



Silver Springs Master Homeowner's Association Board of Trustees
Meeting, May 11, Minutes 2010
at St. Luke's Church, 6:30 p.m.
This meeting was not posted.

1) Confirm Quorum:

ATTENDANCE"	
1-Meadow Spring 19 SF	Whit Logan
2-Meadow Wild 14 Condos	Rosemary Craighill
3-NorthShore 90 SF	Gaylynn Mooney
4-Park Place 13 SF	Jeff Neilsen
5-Quail Meadows 18 Condos	Anthony Sands proxy to Whit Logan
6-Silver Meadows 18 Townhomes	Phil Tisovec
7-Silver Springs 189 SF	Bill Gunter, Bill Noland (not a trustee)
8-SouthShore 67 SF	Steve Lo Re proxy to Noland (not a trustee)
9- Willowbend East 22 Condos	Bryan Devaney – Unit 4; unknown trustee?
10-Willowbend West 26 Condos	No trustee

Silver Springs Subdivisions that are not MA Members: Ptarmigan, Quail Meadows Townhomes, The Springs, and 4 houses on Quail Meadow Road.

Others in Attendance: Bill Noland, acting as president, Robyn Bailey, manager.

2) Meeting to Order: 6:40 p.m.

3) Approval of April Minutes: These minutes need additional work. It was suggested that we stop quoting everyone and just describe the big picture. Sentence structure needs work. It was decided that everyone should send their comments for changes back to Robyn by next week. Robyn will forward the minutes by the next week to Jeff who will edit them, then they will be sent out to the board again.

4) Membership Comments to Board: Clarification was requested on how the new "Dues Working Group" was formed. The Masters board organized the group the same way the Rules and Regulations Group was formed. [How was that group formed?]

5) Standing Committee Reports

a) Secretary/Treasurer (HOA payments progress/Recording Device)

Jeff will email all HOA's that they need to ask for an extension on payment of the assessment [that was not approved by the General Membership] before the May 15 due date. He will request that all HOA's pay at least 25% by June 1, 2010 and that all money is due by July 15, 2010.

[Following is the May 15th status of MA assessments collected from the individual subdivisions:

1	Meadow Spring	Deadline extended
2	Meadow Wild	1st installment paid in full
3	North Shore	Deadline extended
4	Park Place	Deadline extended
5	Ptarmigan	1st installment paid in full
6	Quail Meadows I	Deadline extended
7	Silver Meadows	1st installment paid in full
8	Silver Springs Single	Deadline extended
9	South Shore	1st installment paid in full
10	Willow Bend East	1st installment paid in full
11	Willow Bend West	Deadline extended]

The letter will state that the subdivisions will be out of compliance if no arrangements are made. [Someone should remind the MA board that they are out of compliance by requesting a capital improvements assessment without seeking or receiving the Community Members 66 2/3% voted approval.] Bill Noland motioned that we have Jeff send this message out. [It seems that if the MA board can send out this message they could also send out a message that votes will be collected from the Community Members.] Whit seconded the motion. The vote was unanimous. Item Continued

VOTE TALLY	
1-Meadow Spring 19 SF	S Y
2-Meadow Wild 14 Condos	Y
3-NorthShore 90 SF	Y
4-Park Place 13 SF	Y
5-Quail Meadows 18 Condos	Y proxy
6-Silver Meadows 18 Townhomes	Y
7-Silver Springs 189 SF	Y
8-SouthShore 67 SF	Y proxy is not a trustee
9- Willowbend East 22 Condos	Y unknown trustee
10-Willowbend West 26 Condos	No trustee present

b) Big Lake: Gaylynn reported that the aeration system to the big lake needs minor repairs [in January spent \$8,000 on the aerator]. Bill Noland asked the lake committee to check out and report on the condition of the dock in the northwest corner of the lake, and work on a proposal for the developing the berm on the west side of the lake for community access. [The access off Hwy 224 and N. Silver Springs Road is considered dangerous]. The committee chair suggested that a group of non-lake view members be formed to look into developing the berm parcel [accessed via Park Place Court]. Noland asked that the board to solicit the community to form a committee. He requested that the HOAs advertise throughout the community for interested members to participate. We are interested in a low maintenance design. Maximum use with minimal financial and physical impact. Item Continued

c) Little Lake: Richard Krebs has some interesting ideas for the gates and the

[dam](#) dirt work. Eric Fralieghe volunteered to help. Jim Harsch is the project coordinator. Mt. Regional has offered their equipment and personnel at cost to help but they are not interested in taking back the lakes. [Since the [Little Lake](#) has a recorded Private Enjoyment easement around its entire perimeter and an Exclusive [Private Enjoyment Easement document](#) with no provision for Community Member use, the Community Group has proposed that the Little Lake be deeded to SouthShore subdivision or to the 25(+/-) homeowners around the perimeter of the Little Lake. No response from the MA board on this proposal. Item Continued. Small Lake property owner Decamp SOS-C-57 has requested a variance before the BOA to build a deck extending 4' beyond his current patio. [Hearing is on June 3, 2010](#) in Coalville.

d) Other Properties: We have two lights that are out and need repair. Robyn will call the electrician. Item Continued.

