



Silver Springs Single Family Home Owners

Monday, February 11, 2019

Board Meeting 6:00 p.m. to 8: 10 p.m.

at Assemble Park City, 1389 Center Drive,
Ste 200, at Kimball Junction, Redstone Center

In attendance: Board Trustees: Paul Reddy, Edy McConnell Celarec, Elena Gladson, Hunt Williams, Deb Hartley, Joan Benson. Absent: Chris Kautz. [6] Allyson Dickey-Model HOA

In attendance: Home Owners: Clay and Lucy Archer, Chris Bachman, Marny Schlopy, Russ Paskowski, Heinrich Deters, Bill Noland, Tracy Tanner and Rob Nielson, Toni Milligan Knudsen, Julia Loughlin, Polly Reynolds, Randy Cassidy. [13]

A written Agenda was provided at this meeting to all attendees.

After Item 1) **Call to Order** by Reddy. Agenda Item 2) **Owner Forum:** was commenced for the Home Owners present to have 3 minutes each to bring up matters of concern or interest.

-Tracy Tanner: She has the Owner's Title Report and the Title Company Report for the property she purchased last fall, Lot 155. The contents are not the same. The [1979 Special Notice](#) recorded by S.S.D. to notify builders and buyers of their personal responsibility to plan for fluctuating subsurface water on each individual lot was on one but not the other Title Report.

-Reddy called on Lucy Archer to address the board. Archer was surprised to be called at this time since her Ticket 217 to the board and subsequent sent and received emails [These correspondences each included the link to the Home Owners Annotated 2019 CCR Draft: <https://www.silverspringscommunity.com/our-community/silver-springs-sf/admin-rules-re-write/ccrs-2019-home-owners-version/> inferred that Archer would be part of Item 7) Committee Assignments discussion, and Item 5: Phase 1C Open Space attached to Lot 17.] Archer again presented her volunteer offer to be on the CCR Rewrite Committee, an offer she had been making since 2015. Paul Reddy then announced that all the former Re-write Committee Members have resigned in defeat (Bill Noland, Brian Zilvitis, Rick Hovey, Paul Reddy, etc.) leaving the Re-write Committee without members. The Board has been requesting volunteer help; Archer is a qualified and experienced Owner in good standing that is capable and willing to assist with the Rewrite. Archer offered that Home Owners did not want to continue to be connected with the [1979 Developer's CCR Declaration Entry 157620](#) and its 18

Amendments, several that were repealed on October 1985. Inclusion of 1979-1985 docs makes using the SSSFHOA documents difficult and outdated. Archer stated that the Home Owners are asking for a fresh, new start, and new documents without ties to the Silver Springs Developer ([see 1985 Amendment that repeals all the 1979 through 1985 Declarations, \(Page 273\)](#)).. A new CCR Declaration Draft Document has been created that includes the comments and input from the 145 Home Owners who participated in the Board's several 2018 & 2019 discussion meetings, and via "Tickets", emails, etc. The New 2019 Home Owner Draft holds promise of being more acceptable.

Archer offered that the New 2019 Home Owner Draft CCRs document is 22 pages to the board's versions each having 64 pages. The 22 pages can be divided into four groups. Each of the four groups can be discussed, revised, and voted on separately making understanding and participation by the Owners easier and more likely to meet success for their approval.

Tracy Tanner asserted that the (defeated by 105 Home Owners) John Richards 64 page Version 19 CCR Draft *was new*, that it was "Amended and Restated" making it a new document. Archer clarified that the word "amended" refers to making minor changes to the unacceptable original; therefore the amended product is not *new*. The word "restated" refers to the process of stating a part of an item again differently, usually to make it more convincing to the readers. In either case, the Richards CCR Version 19 carries much of the Morris & Sperry and Richards Law early versions and content that is not suitable and not acceptable to the Silver Springs Home Owners.

