



## **SILVER SPRINGS SINGLE FAMILY HOMEOWNERS ASSOCIATION**

### **BOARD OF TRUSTEES MEETING**

October 8, 2009

Unposted Meeting was held in a private residence

**Board Members Present:** 1) Bill Noland, 2) Harry E. Fuller Jr., 3) Bill Gunter, 4) Sue Pollard, 5) James Larson, 6) Chris Butler.

**Board Members Absent:** Kristian Mulholland.

**Meeting was called to order** at 7:10 PM.

**Approval of Minutes:** For September 8, 2009 and September 16, 2009. Approved unanimously.

**Annual Association Meeting and Election:** Plans for this October 13, 2009 SSSFHOA meeting and election were discussed. The board generally agreed that assembling a quorum was essential to avoid the use of a replacement meeting. Lucy Archer had successfully achieved a quorum for the 2008 Meeting and Election with 81% Member participation, therefore eliminating a replacement meeting for the first time in over fifteen years. Archer had divided our Silver Springs neighborhood into seven sections of approximately 26 houses in each section. None of the board members wanted to help with collecting the ballots and surveys so it was achieved with volunteers. As in 2008, this year every home should be visited during the next week to collect their Proxy Ballots. All collected and mailed in ballots are to be counted and certified by the board secretary in accordance to Association Bylaws.

**Underdrain System:** A report on this system which was abandoned by the majority votes of the Association Members in 1985 and 1994 will be presented at the Annual Association Meeting by Bill Noland. It was reported that a blockage that was believed to be causing water seepage last winter and spring has been cleared by the Pro Pipe contractor at a cost to the Association of \$2,700, which was \$2,300 under the amount of \$5,000 which had been approved for the project by these board members at their September 16 "emergency" meeting. Where this blockage occurred, which homes/properties were affected, and who benefited from this work was not reported. Chris Butler asked if all the blockage problems in the subdivision had been solved. Noland, who had spearheaded the investigation of this system as a result of water issues in his own crawlspace, answered that it was doubtful; the survey of the homeowners that he had distributed last spring had few respondents so the actual number of problems in the subdivision have not been completely ascertained, and perhaps very likely are nearly non-existent. Noland continued, "We still don't know about the lower part of the system. We've solved the problem we knew about." As an example, 30 manholes exist in the

subdivision (County storm drains and sewers?), only eight have been unearthed. Since the actual underdrain system is inside individual property lines would there be manholes? See CCRs for rule stating the individual homeowners are responsible for everything within their boundaries. See SBWRD maps for location of County lines and manholes.

**Updated Architectural Forms:** Chris Butler recently employed a contractor to reformat and input the replacement HOA forms for various architectural permits into MS Word format. (Cost not reported) The forms now in use can be downloaded at <http://www.silverspringscommunity.com/our-community/silver-springs-sf/hoa-docs/application-forms/>

**Master Association:** Bill Noland, current MHOA President, reported that the Utah State Dam Safety inspector Everett Taylor made known his opinion that the MHOA board and water committee had not been maintaining the lakes and dams according to State Code. Taylor said that the dam structure of the large and small lakes is being threatened by inadequate maintenance of dam profiles, by tree and other vegetation root systems, and by burrowing rodents. Some trees and other vegetation may need to be removed by the Higginson's and other NorthShore lakefront property owners. When the dams on the Silver Willow Lake, a.k.a. Lower Pond or Large Lake, were repaired in 2005 at a cost of over \$145,000 the contractors, Klinefelder Engineering and Cross Marine, provided a Warranty on their work under the condition that the MHOA would properly maintain them. It was not discussed how these conditions will affect the Warranty.

Noland confirmed that the delinquent maintenance work will have associated costs, as the State mandate to make the dams safe must be answered. Noland said that the MHOA has already spent over \$180,000 on lake maintenance since the deed transfer was accepted in 2004.

