



Silver Springs Master Homeowner's Association Board of Trustees Meeting
Meeting
Minutes April 13, 2010

[Items in blue font are links to supporting documentation.](#)

1) **Informational Meeting with Counsel from 6:00 pm to 6:45 pm.** [It is disappointing that his remarks were not included for the Members not in attendance to read.]

2) **Confirm Quorum:** Tim Sattlemeier (Silver Meadows), Whit Logan (Meadow Springs), Gaylynn Mooney (North Shore), Bill Chambers (Ptarmigan), Bill Gunter (SSSFHOA), Rosemary Craighill (Meadow Wild), Doug Porter (Park Place), Steve LoRe (South Shore), Ray MacKown (Willowbend East), Karen Williams (Willowbend West), Anthony Sands (Quail Meadows1))

Not Present: Not MA members - Quail Meadows II, 4 houses on Quail Meadows Road.)

Guests: Ted Barnes, Bill Noland (non-elected trustee SSSFHOA yet acting as MA President), Robyn Bailey (Manager), Les Carriel (Lake committee), Ken Canada, Ron Duyker, Kelley Snyder, Bill Cowie, Ted Palomaki, Sue Pollard, Brian Robinson, Julia Loughlin, Jamie Ammann, Troy & Barb Coyle, Bryan & Alison Godlewski, Elisabeth & Robb Lentz, Sandra Johnson, Russ Paskoski, Karen Schoephoerster, Lucy & Clay Archer, Stan Kanarowski, Ted Haeger, Ken Whitney, Erin Quill, Janet & Harry Fuller, Kathy McMahan, Colleen & Ron Wilstein, James Larson, Karen Reid, Steven Fassett, Bill Rusconi, Bonnie Adams, Chris Butler, Jon Pierce, Kate Riggs, Bob Marsh, Brad Celarec, Rick Lewis, Rebecca Page Erickson, Eric & Pat Fraleigh, Ted Palomaki, Jamie Ammon, Richard Callahan, Lyn Cier, Bill Rusconi, Bruce Kirchenheiter, and others.

3) **Meeting to Order:** 6:55 p.m.

4) **Approval of Previous Minutes:** Bill Gunter motioned to approve the March minutes Steve LoRe seconded the motion all present were in favor.

Meadow Springs	Y	Meadow Wild	Y	Northshore	Y
Park Place	Y	Ptarmigan	Y	Quail Meadows	Y
Quail Meadows II		Silver Meadows	Y	Single Family	M Y
Southshore	S Y	Willowbend East	Y	Willowbend West	Y

5) **Member Comments to the Board** (3 min each) **Bill Rusconi:** He expressed concern that The Springs is not part of the Masters HOA. Noland stated that The Springs subdivision is not a member of the MA. Ron Duyker tried the explanation that Bill Rusconi's home was the only house in the Springs development which was originally tied to the commercial property to its south, they volunteered their contribution to the