These open discussions continued for the remainder of the meeting, ten of the 13 Owners present found occasion to insert comments during, and especially at the end of this meeting. These comments added benefits and fresh input to the board's agenda and discussions.

-Julia Loughlin offered her continued support of the underdrains issue holding up a 1982 CCR page. When she finished, Lucy Archer, sitting beside her, discreetly pointed out to Julia that the 1982 CCR she was quoting was written for all the *Silver Springs Development Subdivisions* existing in 1982. Our Silver Springs Single Family HOA was not established until October 1985. The 1985 CCR Declaration that was ratified for the Silver Springs Single Family neighborhood includes a directive that "[All Declarations relating to the Silver Springs Development Subdivisions were repealed.](#)" ...by unanimous vote of the Homeowners on [October 14, 1985](#). See Entry 244975 Book M370 Pages 267-275, specifically "Page 7".

-Item 4) **Master Association:** SSSF Board representatives to the MA were not present, here is a short sketch. The MA began the Budget Year of 2018 with \$274,649. Added Revenue during January to March 2018 from the 513 MA Homeowners at \$175 each added \$89,775., totaling a

Budget for 2018 = \$364,424.00.

https://www.silverspringshoas.com/editor_upload/File/Budgets/Proposed%20Budget%20Docs%202018_Handout.pdf The two private ponds are the beneficiaries of the expenditures.

MA Board was changed at the December 2018 MA Annual Meeting:

Phil Tisovec (Silver Meadows Townhomes) has served as MA President for many years. He was moved to the position of Secretary-Treasurer. New MA President is Nancy Sherman (Park Place with 13 residential units).

Paul Stangeland (SSSFHOA Lot 140) has been the VP. Ed Robertshaw (SSSFHOA Lot 16) was recently made the second Voting Member for the SSSF. SSSF has 188 residential units.

Silver Springs Single Family is the largest subdivision in the Silver Springs Master Association.

NorthShore with 90 houses has one voting member.

SouthShore, with 68 houses, has three voting members.

The remainder of the MA subdivisions have between 4 and 26 residential units, each with one voting member.

The change to multiple MA voting members per subdivision is a recent implementation of the 2010 Survey suggestion by the MA Owners. The SSSF Board has at last recognized SSSF should have more representation and eventually more votes. Volunteers are requested to attend the monthly MA meetings in order to justify the increase in number of SSSF votes.

To date the SSSF Owners who have volunteered to be SSSF representatives at the Master Association Meetings are Chris Bachman, Hunt Williams, Edward Robertshaw, Bill Noland.

Item5) **Phase 1C Black Hole Parcel** – [American Savings 1987 List Parcel "V"](#). *The devil is in the details.* The board is doing a slow burn to their best solution: QCD to Lot 17 Owner. I will write a separate report at a later time on how the board intends to add this parcel to our HOA so they can add "assessment" power to their CCR.

The contiguous MA Parcel "Q" and its easements are being addressed as a part of Parcel V by this committee. If the board wishes to own and transfer this Parcel V, it must prove the HOA owns it. There have been six title searches, none of which conclusively reports any entity owns this Black Hole parcel that has no Tax I.D. #; no County Serial or Entity #, no identification on any plat map, no title, and ownership is identified by John Richard III as an "escheat" situation.

The board discussed expenses that would be incurred if they choose to take over Parcel V:

A new survey will cost \$7,000; a conclusive ALTA title report another \$1,000+ that would not likely change the report from Summit County Recorder Alan Spriggs, from High Country Title Co., from a researcher in South Shore, from another search by the Master Association, from

the search and survey paid for by attorney John Richards; from the same legal work performed by the Lot 17 contiguous Owners (cost another \$5,000). All have reported the same results. To take this parcel without a title would require several thousand dollars for quiet title legal work to make the property recordable; including an engineering report and another survey. To keep the parcel attractive an irrigation system will need to be installed. Then there will be landscaping, the weekly maintenance-mowing cost, water use, liability insurance, property taxes, etc. Adding Parcel V as an open or common space to the SSSF creates an ongoing hassle for no real benefit to the Owners, adding the burden of permitting "assessments" to be included in the CCR Declaration.

