



REPORT ON THE MASTER ASSOCIATION ANNUAL MEETING,

Tuesday, December 5, 2017

Scheduled from 6:30 to 8:30 pm – Actual Meeting duration from 6:45 to 8:05 pm. St. Luke's Church

In attendance: Board Members- Phil Tisovec-President (Silver Meadows #43), Whit Logan (Meadow Spring Homes), Nancy Sampson-SecTrea. (Quail Meadows Townhomes #5), Les Carriel (Meadow Wild Condos #10), Karen Sydoryk (Quail Meadows Condos #22), Gaylynn Mooney (Northshore), Todd Rooney (Southshore), Bill Noland for Allison Dittmer (SSSF).

Eight of twelve subdivisions were represented. Absent: Park Place (Kelly Vendetti/Nancy Sherman), Ptarmigan (Guy Greider), Willowbend East (Brenda Lake), Willowbend West (Gerald Harwood).

Employee/Manager: Robin Bailey (SSSF) recording Minutes.

Homeowners in attendance: Lucy Archer (SSSF), Chris Bachman (SSSF), Chris & Diane Legris (SSSF), Mary S. Irion (SSSF), Rich Hovey (SSSF), Steve Scott (Southshore).

8+7+1/16. Is attendance a reflection of the unpopularity of this group among the Silver Springs Community Owners? Or do the Owners have little or no sense of ownership or kinship to the MA.

Lucy Archer distributed Vermont Lake Champlain chocolates to everyone in attendance who wanted some.

Meeting Called to Order: by Phil Tisovec after 6:30 pm. Commencing business via a Power Point Presentation.

Park City Nursery - the MA board has entered into a legal contest to force the Nursery to meter the water that flows through their property and to pay for it. Currently, as the water flows through their nursery they use it without payment to Mountain Regional. Now Mountain Regional will have to sustain the cost of installing and maintaining the metering of the water and billing the Nursery.

Why the MA Board became involved in water issues at the Nursery across Highway 224 is unknown. Legal costs to be paid by the MA property owners without their knowledge or consent. This case is close to being settled and closed. Will the cause-effect be passed along as increased consumer costs to neighbors? Will local gardeners then go to SLC to purchase plants and supplies? Will this suit cause the failure of a long-time local business?

Lucy asked whether the large Park is still being watered by Mountain Regional without charge. Robin Bailey answered that the MA does **not** pay for water for the Parcel H Park, it would be too costly. The MA does pay for watering four other MA parcels. See Budget below.

Habitat for Humanity – Tisovec reported that Southshore had hired an attorney to explore the documents related to St. Luke's property and the zoning issues. Southshore incurred some legal costs. Tisovec agreed to have the MA contribute \$1,700 (or was it \$17,000) to the Southshore legal expenses. (It appears Tisovec did not consult the board trustees for their vote before making this contribution; he was reporting this expenditure had been made.)

Lucy Archer reported that she had been in touch with Raymond and Cheryl Butler of Habitat for Humanity (Aug 17, etc.) and with Ray Milliner, Summit County planner, before and after the August 30th and September 20, 2017 County Commission hearings. Incurring legal fees seems unnecessary since the Commission already ruled that the Butler's plan was incomplete, the request had been denied in early September, until St. Luke's and H.H. reworked their plans.

Annual Picnic - Phil reported that the Annual Picnic held at the Parcel H Park has achieved little interest or attendance from the Owners. This Annual Picnic began as a social event for the Single Family neighborhood two decades ago. The 2010 BOT choose to expand the picnic to include all 12 SS Subdivisions, expecting the cost of entertainment, bounce-house, food, advertising, etc. to be funded by the Master Association. How an organization set up to maintain common areas became interpreted as a pocket book for a picnic can be attributed to crony economics. Attendance has been so dismal that Phil suggested the MA Board rethink their participation.

The "Black Hole" Parcel - The topic of Lot 17 and the Mitchell Memorial Park came up, one of the Trustees tried to stop the conversation saying, "You are not supposed to bring that up when Lucy is here." I asked the Board if they had ordered the survey of Lot 17 and adjoining property. They replied that "the owner of Lot 17 had it done....probably a request by his attorney." Bill Noland seemed to be the spokesman for the MA Board on the topic of Lot 17 and parcel, admitted that an owner of record has not been found. He held a SSSF Plat for Phase C which includes Lot 17 and the adjoining Dick Mitchell Memorial Park parcel. Summit County Recorder Entry 184312, Plat Dated 10/07/1981. Lucy Archer explained to the assembly the history as she knew it since 1982 when she moved to Silver Springs. She described her conversations with the Summit County Recorders Alan Spriggs and Mary Ann Trussell, and about the work the 2008 Board had asked High Country Title Company to do, and reminded them that former and current Association Board members also had the title searched, each ending with the same result: there is no chain of ownership or title.

