the waterline edge of the Yacht Club pool for between \$750 and \$1500. I think we need to remove the tile because the tile fell off, was reattached and fell off again. When the pool was built, it was built and the decking was afterwards poured on top of it and there is a crack in there that is currently filled with mold. So why keep putting tile on; we will get shut down sometime. We tried to get the epoxy people out here and he said he would give us a bid for tonight's meeting, but he hasn't gotten back to us yet. The Grout Doctor wants to come back out and do some investigation so he'll know what he has to drill off, and get it sandblasted and cleaned. I don't know what that's going to cost.

I am still trying to find somebody that can do epoxy painting. I know it works, but my main concern is that joint. We've got a 5" tile that sits on a haunch built into the pool. When we rip the tile off, we will have a little ledge. We can mortar it in and come up around the top at the joint and seal it so the water can't get behind anything. That's what I want before we spend any money at all, is to get that sealed off. So hang on for another couple of weeks until we get the results from the Grout Doctor as to what he thinks he's got to do, and I'm still trying to get with Central Paving. My opinion is that epoxy is the only way to go. If someone else has another solution, I'll be happy to look into it. If the epoxy paint is done right, we won't have to do it again for another 50 years.

## **OLD BUSINESS**

President Alandar, We have a proposal to change our process for our boat registration. This has been tabled before. This new policy has been recommended by our office, specifically by our Assistant Manager, Irene Hart. She has suggested that we have a one-time registration of boats for \$10.00, nonrefundable. The owner has to notify the management office if the boat is sold or otherwise disposed of. The person would paint their gate number on the watercraft. The rest of the proposal is basically what's already there; you have to keep the watercraft in good repair, be regularly inspected, make sure it's in compliance, and notify the office if you sell the watercraft. This would get rid of a lot of the problems they have in the office trying to keep up with the boat registrations.

McCord motioned, Fiore seconded, CONSIDER THE NEW PROPOSED BOAT POLICY.  
**TABLED.**

After general questions and comments from the audience regarding gate numbers, mooring of boats, and liability issues, the matter was tabled.

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## NEW BUSINESS

President Alandar, We have an error in our current ballot. There are six lines on the ballot where you can write in the name of a write-in candidate, but there are only five votes allowed. The assumption is that some people may inadvertently mark all six lines not realizing this would become a spoiled ballot, if we have not made provision for this in advance. The Board needs to give direction to the Election Committee as to how this should be addressed, and we must take into account all possible scenarios.

First, if a person writes in a name and marks all six lines, should this be considered a spoiled ballot or should it be counted as five votes for the write-in candidate.

Matsuishi motioned, McCord seconded, IF SOMEONE MARKS ALL SIX LINES ON THE BALLOT, SHOULD IT BE CONSIDERED A SPOILED BALLOT.

**Motion Passed (5 - NAY)**

Director McCord, Can the intent of the voter be determined? If not, then it is a spoiled ballot. If we can determine the intent of the voter, then it's valid.

VP Matsuishi, Do we know who that voter is?

President Alandar, No, we never know who the voter is.

VP Matsuishi, So we can't contact them? Then I would be against this.

Secretary/Treasurer Norris, I agree with Dr. Matsuishi.

McCord motioned, Matsuishi seconded, IF THERE ARE SIX LINES MARKED SHOULD THE ELECTION COMMITTEE COUNT IT AS FIVE VOTES.

**Motion Passed (5 - YES)**

President Alandar, If a person writes in a name and votes for other candidates plus the write-in candidate and the total number of votes is more than five, should this be counted as a spoiled ballot?

Director McCord, If there are more than five votes spread over more than one candidate, that is an invalid ballot because the Election Committee cannot determine who the voter intended to vote for, so that would be considered a spoiled ballot.

McCord motioned, Norris seconded, IF THERE ARE MORE THAN FIVE VOTES SPREAD OVER MORE THAN ONE CANDIDATE, SHOULD THE ELECTION COMMITTEE COUNT IT AS A SPOILED BALLOT.

