



SSFHOA Board of Trustees Meeting Minutes, March 24, 2009

Present: President Gunter, board members Vice-President Sue Pollard, Treasurer Chris Butler, Secretary Kristian Mulholland, Bill Noland, James Larson, bookkeeper Lynn Cier, recorder Harry E. Fuller;
Members: Michael Winer and Skip Dominick.
Excused: board member Jan Zinn.

The meeting was called to order by Board President Bill Gunter in his home at 6:05 p.m.

March 2, 2009 meeting minutes were approved.

Website Invoice. Bookkeeper Lynn Cier presented an invoice estimating cost for previously operating the SSSFHOA website begun on April 2006 which had been left unfinished and not updated until it was re-commenced on March 2009 by former Board of Trustees Secretary and Webmaster Lucy Archer, adding the cost of \$200 on 3/24/2009 to launch Butler's website at <http://www.silverspringshomeowners.com/> in addition to the site which is owned and controlled by the board at <http://www.silverspringsssfhoa.org/>. The board thinks it is logical for Ms. Archer to reimburse them for all their expenditures for their HOA websites, requesting her to assume that she owes the association \$4,228.90.

President Gunter explained that the invoice #101 will be included with a letter from him to Ms. Archer noting that she, since becoming former board secretary [by means of the October 13, 2008 Election being usurped and stolen], has improperly retained the homeowners' website [because the usurpers wanted to remove any report or information of their misconduct], frustrating every attempt by the "current board" to acquire it from her [and to cannibalize the site, consequently compelling the board to establish another, new website.

The draft letter, distributed to board members [paraphrased] states, in part, **"Even though the skeleton of the website developed by Park City Web in 2006 is still available to the homeowners, it does not diminish the total value of the property you have developed, protected, and saved from board members who moved to shut it down on November 6, 2008. The members of the Silver Springs Single Family HOA have spent approximately \$4,000 since 2006 to March 2008, to develop and promote the site for the community good. After repeated attempts to deal "reasonably" with you, the Board of Trustees has exhausted all possible non-legal means of arriving at a resolution that is satisfactory to this board and our intentions. On behalf of the Silver Springs Single Family HOA, the Board of Trustees has voted to seek monetary compensation for all expenditures related to development and promotion of the silverspringshoa.org site that they want to take and destroy."** [And which to this day is available for Association Member access and use and for continual development by the Archers, and so that Gunter, Pollard, and Butler cannot cannibalize and manipulate.]

Mr. Gunter added that the draft letter will be further refined by legal assistance from attorney Kevin J. Simon, prior to delivery. Previous such advice, Gunter said, claimed Ms. Archer could probably be charged with theft. "But," he said, "we won't go there." [since Gunter and Pollard can also be charged with theft of the October 13, 2008 Annual Association election.]

Silver Springs Single Family HOA
4574 N. Silver Springs Road #13
Park City, UT 84098

Bill To
Lucy and Clay Archer 4925 Silver Springs Road Park City, UT 84098

Date	Invoice #
4/2/2009	101

Terms	Due Date	Work Order :
Net 10	4/12/2009	

Service Date	Vendor	Description	Qty	Rate	Amount
3/24/2009	HOA Sites	New Website Setup	1	200.00	200.00
5/12/2008	Park City Web, Ilc	Convert website to WordPress	1	1200.00	1,200.00
4/17/2008	Beco Technologies	Website hosting for 2008	1	108.00	108.00
10/31/2007	Park City Web, Ilc	Website maintenance/WordPress conversion	1	300.00	300.00
6/17/2006	Beco Technologies	Website hosting for 2006 & 2007	2	108.00	216.00
11/1/2006	Park City Web, Ilc	Website development for David Coelho	1	1674.45	1,674.45
5/2/2006	John Baker	Graphic design work for website	1	200.00	200.00
4/17/2006	GoDaddy.com	3 year website domain registration	3	10.15	30.45
4/8/2006	Park City Web, Ilc	Retainer to begin website work	1	300.00	300.00
				Total	\$4,228.90
				Payments/Credits	\$0.00
				Balance Due	\$4,228.90

Fig. 1. Note that the Invoices listed in this Statement were initiated during the years the Archer's were not personally funding and developing the website themselves.

Board Treasurer Chris Butler reported that he discussed with Anthony Sands, Quail Meadows HOA president, that HOA's website and received valuable information on how to proceed with a new SSSFHOA version. He presented a proposal from HOA-sites.com, a company providing website services to homeowners associations, saying he would procure some possible designs for the new website from this source, adding that the cost will be \$200 to begin and \$450 annually to operate a Pro site [there are also added costs for adding pages and other services]. He said it appears the website should be easy to use and could take no more than a week and a half to post on line. [Butler launched www.silverspringshomeowners.com on March 22, 2009. While Butler was talking to Sands he could also have asked Sands about his conversations with Mr. Archer in 2005 when Sands called Mr. Archer requesting that the Archers transfer the www.silverspringshoa.org domain and the website files developed by them during 2000-2002 Sands as a request by Steve Kotsenberg who had been assigned in 2005 by Skip Domenick the HOA president. In 2005 the Archers complied with Sands request. The content of the site was abandoned. The domain was rented for three years for the SSSFHOA by PCWeb in April 2006. Read the 2005 HOA Minutes and the Website History <http://www.silverspringscommunity.com/home/website-history/>.]

