

SSFHOA Board of Trustees Meeting Minutes, Sept. 8, 2009

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Board members present: President Bill Gunter; Vice President Sue Pollard; Treasurer Chris Butler; Secretary Harry E. Fuller Jr.; Kristian Mulholland; James Larson; Bill Noland; bookkeeper Lynn Cier; observer homeowner Michael Winer.

The meeting, convened at President Bill Noland's home, was called to order by President Gunter at 6:05 p.m.

Approval of Aug. 3 minutes. Bill Noland moved approval; seconded by Vice President Sue Pollard; approved unanimously. Past Secretary Kristian Mulholland reported, regrettably, that the June 23 board of trustees meeting minutes have been irretrievably lost, unavailable for reproduction. His report was received without comment.

Aug. 5 small claims court suit results. President Gunter reported that the Summit County small claims court ruled against the board in its suit against SSFHOA members Clay and Lucy Archer, which asked for damages totalling \$4,228.90, allegedly resulting from the Archers' refusal to relinquish to the board its original website. Gunter said the judge ruled the board failed to show how it was actually damaged. He also reported that during mediation preceding the actual court hearing, the Archers offered to settle the matter by paying the board \$700, but that it was decided to rely on the court's judgment. Treasurer Butler said the experience ought to be considered a lesson on how to protect and preserve the association's assets, such as the website, which has now been replaced by a new one. Secretary Fuller added that the Archers' mediation offer was at least a concession that something was improperly done. Bill Noland advised that board meeting minutes must carry a "disclaimer" advising that none of the contents can be published by parties other than the homeowners's board without permission. He explained this was instruction given the homeowners Masters Assn. board, of which he is president, by its legal counsel concerning that body's meeting minutes.

New website update. President Gunter reported that "lots of documents" are now published on the website. Asking how passwords can be obtained, he was told by Treasurer Butler that all e-mail would be forwarded to Gunter. After ascertaining that the member applying for accesses was "in good standing", the president would approve the application and the hosting server would automatically supply a password that the member could then change. Bookkeeper Lynn Cier said she will provide Gunter a list of all assn. members "in good standing." HOA documents, including by-laws and CC&Rs are in digital form, President Gunter reported.

Architectural Committee report. Vice President Sue Pollard said an addition on a home at Ranch Place and Willow Ln. had been approved. It was asked if painting needs to have approval, to which Pollard answered: "Not if it's the same color." President Gunter said "It's good to see improvements and additions again being made in the neighborhood."

CC&R Enforcement procedures. President Gunter presented a draft proposal for enforcing CC&Rs. It reads:

"Face to face discussion (or via phone or e-mail if member does not reside locally) concerning CC&R violation(s) and asking member's cooperation in resolving issue."

"Within a week, send a follow-up letter to member citing violation of CC&R and attaching the relevant passage from our CC&Rs. Document the conclusions of the previous discussion with the member.

"A month after follow-up letter is sent and no progress has been made resolving the issue, a second letter should be sent notifying the member that failure to comply with the CC&Rs within the next 30 days will be accompanied by an appropriate monthly fine to be determined by the Compliance Committee.

"After 60 days of inaction since sending the initial follow-up letter, a fine will be invoiced to the member on a monthly basis."

"Suggested monthly fine: \$400."

During discussion of fine amount, homeowner Michael Winer observed that if the fine is too low, a property owner renting property could overlook the amount as not worth worrying about. Board member James Larson said the time involved could be eight weeks for compliance for a major infraction. Treasurer Butler suggested: "Make it retroactive to the first notice." President Gunter said that should be considered. Secretary Fuller asked: "Shouldn't this be submitted to our legal counsel for comment?" Bill Noland agree it should be.

Bill Noland reported a grass fire in Willow Creek. Now that the tall grasses are drying out, a potential fire hazard is posed by the lot at the corner of Willow Lane and East Meadows Drive. The owner will be contacted and referred to the fire department if no action is taken to mitigate the potential danger.

Underdrain system status. President Gunter reported that a contractor had submitted an estimated cost of between \$500-\$600 for sending an exploratory camera into the underdrain system to determine how and where an obstruction is causing constant seepage in adjacent crawl spaces. Noland said a tree may need to be removed and a fairly large excavation constructed to solve the problem. The affected property owners are not happy about that prospect. President Gunter said he wasn't sure yet if tree removal is absolutely necessary, that anything like that will be determined after the obstruction is identified.

HOA dues payment and budget status. Bookkeeper Cier said eight members still owe 2009 dues and asked for authority to bill them with registered letters. Her financial report showed that the year's approved \$63,000 annual budget has so far covered disbursements of \$38,205.85. Largest expense is \$33,075 allocated to the Silver Springs Masters Assn. Second highest is \$1,204 spent on underdrain system repair.

Oct. 13 annual membership meeting and board of trustees election. President Gunter reported that four board of trustees positions will be up for election at the annual meeting. Positions currently held by James Larson, Chris Butler and President Gunter will not be on the ballot, he said. An election committee was created consisting of Vice-President Pollard, chairman, Bookkeeper Cier and homeowner Julia Laughlin, members. It will be responsible for distributing an election notice and request for nominations. Winer volunteered to collect ballot proxies in his neighborhood. It was explained that proxies would, in accordance with by-laws, be validated by the board secretary. It was generally agreed that matters other than the election should be reported at the annual meeting. It was also decided that the board's monthly meeting, Oct. 8, will review annual meeting details.

Masters Assn. report. Bill Noland, assn. representative to the Masters and current Masters Assn. president, said the Masters Assn. board will conduct a field trip Saturday, Sept. 12, on all property it owns and for which it has responsibility. He also reported that the State of Utah dam inspector is due to make an inspection of the Masters' dams at the large and small lakes Monday, Sept. 14, determining what alterations need and don't need to be made. The next Master Assn. board meeting, he said, is Tuesday, Sept. 15, at St. Luke's Church. He displayed photos of a drain problem on property at Park Place, where

springtime water erupts into a geyser. Photos showed a water line simply ends on the property. He said bids are being taken on solving the problem. Answering James Larson, Noland said the debris caused by bush and tree removal at the large lake park will be handled by a private firm after the county fire department chipper was hauled away over a week ago and not returned. He said drains in the small lake will probably be repaired next year, when there is time and necessary masters funds available.

New business. Treasurer Butler asked what interest there would be in installing traffic detection machinery on a N. Silver Springs Rd. stretch where vehicles tend to regularly exceed the 25 mph requirement. He said the units cost \$3,500 apiece to purchase and \$300 to install. Bill Noland moved, seconded by Secretary Fuller, that Treasurer Butler explore all possibilities, including asking Summitt County, under one of its programs, to help determine the situation's actual seriousness, for a report at a subsequent board meeting. The motion passed.

Secretary Fuller moved adjournment, seconded by James Larson. Meeting adjourned at 7:30 p.m., the next meeting scheduled for Oct. 8 at 6 p.m.