

Minutes
Lake Creek Farms Homeowners Association
2018 Annual Member Meeting

September 20, 2018
Wasatch Senior Center Auditorium

DRAFT

Neighborhood Unification Meeting:

Prior to the regular business meeting, the board invited all homeowners from Lake Creek Farms to attend a meeting specifically focused on neighborhood unification.

Board president Laura Kent-Jensen opened the meeting by providing background information about this initiative. Due to decisions by previous subdivision developers and Wasatch County, homeowners in plats A-C are members of the Lake Creek Farms Homeowners' Association (HOA) and property owners in plats D and E of the subdivision have not considered themselves members of the HOA. Since there are expenses and considerable effort involved in maintaining and developing the subdivision's common areas and representing all homeowners, most seem to agree that the current situation is inherently unfair. As promised at last year's meeting, the board has worked to try to develop a solution to this problem. The board's primary goal is that any solution be: 1) fair, 2) permanent, and 3) enforceable. Subject to those conditions, the board and unification committee—composed of homeowners from all five plats—are open to revising their proposed plan.

Vice president Michael Cole explained more about the proposed plan. After last year's meeting, the board consulted with Richards Law, a Salt Lake-based firm that specializes in homeowners' associations. After considerable research, Richards Law presented three options:

- 1) Do nothing and exclude non-HOA members from using the common areas—a very distasteful option;
- 2) Ask everyone to join the HOA or make an annual contribution as a non-HOA member; or
- 3) Pursue legal action to settle the issue—also undesirable.

Mike reiterated that the current situation is not the fault of anyone living in Lake Creek Farms. The developers defaulted on an agreement. However, by not resolving this problem in the past, the HOA has lost \$124,000 in dues and the burden for this loss has been borne by those who have been paying dues. The HOA has not had the funds needed to do important improvements such as repairing or replacing the main entrance to the subdivision at 4800 East.

The board's goal was to reach out individually to as many of the homeowners in plats D and E as possible prior to this meeting. With the help of the unification committee, we've now met with about 60% of them individually. Two options—which were shared at the meeting—were presented:

- 1) Consent and Agreement to Membership in the Association. This would allow property owners to join the association with full membership and voting rights.
- 2) Non-HOA Assessment Agreement. The goal with this document was to make it as easy as possible for property owners to sign. The HOA agrees not to make signers become members—now or in the future—and waives the right to collect any dues unpaid in the past.

A productive discussion ensued. One issue discussed was that the current CC&Rs are relatively weak and difficult to enforce. Some homeowners mentioned that it may be helpful to write stronger CC&Rs in the future. No specific action was called for on this suggestion.

Nate Orton mentioned that the biggest challenge to resolving this issue in the past has been the threatening attitude of some in the HOA. With the HOA, homeowners in plats A-C are very organized. Nate felt that property owners in plats D and E need to spend some time getting themselves organized to look at our options. One concern of many in plats D & E is that the homeowners association will disallow motorized vehicles on the trails in their area. Nate volunteered to host a meeting for property owners in plats D and E at his home. He also offered to install some sort of water feature at the entrance to the subdivision.

One property owner asked whether anyone knew the status of development of other phases of the subdivision. Bruce Zollinger mentioned that he had spoken with Brad Lyle, who works with the developer, Millsteam Properties, recently. Brad's response was that they have four or five other projects going, so this one is on the back burner for now. Bruce also felt that Millstream was probably waiting for some concessions on density on the development. Property owners expressed concern about the likely impact of construction traffic and a strong desire to ensure there is an open space buffer between any new developments and our members' properties—as on the original plats.

Regular Meeting

Attendance:

Board Members: Laura Kent-Jensen, president and treasurer; Michael Cole, vice-president; Kimberly Gilboy, secretary.

Association Members: For purposes of voting, there was a quorum of more than twenty percent of HOA members present. Seventeen property owners from plats A-C attended the meeting and two property owners provided proxies. There were also three dues paying property owners from Plat E in attendance.

Minutes of 2017 Meeting:

Kimberly Gilboy noted that the board had previously reviewed and tentatively approved the minutes for the 2017 annual meeting. Bruce Zollinger moved and Brad Caldwell seconded a motion to approve the minutes. The voting was unanimous in favor.

Election of a New Board Member:

Michael Cole's term of office is expiring this year. Several in the audience spoke to thank Mike for his extraordinary service to the neighborhood. Joe Gormally has expressed his willingness to serve on the board. Joe had a previously scheduled travel commitment and was unable to attend the meeting. Bruce Zollinger mentioned that he knows Joe and highly recommends him for this role. Bruce Zollinger moved and Ron Baldwin seconded a motion to elect Joe Gormally as a board member. The voting was unanimous in favor.

Financial Report:

Laura Kent-Jensen presented the financial report. Laura noted that our HOA fees continue to be among the lowest—if not the lowest—in the county. The board is hoping to find someone who will help oversee the park to make sure everything is in order.

Irrigation Water Metering:

Installation of water meters was completed on schedule at the beginning of July. The HOA's intervention in this matter saved each homeowner in the subdivision \$1,482—or just under \$175,000 total. The meters are very accurate. There have been a couple of issues reported with billing, so Mike recommended that each homeowner run their system and monitor usage in that cycle. This should give a good idea of monthly cost and insurance that the meter is properly calibrated.

Mike also recommended that homeowners install a smart controller to save water. Twin Creeks has information about how to receive a 50% rebate on their website. Utah Water Conservancy District will pay up to \$200 toward a 16-valve system and \$100 for an 8-valve system. Mike recommended the Rachio brand controller. Brad Caldwell reported that his Rachio controller works very well.

Trails Discussion:

Mike Richardson who has been working on trails was not in attendance at the meeting. Mike has been working on some moderate cost options for beginning a trail system and had hoped to have specific bids by the meeting.

There was some concern expressed about motorized vehicles on the trails. Some homeowners mentioned that a comfortable, defined area for walking would be valuable. Ron Baldwin expressed his belief that the HOA should get out of debt and stay out of debt before undertaking more projects. Eric Johnson also expressed concerns about what he has seen on existing trails and appreciates the privacy in the neighborhood.

Mike Cole mentioned that there was a surprisingly high level of interest in trails at last year's meeting and the association's follow-up on this had gotten derailed a bit by the time demands on the metering project. Mike agreed that he was also concerned about adding more debt.

Open-Ended Discussion:

Several homeowners mentioned their concern about dogs wandering around the neighborhood unrestrained. Apparently, several people have been bitten by aggressive dogs. Mike Cole mentioned that the County is set up to handle this type of problem. Duke Mossman mentioned that another issue can occur when dogs enter another dog's territory unrestrained. The HOA will publish instructions on how to contact the county animal control office.

Another concern was that many cars—driven by both youth and adults—speed in the neighborhood, particularly on the hills (Palomino Drive/Mountain Vista and 4800 E.).

(In follow-up to these discussion items, the board sent an email to members and subscribers reminding them to slow down and forwarding concerns about wandering dogs.)

Adjournment:

The meeting was adjourned at 8:55 pm

Respectfully submitted: Kimberly Gilboy – 10/20/18