
Sandpiper Resort Owner's Association | MINUTES

DRAFT VERSION

Date April 15, 2023 | *Time* 9:00 am | *Meeting location* Boating and Safety Center

Meeting called by Sandpiper Board
Type of meeting **Quarterly Meeting**
Facilitator Audrey von Zabern
Recording Secretary Audrey von Zabern

President Audrey von Zabern
Vice President Wallace Saunders
Sec/Treasurer Laura Hudson

ATTENDEES:

#02 Audrey von Zabern
#6 Wally & Julie Saunders
#9 Cindy Casey
#10 Starla Audette
#13 Jill Ozio
#38 Laura Hudson
#45 Kelly Cheetwood
#46 Don & Kathy Piazza
#48 Jack Mulinix/Sherea Rough
#51 Diana Rose
#55 Karl Copenhaver
#56 Diana Rose

ZOOM Attendees:

#8 Cheryl Brooks

Guest Speaker: Beth Mulcahy, Mulcahy Law Firm

MANAGER PARTICIPANTS:

Brant Looney, Community Manager

All Board Members – present, Meeting called to order at 9:12 am. Board Member Introductions
**A delay was caused because of a change in wifi address at the Boating Center.

Confirmation of Board vote for a new attorney group: Beth Mulcahy Law Firm |

The Board voted unanimously to approve the hiring of Beth Mulcahy to represent Sandpiper.

A motion was made to waive the reading of the previous meeting minutes. |

Motion passed unanimously by the Board

The President read the approved Action Without a Meeting votes. |

Approval of the October 15, 2022 minutes
Approval of the 2023 Budget
Approval of the Starlink System
Approval of the change in bookkeepers for Sandpiper

A call for correction of the previous meeting minutes |

No changes

A motion was made for approval of the previous meeting minutes |

Motion passed unanimously by the Board.

The Treasurer’s report was presented |

A check was made out to the President for \$104.54 to reimburse the purchase of dog waste bags and trash can liners for the poop stations.

The 2023 budget has been added to the back end of the accounting system by Laura.
The audit by Red Rock was reviewed by Laura and found to be accurate to our records and previously distributed to the community.
All financials have been updated to work with our budget and be accurate in their reporting and distributed to the community.
An additional line item was added for the cost of the IRS Corporate Filings. All IRS tax filings were reviewed by Laura Hudson and corrected. IRS tax filings have been filed and paid.

A call for questions/corrections for the Treasurer about the reports |

No questions or corrections called for by the attendees.

A motion was made for approval of the financial statements as presented |

Motion passed unanimously by the Board.

Brant's Managers Report |

Starlink system is up and going. Currently there are 3 cameras, one at the pool, one by the trash and one on Unit #8. A recommendation was made to purchase an additional camera for the parking area above the pool.

Brant is working on updating and expanding signage to include more videotaping signs and signs for the trash can area that will include a fine for illegal dumping.

A WIFI unit was added to our propane tank so that A & B Propane would get readings automatically for refill.

Brant has been tagging cars parked illegally. Most seem to be coming from River Legacy.

The people who vandalized the pool were caught by the sheriff's department. They have many charges against them, the pool vandalism is at the bottom of the list.

Brant will be directing our general maintenance man Jeff Johns on weekly work and highlighted areas of concern within the property.

Presidents Report |

The rock project along Riverside Drive was started on April 3rd and completed on April 13. Wally supervised the entire project including the blocking of the access area on Sandpiper property where illegal dumping has been going on for years. We thank Wally for all his work in organizing this project and making sure it happened in a timely manner. The project was able to be extended to the edge of the ravine because there was plenty of rock still available from River Legacy. The additional section saw the removal of the dead palm tree stumps, dead trees and bushes on Riverside Drive and the haul away for that job. We have received positive feedback from several HOA's in our area for the clean-up and clean look that now is present on Riverside Drive along Sandpiper.

The total cost of the job was \$11,000. Once we have the chance to go over the final numbers, we will distribute the accounting and refund checks because the project came in under budget.

Wally & Julie Saunders donated \$40.00 to have a new post box installed at Sandpiper so that we can get rid of the PO Box in town. All bills and correspondence will now go directly to Sandpiper Box #74. The move to the onsite postal box will save Sandpiper \$248.00 per year.

A new booking keeping service was hired. Complete Tax and Accounting upriver by the dam. All payments for the dues will need to be sent directly to them since we will be closing the PO Box. They are going to charge us a flat rate per month that will save us \$33.00 per month. Also, they are going to include the cost of our taxes, which Connie charged us \$436.00 to do. Projected savings of approximately \$836.00 per year. Laura has spent a ton of time on the back end cleaning up entries and setting up the budget. This could have cost us hundreds of dollars, so we really need to thank her for her heroic efforts during tax season! June first will be the first time everyone receives bills from Complete Accounting & Tax their e-mail is: azcat3424@gmail.com. Remember all of your future dues will be sent to that company. Also, the initial address I gave everyone for the mailing of your dues was incorrect. We will be sending out an email with the corrected information as well as the ability to now use ZELLE for your payments.

