



**SILVER SPRINGS SINGLE FAMILY  
HOMEOWNERS ASSOCIATION**

**BOARD OF TRUSTEES MEETING**

November 9, 2009

Unposted Meeting held in a private residence  
at 6:00 PM

**Board Members Present:** 1- Chris Butler, 2- Harry  
E. Fuller, 3- Bill Gunter, 4- James Larson, 5-  
Kristian Mulholland, 6- Richard Krebs, 7) Brian

Robinson.

**Association Members Present:** Leslie Carriel, Bill Noland, Lyn Cier

**Meeting was called to order:** at 6:10 pm.

**Approval of Minutes:** Minutes for [October 8, 2009](#) and for the [October 13, 2009 Annual Association Meeting and Election](#) were approved unanimously.

**New Board Members:** Kristian Mulholland was successfully re-elected. Richard Krebs and Brian Robinson are new elected trustees. All three men will serve two-year terms. NOTE: There is a misconception that newly elected trustees do not formally assume office until the following January. Trustees are not like the President of the U.S. who needs a long transition period in order to replace staff and complete term projects. Nowhere in the Bylaws are Trustees told to wait three months to assume their responsibilities. The terms of office commence from the date of their election in October. The trustees who are not re-elected end their terms and their duties on the day of the Annual Association Election.

**Architectural Committee:** Last month it was reported that \$10,000 was in the Budget for refundable security deposits (40 applications). This month it is reported that at least \$2,000 in security deposits are due for refunding. ( $\$2,000 \div \$250 = 8$  deposits). It was not reported whether the other 32 deposits were refunded in the last 30 days.

**-Forms** – All forms are available online at <http://www.silverspringscommunity.com/our-community/silver-springs-sf/hoa-docs/application-forms/> Chris Butler reported that the contractor he hired to produce digital forms for the HOA has completed them. Before printing them or posting them online each trustee should have the opportunity to preview these forms, to verify they align with the CCRs, and to add input where necessary. Harry Fuller asked how often association members are notified to repair their driveways. Letters are usually sent in the spring. As an [environmental consideration](#), concrete and cement are among the highest industrial energy and water users while also being high emitters of CO<sub>2</sub>, dust, and other pollutants, and are the most obvious proportion of demolition waste. If Silver Springs is to lead the way as a Green Environment subdivision then replacement of driveways, or sections of driveways, should be required only for the most conspicuous, unsafe, and unsightly of cases.

**Budget:** Bookkeeper Lyn Cier reported there is \$25,000 in the HOA bank account, including the \$400 the MHOA provided to defray the 2009 summer Association picnic (an illegitimate use of MHOA funds as picnics have nothing to do with Common Areas and their maintenance.) Lyn did not foresee any major costs before the end of the year. Eight Association Members owe for delinquent 2009 dues.

**Underdrain System:** Discussion was opened to consider which HOA trustee would care to conduct the work former board member Bill Noland started four years ago when he had to replace a second water heater in his crawlspace that had rusted out because he did not use a sump pump. Work on the underdrain system was voted down by a majority of the Association Members in 1985 and again in 1994. The detrimental effects of this system led to its abandonment by the HOA. Mention of the underdrain system was formally removed from all HOA legal, recorded documents, therefore spending HOA funds on this project is contrary to Association Member wishes. See link page for reasons and history.

Fuller suggested that all board members should be up to speed and fully informed on this topic, especially if they are considering volunteering for this role. Noland stated that he is willing to remain involved on a part-time volunteer basis. (Sometimes Members run for office based on their personal agenda, in this case it might have been that Noland wanted to press action, though unsupported by the Association's documents and rules, so that he could receive assistance from the HOA coffers to improve a deficiency on his personal property. This explains to me why I was told in August 2008 and at other times to keep the work on the underdrain system on the hush and it was never taken to a vote of the Association Members.)

Gunter disclosed that the "board" now owns two submersible pumps as a result of clearing some of the abandoned system pipes. It was not reported whether these pumps were paid for with the \$6,500 reportedly spent on the underdrain system in 2009. It was also not reported which properties were impacted by this work.

