

Timber Lakes Property Owners Association Board Meeting Minutes – Wednesday, May 7, 2008

Draper City Library

Conducting and Welcome at 6:10 p.m.: John Young

Present: Craig Allen, Mike Durr, Gary Hume, Rob Roueche', Ole Smith, John Young, John Blickenstaff

Excused: Lamar Hadley and Charlie Richards

Owners Present: 22 lots represented and 4 additional guests.

Guests: David Hansen, Chairman, Timber Lakes Water Special Service District; Dave Kirby, our accountant; Jim Kaiserman, representing Pebble Creek Ranches, LLC and his partner, Dallas Newell; Paul Mortensen, Mortensen & Hanks, our attorney.

TLWSSD: David Hansen

There are two entities – TLPOA and TLWSSD

The TLWSSD was created by Wasatch County in the mid 1990's. The developer used undersized lines and did not follow municipal piping techniques, so there have always been problems with the water system. The District Engineer did a master plan identifying 6 – 8 million dollars in capital improvements to solve the problems. If we do not fix the problem now, the cost will double later. The County is in charge of the project. If we get a 50 percent no vote, the system will not go in. The County will stop issuing building permits because of the inadequate water system and inadequate fire hydrants. Of the \$14 Million estimate for the project, \$3 Million is for road base. That figure will likely come down. Other items in the estimate will be looked at and there are several ways to lower the final cost of the project. The monthly assessment fee will not be fixed until after the project is complete and all costs are known. If you pay the upfront fee, and we bring the cost in under the estimate, you will get a refund. If we wait another year, the cost could go up by \$2 million. An owner raised the question, "Do we have recourse against the developer?" The answer was "No – the developer is dead and the system was purchased 'as is.'" Another lot owner asked what the interest rate of the bond would be and Mr. Hansen replied, "5.5 %."

Minutes of April 2, 2008

Motion to approve: Ole

Motion seconded: John B.

All in favor

Warrant List: Dave Kirby

Question on two stolen cell phones.

Craig Allen will follow up on contacting law enforcement.

Zion's Bank Service Charges:

John Y. will talk to Charlie about asking Zion's Bank to reverse service charges and not impose them in the future.

Motion to accept warrant list: Gary

Motion seconded: John B.
All in favor

Chris Larsen (Lot owner 1191)

Asked permission to encroach on the road easement and presented maps detailing the layout of his lot.

He was asked to explain what advice he had received from his septic system designer about where to place his dwelling on the lot before beginning construction. He replied that he could not recall what the designer told him.

John Y. informed him the board would take it under advisement and send him a written answer.

Pebble Creek/Boxwood: John B.

Discussed dispute of ownership of the land on which our gate and gatehouse are located. He summarized negotiations with Pebble Creek Ranches, LLC to clear up the title disputes, allow Pebble Creek to build on two lots near the gate and save the property owners some money in the cost of building a road on Boxwood Lane and bringing water to those lots. We are negotiating a memo of understanding (MOU) between the Association and Pebble Creek. If we agree to sign the MOU, we will send a written communication to all Timber Lakes property– written in plain English – explaining why we feel it would be in the best interests of all property owners to approve this Timber Lakes plat amendment. This letter will also explain what will happen if the property owners approve the proposal and what will happen if they do not approve the proposal.

Mr. Kaiserman, consulting engineer for Pebble Creek, presented some items in the MOU that Pebble Creek would not accept.

1. An easement along Lake Creek through their property for a walking trail. They do not want TLPOA members walking along the creek on their property.
2. They object to paying 3x the annual assessment. They think they should only pay one annual assessment fee.
3. They object to moving the road easement away from the hillside.
4. If the TLPOA members vote to deny the proposal, the Memo of Understanding will be of no effect.

The Board pointed out that If TLPOA vote is no, the road will still be built on the prescriptive easement and Pebble Creek will have to develop their own water system. It was also stated that the annual assessment fee structure is fair, since the other lots in Timber Lakes average one acre while the Pebble Creek lots are 5 acres. TLPOA is only asking for 3 times the normal fee. Most of our budget goes to roads – so their roads need to pay a fair share. Otherwise, every other lot owner in the subdivision will be subsidizing the Pebble Creek lots.

Mr. Kaiserman stated that if the proposal is rejected, Pebble Creek would go to court to prohibit us from improving Boxwood Lane. He did agree that Pebble Creek

would pay the expenses incurred in asking the Association members to vote on the proposal.

At the request of the Board, Mr. Kaiserman explained his concerns with a possible hydrant leak or underground spring along Lake Pines Drive.

The Board will consider the new positions taken by Pebble Creek and respond.

Richard Elton request for reimbursement

Mr. Elton, an owner, had previously requested reimbursement of towing charges when he parked in a No Parking area. A letter of denial was written and a copy is filed in the office.

Motion: John B.

Motion seconded: Ole

All in favor

Note: None of our security people had him towed!

Annual Meeting:

Saturday, July 12

Accepting candidates for board positions

Applications can be obtained from the website or from the office.