**Motion Passed (5 - YES)**

President Alandar, The next issue is regarding write-ins again. When the Board wrote the rules for the Election Committee in 2007, it addressed write-in candidates, except for the misspelling of names. Many names can be spelled more than one way. If a name is recognizable, but the spelling is incorrect, should it or should it not be counted as a vote for a write-in candidate?

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VP Matsuishi, I vote it be counted as a vote.

Director McCord, Once again, it is the intent of the voter. If the Elections Committee, in its judgment, can understand and interpret the intent of the voter, then it's a vote.

Matsuishi motioned, Norris seconded, IF A WRITE-IN CANDIDATE'S NAME IS MISSPELLED, BUT RECOGNIZABLE, SHOULD THE ELECTION COMMITTEE COUNT IT AS A VOTE.

**Motion Passed (5 - YES)**

President Alandar, The next item is the revision of the Gardens landscaping guidelines. Tony Fiore has given us a packet with the guidelines, signed by all three of the members of the landscaping committee. He has also given us a summary of the changes.

Resident Katie Horton, I think the guidelines speak for themselves and this sheet shows any changes. I'm not sure the people sitting here now want to go into this because it really has no affect on them. So, I am going to rely on the Board to read it, and if they have any questions about it, they can contact any member of the committee or even the Landscaping Advisory Committee.

Secretary/Treasurer Norris, I think the only thing I would like read into the record is this one statement. "Common grounds is under the sole discretion of the Board of Directors. The Gardens Landscaping Committee will make recommendations to the Board of Directors. The common goal is to have the Gardens in compliance with the board approved guidelines." I think that's the important part of this whole document.

Director Fiore, It's actually the same wording that the Board approved in 2006. The changes on there with the homeowners were bringing in low consumption plants, rather than using a lot of water. There were just minor changes on the property itself. The changes were to control costs.

President Alandar, Do I have a motion?

Director McCord, I have a problem. I just got this tonight and haven't had a chance to read it. I would like to read it. Is it vital that it be done tonight?

Director Fiore, Well, there aren't many changes, Joe. There are six or seven changes from the original. The guidelines are already in place. We have a new landscaper taking over on March 7 and we would like to go over the new guidelines with that landscaper so that on day one, there aren't any complications.

Director McCord, Okay, if you want to put it on tonight, I will just abstain.

VP Matsuishi, My feeling is that the Gardens Committee has gone over this and has had it approved by the Gardens residents, and so I have no problem voting for it.

Matsuishi motioned, Norris seconded, APPROVE THE GARDENS LANDSCAPE COMMITTEE GUIDELINES.

**Motion Passed (3 YES – 1 ABSTAIN)**

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Resident Bill Keitel, This question has been raised before which I have never received an answer to. I would like to know how you arrive at the 50/50 allocation of charges for the water, electricity and maintenance as you have in the resolution making it common areas.

Director Fiore, That has nothing to do with it. This is just about cutting the bushes, the height of the bushes, what type of bushes go in. This is about controlling the costs, that's all it is. Everything in the guidelines will cut costs. Nothing in there will increase costs.

Resident Bill Keitel, So you can't answer that question?

Director Fiore, That is not on the agenda. The guidelines have nothing to do with that.

President Alandar, This is not a question we are addressing now. The next item is the rental of the Yacht Club by homeowners. A homeowner has requested that the Board consider allowing homeowners to rent or use the Yacht Club for special occasions, limiting this privilege to homeowners only. I understand that attempts to do this in the past have been a problem, but this would be a very restricted and limited use. I would suggest that it be done on a trial basis, if we do it, with each request being reviewed by at least two members of the Board before any permanent policy is considered.

Fiore motioned, McCord seconded, CONSIDER PROPOSAL TO ALLOW HOMEOWNERS TO RENT YACHT CLUB.