The professional sources Archer worked with said that PIC (Partnership Investments of Colorado) owned the 857 acres which now constitutes Silver Springs Community. They sold it to Vern Hardman and some of his investors. Various developers purchased parcels of land from within the 857 acres to create the 12 subdivisions in the Silver Springs Community. In the process of subdividing there were a few very small wedges and chunks that were not incorporated into the subdivision plats. The Lot 17 extra piece was one of the ownerless, not transferred, not recorded areas. Alan Spriggs nicknamed it "the black hole parcel." It has no chain of title or ownership.

Original homeowner of Lot 17, Dick Mitchell, did not know whether it was necessary to hire an attorney to write up forms to record his interest. Dick assumed that by maintaining, mowing, irrigating, etc. the parcel for over 30 years that he held claim to it after all those years. He did everything required except pay taxes on the parcel. Alan Spriggs, the County Recorder, also the Treasurer and Assessors always told us the parcel did not have a tax I.D. number not even an owner of record; therefore, the County could not charge property taxes for it. So Dick paying taxes on the "Black Hole" parcel was a moot point. Therefore, he could have claimed the parcel as an accoutrement to his Lot 17.

Dick was pretty sick with the cancer and heart problems by 2014-2015. He did manage to begin and record documentation of his right to claim the adjoining parcel. Dick left it to his son, John, to complete the process and to erect a sign indicating it would be called the Dick Mitchell Memorial Park.

The Silver Springs Community website pages describing the parcel and the search for ownership, etc. serves as witness to claims on Lot 17 and its accompanying parcel; they are together parts of one piece of land. Details and photos are at:

<https://www.silverspringscommunity.com/silver-springs-parks/dick-mitchell-memorial-park/>

and

<https://www.silverspringscommunity.com/silver-springs-parks/dick-mitchell-memorial-park/ssf-creek-easement-parcel/>

South Entrance - Winter Holiday lights- Tisovec thanked Les Carriel for finding a company that discounted the cost to add lighting to the south entrance to our Community monument area.

Parcel H Park- terracing to the north beach area of the pond/lake at the Park has been completed. Those Owners who prefer a Park with trees are out of luck, many trees have been removed. The volleyball court sand base has been replaced with sod. It is expected the net will be replaced next spring. Lucy Archer reported that Homeowners are disappointed with the quantity of trees that have been cut and removed from the Parcel H Park. Pictures are available at:

<https://www.silverspringscommunity.com/silver-springs-parks/>

The pictures show the abundance of trees, shade, private areas provided by the 25 years of Park tree growth. Now most of those pleasant features have been removed in favor of making mowing and views across the lake more important. Bailey and Carriel disagreed, saying that kids hung on the willow branches making a mess with the broken twigs and leaves, and the duck nesting area was messy, the aspens were impeding Park views of the lake. And fewer trees makes it easier to quickly mow the Park. Neither of them cared that Homeowners prefer the ambiance of trees, shade, and oxygen production. Lucy Archer reported that Keith Clappier, an arborist and hydrology specialist who maintains HOA properties in Deer Valley and Park City, had spoken of the advantages of having trees along the water's edge, creating a circle of life and natural cleansing of the pond water, etc.

Lucy Archer added that since the Parcel H Park has been divested of most of its trees that the local children have been using her yard and trees as their playground. The undesirable activities practiced at the Park also moved to her yard. Now under control.

Pond/lake Maintenance - Gaylynn Mooney reported that she was doubling up on the blue dye she pours into the larger pond/lake. She is still using chemicals to control lake odor, control leaches & insects as well as the over- abundant water plants growth, etc. 200-300 sterile carp were added to the lake, around 50 have died. It has been decided that the aerators installed in both bodies of water in 2006 will be moved to the small pond. New compressors that run out of the aerators will be purchased and installed in both ponds/lakes. New aerators will be installed in the large pond/lake. This system will be split into two systems at the pump house on the Mountain Regional peninsula on the west end of the large pond/lake. Installation of the tubing is complete and back-filled. A ten-year ROI is to be expected, though the estimated remaining life of the large pond is five years. This equipment *and labor* will cost the MA \$65,000. This amount represents the Annual MA Fee payments from 372 Owners for a year.