**Website:** The Association's CCRs are posted at <http://www.silverspringscommunity.com/wp-content/uploads/covenants.PDF> And on the Summit County website at <http://www.co.summit.ut.us/> and posted at <http://www.silverspringssfhoa.org/> The CCRs are not posted on Chris Butler's website.

James Larson asked if the number of hits on each website is known. There is a place on the administrator's page where that information can be found. Gunter is the administrator for Butler's website and can monitor Anthony Sands' website, as well as edit and re-write pages. Dave Coehlo is the administrator for the SSSFHOA site (due to expire on January 27, 2010). Lucy Archer is the webmaster and administrator for the [www.silverspringscommunity.com](http://www.silverspringscommunity.com) website. This site has a visible counter on the homepage that indicates it received approximately 1, 608 hits in October 2009.

Gunter said it was troublesome to him that on the other websites the "admin" can edit and rewrite content. He would like to see this situation rectified. (Gunter does not understand that each website can set up individual and unique usernames and passwords necessary for "admin" access to content. Butler's and Sands' websites might both be accessed with

the same username and password if that is how they were set up by HOA-sites.com or Anthony Sands - both sites are boilerplates clones.)

Mulholland added that a filter could be built in. A filter is a program that examines incoming data to ensure that only information within certain parameters is allowed to pass through. For example, you can filter out e-mail messages based on the sender's information or certain subject lines. A filter is also a program that accepts a certain type of data as input, transforms it in some manner, and then outputs the transformed data. For example, a program that sorts names is a filter: It accepts names in unsorted order, sorts them, and then outputs the sorted names. Basically, it is a means of narrowing the scope of a report by specifying ranges or types of data to include or exclude. Utilities that allow you to import or export data are also sometimes called filters.

**Master Association:** Bill Noland is no longer eligible to serve as president of the MHOA since he is not an elected trustee of a MHOA member subdivision. The MHOA is to hold its elections this month, each second Wednesday in November, MHOA Bylaws Article IV states that:

Section 2. Term of Office. The various associations under the Master Association shall be represented on the Board of Trustees in perpetuity. The various trustees shall change as the individual associations elect new officers.

Noland is not an elected officer and therefore is to be replaced.

It is always disconcerting to me how little the trustees of HOA boards know about their own rules and Bylaws. When accepting a nomination or volunteering to run for office it just seems natural that an individual would want to know what duties and responsibilities they are committing to uphold. The MHOA was founded in 1989-1990 and has been a quagmire of disinformation and dysfunction ever since. Every time a question comes up regarding even the most basic information it seems to stump the trustees who then will likely call an attorney to give them the answer when all they have to do is read their own Bylaws and other documents. I still maintain that leadership is greatly lacking in the MHOA and the whole organization should be dissolved. More will be presented later on how dissolution of the MHOA can be accomplished. On November 17<sup>th</sup>, 2009 two more MHOA member subdivisions resigned from participation in this MHOA "corporation". Hopefully more subdivisions will follow and we can be done with the MHOA.

Case in point: Noland reported that the MHOA board is currently researching "a gaping hole" in the MA structure. First of all, Noland said the 2009 MHOA board had been operating under the belief the MA consisted of 12 assessment-paying member subdivisions (There use to be 13, as of November 17, 2009 there are only 10). However, all but one of the MHOA founding docs are signed only by the developers. The 1989 Developer-Homeowner Agreement names eight subdivisions and has their president's signatures. Another document names nine member subdivisions but does not have their representative signatures. There is no recorded process for adding more subdivisions to

the original 1990 MHOA, nor how to drop out of MHOA participation. Membership seems to have been on a voluntary basis. Also the parameters for what constitutes a member subdivision are not clear (ex. 13 houses in SouthShore represent themselves as a subdivision with one vote on the MHOA board. It is unknown whether they have founding documents as none are recorded with the Summit County Recorder. These situations should have been remedied two decades ago but no one was paying attention until early 2008.

