



**BOARD OF DIRECTOR MEETING  
AUGUST 30, 2017  
11:00 AM UTAH TIME  
HARMON'S GROCERY STORE  
SANTA CLARA, UTAH**

**CALL TO ORDER:** Tom Strong, Vice President, called the meeting to order in Santa Clara, Utah at 11:45 am Utah time.

**ATTENDING MEMBERS:** Kathleen Wegst & Donna Mooers. Sheri DeMott unable to attend due to illness. Ken Chupinsky absent Also attending ARCOM member Bill Whitlow.

**DETERMINATION OF QUORUM:** Yes

**ASSOCIATION MEMBERS ISSUES AND CONCERNS:** No other members attended

**OLD BUSINESS:**

**TREASURER'S REPORT**

Checking: \$57,944.66 a/o 7-31-2017

CD's

0950 \$62,201.99 a/o 8-14-2017 3 month

0079 \$26,557.67 a/o 7-14-2017 3 month

0061 \$26,131.03 a/o 4-14-2017 6 month

**BOARD POSITIONS**

**Check signers**

Tom questioned if we could have more than 3 signers. Sheri previously asked if the bank would allow for payments electronically. Donna

explained by having more than 3 we would gain nothing. Having less than 3 puts us in a dangerous position with no check and balance. Although the bank said we can do electronic payments, with an account requiring multiple signers, the two signers would have to sit together and verify every payment at the time of entry or the bank would not be responsible.

Tom agreed with the danger of having only one signer. A dual check signing system protects everyone. Two people independently verifying a check will prevent anyone from questioning the action. Donna stated the potential for collusion is there, but a dual check system does help to deter.

Donna made the motion to discard the idea of one check signer and retain the present two-party signer system. Tom & Kathleen 2nd. Motion carried unanimously.

Bill questioned why all check signers have to appear at the bank at one time. This is bank policy. However, they have loosened the restriction a little where last year they allowed for members to go to various branches at different times to sign. Since all signers, old and new, are here today it makes it easy to get everyone on the signature card. Donna has a letter advising the Bank of the changes, as requested by the Bank.

Donna to write procedure. Include the second signer to photocopy check to back of invoice after signing. Send to Secretary for file. Secretary to retain photocopy of single signature check on invoice until dual signature copy received.

Tom recommended Sheri be added to the signature cards as a 4th signer with her OK. Kathleen, Tom & Donna will sign cards today.

Electronic payments by the Association were vetoed as cumbersome, not guaranteed by the bank unless 2 or members were authorized, and concerns about security.

### **PROPERTY MANAGEMENT**

The idea of a property management group overseeing the association came from Ken Chupinsky, Board President, who asked the Secretary to set up meetings. This was not asked for by members.

Donna explained several years ago there was a discussion regarding hiring a property manager. One individual who lived on the mountain full time and would be paid to drive through the subdivision and report problems to the Board or ARCOM. Ken was looking for a group to take over the running of the Association in total.

A few more comments and it was decided not to go any further with the idea.

## **POSTING ORDINANCES**

Kathleen stated she was advised by others to include in our governing documents references to Kane County ordinances thus showing we had the law on our side. She explained she had been in discussion with Bevin and others who said it was not unusual to do this. She said she would do the work to identify the section and so forth.

Tom asked if they would be incorporated into the Bylaws, CC&R's. She said it would be up to Donna as to where to put them. Donna explained not all areas of the CC&R's may have a law to back it up. The item might be a choice by the members.

Further Kathleen talked with a representative of Kane County Road Department and someone else who agreed it would be best to make it available in peoples' minds that the law is behind you. It is not a threat, it is not intimidating, it simply says this is consistent with Kane County Ordinances.

Donna asked, when redesigning the CC&R's, would the ordinance number run after each statement. Kathleen stated no. It should be a general statement so that we are not opening ourselves up to problems.

Tom asked for clarification, questioning if Kathleen was talking about identifying all ordinances or just those that might apply. Donna asked if we are not identifying specific ordinances but making a broad statement that the following CC&R's may be backed up by a Kane County ordinance. Kathleen said it would be the latter; a general statement.

Tom organized the thought into words. Included into our CC&R's would be a generic statement that says the CC&R's and Bylaws establish things the homeowner has to comply with. In addition to these, each homeowner is expected to comply with all of the appropriate ordinances and but here Kathleen stopped him and said no then we would have to look up the ordinance each time. Donna suggested the statement say our governing documents are backed up by state and county regulations and ordinances. Kathleen agreed. Kathleen said she would do the legal work on a case by case, but Donna advised that's what we pay the attorney for.