The overwhelming number of discussions and expenditures are for the ponds/lakes by Board Members who may have conflicts of interest. It is obvious that those who benefit from them should be the ones who pay for them. The Owners in subdivisions who do not use or have access to the ponds should have

discounted dues and/or be allowed to separate from the MA. See the MA Owners 2010 Survey at: <https://www.silverspringscommunity.com/master-association/2010-survey-ballot-results/>

Lucy Archer then outlined differences in the philosophical and legal positions held by the MA Board Trustees versus what the Bylaws and Homeowners expect will be the process for expenditures and management of the Association. There exists a dispute on what is a Special Assessment and what is a very large maintenance expenditure. The Bylaws state that Special Assessments must be approved by a 66 2/3% majority vote of the Homeowners. Mooney and others of the MA Board stated that it is too much trouble to gather approval from 504 Owners, even though the individual subdivision HOA presidents and boards have a duty to gather votes from their Owners which should be counted at an MA meeting to tally whether there is 66 2/3% support for large expenditures.

Archer then asked if the Owners are denied their right to acquiesce on large expenditures, aka Special Assessments, then the MA Board has no authority to proceed with costly outlays. If the Board disenfranchises the Owners then from where does the Board receive authority to either assess the descending Owners or to spend collected dues?

Or, in the case of the \$333,000 MA 2017 bank account balance, from where does the MA board receive the authority to spend the forwarded balance collected in 2010 from the illegal \$375 assessment that was hotly disputed by the Owners? [Many dissenters were fined for non-payment until they were forced to pay to avoid or remove liens recorded on their property by Bill Noland.]

Should MA Trustees spend Budget Income at will, regardless of amount, without Owner approval?

The MA Bylaws being in a Draft status since 1989, are not considered when making Board decisions. After 27 years the MA Board shows no motivation to document MA rules and to outline the process by which the MA Board receives and uses authority from the Owners to whom the Board owes fiduciary duty, accountability and transparency. By saying the voting process is too cumbersome the Board is admitting that they view their duty and the Owners as irrelevant. The Board is demonstrating that they consider their own opinions and decisions more important than consulting the Owners to receive their consent to move ahead.

Lucy Archer reported that a few years back she had made the effort to contact Owners in the other subdivisions. Meadow Spring Owners told her they had not had an Owner meeting and had not voted on a Board or any MA issues in years. Willowbend (East and West) Owners said they rarely heard from their board and only a couple knew who was on their board, no one I asked knew who was on the MA board. Few knew there were two ponds/lakes. A few knew there was a Park, one said they had been to the Park. The Ptarmigan Owners were unhappy with the MA for many reasons; they wanted to separate from the MA but did not pursue it after witnessing the lawsuit brought by Bill Noland against the nine Quail Meadows Townhome Owners when they insisted they be allowed to leave the MA. The end result was that the nine QMT owners had to each pay \$1,714 monthly (multiply by 9 units = \$15,426 per month) for three+ years to pay for legal fees in a losing court decision. (Insurance policies typically exclude coverage for punitive damage awards). This information has led me to wonder what kind of representation has been actually occurring by the MA. The board is mainly composed of the same entrenched people, year after year, voting their own opinions, for amenities they personally benefit from, collecting money from the entire Community of Owners, assessing and spending it without legal authority or recorded rules, protections and oversights. Archer suggested that the experience and trial

& error familiarity gained by the current, longstanding MA trustees could be included within newly written MA Bylaws for use and benefit by future trustees and the Community of Owners.

Gaylynn Mooney stated the MA board does not need Bylaws. As a group they were charged (by whom?) with taking care of the ponds, lakes, parks and they were doing that very well.

Apparently, it does not matter to Gaylynn, a lake-front owner, that 3/4ths or more of the Owners are not happy with the MA situation and feel they should not be required to pay annual dues for amenities they do not or cannot access or use. The lake-front owners are enjoying private ownership, access and use of amenities, the Condo and Townhome Owners and non-lake front single family homeowners are paying to maintain, insure, repair, and manage. This situation isn't equitable nor should it continue as ethically sustainable.

MA Trustee Nancy Samson stated that she felt "\$175 a year MA dues was a bargain for all the lovely amenities available in the Silver Springs Community."

