

Silver Springs Single Family HOA

Board Meeting Minutes

August 5, 2014

The meeting was called to order at the St. Lukes Church, Park City, Utah at 6:30 PM. In attendance from the board were Bill Gunter, Rick Hovey, Rose Carriel, Mari Dougherty, Robin Bailey and Steven Fassett. Also present were Bill Noland as a Silver Springs member overseeing the underdrain system, and Kate Khaleel representing PMA. Owners present were Lucy and Clay Archer, Lyn Cier and Dwight Hibbdon.

Also present was Robert Rosing from Morris & Sperry representing the Association.

A motion was made, seconded and approved to accept the minutes of the July 1, 2014 meeting as presented.

Member input regarding November 2013 Election: Lucy Archer requested to be added to the agenda for a number of months. Bill Gunter and Lucy Archer invited Dwight Hibbdon, the 2013 HOA president, and Lyn Cier, the former HOA bookkeeper, to attend as witnesses. Lucy Archer disputes the results of the November 2013 election. Clay and Lucy Archer were given the opportunity immediately following the November 2013 election to review all of the ballots with Dwight Hibbdon and they did review all of the ballots at that time. Lyn Cier was present in the room during the review of the ballots. As Hibbdon reviewed each ballot there was a common appearance to about half the ballots. Also the half were over-voted making them invalid. Hibbdon remarked that he wondered how Hovey had received 61 votes when he, Hibbdon had arrived to the meeting holding only 29 ballots, the deadline for submission was at 5:00 pm, the meeting began at 7:00 pm. Hibbdon remarked that the additional ballots must have been submitted after the deadline and were invalid for this second reason. Hibbdon had been asked to bring the ballots with him for this meeting. Hibbdon did not present the November 2013 ballots to this meeting. He did not deny Lucy Archer's statement. Lyn Cier would not make an additional statement saying her testimony would be the same as Hibbdon's. The Archer's presented the emails between them and Hibbdon in which Hibbdon alternatively said he had given the ballots to PMA or lost them. PMA denied they were given the ballots. The emails between the polled meeting attendees and the Archers were presented, some stating Sue Pollard was seen entering the room with a stack of legal size white envelopes, gave them to Gunter, then left the room, (Gunter then passed them to Lyn Cier and Shirley Sanderson who began the process of counting the ballots). Archer's emails were dismissed. Rick Hovey said there was insufficient proof presented at this meeting by Lucy Archer as to why the ballots were invalid. Hovey would not confirm he had prior knowledge of Pollard's actions, saying he was out of town on November 2013. Robert Rosing, the HOA legal counsel, explained that per Utah Code Section 16-6a-713 the burden is on the challenger to provide the proof of ballot fraud. The HOA has accepted the ballots on good faith and only a court order can undo the results of the election. Since there was insufficient proof offered, the matter is considered closed. Robert Rosing left the meeting.

CC&R's Compliance: The new fining structure was effective on August 1st and will make enforcement of the violations and issuance of fines more effective and aid in compliance.

Architectural Committee: Lot 35 (Legris) has applied to have three sides of their home redone with stucco. Steve Fassett will meet with them in the morning to finalize the allowed application of the stucco. The ARC rules state that no more than 30% of the home maybe covered with stucco.

The committee needs to review and redline the current ARC rules and present changes to the Board for review and adoption. This could incorporate new products such as metal roofs, solar panels and metal siding.

Underdrain System: Bill Noland and Bill Gunter met with Derrick Radke, Summit County Public Works Director, to discuss the agreement in place between the County and SSSFHOA. The goal was to affirm the agreement signed on the 25th of June, 1982 (Entry No 1S3367 Book M225, copy attached to these minutes) was still considered the prime directive in regards to the underdrain maintenance. It was affirmed that this agreement is still valid. The HOA is responsible for the maintenance of the underdrain system. The discussion did involve the possibility of cost sharing with the County for some of the maintenance since the system does run under/near/over County infrastructure. A proposal needs to be written and submitted to the County for consideration.

The Alliance Engineering's bid for services related to the underdrain system was discussed (copy attached to these minutes) and reviewed. They have proposed a three phase approach but Bill Noland feels that this plan could be expanded into more phases to spread the cost out over several years. The priorities need to be identified and then further planning undertaken to set a timeline for the items. They did have the proposal reviewed briefly by resident Bill Loughlin (Loughlin Water Associates) and he felt that it was a good proposal. A motion was made, seconded and approved to the employment of Alliance Engineering with the scope of the project to be determined. Bill Noland will work with Alliance Engineering and present an estimate of the cost of the first phase. Each following phase will be approved by the BOT prior to any further activity by Alliance Engineering.

The discussion was held regarding what would happen if the underdrain system was not maintained and failed. The entire community would be affected and could return to wetlands. There are other possible solutions such as draw down wells. This will be incorporated in the discussions with Alliance Engineering.

A motion was made, seconded and approved to get a legal opinion from Ted Barnes regarding the ability of the HOA to enter private property in order to maintain the underdrain system. The underdrain system is not listed on any plat. Bill Noland will lead a focused discovery with Ted Barnes and let the Board know the estimated cost. The Board will vote via email to approve the cost.

Bill Noland addressed any concerns regarding his 'conflict of interest' as his property is one of the lots that the underdrain system directly affects. The board recognizes that there is a potential conflict of interest but feels he will act with utmost integrity.

New Business: The summer party was discussed. It was agreed that Rose would do the Costco shopping for 100 guests including hot dogs, brats and burgers. There would need to be 2 additional grills to be provided by Bill Gunter and Mari. Ice will be purchased that day. Chris Butler will provide the bouncy house. Rick Hovey's band will provide the music but will need to have a generator or electrical source. The park will be cleaned of dog waste by Bill Gunter and crew. Flyers will be posted (and have been mailed).

The next board meeting will be September 2nd.

There was no Master's Association meeting last month. The next meeting will be for a vote on the lining of the stream bed to eliminate water leak issue and to be able to equalize the lakes.

Bill Gunter has sold his house and will be resigning after this meeting. The community thanks Bill for his long service as a Board member over the years.

The meeting was adjourned at 8:55pm.