**Motion Passed (4 -YES)**

President Alandar, This proposal would be on a trial basis only, to allow rental of the Yacht Club by homeowners. The proposal would be for homeowners only and their guests. This would not be for events for their children, grandchildren or anyone else; it would be for events like birthdays, anniversaries, retirements. There would not be a cleaning deposit. They would have to pay for the janitors to clean at a charge of about \$125. This would ensure that it's done correctly because there have been some problems with that in the past. The rental fee would have to be determined. I'm thinking in the order of \$150, and that would be used for upkeep for the Yacht Club or to purchase equipment, television, sound system, things like that. The kitchen would not be included in the rental; that would be extra. It would include a prearranged number of tables and chairs; and I would suggest we trust the homeowner with the keys to the front door. It would require a cash deposit that is not refundable if there is any damage. To avoid conflict with Ventana Lakes activities, the bookings would have to be made at least two months in advance. With those general things in mind, would anyone from the Board like to discuss this proposal?

Resident (Not Identified), I can understand you wouldn't want people to use the stove, but what about a caterer? Could they use the kitchen?

Manager Donovan, According to the Maricopa County Health Department, it will be a Class III commercial kitchen. You would have to have someone with a food handler's license. Everyone in there would have to have a food handler's license, even if you took the garbage out.

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Secretary/Treasurer Norris, I think what we were trying to say was, it's not that we wouldn't allow the kitchen to be used, but that it will be a separate fee. Then, of course, there are the requirements as you said; they would have to have a food handler's license.

Resident Chet Homan, As you know we did this before. I would preface this by saying I am in favor of doing this, but I always look for negatives. You already gave one of the reasons, and that was the cleanup. Another reason was insurance. I would suggest that they be required to be insured. Also, if we allow liquor and someone leaves and drives a car and has an accident, we could be in trouble. So as much as I would hate to suggest this, maybe we should not allow liquor.

Manager Donovan, You have parties with liquor now. There would be no greater jeopardy for the residents than what we're doing now.

Resident Veda Bowers, I am opposed. I have been around when we tried this twice before with disastrous results.

President Alandar, Was it restricted to homeowners then, Veda?

Resident Veda Bowers, One of the times, yes. One of the problems is that it really eats up staff time. The resident that wants to rent, in a lot of the cases, has never been in here and wants to get in at least two times to look. There's the time to sign the contract, there's the staff member coming over after the event to see if it's been cleaned up, if there's any damage. If it's damaged, then it takes staff time to arrange for the repair. It really takes up a lot of staff time; that's a big negative. Residents have rented and it turns out it's their kids or grandkids and friends that are in here. Noise to nearby homes has been a problem. Chuck Hellquist came over here once and just asked them if they could close the doors so it wouldn't be so noisy and he got cussed out. We mentioned the kitchen; we sold the extra refrigerator so that would be a problem for anybody wanting to use the kitchen. We use this so much ourselves and I don't think the Activity Director should have to schedule around that kind of thing. I will ask that if you do decide to allow it, that maybe it's limited to Sundays because we don't use it nearly as often on Sundays.

Resident RoseAnn Fiebig, I am the person who requested this. I am having an 80<sup>th</sup> birthday party for my husband and a 50<sup>th</sup> anniversary for the two of us. When we moved here, this was an amenity that was available to us. We've had functions here. I am the President of the Italian American Club, and when we leave this place after our meetings, it is immaculate. And that's how it would be. I spoke with my caterer and she said, "We stay till the end, we clean up, you do nothing." The only thing we probably have to do is put a few tables and chairs away. I think we should be able to do this. And I think we should be able to use the kitchen. I have spoken to many people and some people don't care, but many say, yes, that's our amenity, we should be able to use it. I would like you to say yes, but it's up to you.

Secretary/Treasurer Norris, I have a question for Veda. During the two times you tried this before, was there any security requirements, such as having security staff on hand.

