

Questions/Comments/Concerns/Suggestions

From the MNA Board to the MCA Board

November 4, 2020

The MNA Board was invited to an Executive Session from 4:00-4:30 pm to discuss these questions. Then the normal MCA Board of Directors meeting commenced at 4:30.

MCA Members Present: Tim Brislin, President
Jack Eichorn, Vice-President and Secretary
David Newell, Treasurer
Ed Lyons, Community Manager

MNA Members Present: Eric Gregory, President
Kelly Heimgartner, Secretary

I have listed the MCA answers/responses below in green.

- **Please accept our thanks for speaking to the Builders about traffic safety in the neighborhood.**
- **We are very concerned that builders are not adhering to the Master Plan on Estate Lots**
 - Per the Master Plan, Section 4-2, building envelopes are required on E-1 lots to address the preservation of the land, respect for the topography, and for the protection of the fragile landscape at Mariposa.
 - Rather than limiting the disruption of the ecosystem to the building envelopes in accordance with the Master Plan, including Ordinance No. 33, mass blading is occurring outside of the building envelopes by both Twilight Homes and Hakes Brothers.
 - Further, per Section 13-1 Definition 3, any disturbance outside a Building Envelope created during construction must be restored to natural or near natural conditions. Twilight & Hakes Brothers are not restoring the disturbed areas with natural plants.
 - **We ask the MCA to instruct these Builders immediately cease violating the Master Plan and allow no further blading outside of the building envelopes and we ask that to ameliorate the damage done, that these Builders restore the disturbed areas with natural plants as is their responsibility.**

Jack Eichorn stated that grading is allowed outside of the building envelope for driveways, and grading for proper drainage. Jack admitted that Twilight did go past what they should have but Jack said those areas will be revegetated with natural plants.

Also, Hakes Brothers did have to pre-grade five (5) lots of their 23 lots due to severe drainage issues. But again, areas outside the envelope will have to be revegetated per the Master Plan.

- **What is the latest information on the development of Monarch?**

- Where in the development process is it?
- Who are the Builders?
- Will the arroyos, topographic and natural features be preserved in accordance with Ordinance No. 33 Exhibit E?
- Will the neighborhoods be developed with the cluster development design to prevent mass grading of the land in accordance with Ordinance No. 33 Exhibit E?
- Will the neighborhood be designed to protect the open space and incorporate trails in accordance with Ordinance No. 33 Exhibit E?
- Will the construction preserve existing trails and minimize the impact on those trails by providing a 50' buffer for all existing trails and future planned trails in accordance with Ordinance No. 33 Section 2. C.?

Tim Brislin said Monarch is in the Design Stage of lot layouts and infrastructure planning. They are in discussion with the builder's currently building in the neighborhoods to see who wants to build there. They can't disclose the names of the builders yet. The first set of plats is 60-90-120 days out. Once they are ready to present the preliminary plat to the City, they will give the 30-day requisite Notice of the Hearing of the Preliminary Plat before the P&Z Board. Kelly Heimgartner specifically asked if they would notify us earlier in the process, such as when they start discussions with the City's staff but before the 30-day Notice and Tim said our first notification will only be the one they are required to give.

They will follow Ordinance No. 33 and the City staffers will review the plans they submit to make sure they are following the Ordinance.

Currently, Jack Eichorn said there are only two trails to protect affected by the Monarch development. The Rim Trail on the west side and the Trail that goes along the easterly side boundary. Those two trails will be protected as described in Ordinance No. 33. They do have plans to add new trails internally that will meander through Monarch.

- **What is the latest information on the development of Mariposa Urban?**

- Who are the builders?
- Will they be single-family, zero-lot, townhomes, or apartments?

Jack Eichorn said that the infrastructure has been completed by Butterfly Holdings a subsidiary of AMREP. Twilight has purchased the lots and three (3) home plans have been approved for one (1) model home and two (2) spec homes. Construction should start on those homes shortly. [Kelly Heimgartner failed to pin them down on whether or not they will be zero lot homes, but they are NOT apartments]

Tim Brislin said that right now there is nothing planned for the one lot designated commercial. The City of Rio Rancho wanted to keep that “nugget” zoned that way, they would have just a soon have had it be residential. As it stands right now unless it gets rezoned a house cannot be built on it.