Masters, and that when the other members moved in they came to the conclusion that they didn't belong. Walker Court was part of the commercial development that includes the Blue Roof, St. Lukes and the office buildings. The 2008 MA Minutes includes discussion that The Springs was delinquent with their assessments and so were ousted from the MA. Rusconi explained that Franz Ostmann owned two of the residential lots and would not pay his share. The other The Springs homeowners would not pay Ostmann's share so their subdivision became delinquent. Around 2006 The Springs was no longer noticed or invited to the MA meetings because of this delinquency. So now at this meeting it was being made clear and open that The Springs subdivision was no longer a member of the MA. Noland agreed. Rusconi then said that since a quorum of his subdivision owners was present that they agreed to remain unaffiliated with the Silver Springs Master Association. Bill Noland asked to meet with him later and if his neighbors would agree the MA board could consider reinstating them. The Springs quorum stood up, declined the offer, and exited the meeting. Precedence was set that if a subdivision is delinquent in payment of MA assessments they can resign participation in the SSMA. **Kathy McMahon:** Asked that the masters consider tiering the assessments. Bill Noland responded that at this time our documents do not support tiering. Tiering can be easily added to the Articles of Incorporation, allowing the 126 condos to pay assessments for the [Tennis court parcel](#). The General Homeowners would be assessed for the [Park](#). The lake view owners would be assessed for the lakes. **Kate Riggs:** She thought the masters are putting the cart before the horse on the gate and structural repairs assessment for the little lake. The masters should have had the property owner members vote on the assessment before billing the subdivisions for capital improvements. The little lake is completely surrounded by private homes and [the exclusive private enjoyment easement](#). It should be deeded to SouthShore. She is concerned about lack of communication from board members. **Bill Noland** explained that the Masters structure is set up to have one representative [yet Silver Springs has two]. Members can get involved by attending meetings, and talking with your representative. **Bill Gunter** [known to bully members at these "open" meetings] stated that you can have many questions answered through [our web site](#). **Richard Callahan:** He asked why the additional \$182.00, a special assessment for capital improvements was not voted on by the General members, and does the masters think that next year the fees will be back to the normal \$175.00. Bill Noland said that special assessments are for catastrophic problems not planned projects and that at this time \$175.00 is about what is needed to maintain our properties. [Noland's answer does not jive with the [MA or the individual Bylaws or CCRs](#).] **Stan Kanorowski:** Had been making threats under his breath and allowed his cell phone timer alarm to run for many minutes creating a meeting disturbance during Kate Riggs remarks. He stated that he wanted to expose Lucy Archer. Bill Noland asked Stan to address the board with questions and he stated that this meeting is not about personal attacks. "Take it outside Stan." **Lucy Archer:** She stated that she appreciated the responsibility and benefit of good information and the importance of sharing the information with the property owners. "The more Members know the more they care, the more they care the more they participate. The more they participate the more that our neighborhood and community will reflect the ideals and lifestyle of our residents." She said that there are members that are opposed to the Masters and that she has been asking questions since 2000 and again during the last three years. It can be shown that since she

has been asking questions and researching the MA that more board members have been active and that more involvement from the community has occurred. She stated that Bill Noland has done a fabulous, long overdue job since 2009. She said that a lot of people have been unhappy with the lake assessments and enjoyment easements situation, and that the board needs to streamline the Masters. She questioned the Masters for budgeting \$24,000.00 in legal fees for 2010. Then she stated that there are subdivisions that want to be removed and should be allowed to resign from the MA since there is precedence. **She** asked that the board allow more participation from Members and more accountability from the various boards, and adherence to the HOA charter guidelines. **Bill Noland** responded that the proper way to change is to present the board with a proposal through your HOA representative the board is open to any well thought out ideas. [The SSSFHOA board response to this was that Bill Gunter mailed a nasty letter to all the SSSFHOA members on April 26, 2010 making disparaging, uninformed, misleading, and inaccurate remarks regarding the activities and ideas from Members who had presented new, well thought out and well-supported ideas.] **Ron Duyker:** He asked that one of the [“unauthorized” web sites](#) disclose the unidentified attorney. [Does he mean Craig Smith, Scott Welling, Mabey, Dave Johnson, Jim Kennicott?] He was concerned over Lucy recording the unsigned Bylaws to provide the Members with notice that this draft charter existed and was unsigned. It was then stated that a 1989 MA board member wrote a letter to the MA board last month outlining that [no authority had ever been vested from the individual subdivisions to the MA since 1990](#), calling the MA’s legitimacy into question. Duyker stated that recording the bylaws removes deniability from the MA board. Bill Noland asked Lucy if she had the signatures. Lucy stated that the [Bylaws were never signed and are on the website](#). Bill Noland explained that he is working on new bylaws. [The MA board approved the 1990 MA Draft Bylaws unanimously on April 20, 2009. Last week a HOA attorney advised our Community that since the MA is merely a Property Management Non-Profit Corporation that Bylaws are not necessary. The new Non-Profit Laws can be incorporated into the Articles of Incorporation and tiered assessments can be easily implemented. This step would save the MA attorney fees and streamline the MA documents.] Clay Archer stated that the unsigned bylaws don’t put a cloud on title, that is a cover-up scare tactic. He also said that there have been hundreds of title changes and homes that have sold since the Bylaws were recorded and that no one has had a problem. Bill Noland responded that if there was a problem it might be between the seller and the person that recorded the document. Five title companies, Wells Fargo and Zion’s Bank, six mortgage lenders, the State Division of Real Estate, the Utah Non-Profit Association, Summit County Recorder, and the Utah Division of Corporations were all consulted prior to the recording of the Bylaws. All entities agreed that the recording was long overdue, normal, legal, and a service to the Silver Springs property owners. **Russ Paskoski:** He asked about the property around the lakes. Bill Noland said that the Masters had a survey and that he has gotten legal opinion of the easements. A request has been made for this information but it has not been produced. [[See Lake Easement link](#)] **Chris Butler:** Has there been discussion to sell the lake view owners the property. Bill Noland said “Yes” that the board will be discussing this later in the agenda.

