

**Minutes**  
**Lake Creek Farms Homeowners Association**  
**2013 Annual Member Meeting**

**March 21, 2013**  
**Wasatch County Senior Center Auditorium**

**DRAFT**

Reviewed by HOA board on 4/20/13

**Attendance:**

**Board Members:** Erik Felsted, President; Greg Windley, Vice- President, Kimberly Gilboy, Secty/Treasurer.

(Michael Cole was also in attendance. During the meeting, Mike was elected to a three-year term to replace outgoing board member, Greg Windley.)

**Association Members:** 42 lots were represented in person. Another 6 lots were represented by proxy. There are 94 lots in Plats A-C of Lake Creek Farms, so this represented 51 percent of those property owners.

**Guests:** Corbin Gordon, the association's attorney, was also present.

**Call to Order:**

The meeting was called to order by Erik Felsted at 7:07 pm.

Justin Luster offered an opening prayer.

**Minutes of the 2012 Member Meeting:**

Kim Gilboy presented the minutes of the 2012 Member Meeting held on October 4, 2012.

Following a motion by Greg Windley, seconded by Brian Rowser, the minutes were approved by consensus.

**Financial Report:**

Erik Felsted presented the 2012 year-end financial report and entertained questions.

Felsted noted some unusual circumstances:

- The balance sheet indicates that there was \$8,849.01 in outstanding homeowners dues. The vast majority of this amount were irrigation water fees passed through to homeowners in December but not due until January.

- The profit and loss statement shows a loss of \$2,806.50 for 2012. The primary reason for the loss was that the board approved a one-time payment of \$7,420 to cover the irrigation water maintenance and operations fees that would normally be passed through to individual property owners.

### **Update on Irrigation Water:**

The Association's attorney, Corbin Gordon, announced that the long-awaited agreement resolving questions about title to irrigation water throughout the subdivision has been resolved on behalf of all five phases of the subdivision.

Twin Creeks SSD also required the HOA board to sign an operating agreement (on behalf of Plats A-C) that spells out the responsibilities of each entity. One condition of the agreement was that metering of individual homes will be required in the future. These meters need to be read remotely from a vehicle driving through the neighborhood. The meters currently used by Twin Creeks SSD cost approximately \$1,100 per unit. The HOA board felt that this was too costly for property owners and identified a lower cost option at \$350 (plus installation cost of approximately \$100-150 – property owners may install their own meters). Over the coming months, at least five property owners will be asked to install and test these meters. Assuming the meters perform as anticipated, all property owners will be asked to install meters prior to the 2014 water season.

Corbin noted that the current water report appears to be worse than last year's very dry situation.

In response to a homeowner question, Mr. Gordon noted that Lake Creek Farms is not being singled out. There were farmers lower in the system last year who were turned off much earlier than LCF because the available water simply could not supply enough pressure to reach them.

Another question pertained to whether it makes more sense for property owners to lease M&I water shares or to purchase Lake Creek Irrigation shares. The advantage to the M&I shares is that there is no up-front cost to the lessee. The Lake Creek shares are an asset. The buyer actually owns the share.

Another question was whether property owners should simply pay for additional water when they use it rather than being tied into a contract. Gordon stated that the problem with this approach is that the property owner's water use could get shut off in a short water year, whereas those with a lease or ownership position would continue to be served. In years where there are no shortages, this strategy may work fine.

Corbin also mentioned that he had recently returned from a water conference in St. George. He saw some water cups there that were designed to help property owners monitor how much water their irrigation system is supplying.

### **Involvement of Plats D & E with Lake Creek Farms HOA**

Erik Felsted reported that the board has continued to try to work with property owners in Plats D & E to involve them with the Association. Most property owners do not seem to be opposed to paying HOA fees. Rather, the opposition comes to being subject to the subdivision's CC&Rs. Rather than forcing people to join the HOA, Felsted stated that he would prefer to try to persuade them to participate.

### **Nominations for Board**

Erik Felsted pointed out that Vice President, Greg Windley's term is expiring. The board has sought nominations and spoken with several potential candidates, but thus far, no one has agreed to run for board. Felsted then asked for any nominations from the floor.

Dick Mantlo nominated Jim Coker to serve on the board. Jim Coker, who was in attendance, declined the nomination.

Michael Cole stated that he was willing to serve on the board. Kim Gilboy expressed her opinion that Mike would be an excellent choice. Even before she attended her first HOA meeting, Gilboy noted that other HOA members had commented on Cole's sensible and thoughtful comments during a heated HOA member meeting. Cole had also done an excellent job of chairing the Association's Amenities Committee in the past.