6) Unfinished Business

a) Tennis Court Title: Meadow Spring president Whit Logan continues to stall on completing negotiations with the MA regarding ownership and use of the [Meadow Springs owned north tennis court on the Tennis Parcel](#). The MA wants a contract to either legally lease the court or buy it from Meadow Spring. The MA spent over \$70,000 in 2007 to refurbish the courts and the MA has paid for all the upkeep since 1990. The ball is in Logan's court. He said he will respond in July or Aug. Item Continued

b) Internal Audit: The first in 20 years to be worked on by Community Members Steve LoRe and Tracy Phillips. Item Continued

c) Legal Expenditures Guidelines: There was only one change made to the last draft. Bill Noland will put it into resolution format. The Community Group ballot states: "I vote individual MA board members can consult an attorney at their own expense. Only in cases of 100% quorum of the MA board can an attorney be hired and only to perform extenuating legal requirements. Any other use of an attorney requires a 50% vote of General Members." Member votes are nearly 95% in favor. Item Continued

d) Dues Working Group: Bill Chambers has had knee surgery. His remarks are delayed until the next meeting. [The Community Group ballot addresses tiered assessments as follows: "3 - I vote the Master Association should be restructured into three parts: Part 1- Condos/Townhomes (w/tennis court), Part 2- General Homeowners (w/park), and Part 3- Lake view property owners (w/lakes). Each Part shall be assessed only for the Common Areas under their jurisdiction, without conflicting with existing individual subdivisions' Bylaws or CCRs." Member votes are nearly 100% in favor. On May 10, 2010 an email was sent to Chambers and several others explaining this proposal in some detail and requesting that Chambers, as chair of the "Dues Working Group" committee present it to the MA board. Chambers has not responded to the email as of June 11, 2010] and the Minutes do not indicate that he presented the proposal to the board.

Ballot Item 4- I vote the MA shall cease to bill the non-lake view owners for lake expenses. The MA is a property management entity only. I do not authorize the MA to raise the annual fees above \$75 per year per lot without 66 2/3% General Member vote approval written in [Article III. Section 5A.](#)” Member votes are nearly 100% in favor.] Item Continued

- e) **Assessment Procedures Resolution:** Deferred until new bylaws are written. [The MA board could save the Community a lot of legal fees by not producing more Bylaws but by amending the Articles of Incorporation as advised by an attorney who specializes in HOA law. New State Non-Profit laws provide for one ruling document rather than two.]: Item Continued
- f) **[North Shore Entrance Landscaping:](#)** Bill Gunter has been working with Jane Washington of NorthShore (who maintains that entrance is a dangerous place to make a hiking or lake entry for pedestrians). They have come up with a proposal of \$5,700.00 in material and electrical work and between \$7-\$12,000 dollars in labor. They are planning on having some of the labor volunteered. Gaylynn asked that we consider the stairs a separate project. Bill Noland asked that we have a figure with and without the stairs. [The General Members have not been advised on this matter, and since it is a capital improvement 66 2/3% of the Community Members are suppose to vote on the matter. Where is the MA finding the money for this project that is not on the 2010 Proposed Budget?] Item Continued
- g) **Reserve Study:** Les is working on this and is sure to come up with a way for the lake view owners to benefit from it. Item Continued
- h) **Meeting w/Mtn. Regional:** There are three approaches we can take.
- 1) Take what we can get with their help.
 - 2) “You own the water rights this is your problem.”
 - 3) “We were duped, Sands didn’t understand the document he signed.”
- We have had a good relationship with Mt. Regional. Last year they removed many items that people dumped out on the peninsula [which they own as a 100’ circumference around their well property on the peninsula] at their expense. Gaylynn said that she belongs to a group that helps manage nutrient issues in East Canyon Creek. There is a possibility that we could get money to help with the [nutrients in the ponds](#) (see near bottom of link page). Item Continued
- i) **Rules & Regs Committee for Lake Use Report (Questions & Decision on Resolution):** Members of this committee, as designated by the MA board are: Rosemary Craighill, (*Meadow Wild*), Eric Fraleigh (*Northshore-lake view*), Linda Galindo (*Park Place-lake view*), Lisa Kirchenheiter (*Silver Springs*), Julia Loughlin (*Silver Springs-lake view*) <Chair>, Doug Porter (*Park Place-lake-view*), and Michael J. West (*Southshore- lake view*). Linda Galindo was unable to attend any committee meetings. Lisa Kirchenheiter was able to attend only the first meeting.

Two members are non-lake view owners, 5 members are lake view owners, does this seem disproportionate since there are 450 non-lake view owners and 54 lake view owners.