Underdrain System. President Gunter reported that a major blockage now exists in the Silver Springs community's underdrain system and the water table is seasonably rising. He said that although peak flow at the main outflow opening this time of year was reported as 1500 gallons per minute when the system was originally developed, sump pumps at two outflow chambers currently count 40 and 30 gallons a minute respectively and the main outflow opening is now discharging about 60 gallons per minute. This indicates, he said, a blockage, which seems to exist about 10 feet in from the outlet which is causing the groundwater table to rise upgradient from the blockage..

A contractor has estimated cost for correcting the problem at between \$3,400 and \$4,000. He said it is impossible to restore the entire system. Treasurer Chris Butler asked if the situation could be corrected by "roto-rooting." Board member Bill Noland (who has studied the underdrain situation) said that won't work. Following a general discussion about the system, its potential and current condition, Mr. Noland moved that the repair expenditure be approved. Chris Butler seconded the motion following discussion as to possible precedent involved.

President Gunter said repair financing such as proposed for the present situation could be considered no more than "community service," adding he didn't see how the association could avoid eventually assuming responsibility for the entire system, which could be construed, in any event, as preserving homeownership values for every association member. Mr. Noland, saying he did not necessarily agree, added that, if the issue landed in court, after repairs had been done on an individual basis ("community service"), a judge would likely look at the total circumstances, assigning the association responsibility for the system. Delaying repairs, he contended, could result in declaring negligence as well as costs. And since, he continued, the association lacks insurance coverage for the system's possible damage, costs could be assessed against "everyone."

Lynn Cier, who has voluntarily functioned as the board's book keeper, asked if the leakage problems could be handled "by quadrant." To which Mr. Noland said that would be "pro-active" and being pro-active could reduce exposure to a charge of negligence. President Gunter said the system is actually "pretty clean" and that minimal maintenance could work. Making something like that an annually budgeted item was discussed.

Board member James Larson asked if the currently contemplated repair work needed bids. President Gunter said action was required more quickly than that would take. Mr. Noland described the contractor's plan and accepting it passed on a unanimous board vote. Skip Dominick, a former SSSFHOA president, said previous boards always considered such repair work on the system "a good neighbor" project. After Mr. Noland suggested creating a standing underdrain committee, Chris Butler moved doing so, seconded by James Larson. The motion passed unanimously.

Newsletter. Board Vice-President Sue Pollard distributed a "Letter from the President" draft for the newsletter in which the board president advises association members of their responsibilities for "spring cleaning" in and around their homes. Observing that this is the current board's first attempt to enforce CC&Rs, President Gunter asked Vice-President Pollard to contact Park City Fire Services about helping organize a program to chip tree waste in the neighborhood.

HOA Dues Payments. Lynn Cier reported that all but 75 homeowners have paid annual HOA dues. She said some have asked about paying "in increments." Chris Butler, asking about paying by credit cards, offered to "look into it."

HOA Legal Representation and Bylaws Revision. President Gunter said that, after meeting with the Masters Assn. and learning that it is revising its bylaws with legal help, it seems advisable to see how that works and proceed from there. Lucy Archer has volunteered to assist in the Bylaws revision and advised the use of State regulations regarding Homeowners Associations http://www.le.state.ut.us/~code/TITLE57/57_08.htm and Non-Profit Corporation Regulations.

New Business. Bill Noland, SSSFHOA representative and president of the Master Assn., reported that the Southshore HOA president is researching audit procedures for the associations. He said the association park on the "big lake" had been vandalized by spray paint graffiti and that investigating police doubted it was gang related, although officers thought they might know who was responsible. Graffiti was sprayed on park signs and playground equipment.

Mr. Noland said the idea of "graduated fees," developed to reflect such amenities as those enjoyed by lots on the lakes, has been raised again. [See <http://www.silverspringscommunity.com/lakes-in-silver-springs/> Responding to comment that homeowner associations are not permitted by law to assess members differently, he said Masters documents allow for "dual billing," suggesting it might be possible to assess a larger amount against homeowner members who enjoy more services from the Masters and who receive increased property valuation from their properties being contiguous to the lakes.

[See Tips on Saving on HOA Insurance:
<http://www.insurance.utah.gov/auto/savingoninsurance.html>

On another matter, Mr. Noland pointed out that association lawyers have said the association must have board meeting minutes available from the last three consecutive years and that a search by him of files relinquished by former SSSFHOA Secretary Lucy Archer disclosed no formal board meeting minutes. Secretary Kristian Mulholland suggested copying those minutes from the www.silverspringscommunity.com website. Vice-President Pollard said, "They aren't there."

Sue Pollard moved for adjournment, seconded by Mr. Mulholland. The motion passing unanimously, the meeting adjourned at 7:40 p.m.

President Gunter scheduled the next board meeting for 6 p.m., April 21 at his home.

Submitted by Secretary Kristian Mulholland. Minutes transcribed by Harry Fuller