Resident Veda Bowers, We did have monitors here and they made sure it was locked up.

Secretary/Treasurer Norris, No, I'm talking about a security service.

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Resident Veda Bowers, No, we did not.

Manager Donovan, It is \$150 every time you bring them out.

Secretary/Treasurer Norris, That could be part of the charge. It might also help with our insurance if we had security that are hired by us and that are looking out for our interest.

Resident RoseAnn Fiebig, I am also one of the managers in the kitchen, so no matter when I'm here I am always looking out for this place.

President Alandar, I realize that, RoseAnn. The problem is, it has to be done for all homeowners. We have to set up a set of rules that both the community and the Board are comfortable with. We can't do it for one with restrictions and for another with no restrictions.

Resident RoseAnn Fiebig, We were told as managers, that we would have to be available when there is an event here; that they could call one of us. Is that correct?

Manager Donovan, That is correct.

Resident RoseAnn Fiebig, And the three of us agreed that we would do that. So if I'm a manager and I'm having a party, I'm certainly going to do my job.

Resident Ken Hunstad, I've worked several rental occasions, myself and another sound person, and we charged X number of dollars to spend the night here. Many things happen that you don't have a clue. When they had a 50<sup>th</sup> anniversary a lot of the stuff wasn't in the contract and I'm sure the Fire Department wouldn't allow it. We had a table over in the corner with about 50 candles and the other guy and I got the fire extinguishers in case something caught fire. Children will be here and no one has control of the children. Most of the time there is liquor. They have had glasses broken in the parking lot, drywall kicked in. When we got into the sound room to take care of the sound system, one of the renters came in and said they needed linens. They weren't in the contract but I didn't know about it so I told them to take the linens. This is a headache for the office and it takes a lot of time. People make a contract and assume that everything is covered. There are things that they expect and it's not in the contract. If you want to go this route again, you'll find out.

Resident David Schuld, I have mixed feelings about the whole thing, but I know people would like to rent the place. I think if it's done at all, it would have to be done with a down payment so in case something goes amiss, they can take the money out of the down payment.

Resident Jim Shirley, I guess you need to prepare for the worst case because you never know what's going to happen. I remember sitting in one of these meetings two or three years ago where you had teenage kids drinking in the parking lot and breaking beer bottles. You need to have outside security that will monitor that situation. And we should have a full time paid kitchen person. If you want to donate your time for that, that's great, but maybe you could pay someone a good salary to maintain the kitchen. The liability aspect is tremendous. I would like to see a security deposit to pay for clean up and a kitchen monitor

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Resident Jack Quinn, I say give it a chance. If it doesn't work, you can always stop it. It can be a beautiful thing.

Resident Earl Ewing, I have lived in a community where this took place. Has this community ever opened itself up to the public before?

President Alandar, Yes, we have and we had some problems.

Resident Earl Ewing, So did we; we had all kinds of problems. You can't control people when they are under the influence. They will throw things, there will be beer cans and cigarette butts and all kinds of damage that can be done. I know; I have seen that happen. My wife and I are going to celebrate 60 years together, and I wouldn't want to be responsible for the people that will come. They are out of control.

President Alandar, Any discussion from the Board?

Director McCord, Yes. We have two reasons we are living in a homeowners association. One is to protect property values. We have people who, if you will, police the area and see if someone is repairing their car in the driveway and so on. The second thing is the use of amenities, and I believe that's a pretty powerful incentive for living in an HOA. We don't have a golf course, but we have lakes, a rec. center and everything that goes with it, and we have this beautiful hall. I do think this is one amenity we should make available to our residents under these tight controls that we're setting out. We have a deposit for damage that should cover just about everything that could happen. Remember, that's nonrefundable but if they don't do any damage they get it back, so there's a good incentive to see that there's no damage done. Secondly, the cleaning fee is nonrefundable. We don't really depend upon someone to clean up after themselves, the next day the crew will come in for \$125 and clean up. I know there had been problems in the past but I think it is different now. We are restricting it to residents only and the guests that they invite. I think the residents will keep a pretty tight fist on their guests. We should sit down and talk with them in advance to explain the rules and expect them to live by the rules. Staff time, yes it does take some time, no question, but that's part of the reason we live here to have people help us in cases like this. With that, let's try it on a test basis and if it doesn't work out, we can take another look at it and change it later. I vote aye for all the reasons I stated.