Tom called for a motion. Kathleen made the motion to simply include the general law that governs all of the CC&R's. Donna 2nd. Motion carried. Along with the Bylaws and CC&R's on the web the general statement will be included.



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**ARCOM**

**ARCOM REPORT** Bill Whitlow

**Lot Clearing**

Bill, Kathleen, and Fire Chief Casey Tuttle identified 23 or 24 of lots needing attention. FC Tuttle has a list of the owners. He will review the lots, process them and then turn the information over to the Sheriff. Two years ago the same process was done but the Fire Chief was not involved. The information was given directly from the Association to the Sheriff. As Bill explained, going through the Fire Department is the beginning of the process. Kathleen added that Bill deserved recognition for the work done. He triaged the situation, identified the problem situation on each lot, and got verification from the agency involved. Bill also added that the examination this time was quite different then 4 years ago. This was much more detailed in identifying issues and hazards.

**Lot 59** Tom explained the situation and advised the Board was notified by a member of the poor condition of the lot. He added he personally knew that the family is working on cleaning the lot. The collapsed section of the porch has been removed. Some debris has been cleared away. Donna advised that they were given a time frame to respond with a plan and have failed to do so. She suggested sending another certified letter advising them although activity is being observed, the association has asked for and not received a plan and time frame. Therefore it is being asked again or we will seek a legal avenue. Tom reviewed: send a letter referring to the first letter. On this date we received a complaint. It was investigated and

found to be valid. We understand it takes time to remedy these issues. What is needed by the Board is a game plan for bringing all violations into compliance. As of this date we have received no correspondence bringing the Board up to date on what is being done, the expected time frame to complete each project. We need this in writing. Kathleen and Bill will review the lot and send Donna their assessment. Sheri is to sign letter.

**Lot 91** Received a complaint during the annual meeting of a trailer on the lot. Research was done by the Board and the Sheriff's office and the owner could not be identified. An inquiry was made of the owner of the lot who said he was unaware of the trailer, it was not his, and gave permission to go on his lot to remove it. An email was sent out advising both the Board and ARCOM the trailer was to be removed by the Sheriff's office. Jeff Hoyt contacted the Board advising it was his trailer and he would remove it, which was done. He then advised the Board that there is a trailer on lot 1 which is not a commercial lot. At this point, being the owner of lot 1 Donna recluses herself from further discussion.

Tom reviewed various problems surrounding the issue: Sheriff identified the trailer as abandoned and prepared to take possession, an individual removed the trailer without authorization or proof of ownership, no one has proven they own the trailer, this is a trespassing violation as the owner of the lot was unaware his lot was being used for storage.

**Lot 114** is rented by the Sheriff. They are aware of the lot footprint and will clean the rear area.

**Lot 93** The owners representative was advised the conex box they wanted to put on the lot would not be accepted. Bill felt, since he and Sheri talked directly with the representative and explained the situation, and the fact there has been no contact since, the case is closed and will need no further action.

**Lot 135** Due to the fact the numerous dead trees are probably a result of the laying of Mag, no action has been taken to date. Bill stated this lot is on the clean up list. A letter will go out to the complainant to advise of the action being taken.

**Lot 159** Authorization approved by the Board to lien the property for unpaid dues.

## **ROADS**

**ROADS UPDATE** Kathleen Wegst

### **Magnesium Chloride**

#### **2017 install**

Three attempts were made to place Mag Chloride on the roads. All 3 were thwarted by weather. It is now too late in the season

**Ballot vote by members** Unnecessary

## Other Road Coverage Options

Kathleen passed out an overview of various HOA's and what they use on their roads. She also passed out information on EarthBind-100 and Soil Tech companies. The information sheets include who and how to contact persons if there are any questions.

She explained we do not have the clay content in our roads, we have multiple variations of slopes in the roads and side roads because they are not used as much, there are many variables. Road Packer will probably not be the answer.

Durablend was just offered a 2 year contract somewhere else so we cannot use them. No information was handed out.

Rather than have multiple people calling the viable companies with questions, it would be better to have questions given to one representative to make the calls. Kathleen agreed to be the source contact.

EarthBind-100 and Soil Tech are options but require permits. Cost maybe an issue. Kathleen did discuss several time frames. Doing all the roads at one time, selecting main roads one year, side roads another.