Lucy asked Nancy, how many of her nine Quail Meadows Townhome owners used the Park and ponds/lakes. Nancy's reply was "Zero". Lucy commented, "So you consider \$175 a year for nothing a bargain?" Nancy replied that all the other eight Townhome Owners lived out of state.

In the case of the \$65,000 expenditure for lake aerators and compressors, this has been under study and consideration for a number of months. Plenty of time for each subdivision president and board to inform their respective Owners of the need or expenditure, and to collect the votes of their Owner constituents, however, no one reported they had done so.

Archer remarked that what the MA Board was admitting is that their plans were not to be amended because they placed themselves above authority. An example the Board would rail against if Owners were to copy the MA posture. This MA behavior has had negative influence on the SSSF Board tactics.

The discussion continued that there is a basic philosophical chasm between the two opposing points of view. The Board wants to do what is easy for themselves without consent from the majority of Owners, and therefore will not create updated Bylaws outlining the process of authority. The Owners want the Board to exercise fiduciary duty and respect for Owner interests and authority; also to be provided, and be ruled by, official organizational documents insuring protection of all Owner rights.

Nancy Samson exclaimed, well, we have talked that subject at length. Lucy, do you have your answer? I did not think of it as seeking an answer, it was a group effort to identify the MA pattern of behavior.

2017 & 2018 Budgets were briefly discussed. The current MA assets for this month are \$274,649, down from \$333,000 in October 2017. In the next two months the MA will be receiving \$175 X 504 Owners that will again increase the MA assets by \$88,200 to \$362,849. (\$175 short) Expenses in 2017- \$99,834 are projected in 2018 at \$99,750. The largest ongoing 2017 MA expenses listed are for \$2 million liability insurance for the trustees \$7,600 and professional/attorney fees \$7,200. 2017 projects cost \$20,974. Projects in 2018 are expected to jump to \$33,000. The new aerators and compressors for the lakes at \$65,000 are not listed on this Budget. Regular repairs and maintenance (mowing, pruning trees) in 2017 were \$45,155. No mention was made of vendor and employee contracts or renewals. (\$7,457 + \$45,155= \$52,612.)

The Reserve Study is a system of paying for expenditures in advance outside of the budgeting process.

There were questions on why the utilities expense has increased so dramatically. Robin Bailey gave a long explanation of Allied Waste not correctly billing the MA.

There were complaints that the trash receptacle area at the Parcel H Park is consistently messy and the cans overly full. Green Leaf owner Robin Bailey shared her schedule and frustration with keeping the area clean and voiced a need to enlarge the trash area for more or larger cans. Green Leaf suspends trash pickup during the winter months; it makes sense to empty the cans more frequently during the summer months when Park use increases. Homeowners, Clay and Lucy Archer, go to the park twice a year to clean up the trash enclosure accumulated debris that has been left on the ground by those who are employed to keep it clean. The trash enclosure is a frequent summer months' eyesore for those Owners who drive past the SS Rd and SS Dr. intersection.

Bailey had difficulty explaining that the MA paid for water from Mountain Regional for four areas: for irrigating of the Northshore entry and berm, irrigating the south entry, irrigating the tennis park and another area(?). Bailey admitted that Mountain Regional's Marti Gee was correct in saying that they do not charge the MA for water used to irrigate the Parcel H Park, adding that if they did bill for it, it would be very costly. It was discussed that it would be ideal to use the Park's 1980's pump house and system for its intended use, to pump water from the large pond/lake to water the Park, if permits could be obtained. Watering neighborhood yards with this system was part of the original 1980's plan that was never completed. Another 1978-1982 temporary system, the underdrains located on half the SSSF private property lots, continues to leach and drain away our precious ground water and irrigation water, these drains are no longer beneficial or appropriate. Not only do they seep away irrigation water but they are also lowering the water table needed to provide culinary well water to our homes. The SSSF Owners have voted instructions to their SSSF Board on three occasions, 1985, 1994, 2014, to "Ignore these underdrains." Neither the pump house system nor the underdrains systems are included in any of our Association's charter documents.