VP Matsuishi: I don't drink alcohol. Would it be a possibility to have nonalcoholic parties?

Manager Donovan, They have alcoholic parties here now.

VP Matsuishi: I don't think the five or six items we have here are set in stone. I think we need to look at it and come up with some definitive measures that have to be instituted on a trial basis. I agree with Mr. Quinn, I think we should give it a try and if something is lacking, we can always improve upon the rules of rental.

President Alandar, Would you give me the authority to work on this for a trial basis and strengthen that. Would you give me your specific input and I can add it to this. I have already told you what I think the restrictions should be, and I would be more than willing to add the requirement for security that Lori mentioned.

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VP Matsuishi: What about the kitchen issue.

President Alandar, Not including the kitchen, or allowing the kitchen with an additional fee.

VP Matsuishi, Other than that, I think a trial basis would be okay.

Secretary/Treasurer Norris, I like the idea of adding something to do with security. Something else you talked about was a time frame and needing to book at least two months in advance. I don't know if we have to be that restrictive. I understand we have a lot of activities going on in here and usually we know those at least a month ahead of time.

Manager Donovan, Is it possible to be restricted to Sunday use only because there is very little going on in here on Sunday.

Secretary/Treasurer Norris, To put a restriction on for only Sundays, no. I think we do need to hammer out and specifically identify the rules and regulations making sure that the noise is not too loud for the neighbors around here, making sure they are parking where they are supposed to park and things like that.

Director McCord, Sue, if you'd like, I would be happy to help you on that.

Director Fiore, Yes, I think a part of buying into Ventana Lakes was the use of the amenities, as RoseAnn was speaking of, and why she moved in here. Actually, when I moved in here I thought that I could use this facility myself. The four things that I'm concerned with is the cost, the deposit, the cleanup and the kitchen. I don't have a problem with any of the four. I do have a problem though with charging a homeowner \$150 to use an amenity they are paying for monthly. I think it should be a little bit lower. I think the refundable deposits are fine, the cleanup of \$125 is okay, but they are already paying for that as part of their dues. That's just my idea. I think somewhere around \$75 to \$100 is a decent range.

Director McCord, You could not rent a place like this anywhere else for less than \$400. And you know that the money is going to go right back into this building for improvements. It's not an unreasonable fee at all.

Secretary/Treasurer Norris, Also, I think you have to realize that this is an event above and beyond. This is specific to only certain homeowners. Not every homeowner is going to be able to enjoy that party. It will be limited to whoever is putting on that party.

Resident RoseAnn Fiebig, I just wanted to say, if you want to make my party the guinea pig, you can. My point is, we have cleaning people that come out six nights a week. When the function is over, if I have done what I do at the end of the Italian Club, they have nothing to do but wash the floors. So I don't think everyone should be subjected to pay the \$125 if they have the place clean.

Secretary/Treasurer Norris, I think it's a little subjective. Who is going to determine whether somebody has cleaned it up sufficient enough. It should be a flat fee; everyone pays it no matter what. That way it's fair and even across the board.

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President Alandar, I asked the Board a minute ago to trust me, let me work out the first time to see if it works. We are not doing anything permanent at this time. We have one event coming up and we'll see how it works, if they vote yes. I do not want to adopt a permanent policy until we see how this works because there has been too much trouble in the past.