2024 Budget is being adjusted as we go this year.

Street sweeping was cancelled again this quarter due to ongoing work by Epcor. Wally spoke with Epcor and the project may be completed by July. Epcor will not resurface all of our streets, they will only patch with asphalt the areas that they worked on.

We will be investigating if River Legacy has an agreement with Sandpiper to partially pay for street slurry. River Legacy says they are sweeping up after their trucks leaving their property and going through Sandpiper. No one has seen this activity. The current dirt is from the rock project.

Jim & Audrey donated new flush solar lights for the walkway in the middle of the property. There are extras in the garage. Also, they bought additional solar batteries for the previous solar lights that can be repurposed. We will be working to add the solar spot lights to different areas.

Jim & Audrey also donated a new metal sign for the pool parking area to cover the former "trash" sign. The new sign says that parking is for Sandpiper residents only, a permit is required, and all others will be towed.

I started reaching out to landscape companies regarding finishing up our project but put it on hold due to the balconies.

Karl Copenhaver's wife Cindy is an interior decorator, he asked her to come up with a potential color scheme for Sandpiper. The colors she selected were from Dunn Edwards and she recommended Almond Latte for the body of the building, Salt Box for the Garage Door and Serene Thought for the Trim & Front Door. The color palette is attached at the end of this document.

"The overall idea is to give a fresh look to the community without a complete departure or contrast from what already exists. These color choices will compliment the multi-color roof tiles and is simple, subtle and sensible."
Cindy Copenhaver

If anyone else would like to submit a color scheme for consideration, please bring it to the next meeting so it can be shared with the community as we move forward to the eventual fogging & painting part of our future plans.

The meeting was turned over to Beth Mulcahy.

Attorney Report |

Beth Mulcahy, representing Sandpiper HOA

Mulcahy Law firm was hired to help determine ownership of the balconies in our community as well as who was responsible for inspecting, maintaining, repairing, replacing, and carrying insurance on the balconies. After reviewing the CC&R's, previous attorney discussions and opinions, as well as previous correspondence to the homeowners, Beth cited several facts: our CC&R's are poorly written and it is not clear who maintains the balconies; the patios are discussed as homeowner owned, but the balconies are not specifically mentioned in our documents and it is unlikely in court that the association could claim that the homeowners own the balconies.

It is not clear that insurance would cover the association in the case of a balcony issue as it is not clearly spelled out in our policy. If the association intends to keep control of the balconies for repair and maintenance, it would need to clarify with the insurance company and up liability insurance coverage. (***it was confirmed that though not specifically mentioned in our insurance policy, the insurance follows the building and the CC&R's.*)

Beth recommended that the association do an amendment to transfer ownership of the balconies to the homeowners for several reasons:

- 1) Ultimately it would cost the homeowner less money, an owner would be able to a minor repair at their own cost, when the cost is shared across the association, your balcony may be fine, but you would end up paying for a large repair on someone else's unit. The costs get spread across all owners.
- 2) We are not considered a condominium association; this type of maintenance is more like a planned community where the maintenance would be the owners responsibility.

- 3) From a financial perspective, Sandpiper does not currently have the resources to inspect, maintain, repair, or replace the balconies unless there is a large increase in assessments to cover the costs associated on an immediate and annual basis.
- 4) If the homeowners take ownership of the balconies, the Board could prioritize other areas in the community; including the landscaping and leave the association in a significantly stronger position financially.
- 5) If the HOA owns the balconies, all future work on other projects at Sandpiper would be put on hold to address the balconies. We would have to have each balcony assessed by an independent general contractor, then prioritize the ones in the worst condition and fix each one in order. This could take years and higher monthly assessments to address.
- 6) Amending the CC&R's will clarify what most of the long term homeowners thought to be the case, that the owners were responsible for the balconies and have been maintaining them, so transferring ownership to the homeowner would avoid any possible pitfalls that could occur from a homeowner that may have previously altered their balcony without obtaining prior approval from the board.
- 7) Some new homeowners received money value for fixing their balconies during escrow and that money should be used to repair their own balcony.

Further thoughts:

If the homeowner owns the balcony, the homeowner can maintain the balcony to their satisfaction. The association would inform the homeowner if a color was wrong or there was obvious maintenance required, but otherwise, the homeowner could fix or repair their balcony to their own personal standards. The homeowner would not be required to use a licensed contractor and could do the work themselves if they are capable.

For those reasons, Beth recommends the homeowners pass an amendment to transfer the ownership of the balconies to the homeowners. At the direction of the Board, she has begun the process of writing the amendment for homeowner approval.

As one homeowner succinctly put it via e-mail after the meeting:

I am sure that the HOA insurance policy would not cover wear and tear repairs anyway so any repairs that were not caused by a covered loss would be either the responsibility of the homeowner or the HOA. With that said, I agree that since many owners have already covered their own wear and tear (maintenance repairs) It is my opinion that it would be unfair to have the HOA cover any current maintenance repairs needed to an individual balcony.

