

“Freedom rings where opinions clash.” Adlai Stevenson



**Silver Springs Master Association Meeting
Monday, July 14, 2008, 7-8:30 PM
At Robyn Bailey's House**

Board Members In Attendance: 1) Michael Winer (SSSFHOA/MA Pres), 2) Anthony Sands (Quail Meadows Condos), 3) Nancy Samson (Quail Meadows II), 4) Jane Hamilton (Park Place), 5) Ron Duyker.

Board Members Absent: 1) Rosemary Craighill (Meadow Wild), 2) Mark Rasmussen (WBE), 3) Isa Wright (WBW), 4) Allen Durfee (Ptarmigan), 5) Jane Washington (NS), 6) Whit Logan (Meadow Spring Homes), 7) Phil Tisovec (Silver Meadows).

General Members In Attendance: Les Carriel (SSSF), Harvey Shapiro (QM-II), Jerry Romero (SSSF), Lucy Archer (SSSF), Clay Archer (SSSF), Eric Fraleigh (NS), Gaylynn Mooney (NS), Robyn Bailey.

The meeting was moved without notice from the Park to the Bailey house so that Anthony could set up his computer monitor and laptop to show the board the unapproved, competing, duplicate website that he has started to develop. When Lucy entered the room Anthony shut it down. Michael said that the board had not had a chance to view or discuss it. Moved to next month's agenda.

Michael Winer conducting:

AGENDA:

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1) By-Laws:

In [1990 the Master Association By-Laws](#) and [Articles of Incorporation](#) were written on behalf of Michael S. Barnes, Robert V. Haedt, and Lynn Stevens, with Scott C. Welling, Esq. as Registered Agent. The file copies have notarized signatures. These documents may or may not have been recorded. If the Board does not consider them legal or binding then under what authority have they been operating and assessing the property owners. Look into [Utah Condominium Act of 1975](#) that regulates HOAs. [Also see introductory legislation 2004 HB 99 Utah Common Interest Ownership Act (UCIOA)]

At a previous meeting legal counsel Jim Kennicott said he does not believe that the By-laws exist and that when Lucy was quoting them she was quoting the SSSFHOA By-Laws so the November Election rules might not be specified. [The SSSFHOA Elections and general meeting are in October, and the MA By-laws do exist, see links above, and do specify in Article III Section II : Meeting of Members that "an annual MA General Membership Meeting be held on the second Wednesday in November", and Article VII Section 2 states "an election of officers by the Board of Trustees shall take place at the first meeting of the Board following each annual meeting and each shall hold office for two (2) years."]

2) **Web Page:**

See at www.silverspringshoa.org/master-association/ - Documents, officers, Common area parcels

or at www.silverspringshoa.org/our-community/ - Twelve Silver Springs Subdivisions

or <http://www.silverspringshoa.org/bd-mtg-min/> - Meeting Minutes

Discussion moved to next meeting.

3) **Lake Update:**

Gaylynn Mooney used the same [handout from June 16, 2008](#). Leaches are still present in the lakes Gaylynn introduced and released sterile carp to eat the weeds, they can get up to 40 pounds. With a permit she obtained the carp from SouthWest, a process that will need to be repeated every five years. Some trout still present, were seen spawning upstream to Blue Roof. Gaylynn applies the Aquathol at night so the aerators will move it around. This product provides a blue shade that slows the weed growth. The previously discussed annual budget for lake maintenance was \$6 to 7, 000 when the products were "new science", she thinks now she can keep the budget for chemicals at \$4,000. Gaylynn said she was not a professional biologist but a school teacher that teaches biology, etc. Gaylynn reported that the lake front owners want to pay a larger share for lake maintenance and have asked on a number of occasions to be assessed more than the General Membership. Ron then took the floor for several minutes praising Gaylynn and the other members of the Lake Committee for the hundreds of hours they have volunteered to work on the lake clean-up and maintenance. Their work directly affects their properties and the wonderful amenity they live on, it is great to have these folks do this work funded by the General Membership, and enjoyed by those who have access.

Lake-front owners Eric Fraleigh, Les Carriel, Gaylynn Mooney, Jane Hamilton were present. Gaylynn said she was going to plan a meeting at the Silver Springs Community Park for the 28 big lake front owners and the 23-24 small lake front owners to discuss issues and to raise money for the lake. Gaylynn said that the lake front owners were always in favor of paying a higher fee for maintenance and insurance but that the past board members did not want to tier the fees as they felt it was against the CCRs for the HOAs. Anthony said that he had written an Amendment to the MA By-Laws to install tiered assessments from the MA but the Silver Springs Single Family and Quail Meadows Townhouses had not signed it and it was never recorded. Lucy added that the General Membership has been assessed for lake maintenance without the vote of the General membership. Also an assessment of this nature if it is assessed on a tiered schedule, can be passed down to the individual HOAs even if their CCRs state that the individual HOA cannot assess dues on more than one fee class because the individual

HOAs are not assessing the fees, the MA is assessing the fees and the individual HOAs are merely including them on their invoicing on behalf of the MA. It is a pass-through fee that also would make the MA portion of the annual dues more visible on the invoice to the General Members.

Gaylynn said she expected the non-lake front owners to voluntarily contribute \$3,500 to 4,500 for the lake but she did not specifically say for what purpose. Eric Fraleigh added that if the lake was not properly maintained then his property values would drop and then so would the neighborhood property values drop. Lucy added that the Park Place house not on the lake at Lot 35 was listed at \$799,000. The Park Place house across the street on the lake, Lot 40 was listed at \$1,595,900.