6) Standing Committee Reports

a) **Lakes/Dams:** (Big Lake E. Drain) (Payment to J. Loughlin) Gaylynn reported that there are no concerns right now. Bill asked that the board reimburse Julia for the electricity used this winter. Steve asked what our plan is for next year. Julia has only one concern if somehow the power were to be unplugged. She suggested solar panels.

Meadow Springs	Y	Meadow Wild	Y	Northshore	Y
Park Place	Y	Ptarmigan	Y	Quail Meadows	Y
Quail Meadows II		Silver Meadows	Y	Single Family	Y
Southshore	Y	Willowbend East	Y	Willowbend West	Y

b) **Other Properties:** No reports

7) Unfinished Business

a) **Rules & Regs Committee Report:** Julia Loughlin asked for an extension to May 11, The committee is having their final meeting April 15, 2010 and they need a little more time. Steve suggested that they present it to the board though email. Gaylynn said that she would prefer they present their ideas in person. Then each HOA will be able to look at their recommendations and Then new signage could be made. Bill Chambers motioned to accept their extention. Doug seconded the motion. Steve. Opposed motioned carried.

b) **Constitute Committee to Investigate Tiered Assessments:** Bill Chambers reported that they have a group of five so far working on assessments. The group will be called Dues Working Group. The committee is charged with developing a feasible dues structures. They are brainstorming on many ideas. The committee consist of Anthony Sands, Whit Logan, Bill Noland, Gaylynn Mooney and Bill Chambers. Ted Barnes, the board's legal council has stated that tiering is not consistent with our documents. Bill Gunter asked if it is worth pursuing. **Bill Chambers** stated that he thought it was. The Community Tea Party emailed a simple plan to Chambers, cc: to all the board members, to present and discuss with the MA board. This plan seeks to amend the Articles of Incorporation to represent the Condos as stewards of the tennis court, the General Members would take care of the Park and other Common Areas, and the lake view owners would maintain the lakes. This plan would be less costly and would not conflict with individual HOA charters. Anthony Sands said the board should think outside the box. Bill Noland said that since this issue is such a polarizing decision it needs to be explored. Gaylynn said that since a number of people have wanted it looked at we need to really look at it.

Anthony said that an objective and unbiased survey of our community could help. [The Community "Tea Party" is circulating a proxy ballot that serves much the same purpose.]

Gaylynn Mooney is still actively working on the friends of the lake volunteers and to pass the hat around the lake neighbors or any body else that wants to participate. **Karen Williams** asked if anybody on the board is a

condo owner. There are six members that are condo owners, only four are residents. This year only two are lake view owners. Bill Chambers asked if we can look into a way to tier that is reasonable [see “Tea Party” proposal.] then we will ask the lawyer if it is legal and if it can be done. Bill Noland recommends a that we take a look at the positive and the negative and choose the best result. Bill Chambers recommended that the board decide how much money to spend on this legally. Whit said at this point **it is best to share ideas**. Bill Noland asked Bill Chambers to put information on this on our web site. Bill Gunter motioned to continue the group to study the tiered system as briefed for our community Anthony Sands seconded the motion.