Bill did question whether Kane County would allow this. Kathleen says she talked with the individual who authorizes the permit. There are things which a permit will cover. Tom added he knows if a rock mix is put down, no permit is required.

Tom condensed the discussion. We are trying to go beyond and eliminating Mag Chloride. What is in place right now is a vote at the annual meeting to put mag down for 2018. Donna stated that if the Board can get new information to the members by say April, giving them a chance to vote on a new system we may not have to use the mag.

A four column paper: name of company, brief description of product, cost, time line. With only 2 or 3 options for members to vote on might be a solution.

Tom stated, and Kathleen agreed, at this point the Board needs to consolidate the questions, input, ideas in reference to the companies listed. Kathleen stated every piece of information is extremely valuable, cost is a major factor.

Members are asked to have any comments to Kathleen by the end of September/1st of October. As Tom said, we need to know by April 1st if we have something viable to present at the annual meeting. Would like to have information to all members sometime in January/February. Kathleen and Donna to prepare presentation sheet and ballot.

Tom explained that it appears Meadow View Heights has changed their road base. There are additional things they will continue to do. Donna said

one of her questions is whether Kane County will allow a new road base. Kathleen answered Kane County would let us do a new road base, it's the chemicals they are concerned about. They want to protect everyone.

### **2018 options**

#### **Ballot vote by members**

Both of these issues: What will be put on the roads in 2018, What will be presented to the members for a vote is answered in the previous discussion.

#### **ADDRESS SIGN COSTS & INSTALL** Donna Mooers

It was discovered both Donna and Tom were working on the project and had quotes from the same company. Tom will take the lead.

#### **Dumpsters on lot 113**

**History** Property owned by Kane County. We have no choice.

A member did call Special Services and received a rather terse answer and a recommendation not to call again.

Jeff Hoyt suggested we contact the county and offer lot 113 as a viable place to put the dumpsters. Donna cited years ago when we allowed that, we were almost held responsible for hazardous waste and bio hazards on the lot when the dumpsters were removed. The county did correct the problem. The Board agreed to not offer 113 to the county.

### **NEW BUSINESS:**

#### **Trailer Lot 1**

##### **Full time resident rights**

Being the owner of lot 1, Donna stated she would answer any questions but she will not participate in discussion or vote.

Tom explained Jeff Hoyt, as a side to his email regarding the trailer on Lot 91, questioned the trailer on a non-commercial lot, lot 1. Tom explained the location of the lot, the configuration, (two lots joined) and the location of the trailer on the lot.

Sheri asked Tom to talk to the Attorney and find out what our governing documents allow. Whether the property is commercial or not has nothing to do with it. The only thing CC&R's, Bylaws mention in the way of trailers is in regards to their use and habitation; specifically two items. A trailer is allowed on a lot and may be lived in during construction. It also allows for anyone to reside in a trailer while visiting for up to two (2) weeks.

The Attorney's Assistant Bill Allen, stated, in looking at the documents in section 2.1 of the CC&R's allows personal use of property and does not restrict putting a trailer on the lot. Living in a trailer is a different situation. It is implied that you can put a trailer on your lot, it is not prohibited.

Bill said the original intent was no one could live in a trailer or put up a car port then put a trailer under it and live in it. Bill asked if the lot was joined, which it is.

Bill asked if lots 12 and 1 were not joined would it make a difference? Tom said no, it does not matter.

Even though lot 1 is being rented, it doesn't matter. The tenant, regardless of length of time, has the same rights and privileges as the owner.

Tom explained to Bill Allen that something in writing may be needed. He agreed, let him know. It can be included into the rewrite but we need to be careful getting into so much detail on each issue. Bill further added, a rental property does not have to be a commercial property or business.

Donna advised the owner of the trailer would be moving out in October and the trailer will be moved then. Tom asked that ownership of the trailer should be verified in the future. There are several known trailers being stored throughout the subdivision.

Tom asked if Donna wanted a letter from the Attorney. Donna would rather it go to the Board.

### **Electronic Banking**

Refer to check signers section at beginning of meeting.

### **Billing 2017 - 2018 update**

Donna stated billing will go to post office tomorrow morning.

Bill questioned if conex boxes would be spelled out in the CC&R's. It was explained it would be impossible to identify every possibility. As Tom stated, if it has no wheels it becomes a structure and does not meet requirements.

Donna made the motion to adjourn the Board of Directors meeting. It was unanimous. The meeting was adjourned at 3:00 pm.