Resident Bill Keitel, If the Board decides to go ahead and let people use it, I would urge the Board to include in their requirements that the person wanting to use the hall sign a hold harmless clause in favor of the Association. It will not eliminate a suit but it will help you get rid of a suit.

Director Fiore, I would like to put a motion in place that we let our President, on a test basis, try the event that is coming up as an experiment and report back to the Board with the results. I would like to see the proposal before the event takes place and then at that point we can sit down and discuss it and make a complete plan for any homeowner to use it.

President Alandar, The next item is for a new fishing pass.

Director Fiore, Shirley Millsap spoke to us at the last meeting about people fishing at the Shores and they didn't know whether they lived here or not.

Resident Shirley Millsap, This badge came about 1992 or 1993. We had this problem with people fishing back then. I'm not about to go up to a six foot man and say, "Do you live here?" From a distance, I cannot see if they are residents or not and we do have passes but people do not wear them. So I suggested this badge because even without binoculars I can see this color across the lake and I can call the police. At that time we didn't buy them; they were given to us and we kept them at the house. When guests came over you gave them the badge and everyone knew they were legally fishing on the lake.

President Alandar, As I understand it, this would be a freebie that people would pick up at the office to keep in their home and then give to their guests when they go fishing.

Fiore motioned, McCord seconded START THE PROCESS TO CHANGE THE POLICY TO ISSUE ONE FISHING BADGE (DAYGLOW COLOR ON BOTH SIDES) TO EACH HOME IN VENTANA, IF THEY ASK FOR IT.

**Motion Passed (5 -YES)**

## **e. Low Flow Toilets**

A homeowner has suggested the replacement of all Ventana Lakes toilets with low flow models. Currently APS is offering a \$75 rebate on this. Dave Bracken will address the number of toilets to be replaced and associated costs.

Maintenance Chair Dave Bracken, Actually, we have 21 toilets, but we only use fifteen. I did a cost analysis of going from 1.6 to 1.3 gallons per flush and we would save three-tenths of a gallon per flush. So to pay for each toilet for saving water we called BB Plumbing who charges \$280 dollars per toilet without a seat, plus an install charge of \$100 an hour and to have a bowl with a slowly lowering seat is \$420 dollars plus the \$100 dollars an hour for install. Savings is three-tenths a gallon which equates to \$3.20 cents per thousand gallons and we only have to flush each toilet 3,334 times to realize a savings. If per day, each toilet is flushed twenty times

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we save six gallons per day. I might be wrong, but to realize water savings to the City of Peoria we will only need to have the toilets installed 21,538 days or just short of 59 years. Our experience with the Ceramic Room is we get more calls for plugged toilets than any other common area, plus when there is an overflow issue then we have a sanitation problem which results in an additional cost of \$100 dollars. I do not believe the Maintenance Crew is available to be on call 24/7, so I recommend we keep what we have. We are spending approximately \$300 dollars a year in parts for 21 toilets which averages out to \$14.29 per toilet per year; I don't see much of a savings to change.

President Alandar, do we have a motion to, APPROVE THE INSTALLATION OF TWENTY-ONE LOW FLOW TOILETS?

**DIED FOR A LACK OF A MOTION**

F. Use of Ventana Lakes amenities by Nonresidents

A homeowner has asked the Board to take action to prevent the use of Ventana Lakes amenities by anyone other than homeowners.

President Alandar, Each member of the Board has received a letter from the homeowner who points out that former Ventana Lakes residents come back and sign up to play bridge. She assumes that there is a mutual program for bocce, poker canasta and the gym. She believes that these people should not be allowed to play, that residents should be called first and should be sponsored by a homeowner who should purchase a guest pass. This letter offers no solution to what this homeowner perceives to be a very real problem. If any member of this Board has a solution to offer, I will go along with a motion.

Matsuishi motioned, Fiore seconded, MOVE THAT ONLY RESIDENTS BE ALLOWED TO USE THE FACILITIES.