New Business & Voting Items |

Motions were made and a second was given to discuss and then vote on the following items:

- 1) Turn off propane to the spa on April 16 to save money, there has been very little use of the spa this year.
Second: Wally
Community agreed.
Item passed as written.
Audrey – yes, Wally -yes, Laura - yes
- 2) Purchase new hang tags in a different color with Unit Numbers. (2) Numbered hang tags would be given to each unit and (1) "Visitor" hang tag would be given to each unit for the owners to use as necessary.
Second: Wally
The community agreed no one wanted parking clings or stickers and thought it would be easier to move hang tags between vehicles when necessary. Trailer stickers would still be required. Only one tag would

be too limiting for those who lived at Sandpiper full time. Owners wanted the ability to hand out a visitor tag & keep themselves rather than having to arrange for one with the manager.

Item passed as written.

Audrey – yes, Wally -yes, Laura - yes

- 3) Restriction of ATV & Golf Cart parking to the parking area above the pool.

Second: Wally

The community did not want to enact this rule and wanted to leave the current parking rules in place.

The item was pulled from consideration.

- 4) Allowing a portable/temporary generator to stay permanently on a back patio or balcony.

Second: Laura

The community did not want a portable generator to be allowed to stay on a back patio or balcony. The community felt that a generator should only be used and visible on a patio or balcony during actual emergency use, at all other times the generator must be stowed out of sight in the owner's garage. The community also suggested that owners could look into a "generac" system that is designed to be a permanent fixture and immediately go off during an electrical outage, but that would also have to go through the exterior change request process. It was also felt that the extended power outage was a "freak" event and unlikely to happen again in the future. Most power outages are short in duration.

Item was rewritten: A portable or temporary generator must be stored out of sight when not in use.

Generators can only be used during an emergency, such as a power outage.

Item passed as rewritten.

Audrey -yes, Wally – abstain, Laura -yes

- 5) Renegotiating dumpster bills via, change in size or timing.

Second: Wally

The community suggested we see if we can get (2) six yard containers and twice a week pick up to see if that would lower the cost.

Item was removed from consideration for further negotiation with Republic.

Owners Concerns & Comments – Call to the Public |

Discussion on the purchase of lounge chairs, one owner wanted to know if the \$1800.00 we got back from Costco could be used to purchase new lounge chairs, it was discussed, and everyone agreed to wait on the lounge chair purchase until after we find out if the balcony amendment will pass and we could move on to the landscaping.

Starla Audette offered 2 lounge chairs that have never been used, and 2 other slightly used lounge chairs for the pool area. This was gratefully accepted. The donation would get us by for the time being. Thank you, Starla.

Question about using the storage area at the pool. The Starlink system was put in there and to protect that system, the storage area has been locked. We will review Starlink set up to see if it can be put in a different area such as the pool equipment room.

Discussion about the pool area, specifically the dirt area. No one was interested in putting in Astro-turf. It was suggested that we investigate pouring concrete in those 2 areas and then purchasing cabanas from Home Depot or somewhere for those areas. Because the current dirt area is back next to the walls, pouring concrete and putting up cabanas would give added shade/covered areas and not take up any current

useable deck space. The community liked this plan, and the Board will investigate the costs associated with this upgrade.

Also discussed was ordering scoops of our decorative rock delivered and then having a work weekend where homeowners can help refresh front yards and replace large rocks between driveways with the matching rocks to get a uniform look. This scenario would come into play during the landscaping project. All seemed to agree that there were people willing to help and it would be a good cost-saving measure. Audrey will call Tim Walsh to talk about steps between 8 & 9, next to #1 and 14.

Meeting adjourned at 11:42 am

*****PLEASE SEE LAST PAGE FOR PAINT SAMPLE COLORS**

Action items	Person responsible	Deadline
Topic 1	Presenter Name	Date time
Amendment to the CC&R's over Balconies	Audrey von Zabern	July 15, 2023 Meeting time

Action items	Person responsible	Deadline
Topic 2	Presenter Name	Date time
Dumpster bill renegotiation	Audrey von Zabern	July 15,2023 Meeting time

Action items	Person responsible	Deadline
Topic 3	Presenter Name	Date time
Landscaping	Audrey von Zabern	July 15, 2023 Meeting time

Action items	Person responsible	Deadline
Topic 4	Presenter Name	Date time

Observers Name(s)

Resource persons Names:

Beth Mulcahy, Attorney

Special Notes:

None

July Meeting of the Sandpiper HOA Board of Directors and Quarterly Meeting:

Saturday July 15, 2023

9 am

La Paz County Sherriff's Department

Boating Safety Facility

Riverside Drive

October of the Sandpiper HOA Board of Directors and Quarterly Meeting:

Saturday October 21, 2023

9 am

La Paz County Sherriff's Department

Boating Safety Facility

Riverside Drive

Annual Meeting of the Sandpiper HOA Board of Directors and Quarterly Meeting:

Saturday January 20, 2024

9 am

La Paz County Sherriff's Department

Boating Safety Facility

Riverside Drive