

## SSFHOA Board of Trustees Meeting Minutes, February 10th, 2009

Board members present: President Bill Gunter; Vice-President Sue Pollard; Secretary Kristian Mulholland; Treasurer Chris Butler; Bill Noland; James Larson. Excused: Jan Zinn.

The meeting, held at President Gunter's home, was called to order by President Gunter at 6:38 p.m.

**Meeting Minutes.** Concerning distributing past meeting minutes to board members, since no way currently exists to publish meeting minutes, Secretary Kristian Mulholland reported he has used an e-mail link to achieve this, which, it was disclosed, has worked partially, some members either unable to open the link or not receiving it. Discussion led to agreement that continued attempts would be made to remedy the problems. President Gunter observed that December minutes had not yet been approved and that they would be distributed to board members. January 2 minutes were approved.

**Homeowners Assn. Website.** Treasurer Chris Butler, assigned to obtaining website transfer from former board member Lucy Archer to the current board, reported that recent attempts to complete transfer agreement have, as others, failed, with Lucy Archer's husband, Clay Archer, stating the Archers intend to keep the site, publishing it with the disclaimer that it is not the official SSFHO website. Butler contended the board has three options: 1. Begin its own website. 2. Reconstruct the current one and file a legal action against Ms. Archer to recover SSFHOA costs spent on the site she now refuses to relinquish. 3. Otherwise legally demand Ms. Archer relinquishes the site. In that regard he reported that good domains exist for a new website. President Gunter recommended establishing a new association website and proceed to legal remedy for reimbursement of the association's funds. Butler said Ms. Archer contends she, as a volunteer, spent "many" hours on the website for which she, therefore, could be compensated. Answering a question from Board Member James Larson, Butler said it isn't expensive to begin a website. President Gunter added he had been told the amount could be approximately \$300. At this point, discussion moving toward lawsuit details, President Gunter declared the meeting "off the record." Following discussion of possible legal proceedings, the meeting was declared back "on the record," Butler moving to seriously explore filing a legal action and establishing a new website. Seconded by Bill Noland, the motion passed unanimously.

**Community Underdrain Survey.** Distributing a draft survey questionnaire asking homeowners members about past and present underground water problems on their properties, President Gunter said the information gathered would further inform the board as to the under-drain condition and its potential for causing seepage damages. With such information, he said, the board would be better positioned to confront the under-drain system's already identified failures. During discussion it was emphasized survey results would be kept confidential and the survey would be distributed by mail. Treasurer Butler moved work on the draft continue, seconded by Vice-President Pollard, the motion passed unanimously. Citing a need to attend another meeting, Butler was excused.

**Management Services.** President Gunter distributed a response from John Coursen, representing the firm PMA, concerning that company's possible professional management of the association's administrative responsibilities. For \$100 a unit (home), PMA would manage financial accounts, bookkeeping, financial statement preparation, dues collections, bill payments, HOA/PMA correspondence with HOA membership, 8:30 a.m. to 5 p.m., Monday through Friday, weekend on-call office services, CC&R/rules and regulation management, subcontractor bids retrievals, subcontractor oversight (grounds maintenance, snow removal, etc.), board of trustees and annual membership meeting preparation and management. Additionally, PMA's maintenance staff can do small jobs the board might require, such as mail box repair, light repairs, street light bulb replacement. Those services would be paid for based on time and materials required. Mr. Coursen added that PMA has associations with various contractors that might be useful to board

and membership needs. He informed President Gunter that PMA would probably not be willing to separate or reduce the number of basic services, since, as a package, they constitute PMA's minimum service. He also advised that smaller existing companies might be able to provide fewer services more appropriate to the association's needs and preferences. During a subsequent discussion, various members pointed out that among the most difficult CC&R requirement is enforcement of rules and regulations, particularly as they relate to individual property upkeep/appearance standards. It was generally agreed this stemmed from either reluctance by association members to be strict with neighbors and other membership acquaintances or sometimes frightening reaction provoked when strict compliance attempts are made. James Larson suggested the association might employ an "enforcement officer" from outside the community. Mr. Noland answered such a method should require that cited violations should first be reported to the trustees, who would then decide which ones would be strictly enforced and how that would be done.

**Masters Assn. Matters.** Association representative to the Masters Assn., Bill Noland, reported that the Masters attorney advised that "plat recording" by former board secretary Lucy Archer created potential issues between Ms. Archer and the affected property owners, but, since she was a board member at the time, the matter may return to the homeowners board of trustees at some time. He said the recordings did not concern lake easements. In reporting on the most recent Masters board meeting, Mr. Noland said it was determined that the ice-skating oval on the the Big Lake (Silver Willow Lake) was not created by the U.S. Speed Skating Assn., as first reported, but by a group from Salt Lake City for its practice purposes, based on erroneous advice that all bodies of water in Utah are, in essence, public property. That's generally true, he said, if easements are to public waters. However, since the Big Lake is surrounded by private property and is owned by the Masters, it is private and the oval builders were trespassing. So informed, he said, they discontinued their efforts. He said the group may ask for permission to use the lake at a later date. But granting it would impose a "huge liability." In fact, he said, the Masters' insurance company will evaluate the situation and determine how to mitigate liability risks associated with all amenities for which the Masters have responsibility. In the meantime, he said, new and more specific signs concerning who is entitled to use the lakes will replace the current, less detailed ones. President Gunter suggested the Masters consider incorporation so, the only assets it owns, being small and "pockets so shallow," that lawsuits threatening them would be impractical.

**Auditing.** Following President Gunter's suggestion that a professional auditor be employed to look at the HOA and Masters books to "reassure everyone" about financial matters affecting both groups, Sue Pollard moved such an action be taken, seconded by Kristian Mulholland. The motion passed unanimously, with Treasurer Chris Butler having left the meeting earlier. Gunter had emphasized prior to the vote that he wasn't implying criticism of anyone, since there was no reason for doing that, but was only interested in fostering transparency and accuracy for all association financial transactions, which, he said, simply seems prudent.

**Misc.** Bill Noland, adding to a report he made during the Feb. 2 meeting about the community's underdrain system, said a discovery during research disclosed a vacant lot at the northeast corner of Silver Springs Dr. and Meadows Connection, containing a surface water catchment area and narrow sections below it that carry stream flow to the Big Lake currently lack recorded ownership. It was suggested property holders along the stream route be asked if they know who might own the lands involved.

Vice-President Sue Pollard moved adjournment. Secretary Kristian Mulholland seconded the motion, which was passed unanimously and the meeting adjourned at approximately 8:30 p.m.