MA Quarterly Newsletter – Chris Bachman, SSSF Owner and Project Director for ProClass Web Design, offered to produce a quarterly newsletter for the MA. Whether he expected to be paid for this service was not revealed. A couple of months ago, Bachman offered to produce a monthly newsletter for the SSSF neighborhood. There was much discussion regarding how to distribute the letter without incurring great cost for postage to 512 Owners. Lucy Archer described her method for collecting email addresses, a process she had developed in 2010 when the protests over Bill Noland's \$375 forced MA assessment had the Community up in arms against it. The survey sent to Owners resulted in 212 returned responses. <https://www.silverspringscommunity.com/master-association/2010-survey-ballot-results/>

Rick Hovey suggested that with all Lucy Archer's involvement and work on behalf of the HOAs she should receive a reduction on her annual dues. Phil told him to drop it. (I wonder if other Board members are receiving dues reductions for their participation... so illegal. (See Budget above.)

Nightly Rentals - Steve Scott (Southshore) offered his concern about the increase of nightly rentals in his neighborhood. Whit Logan read a paragraph he felt related to this concern. Steve said that his board had shown the paragraph to their attorney who told them it wasn't strong enough. Also adding that

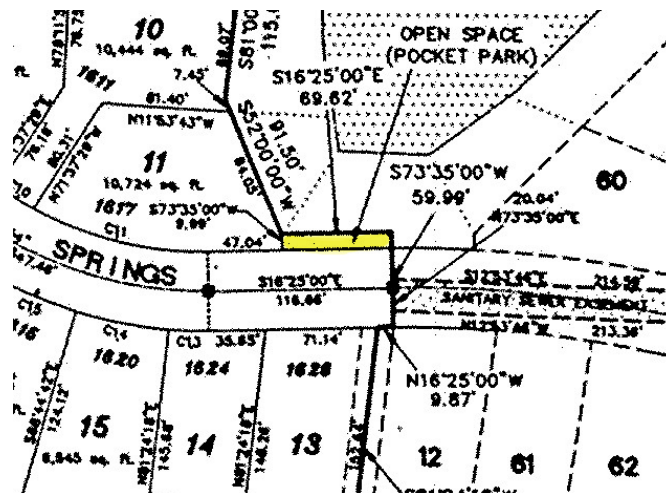
BNB is making a strong national appeal to State legislatures to allow nightly rentals in all neighborhoods. Utah, especially Park City, is in their cross hairs. Airbnb and other online home-sharing platforms are [collaborating with state and local governments](#) to assist in the development of host-friendly rules and regulations. Having County and City buses running along Silver Springs Drive and Road makes this neighborhood attractive for tourist rental access. (The *Brown* bus line was recently terminated on Silver Springs Dr. and Rd.)

Lucy reminded the Board that a number of years back the SSSF Compliance committee had quite a challenge with a number of homes used as rentals containing up to 12 occupants. One such house on Lot 96 Willow Loop (Pavoni→Matthews→Anderson→Chamberlain→Bachman) experienced this abuse during ownership by a former owner. One tenant signed the lease, then he sub-leased the house to several short-term simultaneous renters. Neighbors noticed groups of young people waiting around certain bus stops, they alerted authorities. A lot of damage was found inside these group rental properties. Noise and traffic also increased. Phil will look into the nightly rental laws in our area. The October 1985 SSSF CCRS Entry 244975 Page 8: *Land Use and Building Type paragraph (a) No Lot shall be used except for single family residential purposes....No timeshares, nightly rental or use for any period less than thirty (30) days will be allowed on an single family residential Lot.*

New Business - Phil was about to close the meeting when Lucy reminded him of the email she had sent to him, and distributed copies to the Board prior to the beginning of tonight's meeting.

Lucy Archer explained she is in the process of producing an **Illustrated Silver Springs Community Amenities Map** that will document and show our Silver Springs Community's 857 acres and the location of amenities managed on behalf of the 512 Community homeowners. I want to identify which parcels they have access to and full use. The north beach of the large pond/lake, the Parcel H Park, the tennis court (noting that the north court belongs to Meadow Springs but is maintained by the MA). Others?

The map will also identify areas that are private property but are maintained by the MA, such as the small pond/lake and its dams/walking trail and the large pond/lake and its dams and walking trail. The area [plat that shows the perimeter of the small pond and the Ross Lloyd "Park" appear to be 69.52' by 9' offset from the pond not allowing access and use by all the 512 Community Owners.](#) Has anyone ever clarified [the anomaly](#)?