Noland said another “dilemma” that has surfaced regards the realization, or more likely the recognition by trustees, that there are matters that require only the votes of the member subdivision representatives (usually the HOA presidents) such as the approval of minutes and approval of repairs to Common Areas. The larger or fiscal issues like assessments, acceptance of property and waterway deeds, amendments to the Bylaws, etc, require the votes of each individual Association Member (The Articles of Incorporation state that a member is every person or entity who is a owner of record within the nine named subdivisions. State regulations, Non-Profit Corporation Rules, etc. also detail voting rights and issues.)

The MHOA has allocated \$20,000 in 2010 for Legal Fees to clear up issues like those mentioned above by two attorneys from the Vial Fotheringham legal firm in SLC. Another good reason to dissolve the MHOA before this money is spent.

The MHOA’s principal purpose is to maintain the Common Areas. Why are the trustees making it so complicated? These are the Park, the Tennis Courts and the two lakes. The State Water Engineer’s office sent Everett Taylor to inspect the [Silver Springs lakes and their dams](#) and found that the MHOA had not been regularly inspecting and maintaining the dams. They were given a poor maintenance grading. The Safety Inspection will hold off on demands and deadlines as long as the State Engineer’s Office can see that the MHOA is taking action to make the dams safe. Also Klinefelder Engineering and Cross Marine’s Warranty on the work they performed on the dam at the cost of over \$145,000 in 2005-2006 is dependent on how the MHOA maintains these sites. This seems to indicate that the MHOA is not performing on their responsibilities.

Chris Butler asked about the vegetation on the Silver Willow Lake dam that had been cited as in a dangerous condition by the State Safety Inspection. Noland replied that he thought the trees growing on and near the dam could be removed; the resulting holes then would be filled with compacted soil. Any shoots that grow from the roots will need to be trimmed until growth of this type is exhausted. Again, Noland stated that he did not think the state was demanding this remediation be done immediately. It has been suggested that the lakes be deeded over to the lake front homeowners as a group. This is one step toward the future dissolution of the MHOA.

Noland reported that the Little Lake a.k.a. the Upper Pond or Silver Willow Pond will be drained for repair work in the Fall 2010. Over \$80,000 to nearly \$120,000 has been collected from the elevated MHOA dues from the Association Members since around 2006 for this purpose. Noland did not report who replaced him in the MHOA office of President.

In any event, this and most other MHOA matters are on hold and will be discussed at a Silver Springs Master Association Membership Meeting to be held on February 9, 2010 at 7:00 PM at Parley Park Elementary School. Member input is being solicited.

An advisory committee to the MHOA has two members, lakefront owner Julia Loughlin (SSSFHOA) and ?? Les Carriel said this committee should concentrate on supporting a workable process and solution. Noland said the principal purpose of the advisory committee is to limit possible liability and public disturbance caused by recreation area users. Following further discussion Harry Fuller said that while the SSSFHOA board members would work with the MHOA advisory committee [until the MHOA is dissolved), the board reserved the right to file its own views on proposed guidelines before they are formally adopted... And further to have the right to assist in the dissolution of the MHOA altogether.

It appears that Noland plans to continue as MHOA president (in violation of the Bylaws) He pointed out that while the MHOA president is a resident of one of the Silver Springs Community subdivisions, this officer is also responsible for looking to the entire Community's best interests. Fuller said he supposed that would have to be taken into consideration when the SSSFHOA board develops its final comments.

**Meeting Location:** A brief discussion ensued concerning the location of future Board meetings within a public venue, accessible and large enough for the Board and Member visitors, and possible individuals from various visiting organizations to feel welcome and comfortable. A few options are the Library at Kimball Junction, the Health Department Conference Room at Kimball Junction, PPES Media Center or other room, various meeting rooms at The Canyons Resort, St. Luke's Episcopal Church, The Community Church behind Park City Nursery, Sun Peak's Conference Room, Holiday Inn or Landmark Inn.

**Meeting Adjourned:** at 7:45 PM

Next Meeting date was not announced.