**Motion Withdrawn**

Resident Judy Mabie, This came up in a phone call about two or three weeks ago. I think it's a little more than just using the facilities. At least the person that talked to me said people leave here, they move, they retain their badges, they retain their keys, and they come to use the machines in the exercise room. Her point was: What do we do to get the keys back and why should these people come and drink our coffee in the morning and use our facilities. I suggested she write a letter to the Board.

Secretary/Treasurer Norris, I think one of the only ways we are able to "police" that is if we change our system here to a swipe card. That would be the only way we can determine whether you are a resident because we can turn off the access to those badges from the management office. It is rather pricy to do that and have it installed in all the buildings. Our community is about socializing among each other and now we are looking at policing each other. It's kind of like "shame on those individuals" who know who they are and are allowing it to happen because that means they are taking it away from themselves.

Resident Frieda Scaduto, I am a 14-year member of the Thursday afternoon Bridge Club. We have two people who moved from Ventana Lakes in 2005 and they are on the sub list, which means they can be called if no one else is available. The problem is we have eight current residents who are also on the sub list but are not being called because these two individuals

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continue to sign up and have been coming for 4-years in place of current residents. These two individuals are no longer paying dues, but they are still enjoying the amenities in place of others who are paying dues but not being able to use the amenities. No one at the Bridge Club is willing to put a stop to this because it has been going on for 4-years and will continue unless the Board does something.

Resident Chet Holman, the simple solution is residents have preference.

President Alandar, how are you going to enforce that?

Resident Chet Holman, if someone files a complaint against a Committee/Club, that Committee/Club loses rights to use the facility.

President Alandar, so everyone is punished?

Resident Chet Holman, no, only the chairperson or coordinator who is responsible for coordinating the event. If they are not calling the proper people on the sub list before allowing nonresidents to play, then they lose their privileges.

President Alandar, where is the due process?

Resident Frieda Scaduto, each month we have a different chairperson who coordinates the activity. Mr. Donovan and Ms. Tina Dunn have spoken to the first two chairpersons for this year and neither one of them chose to abide by Ms. Dunn's suggestions to call all the residents on the sub list first. As recently as the February 5<sup>th</sup> play, I called everyone on the sub list and no one ever received a call to play, but the two non residents played.

Manager Donovan, There are two people who play and they have no badges, they are former residents, they have no guest pass either. They are in the Recreation Center in the morning and the people in the Recreation Center in the morning open the door and let them in. I agree with Secretary Norris regarding the access cards, with the exception that swipe cards would not address this issue.

President Alandar, This isn't a security issue, this is a social issue, and those are the hardest to enforce.

VP Matsuishi, if the committee for the Bridge Club knows that these two people are in violation, then someone should be able to tell them that they can't be there and priority goes to the substitutes that should be called.

Manager Donovan, Didn't work.

VP Matsuishi, I guess the question is, why can't Jack, or whoever, confront those people and say, you can come if the substitutes that are residents cannot come.

Manager Donovan, a guest pass is not the answer. The problem is we've tried to enforce it and we have gotten no where. Both Ms. Dunn and I have spoken to two different chairpersons and were essentially told to go hop on a rock.

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Director McCord, I did personally look into the issue, I visited the Bridge Club, I identified myself and advised there was a complaint and asked if there was a problem of non residents being allowed to play over residents, to which I received a resounding chorus of “no”. I think there is a problem, but the current motion is too restrictive, it punishes everyone and doesn’t focus on the violators. That goes against what our community is about.

VP Matsuishi, I will withdraw the motion.

Director Fiore, (2<sup>nd</sup> the Motion) I concur.

President Alandar, I have a question for Judy Mabie, is there a specific violation to the CCRs?

Resident Judy Mabie, I can not think of anything that addresses that issue.

President Alandar, that’s what I thought, and I can’t think of any specific violation to any policies either at this time. As far as I know, you can have a visitor and take them into the amenities as your guest and you do not have to have a guest pass for a one day event. The problem is there is no violation at this point because there is no written rule such as like with the bamboo fence. We need to look at establishing a policy before we can enforce it.

