



Silver Springs Master HOA July 21, 2009 Minutes

Board Members in Attendance: 1) Jane Hamilton (Park Place), 2) Steve LoRe (SouthShore), 3) Allen Durfee (Ptarmigan), 4) Bill Noland (SSSFHOA).

Board Members Absent: 1) Linda Bowman (NorthShore), 2) Phil Tisovec (Silver Meadows), 3) Rosemary Craighill (Meadow Wild), 4) Bill Rusconi (The Springs), 5) Anthony Sands (Quail Meadows), 6) Tracy Phillips (Quail Meadows II), 7) Whit Logan (Meadow Springs), 8) Isa Wright (WillowBend East), 9) Mark Rasmussen (WillowBend West).

Proxies: 1) Linda Bowman (NorthShore) to Bill Noland

[1990 Silver Springs Master Homeowners Bylaws: “Article V. Section 3. Quorum. A majority of the Board of Trustees shall constitute a quorum for the transaction of business. In the event a Trustee is not available for a Board Meeting, his written proxy sent to any **trustee** will establish his vote.” Proxies given to Robyn Bailey are therefore not valid proxies as Bailey is a hired manager without a contract and not an elected trustee. See Section 4. Compensation.]

Guests: Richard Krebs (SSSFHOA), Bill Chambers (Ptarmigan-20), Barbara Rowe and Chester Chmielecki (Ptarmigan-10), Stan Kanarowski (SouthShore).

Meeting called to Order: 7:08 PM (No quorum, 4 present + 1 proxy)

Approval of Minutes: Approved as read.

Committee Reports:

1) **Lakes:** Les Carriel (Lake Committee) was not able to attend. Bill Noland reported that he referred to Les an excavator that might lower the cost of the Little Lake drain work.

2) **MHOA Properties Report:** A fire break has been cut in the tall grass bordering the SouthShore berm. The handle to the tennis court door is broken. Noland motioned to accept the bid for the tennis court pavilion roof to be redone for \$1,600. Hamilton seconded the motion. The motion passed with a unanimous (4+1) vote.

Unfinished Business:

a) **NorthShore Entry sprinklers:**

Parcel J entrance road from Park Place has been surveyed. Noland and Hamilton will meet with Bob Radke to get a bid for a gate and water collector grate.

- b) **Lake Park Landscaping:** The Park looks wonderful (See on July 25, 2009 at <http://www.silverspringscommunity.com/?m=20090725&cat=1>) The Bailey's Greenleaf crew want some of the vegetation trimmed or removed to make it easier to mow.
- c) **Insurance Risk Survey:** New signs have been ordered. The tennis court wood ties have been lowered. The collector culvert grate and drainage on Parcel J is in process. An excavator is \$770 an hour to look into the drainage problem. The current owner of Park Place Lot B-35 does not want to be involved in the unnecessary exploratory excavation. Jane Hamilton (Park Place) wants to be proactive on this issue as there was a problem in the Spring of 2008 with some run-off, possibly in conjunction with work performed on the driveway and fence by the former owners of Lot B-35. See the Spring of 2008 Minutes. Noland moved to again explore the concerns and hope for a quick fix. LoRe seconded the motion. All 4 board members voted in favor.
- d) **Olympus Insurance Penalty Investigation:** LoRe discovered an amendment was made to the policy 4 years ago requiring a written notice of cancellation. Since that was not taken care of by the MHOA manager Olympus is entitled to a penalty payment that costs 25% of the total annual premium. Noland asked that in the future any contract agreements should have at least two signatures. The MHOA manager should have these items on a revolving calendar so as to keep the board on top of impending renewal dates, premium due dates, amendments, etc. The manager, as a perpetual employee who does not have a term limit is responsible to the board who have one and two year terms. Though the board trustees are responsible to look over all such contracts before voting on them the trustees rely on the manager to apprise them of impending deadlines. Canceling contracts also should be reviewed by all the trustees before terminating them.
- e) **MA Articles of Incorporation and Bylaws:** Currently the MHOA board is charged with maintaining the common area properties, including the street lights. Does the MHOA Membership want to expand these responsibilities?
- f) **Park Tables and Benches:** Ricky completed refinishing these items
- g) **Street lights:** Four lights have been repaired and the black pole on Silver Springs and E. Meadows Drive has been welded. The repair looks good.
- h) **Property Title Reports:** Founder's Title is working on the remaining 6 parcels and should be complete soon.
- i) **Lakes Acquisition Affidavit:** Robyn has finished the affidavit (is she a paralegal now?). It needs to be notarized. (See <http://www.silverspringscommunity.com/master-association/ma-docs-index/lakes-conveyance-and-water-supply-agreement-2004/>)
- j) **Private Enjoyment Easement:** Go to the www.silverspringscommunity.com website, in the Search box type in "Enjoyment Easement" for further information - Claudia McMullin (SouthShore) has recommended property lawyer "[Ted Barnes](#)" (649-7272) to us so we can understand the various easements and property rights issues that pertain to the Common Areas. He has no conflicts; he lives in Pinebrook, he is president of the Pinebrook HOA, and is familiar with our area. Noland asked for approval to hire Barnes for legal advice at \$250 per hour. Allen Durfee made a motion to hire Barnes, Hamilton seconded the motion, and the other two trustees in attendance approved the motion. (4+1 out of 13 possible is not a quorum) [Here is another board rehashing the same items year after year. They should read the early board minutes and documents posted at the site named above. If the trustees would do some homework they could save the MHOA a lot of Legal Fees.]
- k) **Lake Dams:** Noland told the group about the liability the board undertook in 2004 when those trustees accepted the Lake without research or conditions. Noland has met with the Utah State Dam inspectors and has learned of some of the potential problems that should

