



Silver Springs Single Family HOA

ANNUAL ASSOCIATION MEETING

Tuesday, October 13, 2009 7:00 PM

in the Parley's Park Elementary School Media Center

Call to Order at 7:15 pm (between 28 and 34 attendees gathered around the media center tables and along the walls.) Between 102 to 109 proxies **and** members present constituted a quorum.

On ballot: Ed Cody, Kristian Mulholland, Harry E. Fuller, Brian Robinson, Richard Krebs, Chris Bachman.

Minutes of the last General Meeting on Monday Oct. 13, 2008 were not read as that meeting and election with 81% participation by Association Members had been usurped.

2009 Budget Report by bookkeeper - Lyn Cier

The board collects \$47, 250 annually from the Members. From that amount \$33,075 is sent to the MHOA. The 2009 SSSF budget shows that \$44,248.21 was spent by the board. Leaving \$25,000 as net income which includes \$10,000 in refundable security deposits that should be refunded to the Members.

(2010 Proposed Budget not ready.)

Jerry Romero asked if the MHOA would be assessing an increased fee and was answered by Noland that the MHOA had not completed their 2010 Budget. [And there is hopeful probability that the MHOA will be dissolved soon.]

Election Results were announced. Candidates elected, each for a two-year term were: Kristian Mulholland, Harry E. Fuller, Brian Robinson, Richard Krebs. The outgoing volunteers were thanked for their service.

ARC Committee Report – (No "committee" truly exists, new recruits were not called to meetings; no stats, no updates, no reports were presented to the board during the year. See monthly minutes.) Fifteen or more construction renovation permits were issued in 2009.

It is encouraging to see that members are upgrading and improving their homes and property.

Compliance Committee Report – (See monthly minutes.) The Association Members have generally been in compliance of the CCRs. The board's intention is to avoid lawsuits except in cases where the welfare or safety of the community is at risk. Also since the 2009 president and vice president had illegally usurped the 2008 election it is precarious for them to point a finger at Members who they think are Bylaws or CCR violators.

Secretary Report – none given. Kristian Mulholland had been the board secretary for half the year but stepped down because of other personal commitments. A board volunteer, and then interim trustee, Harry E. Fuller took over these duties and today has been elected to the board.

Underdrain System - Bill Noland was given the floor to present his "comprehensively investigated" work on the 1978 [underdrain system](#) that was abandoned and removed from the CC&Rs by majority vote of the Association Members in 1985 and again in 1994. This board has no qualms regarding nullifying Association Member majority votes for their own purposes. Though the majority of the Association Members have twice voted to abandon this system for numerous reasons listed at <http://www.silverspringscommunity.com/utilities/water/underdrain-system/>, Noland and Gunter continue to spend HOA resources to again investigate and unearth this abandoned system to the detriment of keeping Silver Springs green.

The Bylaws clearly state that individual homeowners are responsible for all infrastructure on their property yet these two and a couple other men, have persistently used the incidence of the Spring run-off, which is successfully handled during those few weeks by use of sump pumps, to manipulate the unearthing of the defunct underdrain system for what looks like their own benefit. Noland and Domenick and others may have artesian spring issues under and around their homes.

Noland reported that the entire underdrain system consists of two separate unconnected sections, an Upper section in SS Phase A (southwest section) and a Lower section in SS Phase B (northeast section). These 1979 development plats are viewable at the website provided above. Look for your lot and the probable drain location(s). It is uncertain just how much of this system was actually completed.

Summit County is a desert alpine area and Silver Springs is fortunate enough to have some artesian activity underneath it (helping keep the lakes full), Noland wants to drain away, year round, all the water that is provided by nature, or that is applied by homeowners to water their lawns, trees, shrubs, etc. so that he can eliminate water in his crawlspace. Noland reported that beginning in 1979 to present time, sections of the abandoned underdrain pipes have become obstructed by tree roots and plantings from maturing landscaping located above the drainage pipes along the back, side or front perimeter of individual properties. These plantings are already having difficulty maintaining necessary moisture for healthy existence because of the droughts we have been experiencing, and because the 1979 pipes are still wicking away water, now Noland wants to damage roots reaching beyond and below these pipes by sending a high pressure water powered cutter so he can reinstate what the Members have already decided, twice, is a very bad idea.

Visual recordings and diagrams were presented that show Noland's view of the condition of the underdrain system, some which could be the County maintained storm drains, and sewer lines. Noland has influenced the board to spend \$6,500 of HOA funds on underdrain clearing work, thus creating a "dry death zone" for neighbor landscape plantings. The underdrains will require periodic maintenance and continual damage to neighborhood tree roots. All this, damage to landscaping and increased water irrigation expense to many, is being undertaken so a handful of homeowners won't be inconvenienced to use sump pumps in their crawlspaces each spring.

The board did not include this issue on the ballot, nor did they call for a vote to rescind the two previous Member votes in 1985 and 1994 which made the further use or maintenance of the underdrain system obsolete. Again, it appears this board has no qualms to ignore Association Member majority votes for their personal purposes.