Carried. Continued

Meadow Springs	Y	Meadow Wild	Y	Northshore	Y
Park Place	A	Ptarmigan	Y	Quail Meadows	S Y
Quail Meadows II		Silver Meadows	A	Single Family	M Y
Southshore	Y	Willowbend East	Y	Willowbend West	A

- c) **Tennis Court Title:** Whit explained that there is no up date on this issue he has been to busy with other obligations to finish. Bill Noland pressed for a reply, when he thought he would get it done. Whit has been dragging his feet for over a year Steve asked if he needed any help. The MA paid for the one court owned by Meadow Wild and Meadow Springs in 2007, half of the \$70,000 spent. Continued
- d) **Audit Status:** Steve reported that he and Tracey Phillips will start June 1. They have a detailed outline of what the plan to do. He explained that they looked at three CPA firms for a limited scope audit. This would cost between \$12,000 – \$15,000. They plan on going back 7 years. Continued
- e) **Legal Expenditure Guidelines:** Bill Gunter will send this out though email in the next couple of days. Continued
- f) **Assessment Procedures Resolution:** Bill Noland asked what will happen if the HOA’s don’t pay by May 15, 2010. Bill Gunter asked if the board could pass a resolution after the May 15 date. Bill Noland asked the board to work on this at the next meeting when they have a better idea of how things are going. [There is a good impact of interest generated by the Community “Tea Party” group who wants the various boards to adhere to the Bylaws and CCRs guidelines to collect a General Member vote regarding the capital improvement assessment, and they want an account of the \$80,000 being held in a CD by the MA as of May 2008 for this same work.] Continued.
- g) **Recording Device Trial:** Bill explained that the board is trying a recording devise. Tim said that he put the batteries in and turned it on.
- h) **North Shore Entrance Landscaping:** Bill Gunter reported that he has been working with Jane Washington. They are looking at the landscaping and they

are meeting again May 11. They are hoping to have volunteer labor. [They hope to not spend \$15,000 as originally discussed. Washington is also on record as disapproving of the NorthShore entrance from Highway 224 because it is a fast and dangerous approach corner with limited visibility. There have been accidents there and developing an entrance to the [Parcel R berm](#) can have great liability.]

i) Reserve Study Status/Legislation: Bill Noland stated that the legislators passed senate bill 278 that is about homeowners reserves. This item has been discussed for a number of years. It states that you need a reserve study every five years. A study needs to be done before 2012 and up dated every 2 years. Bill Noland said the board needs a reserve study and that it can be done by contract help or we can do it ourselves. **Les Carriel** said that he has already contacted a company and has filled out a form for the Masters. Anthony asked that this information be added to the web site.

8) New Business

a) Briefing on Lakes Shoreline Property Legal Status

1) Little Lake Vegetation (Brief adjacent residents & Rodeo info handout to board only)

2) Other Property Around Both Lakes

b) Proposal on Dam Maint Assessment Bill Noland said that it is time to start talking about the vegetation on the little lake. The lake front committee has prepared a form that will help the home owner know about each problem that the property has. Greenleaf has a handout about Rodeo. Bill Noland would like to meet with each property owner once instead meeting over each incident. Legal status is the MA owns the property. Master HOA properties are owned by the HOA not individuals. The dam properties have private enjoyment easements. Only grass is allowed on the property. The board will tell them about the vegetation problems. The board will inform encroachers and all homeowners should be treated the same. Gaylynn explained that the form could be used to meet with the property owner. It was the intent that the property owner could contribute to help with this. The board also talked about working on only what the [dam inspector was focused on safety issues](#). Bill N. said that Ted Barnes recommended that we do a one time over all defining the property. Bill's question is do we talk about the property rights issues and do we just do what work that needs to be done. Gaylynn motioned to talk to the property owners that we only deal with the dam safety issues the seven areas that the inspector recommended and that are on the form. Doug seconded the motion. Steve said that we need to get to the issue. To define the property once. Whit said that we should notify the owners of encroachment. Gaylynn agreed that we need to be proactive on the dam. Steve asked do we go several times to the same owner. Bill Gunter all property issues can not be solved at once, all encroachments can't be solved at once. Steve LoRe stated that the board has the knowledge why won't the board share it. Gaylynn Mooney stated that we haven't decided

as a board how to handle the rock. Property owners should be notified of

encroachments. **Eric Fralieg** said that there should be more allowed than just grass like rock should be OK. Bill Noland said that we could look at potential problems down the road. We need to have formal informational notice, verbal or certified information. There should be no misunderstandings. Steve said

some people might want to know. They might want to walk around and inspect the dam and the maintenance. Julia said that they should identify every encroachment. Then everyone should be notified. Steve reminded the group that the MA are close to the 20 year easement. Anthony likes the idea of a certified