Since 1984 the Owners of Lot 17 have kept Parcel V watered and maintained, except when the Master Association has torn into it to store Little Lake repair materials and equipment.

Read the radical change in John Richards III assessment of impounding Parcel V for the board at the bottom of the webpages linked here. If you are wondering where is this small patch of land known as Parcel V, check this:

[Link to Parcel V information](https://www.silverspringscommunity.com/master-association/ma-common-area-parcels/ssf-creek-easement-parcel/) : <https://www.silverspringscommunity.com/master-association/ma-common-area-parcels/ssf-creek-easement-parcel/>

If you are wondering about the creek easement parcel known as Parcel Q, check these:

[Link to Parcel Q information North](https://www.silverspringscommunity.com/master-association/ma-common-area-parcels/parcel-q/): <https://www.silverspringscommunity.com/master-association/ma-common-area-parcels/parcel-q/> The MA has a much better chance to claim this parcel for several reasons, some from 1979 and 1987 and others from 2004 and 2014.

[Link to Parcel Q information South](https://www.silverspringscommunity.com/master-association/ma-common-area-parcels/parcel-q-2/): <https://www.silverspringscommunity.com/master-association/ma-common-area-parcels/parcel-q-2/>

The information shown in yellow highlight was not a part of the meeting. It is here as important extended information:

*** **2014 Summer - MA Minutes-**"The MA board approved \$15,000, spent \$12,000 this month, to re-line and add river rocks to the quasi-inactive Parcel Q creek bed, though the MA does not formally hold title to it, Parcel Q is a part of the 1987 American Bank Silver Springs parcels inventory at the time of the many builder bankruptcies. The larger of these parcels became the titled property of the MA.

"The [2004 Lakes Conveyance and Water Supply Agreement](#) with the Summit County Mountain Regional Water District and the SS Master Association include these terms: "**C. WHEREAS the Association desires both legal title and beneficial use of the property that encompasses the two Lakes and property** with subsequent minor holding ponds, together with the dams more particularly described in Exhibit A, formerly owned by the Silver Springs Water Company, (**such property and/or the Lakes with such property is collectively** referred herein as "Lakes" as the context may require); and "**H. WHEREAS the [Master]Association and the District both desire to provide for the proper and effective operation of the Lakes** [that includes the inlet and outlet creeks and channels including Parcel Q]" ...; and "**K. WHEREAS the District and the Association desire to formalize an agreement whereby the Association will take legal title and beneficial usage of the Lakes** [sustained by the inlet and outlet creeks and channels including Parcel Q]".

With the above Water Supply Agreement Recitals in mind the Master Association approved the re-lining work for the Parcel Q creek bed to be performed by Arlen, a St. George friend of Les Carriel, being a Lake Committee member of the MA board." ****

Item 6) **Treasurer's Report for 2018:** An elegant and complete accounting by Elena Gladson. Copies were not provided to the Owners in attendance; a flash report may have been emailed earlier to trustees only. The Legal/Professional category is over budget by \$8,000 due to adding an additional Town Hall, Q&A ad hoc sessions, a useless white paper, legal questions to the attorney, and administration of the vote by Richards Law. Paul Reddy gave the total cost for the CCR/underdrain failed vote at \$13,000. To balance the books one of the \$10,000 annual deposits to the underdrain account will be moved to the CCR vote process. (The underdrains failed in 1985, 1994, 2008, 2014, & now again in 2019.) Minutes were not recorded for most of the CCR meetings, Owner input wasn't collected or archived or included in the rewritten drafts.