We know other neighborhoods have such illustrated maps. Lucy held up the SSSF color map she produced in 2013. Owners should know exactly what and where are the amenities the Boards and Realtors are so perfunctorily selling to Buyers and Owners, and to what degree they are available to all 512 property owners. Lucy said she will appreciate collaboration by the MA Board in producing this Illustrated Community map. She thinks it will be of greater benefit if all parties agree on the content and that documents are included that verify the ownership and access. However, we cannot allow this project to be delayed inordinately. The deadline for completion and distribution will be in a few weeks (not a few decades like the MA Bylaws). We are hoping for a joint venture with the MA Board.

Dog Park - The Archers have also volunteered to spearhead [the development of Parcel J and parts of Parcel R to create a 12+ acre](#) fenced dog park for Silver Springs Community dogs and their owners. These parcels have been owned by the MA Association since 1989 or so. There are Silver Springs Community Owners who frequent the Willow Creek Dog Park. Having a neighborhood dog facility will be a good use of Owner Association property and resources. The upkeep will be minimal and mostly self-regulated via Mutt-Mitt use, it will be no more than what is budgeted and spent on the ponds/lakes. Parcels map at: <https://www.silverspringscommunity.com/wp-content/uploads/trail-construction2005-11.jpg>

Examples:

Willow Creek Park (4460 Split Rail Lane) is an enclosed 2.4-acre fenced area with grass and a large dog-friendly pond.

The Woods at Parley's Lane (4275 Sunrise Drive) Jeremy Ranch along Lincoln Highway (I-80): provides a small, yet beautiful spot for your pet to play off leash. This half-acre dog area has training/exercise features to keep your four-legged friend fit and healthy.

Les Carriel dissented, saying he feared that strangers using the new trail along Highway 224 would climb over the barb wire fence to use the Silver Springs private dog park. Lucy asked Les if he knew of any incidents wherein the public had climbed the fence to access the lake. "No, he didn't", he replied. Then what makes you think the public would climb the fence, toss their dog over it, to use the proposed dog park, especially when Willow Creek Dog Park is nearby and has open access? Google Earth, Snyderville Basin Recreation, Summit County Planning, Summit Land Conservancy, and a score of other entities have maps posted on the web showing the SS park and ponds, etc.

Les also remarked that we should be careful about where we distribute our illustrated map showing our amenities. He thinks SS could end up with lots of strangers using our Park and ponds. Les has seen strangers catching fish at the large pond/lake. After the meeting was over, Les Carriel who had been reading Lucy's handout off and on throughout the meeting stepped toward her to voice his concern.

Phil did not make a motion to the Board to consider or support either of these two projects. When the news of a \$333,000 bank account became known, Archer's proposed that a larger pavilion be built in the Parcel H Park that would benefit all the Owners with a shaded, picnic area and grilling fireplace.

No election of MA officers for 2018 was discussed or undertaken.

The next MA Meeting will be on Tuesday, January 9th. Bailey will be absent.

Meeting was adjourned 25 minutes early at 8:05 p.m.

This Report written by Lucy Archer on December 5, 2017. It is posted on the MA Minutes page.

Lucy Archer has been a resident of the Silver Springs Community since mid-1982. Archer is a vigorous advocate for the protection of Owner Property Rights and maintaining vigilance over the Boards of Trustees. She was a member of the 1984 Steering Committee and 1985 Founding Member of the Silver Springs Single Family HOA. Archer has been **elected** several times by a majority of her peers to serve and represent them on the MA and SSSF Boards. Lucy owns the largest collection of Silver Springs Community and SSSF documents, Minutes, maps, photos and other items beginning in 1982. Since 2000 Archer has been the webmaster and editor/contributor of the Silver Springs Community website at: <https://www.silverspringscommunity.com/>

The Archer's are the volunteer compilers of the Silver Springs Single Family Neighborhood Directory. Contact them if you would like a copy.

You can contact Lucy at: webmaster@silverspringscommunity.com

Every time I attend a Master Association meeting it is 80% the same people who have been there since the beginning, always discussing the same items: repairs and work on the ponds/lakes. With what appears to be impunity, foregoing and ignoring the fact that this board is functioning without legal authority because they have refused to create a set of Bylaws since 1989, and continually fail to fairly distribute expenditures to benefit ALL the Community Owners amenities. The vocal trustees say they see no reason why they should hold elections or polls for MA Board expenditures, nor do they think it is requisite to record a tally of votes from the individual 12 subdivisions to show that the representatives are truly getting input and votes that demonstrate the wishes of the Owners. Property Owner rights are continually abused by elected trustees and committee volunteers who disrespect the Owners authority, private property rights, amenity rights equality and fair assessments.