The Board went over the committee's proposed document line by line and made changes as necessary. Phil Tisovec will submit the revision for the board's review after he and Bill Noland check on a few items with outside agencies [the attorney again?]. Item Continued.

j) Proposal to Purchase Big Lake Waterfront Property: Lake view owners of SSSF lots 193, 194, 195, 196 requested on April 13, 2010 to purchase the property from their back lot lines to the large lake's water's edge. This property is the east section of the [original Enjoyment Easement](#) on the Large Lake. Item deferred again until board takes a stand on lake property and easement status. [Noland and the board have not yet responded to the Community Group email of easement questions from April 29, 2010.] Item Continued

7) Budget - The 2010 Budget YTD expenditures were not discussed. A Profit & Loss Statement was not provided. There was no board review of income and expenditures.

8) New Business: The Community Group has had a serious affect on the collection of the unapproved capital improvement assessment for the Little Lake/Pond dam and gates repair. The Community Members have overwhelmingly voted that the MA board must adhere to the MA and individual subdivision charter documents and obtain a 66 2/3% vote of the Community property owners before it can make such assessments.

Read below the provisions made in our Community documents.

The MA 1990 DEVELOPERS DRAFT Bylaws approved by the MA board on April 20, 2009 **state:**
" Article III. **Meeting of MEMBERS**, Section 5A. **Quorum**. Fifty-percent (50%) or more of the Members, either present in person or by proxy, shall constitute a quorum for any and all purposes, **except in special assessment circumstances**, in which the express provisions **require a sixty-six and two-thirds (66 2/3%) percent vote of the members present.**"

This Article should not be confused to be instructions to the board trustees as members of the MA board because Article V provides instructions for the Meeting of TRUSTEES. This separation of Articles provides a division of Member types: - Association General Members - and Board Trustee Members.]

SSSFHOA 1982 CCRS. Section 4. **Special Assessments for Capital Improvements**. In addition to the regular assessments authorized above, the Association may levy, in any assessment year, a special assessment for the purpose of defraying, in whole or in part, the cost of any construction, repair or replacement of a capital improvement upon the Common Area, including fixtures and personal property related thereto, **provided that any such assessment shall have the assent of a two-thirds majority of the combined votes of both classes of membership entitled to vote and who are voting in person or by proxy at a meeting duly called for this purpose.**

SSSFHOA 1985 CCRS. Article V. Section 4. **Special Assessments**. In addition to the regular assessments authorized above, the Association may levy special assessments for

the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, repair or replacement of a capital improvement upon the common area, including fixtures and personal property related thereto, or costs incurred for any other Association purpose, **provided that any such assessment shall have the assent of a majority of the Members** entitled to vote at a meeting duly called for this purpose. Written notice of such meeting shall be sent to all Members not less than ten (10) calendar days or more than thirty (30) calendar days in advance of the meeting.

[Also see NorthShore CCRs] SSSFHOA 1994 Compiled CCRS. Article IV.

PROPERTY RIGHTS IN THE COMMON AREAS

Section 1. Members Easements of Enjoyment. Every Member shall have a right and easement of enjoyment in and to the common area, if any, and such easement shall be appurtenant to and shall pass with the title to every

Assessed lot, subject to the following provisions: (a) The right of the Association to establish uniform rules and regulations pertaining to the use of the common area including but not limited to private streets and recreational facilities thereof.

Article V. Section 4. Special Assessments for Capital Improvements. In addition to the regular assessments authorized above the Association may levy special assessments for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, repair or replacement of a capital improvement upon the common area, including fixtures and personal property related thereto, or costs incurred for any other Association purpose, **provided that any such assessments shall have the assent of a majority of the membership entitled to vote at a meeting duly called for this purpose. Written notice of such meeting shall be sent to all members not less than ten (10) calendar days not more than thirty (30) calendar days in advance of the meeting.**

It should also be recorded that at the [April 13, 2010 MA board meeting](#) the board was instructed to receive Community members and the Community Group members' proposals for tiered assessments and streamlining of the MA. The Community was told to present their ideas to the representatives of their respective subdivision boards, then those board representatives were to deliver the proposals to the MA for discussion. The Community Group leader presented their proposals to the entire SSSF board at their April 12, 2010 meeting and again to Bill Chambers the MA chair for the "Dues Reg. Committee", and others. Instead of presenting these proposals to the MA board, Bill Gunter mailed a divisive letter on April 26, 2010 to all of the SSSF homeowners. His letter was disrespectful, disparaging, and misrepresented the ideas and work of this Community group. In his letter Gunter stated "There are absolutely no instances in the Master Association Articles of Incorporation that require a majority of the general membership to ratify any decision, except through their respective HOA representative." Gunter's misleading statement does not take into account the course of action for assessments stipulated in the charter documents; neither does his statement include the fact that the Articles do not discuss the process for assessments therewith relegating the procedure to the auxiliary documents above. By quoting only the Articles of Incorporation Gunter neglected the whole truth stated in the Bylaws of the Master Association as well as the CC&Rs of his subdivision, the SSSFHOA.

8) Confirm Next Meeting: June 8, 2010 (not posted) Location?

9) Adjourn 10:25 p.m.