Master Association Report – Bill Noland has been serving as the elected board member nominee from Silver Springs to the MHOA. As such he was eligible to serve as the MHOA president. Now that Noland was not re-elected to the Silver Springs SF board he can no longer serve in the capacity of president and will necessarily need to step down, unless, again, the Bylaws are not upheld and are ignored.

Noland reported that the Utah State Dam Safety inspection was performed this year by Everett Taylor of the [State Water Engineers Office](#). The dam on the Silver Willow Lake was found to be insufficiently maintained by the MHOA. Several places showed erosion, tree root invasion, and ground rodent tunneling, all undermining the dams integrity, and possibly nullifying the Warranty provided by the companies that completed the dam reconstruction work in 2005-2006.

Everett Taylor explained that the dam structures are classified as moderate hazard dams; that while their failure would not necessarily be life threatening, failure could cause some property damage downstream. In such event, if the MHOA does not fulfill their responsibilities to maintain the dams and provide remedy to known weakness and further degradation then liability will be attributed to the MHOA and trickle down to the homeowners associations and individual homeowners. Insisting that the MHOA restore the dam profiles to State specifications is the first priority.

Noland also reported that the small lake's drains and dams will be repaired next summer. The MHOA began collecting funds in 2005 for both lakes' repair work and have over \$90,000 in an investment account to cover these expenses.

The MHOA still does not have a liability or duties contract with the MHOA manager. A certified audit has not been performed on the MHOA accounts since 1989 when it was founded. The manager has yet to provide a line-by-line accounting of expenditures though this written accounting has been requested repeatedly since 2008 by SSSFHOA board members and others.

Members of the MHOA board have been discussing the viability of the MHOA. This second level of Community governance is very

questionably in operation. Member subdivisions are dissatisfied with its workings. [In November 2009 Quail Meadows II and Ptarmigan subdivisions resigned from participation in the MHOA, The Springs had previously resigned. Founding documents show that several other subdivisions are participating on the board but are not named in any of the authority papers, and only the Developer-Homeowner Agreement contains signatures of 8 subdivision representatives. The Master Association Members have not been provided their right to vote on any MHOA issues.]

Association Website. The SSSFHOA board website at www.silverspringsSFhoa.com needs to have its domain name renewed by January 27, 2010. It is up to the board and Dave Coehlo to either allow it to expire or renew it. This domain represents the \$4,228 investment that the 2006 board allocated to re-instate the 2000 website and to have Park City Web build for our neighborhood.

In March 2009 Chris Butler started a boilerplate HOA website. Members have complained it is difficult to access, that the long form required to receive a password, which in turn is needed to access this website's content, is invasive and unnecessary. Fewer than a dozen Members have applied for a password.

The independent www.silverspringscommunity.com website, that stems back to 2000 and represents not only the Silver Springs SF but also the other twelve contiguous subdivisions has open access, has all recorded documents and more, has maps and the board minutes, budgets, board rosters. It has Neighbor News, a calendar of events, area history, and much more. And it is current and easy to navigate with its Word Search Function and left side menu. And it is free!

Blue Roof rezone proposal by Walgreens. See <http://www.silverspringscommunity.com/our-community/silver-springs-commercial/blue-roof-rezone-proposal/> for more information and updates. For now the proposal is no longer on the table.

Property Tax Increase Appeals. The 2008-2009 recession has caused the Summit County Assessor to re-evaluate and increase our property values in an effort to bolster the County income. This is a

decision that is being appealed by a high number of Silver Springs residents since the real estate market is flat and there are more than normal numbers of foreclosures and short sales. Due to the high number of appeals the County Assessor has decided to re-look at the new assessments in our Community. Treasurer Chris Butler said constant comment and complaints filed with the County is the best way to get action. He added that his experience at appeal hearings persuades him that County officials are not always truthful. [Sigh]

Meeting Adjourned at 9:15 P.M.

Date of next General Meeting and Election is: Monday, October 11, 2010 Columbus Day.

HOA New Domain at: www.silverspringscommunity.com]

Send Comments to: sssfhoa@gmail.com

NOTE: Bill Noland served for one year on the SSSFHOA board (2008-2009) but chose not to be placed on the 2009 SSSF October ballot for re-election. Currently Noland serves as the SSSF nominee to the MHOA, and the president of the MHOA board as an elected board member. The MHOA Bylaws state that the officers of the MHOA shall at all times be elected members of one of the Boards of Trustees. The board can also create other committee chairs etc, by resolution, from among the other (of 13) officers elected from the 13 member subdivisions. Noland was apprised of this qualification process before the election and chose not to be on the ballot in Silver Springs SF.

It appears that Noland is no longer qualified to be the SSSFHOA nominee to hold the MHOA office of president.

See the [MHOA Bylaws](#):

ARTICLE VII

OFFICERS AND THEIR DUTIES

Section 1. Enumeration of Offices. The officers of this Master Association shall be President, a Vice-President, a Secretary, and a Treasurer. The last enumerated office may be held by one person. These officers shall at all times be members of the Board of Trustees, and such other officers as the Board may from time to time create by resolution.