See: <http://www.silverspringshoa.org/lakes-in-silver-springs/>

Michael Winer and Lucy Archer both have previously maintained that if the lake-front owners will release whatever hold they have on the Enjoyment Easements around the lakes and the access parcels so that the General Membership once again will have access then the additional assessments to the lake-front owners will not be an issue. In 1989 the lake-front property owners held a "hostile take-over" of the Enjoyment Easement and access parcels. They are receiving the most value, use and access to the lake therefore it follows that they should now pay a higher assessment for its upkeep. Lucy added that there are 504 General Members and there are approximately 50 lake-front owners. Michael asked Board members to bring ideas on how lake front owners can contribute more to the lake maintenance budget and how the General Members can gain more access to the lakes. Gaylynn then added many North Shore residents access the lake through her lot so more than 50 families are using the lakes. Ron then addressed Lucy and told her to keep her comments to herself that she was merely a member of the public. He then backed off a bit by adding, "Of course the public is welcome to attend these meetings but don't waste board time with your input."

During the meeting Jerry Romero, also a member of the public took the floor for five or six minutes philosophizing and recapping what he had done during his term in office. Ron did not interrupt him. Harvey Shapiro spoke at length about what the board should do about the lake issues and suggested that a survey be taken of all the General Members to find out who is using the lake and park, how frequently, and if they have opinions on how things are handled. Ron did not interrupt him. Then Ron went off on a side-trip regarding how much he enjoyed watching the trout spawn, and how their tails turn sideways, and how he had not previously known much about trout, etc., etc. Note: Around mid-June South Shore held a General Election, a new Board of Trustees was elected; officers will be elected in August. Ron is no longer on their board. So how was Ron elected Vice President and Treasurer of the MA Board on June 19, 2008 though he is no longer on the SouthShore board. [MA By-Laws Article VII Section 6. Multiple Offices: The offices of Secretary and Treasurer may be held by the same person. No person shall simultaneously hold more than one of any of the other offices [of the Master Association Board].....]

4) Flooding follow-up:

Tim Hanson's backyard flooding issues were re-examined at length to bring Michael Winer up-to-date on the past discussions. Jane explained that she had come to the MA

Board meeting during the "crisis", the Hansen's were panicking and asked her to bring it before the board to see if there was anything the Board could do for them. Lucy recalled that the roto-rooter invoice stated that the line snake was able to go 103' to the point of drain blockage. This point is approximately the point where the Hansen's have changed their fence and added an extension to their driveway. Ron, a member of the public, assigned Michael and Lucy to contact the listing agent of the home to be sure the Hansen's had disclosed their water issue on the listing form [the listing agent Bronson Calder had told Lucy that they had disclosed it.] . The Hansen's have lived here for eight years and this is the first time they have had any flooding problems. Someone asked if the culvert had been drilled with lower holes as discussed several meetings ago. Lucy had measured that the culvert holes were seven inches from the ground on two alternate sides. (Photos are available.)

5) Budget adjustments / Legal:

Michael said he was not going to continue his requests for line-by-line detail of past expenses. He wants to work forward.

The MA board's current assessments for each of the twelve subdivisions has been based on amassing funds for both lakes maintenance, repairs, etc. Now that the funds have been collected it may be a good idea to review a decrease in the 2009 assessments from the MA to the General Membership. We could also wait one more year and use the 2009 assessments for other improvements such as the bridge from Ptarmigan to the open space on our south boundary, and to build a raised walkway from North Shore toward the Swaner Nature Preserve. Or to develop the beach area of Parcel R on the west side of the lake for a park, boat launch, etc. Also a dog park could be fenced and developed the length of Parcel R, an area of over 12 acres. See at:

<http://www.silverspringshoa.org/master-association/ma-common-area-parcels/south-berm/>

6) Other:

Harvey stated that he would like to see a public posting for the MA Board meetings, Harvey said he and others he knows have not been given notice of these meetings for years. Robyn was assigned to be sure that postings go to all twelve HOA presidents and their board members. Lucy suggested that a public bulletin board could be placed at the Park entrance where not only the meetings could be posted but also the reserved use of the Park Pavilion to avoid conflict of use and disappointment.

It was suggested that the president of the MA should write a letter regarding the request for a zoning change by Walgreen developers Phillips Edison. Michael replied that Lucy had already sent out emails to inform the 12 subdivision presidents regarding this issue and had placed it on our website at <http://www.silverspringshoa.org/government/blue-roof-rezone-proposal/> including links and photographs. It had also been sent out in the SSSFHOA newsletter last weekend. Lucy said she had already written an email to Adryan Slaght, Summit County Senior Planner, and had received a response from him, both emails are on the website at the above cited page. Lucy told the group that Mike Washington of North Shore was on the Snyderville Planning Commission, and through his wife, Jane Washington who had newly been elected as president of North Shore, we would be kept apprised of further developments or applications made within our

community areas. Also the Park Record publishes all agendas. Further, Lucy had spoken to Claudia McMullin, chair of the SCSBPC, (and local resident) and been assured that the SB Planning Commission did not think Phillips Edison would continue with their application.

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Next meeting will be on August 18, 2008 at the Park.