have been addressed before the Lakes were transferred without Association Member vote approval. Some of the items that may undermine the dams and the 50 year warranty by the company that repaired and built them in 2005-2006 are trees with invasive root systems and burrowing animals, such as the native “pot guts.” The warranty is dependent on how the MHOA maintains the dams and the ground above and around them. The MHOA took on significant liability risk when they took over the ownership of these dam structures. The Silver Springs dams are currently classified as “medium hazard.”

<http://www.silverspringscommunity.com/lakes-in-silver-springs/>

- l) **Little Lake:** Drains and dams work bid estimates not yet prepared.
- m) **MHOA check signing authority:** LoRe has requested to be given MHOA check signing authority as currently held by Noland and Hamilton.
- n) **Property Encroachment at Park Place:** The survey of MHOA common areas indicates there are a few encroachments by Park Place property owners onto common area parcels.
- o) **Property Encroachment on Parcel Q:** The survey also indicates that the residents of SLS-037 (Bailey’s) have landscaped the east side of the Park in a manner that gives them nearly exclusive use and access to the lake inlet stream on Parcel Q.
- p) **Late Payments to MHOA:** Quail Meadows owes \$1,000 for 2009 annual dues to the MHOA but plans to make payments for three months. Meadow Springs subdivision owes for all of 2009. LoRe made a motion to have a letter sent to the president of each subdivision to give them 15 days for full payment or else each resident will be billed individually. The founding documents make no or little comment on the topic of dues.
- q) **MHOA Financial Audit:** Fox watching over the henhouse – MHOA manager Robyn Bailey was given the assignment to find a Certified Public accountant to do the first audit on the books she has been in charge of since 1997 or longer. Robyn last month stated she had contacted Wood and Company. (A Google search for this company did not bring up a listing). LoRe said that he would look into finding someone to do the audit.

New Business:

- a) Lakes drains upkeep: Noland asked for a volunteer to maintain and inspect the drains every two weeks. Robyn volunteered her sons, Hyrum and Derek (Bucky), to look at them and to clean them out when needed. Will this service be added to the fees charged by Bailey’s Greenleaf crew?
- b) Activities on Lake property: The signage provides what cannot be done on the Lakes and the original documents give guidelines. See at:
<http://www.silverspringscommunity.com/lakes-in-silver-springs/>
- c) MHOA Document Access: LoRe stated the MHOA is a Non-Profit 501 C6 Corporation.
<http://www.silverspringscommunity.com/hoa-laws-bills/non-profit-corporations/>
As such the trustees can decide who can have access to MHOA documents. It is proposed that these can be registered as copyrighted, or they can be posted as .PDF files since search engines rarely display these during a topic search. Most of the MHOA documents are posted on the Summit County website and on the www.silverspringscommunity.com website.
- d) NorthShore HOA Letter: This letter states Jane Washington agreed to drive by the MHOA [“Wetlands” Parcel located on NW NorthShore](#). The board rescinded this responsibility from Washington. Noland will meet with NorthShore president Linda Bowman to discuss her board possibly taking on the responsibility of oversight for this Parcel.

- e) **Budget:** Bailey presented the updated budget. Updates were not presented for posting on the website.

Association Member Comments: Stan Kanarowski asked that each HOA enforce their CC&Rs or hire someone to do it for them. He is concerned with property values; higher values equal higher taxes. Much concern was voiced as many property taxes were increased by more than 30% for 2009 though the market has been very slow and the recession has taken its toll on the housing market. The Park Record reported that the number of property owners appealing their 2009 taxes has more than tripled from former years. Barbara Kressor, the County Assessor has remarked that the taxes for the Silver Springs area will be reviewed due to the number of tax appeals registered.

Next MHOA meeting will be on Tuesday, August 18, 2009 at [St. Luke's](#) at 6:30 PM/

All were in favor to adjourn at 9:40 PM

Silver Springs Master Homeowners Association Board Meeting Minutes are the property of the Association Members. In this manner the Board is held accountable for their actions. The Association Members hold the right of free access, perusal, and use of these documents and chose to do so at the Member website at www.silverspringscommunity.com.