Noland added that the Silver Willow Pond, a.k.a. Little Lake, is in need of \$120,000 worth of drain repair work that has been deferred the last couple years. Early in 2008 the MHOA discussed they had over \$80,000 in a CD and it was expected that by the end of 2008 the amount could have \$120,000 which was earmarked for the Little Lake work. Noland said there was still discussion among the MHOA member subdivision trustees regarding a special assessment of Little Lake lakefront property owners to help defray lake costs. The MHOA Members who receive not benefit or use from Little Lake do not feel they should have to pay an assessment for its maintenance and repair.

A much discussed solution would be to transfer title for the Little Lake to the SouthShore subdivision as this lake is nearly completely surrounded by a "Private Enjoyment Easement" reserved for the 25 homes around its perimeter. The other 483 Master Association Members have no use or access to this lake other than the approximate 60' wide X 12' deep stripe named Lloyd Ross pocket park on the west side. See maps at: <http://www.silverspringscommunity.com/lakes-in-silver-springs/>



Access to Little Lake is only for SouthShore lakefront property owners.

**CCR Enforcement and Procedures:** Gunter reported that owners of property needing mowing have refused to do so following his discussions with them. Gunter said reasons for refusal included the usual objection that the trustees were wrongly telling homeowner's what to do with their private property (...request was made by a trustee who usurped an election, and who is ignoring the majority vote of the Association Members to abandon the underdrain system, who has ignored his fiduciary duty, and who ostracizes members from community service, etc.).

**Website:** The Silver Springs Community is fortunate to have so many websites reporting and posting information online for use and access by its Membership. The most comprehensive...and free...website is at <http://www.silverspringscommunity.com/>

**Budget Report:** Bookkeeper Lyn Cier reported 10 member dues for 2009 remain unpaid. No report on why these Members have not paid. She confirmed that late fees are accruing. Cier's balance sheet showed that 2008 and 2009 dues totaling \$43,250 had been collected up to today.

Total expenses have been \$44,248 for an anticipated \$63,735 budget. A copy of this Budget has been requested from Cier and when it is received it will be posted at:

<http://www.silverspringscommunity.com/our-community/silver-springs-sf/budget/>

The Association checks balance is \$25,000 that includes \$10,000 in refundable deposits to the Members. James Larson said he thought a specific reserve amount should be written into the budget rather than being "a different amount each year." It was pointed out during general discussion that the Utah State Legislature has already, and may again, consider requiring all homeowner associations in the state to maintain a specified reserve fund. Cier has been maintaining these books for around ten to fourteen years. It is unknown when, if ever, the last certified audit was completed on the HOA books.

#### **New Business:**

- The damaged street manhole at N. Silver Springs Road and Meadows Connection has had its collar damage repaired.
- Gunter mentioned that although Noland was not running for re-election to the SSSFHOA Board, it would seem advisable to continue his representation on the MHOA board considering that he is that board's president. When the ballot was received by Lucy Archer without his name listed as a candidate, Lucy sent Noland an email to apprise him of the MHOA Bylaws regarding this situation. Gunter then asked if that would also allow Noland to cast the SSSF board's vote during the MHOA board voting. Harry Fuller, after confirming from Noland that the MHOA's president votes on all that board's matters, said he couldn't see why Noland shouldn't cast the SSSFHOA vote. It was generally agreed "all of that" would be sorted out when the new SSSF board is organized in November following the annual meeting election on October 13<sup>th</sup>. These board members can find answers by reading the MHOA Bylaws.

[MHOA Bylaws](#) state that the officers of the MHOA are required to be elected members of their respective subdivision boards. [Article IV](#) states the following:

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.

Other MHOA Bylaws Articles and Sections amplify on this topic. If Noland is not an elected officer of his individual association then he cannot hold an office in the MHOA. Whether he can attend and represent SSSF as a perpetual nominee is also in question.

**Adjournment:** Meeting was adjourned at 7:32 PM

Date of the next board meeting was not announced.