Fiore motioned, Matsuishi seconded, PRESIDENT ALANDAR AND ANOTHER BOARD MEMBER WORK ON DEVELOPING A WRITTEN PROCEDURE TO ADDRESS RESIDENTS VERSUS NON RESIDENT ATTENDING ACTIVITIES AND USING VLPOA FACILITIES.

**Motion Passed (4 -YES)**

g. Satellite dish policy change

AC Committee Chairperson Lara Miller, the 2009 VLPOA Architectural Guidelines state; an application has to be submitted, no roof installation are allowed and it requires prior approval from the Architectural Committee (AC). It also states antennas must be shielded from view from the street from the maximum view as possible. FCC Communication rules on Satellite dishes does not require prior approval, therefore we can not require prior AC approval, be made to or increase cost to the homeowner. Installers want to place the dish as close to the box as possible. We can not make a homeowner move an installed satellite dish, if it is on a wall and a neighbor can see it, there is nothing we can do. Can the antenna user be required to obtain prior approval before installing the antenna? A local regulation that requirements a person to obtain a permit or approval prior to installation and if it creates an undue delay are generally prohibited. I think we still need to have a request for an antenna to be installed, but it has to be understood that it is not mandatory. A regulation that stipulates that they are not visible from the street would be permissible if this placement does not prevent reception of an acceptable quality. What is acceptable quality? Some it is 65% and some 85%, case by case situation. If installation in the rear of the house cost more, then requirement would be prohibited. It repetitively states; residents should comply with HOA placement preferences, provided preferred placement does not impose unreasonable delays, expenses and unacceptable reception. With current policies I don’t know if this should list in a homeowners file as a violation or a variance? I think every homeowner should try to comply with our guidelines and to inform the installer of VLPOA guidelines.

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President Alandar, what brought this forward was currently our policies state a homeowner must get a letter from the company stipulating the installation location is based on reception quality. DirecTV is no longer providing letters because they are not required by law, therefore we can not require some companies to provide the letter if not all companies will provide a letter. Further research indicates this is still a source of controversy among HOA's including and our current Satellite Dish Policy #2002-02. In most Association cases reviewed by the FCC, the Associations have lost the case and the homeowner has prevailed. The FCC has invalidated requirements for permits or prior approval of satellite dishes or even nominal permit fees. The FCC has invalidated entire satellite dish rules when it finds even one provision that is unenforceable. Therefore, Associations should rethink their satellite dish rules and remove any prior approval or permit requirements restrictions. They do allow legitimate safety restrictions (electrical/grounding, etc), even if they impair reception, but proper documentation is required. Reviewing our current policy which is quite lengthy, it is not valid. We are going to have to rely on our application form as our policy, but it needs some updating. Dr. Matsuishi has suggested we change the title to a: Request for Architectural Committee Inspection. Additional corrections include changing "the installation is to be made" to "the installation should be made", remove the entire section that request a letter from the company and explain that the Architectural Committee is available to assist in identifying a location which meets both Association and homeowner needs.

McCord motioned, Fiore seconded, REPEAL SATELLITE DISH POLICY #2002-02 AND REVISE APPLICATION FOR ARCHITECTURAL COMMITTEE INSPECTION OF PLANNED INSTALLATION OF A SATELLITE OR HDTV DISH FORM DATED 11/03/2008 TO CONFORM TO CURRENT STATUTORY GUIDELINES.

**Motion Passed (5 -YES)**

Norris moved, Fiore seconded, THERE BEING NO FURTHER BUSINESS TO DISCUSS, MOVED TO ADJOURN.

**Motion passed**

**Board Meeting adjourned at:** 9:21 p.m.

\_\_\_\_\_  
Lori Norris, VLPOA Secretary

Date: \_\_\_\_\_