

Minutes
Lake Creek Farms Homeowners Association
2012 Annual Member Meeting

October 4, 2012
Wasatch County Senior Center Auditorium
Approved at 2013 Annual Member Meeting – 3/21/13

Attendance:

Board Members: Erik Felsted, President; Kimberly Gilboy, Secty/Treasurer. (Vice President Greg Windley was out of town).

Association Members: 30 property owners signed the roll. Several of these individuals own or represent property owners in Plats D&E of Lake Creek Farms.

Guests: Corbin Gordon, Attorney at Law, was present for the first half of the meeting.

Call to Order:

The meeting was called to order by Erik Felsted at 7:05 pm.

Jane Glaser-Gormally offered an opening prayer.

Minutes of the 2011 Member Meeting:

Kim Gilboy presented the minutes of the 2011 Member Meeting. Since they had been approved by the outgoing board, it was the consensus of the members to accept them as presented.

Financial Report:

Erik Felsted presented the 2012 YTD financial report and entertained questions.

Ron Willis asked whether dues had been collected twice in one year. After some discussion, it was agreed that the board would do further research and respond to this question to property owners via email. *[This response was subsequently emailed to registered members on 11/20/12.]*

Citing language in the CC&Rs, Ron Willis also raised questions about the timing and nature of the \$50 late fee for late dues imposed by the board in 2012. Gilboy explained that no actual late fees had been charged until 60 days overdue (9/1/12). Felsted agreed that payments should not be due on non-work days (in this case, July 1, 2012). In future assessments, the board agreed to be more cognizant of these UCC regulations.

Update on Water Shares Agreement:

The Association's attorney, Corbin Gordon, presented an update on the impending water shares agreement. Gordon reported that all parties have agreed to the plan. Twin Creeks SSD's board is meeting tonight to discuss and hopefully sign the agreement. LCF was one of the first large

developments done by the County and they made many mistakes. Now, the developer would be required to deliver the water rights to the County. The County acknowledges that mistakes were made. Our goal with the agreement is to get the water rights turned over to Lake Creek Irrigation Co. We want no liability for water.

Mr. Gordon also spoke regarding the water shortage last summer. There was a very real danger that water would have run out fairly early in the summer and the farmers who sit on the water board were very upset about their perception of excessive use in Lake Creek Farms. In the end, Twin Creeks was able to go onto the open market and buy water shares that enabled them to continue to deliver water well into the fall. They hope to be able to lease enough M&I shares into perpetuity to continue to serve the subdivision in future each.

Involvement of Plats D & E with Lake Creek Farms HOA

Erik explained that the current and prior board's intent has been to involve property owners in Plats D & E of the subdivision with the HOA.

Brad Lyle, who represents LCF Developers, LLC – the current owner of several lots in Plat D as well as the undeveloped areas of the subdivision – explained some of the issues faced by the HOA in this regard. The Association's CC&Rs are very vague. Ideally, they should be modified to give them more teeth. However, with the 90% approval threshold to change the by-laws, doing so isn't very viable.

Corbin Gordon explained a bit more about the history of the subdivision. Originally, all 10 phases of the subdivision (only 5 of which have presently been developed) were to be governed by the CC&Rs and one homeowners association. One of the developers proposed a new HOA for Plat D and possibly E. But the developer never followed up and more than a decade later, there is no new HOA for the homes in this plat.

Report on Association Activities

Kim Gilboy presented an overview of association activities for the past year. A full written report had previously been sent to homeowners.

Adjournment

The meeting was adjourned at approximately 9:00 pm