They do not have any firm pricing of the homes at this time.

- **What is the latest information on the development of the Middle Tract?**

- Who are the builders?
- Will they be single-family, zero-lot, townhomes, or apartments?

Tim Brislin said that Harvard is not working on the Middle Tract at all right now. All of their efforts are concentrated on Monarch.

Tim said they put signs up in different places, including on the Middle Tract so that new buyers coming into the neighborhood would have the foreknowledge of what to expect for those areas to avoid any miscommunication. They don't want new owners to be surprised that it is zoned MU-A.

- **When and who will complete the sidewalk in the Desert View Neighborhood?**

- From 5801 Desert View Court up to the stop sign and continuing around the corner down to 2524 Desert View Road there is no sidewalk.
- Because the sidewalk has never been completed the mailbox cluster is not ADA accessible.
- While the HOA cleared the weeds impairing access, the resulting landscaping which used large decorative rocks prevents those with mobility issues from accessing their mailbox.

Jack Eichorn went back and looked at the platting and said he did see that sidewalk should be there. However, that would have been the responsibility of High Desert to put the sidewalk in. But the MCA Board has discussed it and feel that the MCA should put the sidewalk in. Now, Jack said it is a matter of finding the money in the budget. Kelly Heimgartner pressed him on an expectation of a time frame and he said they will find a way to get in done in this next year.

Eric Gregory said the MNA would update the resident(s) who have the ADA concerns.

- **When will the parcel of Common Area encompassed by the missing sidewalk (above) be landscaped in the Desert View Neighborhood?**

- **There has been no landscaping done.** Currently, the area is littered with construction debris including cement.

Ed Lyons said he will get the debris cleaned up.

Jack Eichorn said this area is to remain in its natural state as it is now.

Kelly Heimgartner pressed Jack on the fact that it is not in its natural state as it has been disrupted by the construction debris. Jack agreed that when the sidewalk is put in since that itself will create a disturbance, they will rejuvenate the disturbed areas at that time.

- **We are concerned that Yellowstone Landscape is not adequately maintaining the Common Areas:**

- Although malfunctioning irrigation along Blue Grama was brought to the attention of the MCA, it remained broken and, as a consequence, swathes of plants have died.
- Yellowstone has improperly pruned chamisas which has forever ruined their look.
- **We ask that the dead plants and the chamisas be replaced at no cost to the MCA** given that had Yellowstone promptly fixed the irrigation, the plants would not have died and no cost would have been incurred in replacement plantings.

Ed Lyons said he is not aware of any broken irrigation along Blue Grama. He said if we could be more specific, he could look into it. Kelly Heimgartner said that to her understanding if you were traveling away from the Community Center on Blue Grama the area to the right before you get to Desert View is the problematic area, but that all of it should be checked as she was not 100% certain she had that right. Kelly also said she spoke directly with Yellowstone while they were out there working and told them

that the irrigation was broken and Yellowstone said they would take care of it. Ed said Yellowstone has not said anything to him about any broken irrigation. Ed agreed to meet with Yellowstone and check the whole area.

Ed said he was very surprised to hear that some chamisas may not have been pruned properly because Yellowstone has been doing the pruning of the chamisas for 15 years and they do know how to properly prune them by removing one-third of the plant each year. Kelly Heimgartner said that she was made aware that some had been hacked off like someone had just taken shears and vertically trimmed them like a hedge. Ed said that they do, unfortunately, have to make shear cuts sometimes along curbs or areas where a chamisa has grown into a walkway. He said that is perhaps what has been seen.

- **We ask the MCA to hold Pulte Homes accountable to the Guidelines for Sustainability Neighborhood Builder Homes in accordance with Construction Requirements (pgs68-69).**

- Specifically, **Pulte is failing to maintain a neat and clean construction site by not following requirements numbers 1, 2, 3, and 5.**
- Trash and construction debris are often strewn about and it is common for the roadway to have numerous nails scattered about which has resulted in many residents' flat tires.