Item 7) **Committee Assignments:** At the top of his list was the **CCR Re-Write Committee**. Paul Reddy was not prepared to discuss this committee; the board spent \$13,000 in their failed attempt to receive the Owners approval of the CCR draft Version 19. Reddy said: "Doing nothing is an option." Presently the only volunteer for the CCR Declaration Re-write Committee

is Lucy Archer. I am sure there are several others, those who have monitored this process. This Committee was not revisited at the end of this meeting; neither were any members added.

-Compliance Committee - All compliance shall be enforced by Model HOA.

-Communication Committee: the board has struggled to produce a regular newsletter or to improve their dry, one-sided website. There was much discussion about Chris Bachman's recent efforts with his *Silver Springs Life* online newsletter and survey delivered to the Owners. He was critiqued for his 28% Owner participation. Deb Hartley said her neighbors complained to her regarding the barrage of information from several Owner groups during the CCR pre-vote. Others present had neighbors shower them with gratitude for the level of inclusion, and the informative letters and flyers provided to them. The Robertshaw survey of the Owners last spring was not kindly received, comments included that the survey seemed to manipulate the questions, included MA amenities were made to appear to be SSSF amenities and the mix of results by count, percentage, or averages seemed intentionally confusing.

Lucy Archer spoke up saying that the board seems to be trying to keep all board duties to themselves by excluding interested members. "In this room you have a number of Owners who are willing to help but who are being ignored. Here you have a man who is putting his time and heart into writing and distributing neighborhood news. In 2008 was the last time our Owners had monthly neighborhood updates. I suggest the board puts Chris Bachman on the Communications Committee and give him the authority to do what he is already doing." Paul Reddy asked Chris to meet with him at another time to discuss how Chris can work with the board on a newsletter and possibly another survey.

-Arc Committee: Joan Benson Lot 101 (chair), Julie Larson (rental on Lot 51), Edy Celarec Lot 45.

-Nomination Committee: Julia Loughlin Lot 199 (6th? year), Heinrich Deters Lot 159, Deb Hartley Lot 125. Joan Benson on this committee will be a conflict of interest if she re-runs. Joan was questioned regarding the method she used to vet Owner volunteers to the last two October ballots. She said she felt she could present volunteer names to the Nomination Committee for a vote to eliminate the ones this group of three did not approve of; no such rule exists in our Bylaws. Polly Reynolds formally resigned her participation on this committee.

-Underdrain Committee: Bill Noland, Clay Archer by full vote. They are to work outside of the Governing Documents though the board will continue to supervise policy and expenditures.

-Phase 1C Black Hole Parcel: Investigation of Parcel Q creek easement & Parcel V Black Hole Parcel: Edy Celarec Lot 45, Hunt Williams Lot 107; Lucy Archer volunteered to help on this 1984 project she has documented since 1984 and added to the SSCommunity.com website. Alliance Engineering and an attorney were consulted last month. Alliance can provide design and maintenance advice and supervision. Richards Law can attempt a path to legal title, however, neither has all the letters, history, and string of agreements necessary to properly unravel the ownership of Parcel Q; neither can they make the decision for what is the best option for our neighborhood. The Owners must have all the facts so they can decide, whether after 40 years, to claim ownership (actually the MA has a better chance at ownership of Parcel Q a water channel), or whether to Quit Claim the small Parcel V, as has been promised a number of times by board members, to the contiguous Lot 17. See links given above. More to come.

-Traffic Calming: Elena Gladson Lot 172.

Meeting was adjourned shortly after 8:00 p.m. Cost to use Assemble board room: \$

<http://www.assembleparkcity.com/request-pricing/>

Next SSSFHOA Board Meeting will be Monday, March 11th, 6:00 p.m. at Park City Library, 1255 Park Ave. Room 201

Feb 14, 2019: Email from Paul.Reddy@gmail.com : "We plan to address re-forming a rewrite committee at our March 11, 2019 meeting at the Park City Library Room 201."

Working for Transparent Positive Solutions,

Lucy Archer

Feb. 17, 2019 Report for SSSF Board Mtg. held on Monday Feb 11, 2019 @ Assemble Park City.