Since there appeared to be no objections to Mr. Cole's nomination, Erik Felsted called for a hand vote to elect Michael Cole to a three-year term on the board. The vote was unanimous in favor.

### **Proposed Park Enhancement**

Kim Gilboy presented a plan to enhance the current park utilizing existing HOA funds. While this does not technically require a vote of the members, the board's feeling is that it is substantial enough to warrant a member vote. The plan entailed adding a grass field, basketball court, fire pit, and landscaping on the east side of the 2-acre park. The designer's concept plan also included a pavilion pad, but Gilboy recommended against pouring that pad until a pavilion design has been agreed upon.

There was considerable discussion about various elements of the proposed plan. Suggested additions/elements for the park included: sand volleyball, asphalt paths, and a community spring clean-up to save on landscaping costs.

Kim informed the audience that Nate Orton has been very helpful to the board during the planning process whereas other contractors have shied away because HOAs often require a large amount of planning time to come to consensus. Given this, Gilboy recommended contracting with Nate's firm for the project if possible. HOA member, Doug Hronek – one of the managing partners of the large commercial construction firm of Jacobsen Construction – has advised the board that he would be willing to vete Orton's bid to ensure that it is competitive.

Brian Rowser moved (Jason Pedersen seconded) that the members authorize the use of existing HOA funds for park improvements. A hand vote indicated a strong preference in favor of this motion.

Once that motion was approved, two recommendations related to the proposal were discussed and voted upon.

**Fire Pit.** There was considerable concern about the danger of an open fire pit. Gilboy pointed out that she had spoken with the association's liability insurance broker about this specifically. LA Bowen informed her that the fire pit would not increase the association's liability insurance costs. He also noted that he had never known of an instance where a fire from a fire pit had caused an uncontrolled fire. Nevertheless, a hand vote of property owners indicated that most of those present were opposed to creating a wood-burning fire pit in the park.

**Tennis Court(s).** There was also a lengthy discussion about the desire to allow for a tennis court in the park. Gilboy stated that she had assumed that – while there would be space for a tennis court(s) on the

west side of the park – it was her opinion that interest in having a tennis court in the park may have waned with the addition of tennis courts at the Rec Center and the high school.

Many individuals spoke in favor of a tennis court and some expressed reservations. Erik Felsted called for a hand vote on this issue. Approximately 2/3 of those in attendance were in favor of a tennis court and approximately 1/3 were opposed.

### **Community Garden Concept**

Erik Felsted gave a short update on plans for a community garden that would produce fresh, naturally grown produce for up to 9-10 months per year utilizing high tunnels when needed. This would be a voluntary opportunity for interested HOA members. The initial investment would be covered by private investors and then members (some of whom could be non-HOA members) would volunteer and help pay for ongoing operating costs – and a land lease fee to the HOA. Water usage fees would probably need to be covered as well. The board's initial thinking had been that the garden would be well suited to the large common area east of Plat E. However, upon closer reading of that plat, it was determined that this common area is required to remain naturally vegetated.

There appeared to be strong interest in pursuing this concept and no real opposition expressed.

### **Update on the Architectural Control Guidelines**

Kim Gilboy reported that the Architectural Control Committee had been working on creating new, more detailed, guidelines that will give property owners and potential buyers a clearer idea of what is and is not permissible in the subdivision. This effort was initiated at the recommendation of the association's attorney, Corbin Gordon. Because the CC&Rs are so open ended, they leave the association open to legal claims of unfairness. On the other hand, they give the board and ACC very broad powers to define architectural guidelines. The committee has reviewed these new guidelines and they were recently sent to Mr. Gordon for his review prior to being finalized and approved by the board.

### **High Speed Fiber Proposal**

HOA member, Randy Larson, reported that he has been in touch with All West Communications in Kamas about the possibility of their bringing high speed fiber optic cable into Lake Creek Farms. This would require a substantial investment by All West and would represent a major upgrade in Internet connectivity available to LCF homeowners (All West also offers telephone and television services).

It was also mentioned that HOA member, Eve Knott's husband works for Comcast and that the HOA should explore whether Comcast would consider upgrading their services to the subdivision.

There was very strong support for HOA involvement in trying to facilitate these upgrades on behalf of its members.

### **Adjournment**

The meeting was adjourned at approximately 9:00 pm