David Newell said this is a constant battle with all builders. And he said it is not clear cut for the MCA to assign responsibility for an empty Coke can if they didn't see it themselves.

However, he said he will remind Pulte and the other builders that it is their responsibility to complete their daily clean-up and that they must hold their trades accountable. David said the MCA does have a mechanism to assess a financial penalty to the builder and he will remind the builders of this. The MCA will use this penalty if they don't comply.

David also mentioned that every other week the streets are swept. But that it is just the nature of a construction zone that there will be an occasional nail on the road.

- **We ask the MCA to hold D.R.Horton accountable to the Guidelines for Sustainability Neighborhood Builder Homes in accordance with Construction Requirements (pgs68-69) from the outset of the Jemez Vista Development to avoid the problems currently seen with Pulte above.**

Jack Eichorn and David Newell said they have been and will continue to remind all builders about this.

- **Why is there a very large pile of rocks on Desert Marigold?**

- It is south of Blue Grama and is on the east side of the road at approximately 2412 Desert Marigold.
- This has been an eyesore for two (2) years now. Who is responsible?
- **What remediation options exist?**

Jack Eichorn said the large stones belong to the builder who owns that lot and are to be used in a retaining wall. The MCA gave him permission to dump them on the lot in anticipation of him beginning to build a home there. However, for various reasons, the project has been continuously pushed back. The MCA recently reminded him that he needs to get going on the build. The builder is Diego Handcrafted Homes and they are very excited to have him as a new builder to the neighborhood as he is a spectacular builder who has won every award to be won in the home construction business and produces a quality product. He should be starting on the home after the first of the year.

- **Given that salaries comprise 25% of the total budgeted expenditure of the MCA (\$169,974 of \$686,095), please describe the four (4) staffed positions [the one (1) Community Association Manager, the two (2) Resident Services Administrators, and the one (1) Lifestyle Associate in terms of:**

- The expense of each and whether they are paid by salary or by the hour.
- The type of position, full or part-time. If part-time, list how many hours per week.
- Duties of each

Ed Lyons said the Community Association Manager position is an exempt, salaried full-time position. The other three positions are hourly part-time positions of 20 hours per week. In the documents posted online, there is a description of the job duties. But, basically, the Manager handles the day to day affairs, and the two (2) Resident Services Administrators support him. The Lifestyle Associate arranges all of the social programmings.

Kelly Heimgartner mentioned that at least one of the Resident Services Administrators who was manning the desk didn't even know enough to tell a resident how to use one of the treadmills. Ed said that that is not in their job description. The use of the gym and all of its equipment is completely the responsibility of the residents. However, Ed did add that is not the level of service he would like the residents to receive. So he will meet with his staff and remind them that all of the instructions for the various equipment is available at all times and should be offered.

Kelly also asked why are the residents paying for a Lifestyle Associate if there is a voluntary committee that arranges events. Ed said that as the community has now

grown to the size that it is, there were too many duties surrounding the social programming that was falling into his lap and so it was time to add a Lifestyle Associate. And while the volunteer group is great and appreciated, they couldn't be expected to handle everything on their own any longer. Tim Brislin added that this is a valued service that the CCMC offers to all of its communities.

- **We ask that the MCA resolve the issue with trash being dumped in the vacant commercial building's dumpster area.**
 - We understand it is in foreclosure and thereby owned by a bank and is for sale by a real estate company out of California.
 - Please contact them directly to establish a regular check-up and debris removal as they are the responsible party at this point in time.
 - We want to prevent rodent activity as well as the blowing debris.

Ed Lyons said that once this was brought to his attention, he called the realtor listed on the sign and the realtor informed the owner. Ed said City Code Enforcement is on the case and we can follow Report Rio Rancho to see the timeline of what has taken place.

Kelly Heimgartner asked if Ed would take the lead and be responsible for following up on the progress of the case. Ed said that when he checked with the City, he was told that a case had already been started by someone else so the City did not create a new case under Ed's name. However, you can go to Report Rio Rancho and see that it is still an open matter. Other than that it is in the hands of the City and the individual who opened the Report Rio Rancho case to keep on top of the resolution as the case was not opened in his name.