letter that politely and carefully notifies the owner of the problems. **Janet Fuller** stated that the board should communicate and discuss the meetings with these people [the little lake view owners]. She asked who would maintain the areas. She reminded the board that these people are our neighbors. The board needs to make the form show what is expected. The form should be looked over by our attorney. Gaylynn asked when the board plans to go to the little lake homeowners to only discuss the project as

defined by the state. Then notify the homeowner of the encroachments. Bill N. said that owners recognize the property lines. Gaylynn will write it in a nice and friendly way. Gaylynn will include encroachments in parenthesis. Gaylynn motioned that trustees visit the little lake homeowner discuss the inspectors suggestions of items one – seven and modify the personal sheet form to say that any items on the property are encroachments. Notify them of the safety issues first and then have them recognize the encroachments. Whit Logan seconded the motion.

Meadow Springs	S Y	Meadow Wild	N	Northshore	M Y
Park Place	A	Ptarmigan	A	Quail Meadows	A
Quail Meadows II		Silver Meadows	Y	Single Family	Y
Southshore	N	Willowbend East	Y	Willowbend West	A

c) Water Rights Holder Maint Responsibility vs. MA Lakes Agreement

Bill Noland said that he would need to talk to Ted Barnes about this idea and to make sure it is legal. Does the MA want to contest the agreement through mediation? If the board goes to mediation what are our chances. Steve asked what the basis of our claim. Anthony said if he had known that all the other subdivision presidents had not been contacted or were not in agreement he never would have signed the Conveyance. Doug wondered what our goal is. Is it to transfer the maintenance to someone else. **Bill Chambers** does Mt. Regional have any motivation to have the water quality. Gaylynn stated actions have made the water safer. Mt. Regional didn't do a lot before. They might be better now. The question is does the board explore the maintenance responsibility with Mt. Regional. Mt. Regional has a vested interest in the

water that goes down stream. The board owes it to our members to look into this. **Bill Gunter** said that the lakes help with the water quality. **Clay Archer** said that Mt. Regional has a vested interest to store water in the lake, it wouldn't hurt to ask. **Bill Noland** said that Marty Gee has reminded him that Mt. Regional owns the water rights. Bill said that he could speak with her. **Julia Loughlin** said that she has spoken with Marty over this issue and Marty stated that Mt. Regional would just bill this back to our community. **Chris Butler** said that at the minimum with the problems like the trees on the dams they could maybe help us with labor. He also asked did the sell of the dam go without an inspection. Bill Noland said that inspections are done every two years. The MA had a water lawyer Craig Smith who was involved with the transaction. **Lucy Archer** stated that there was a engineering report with maps and repair cost estimates from Klinefelder Engineering and another from Cross Marine that was completed for Mtn. Regional prior to the 2004 Lake Conveyance Agreement. This report was provided to the MA prior to the signing, the report is in Robyn Bailey's files. **Ken Canada** said that was the smoking gun. Gaylynn Mooney asked for more discussion on this at our next meeting and that the item be continued.

- d) Proposal to purchase Lakefront Property:** Bill Noland explained that that the MA board has received a proposal from the lake view owners of SSSF lots 193, 194, 195, 196 to purchase a portion of the enjoyment easement from their back lot lines to the water's edge and has an obligation to respond to this letter. Steve stated that the board needs to have a macro plan for the property to have a look at the long term. **Bonnie Adams** stated that there was a document, that says that the MA can not sell any property. Other property could put in jeopardy by selling some. Bill Noland asked Lucy if she has ran into anything like this. Lucy said that she has many documents and will take a look if Bonnie will provide more details regarding dates and parties involved. Bonnie said that this would be at the time of Bill Ligety, Fred Stead [Stayrook?] and Mike Barnes, when they did away with the walkways around the lakes. Bill Noland said the board does not have any such documents.
- Les Carriel**, one of the applicants, stated that it is a win, win situation no access to the property and that they would provide maintenance and liability plus give the masters money. **Steve LoRe** asked what if the masters couldn't get to that property. Les said that in terms of access there should be no problem with the masters having access for maintenance.
- Bill Noland stated that the proposal was received and that it is still under discussion.

9) Confirm Next Meeting May 11, 6:30p.m. normal room

10) Adjourn 9:42p.m.