Applications should be turned into the TL office

Construction Bond and Fee Schedule:

Discussed construction related fees.

Proposal to ratify and adopt the construction bond and fee schedule posted on the TLPOA website.

Motion: John B.

Motion seconded: Rob

All in favor

Board Reports

Craig Allen: Gate, Security and Insurance.

Our Insurance policies have been renewed with increased umbrella limits

1986 Ford 10-wheeler removed from the schedule

Renewal fee quote \$1500

Truck needs to be licensed – our responsibility

Antelope Drive insurance claim – we'll see what happens

Security: We have had three break-ins. No real vandalism – just wanted beer. Two were on Spring Creek; the other on Ridge Pine.

The Sheriff will not patrol within TL. Any change in our security depends on budget.

Cameras are dead. Need to be converted to an analog system. Should not have been purchased in the first place, as they require high speed broadband, which is not available in Timber Lakes.

There have been two gate claims. They were asked to produce photos and proof that they were lot owners – we have heard nothing from either.

Another claim of gate damage – security saw them stop in the gate area.

We need another security officer. We need a budget meeting to determine what we can do.

Question from audience regarding the gate being left open: The gate pedestal shorts out from snowmelt. That needs to be fixed. In addition, we need drainage from the tire ripper.

Budget: After a lot of discussion regarding additional security and the possible purchase of one or two pick-up trucks, a motion was made to approve temporary help at the gate until Craig can put out a shift schedule and budget. At the next meeting, we will have the shift schedule and budget and vote on it then. A background check was suggested for security employees and anyone who will drive for us.

Gary to determine cost of purchasing a pickup.

Charlie will let us know if we can afford it.

Nightly rentals: We have completed a letter to the Wasatch County Attorney regarding short-term rentals. We are asking the County to enforce the county ordinance. The County is considering hiring a compliance officer by the end of the year.

Craig asked Association members to give him the lot numbers of rental violators.

John B.: Vice President, office and website.

We have a new website. Encouraged audience to look at it, use it and make comments. We want it to be a useful tool in communicating what is happening on the Mountain. We would welcome a volunteer to serve as the Webmaster.

There is a Timber Lakes neighborhood clean-up activity on Saturday, May 24 from 8 a.m. to noon. Lunch provided.

The reason for purchasing a new telephone and router is to reduce the monthly office long distance cost from \$75 to \$3 by using the Internet for telephone calls.

Mike : Fire and Safety.

Ken Ludwig and Mike will be looking at the firebreaks on Monday. If we had a fire, it would likely start at the bottom and burn upwards on the mountain. Mike is working with Fire Chief, Ernie Giles. They are talking about fire lines along Lake Creek. The Church might help to improve firebreaks. The County is talking about real emergency gates that could be opened by remote like our entrance gate. Perhaps the Church would help foot the bill. We have also been discussing with the County the possibility of having a fire station in Timber Lakes.

Gary: Roads.

We have one road person. The grader is in the shop. We are filling potholes. We have had road base delivered – 10 to 15 piles of it. We are waiting for the thaw in order to finish the project of diverting water to sides of roads instead of down the middle. We are waiting to see what happens with the water board bond before we know how to proceed with road projects for this summer.

Rob: Plan approval.

Our new architectural control bond and fee schedule are adding good value to our subdivision. We have received no complaints about the new bond and fee schedule. People are OK with it. Plans are starting to come in.

Gary asked, "When people tear up our roads, who checks?" Answer: "Our road person." Gary had our road employee keep track of what we spend to repair Club House and he took pictures.

Dave Kirby suggested a 3-page application form for construction excavation. One copy would stay in the office. This needs to be part of every application to build. Let Rob know about road damage and have our road guy sign off on it. This is a required bond on every job, not just along the asphalted road.

Craig also pointed out that when people make building changes after architectural approval, we need to have a mechanism in place to enforce architectural regulations and the CC&Rs.

Rob stated that he would talk to Darek Slagowski, an owner, and ask him if he will assist us with compliance checking.

John B. stated that he and Rob had recently added language to the ACR Construction Application that informs the owner that our building approval does not confer on anyone the authority to break the CC&Rs or any other Timber Lakes regulations. This means that if we missed something in our review or if the owner changes the plans after approval we retain the right to come back and enforce the rules at any time. The County has this same right, as stated on their building permit. Rob will work to revise the excavation permit. In the meantime, the excavation form needs to be included in every set of plans submitted for approval, not just for projects along the asphalted road.

Craig commented on damage done to a power box by a private contractor hired by an owner to clear snow from the road. We need to contact Rocky Mountain Power, report the incident and tell them the name of the owner whose contractor did the damage. Craig will follow up on this matter.

Ole: New Maintenance Building.

Reported on construction of our new maintenance building. Plans are all revised except one small change on the foundation plan. The building permit is approved. The conditional use permit was approved last year. However, the building was facing north, which maximizes the ice and snowmelt problems during the winter. Ole relocated the building to face the southwest and has resubmitted the application for the conditional use permit. The new direction is not perfect, but significantly better for winter ice and snow issues. He anticipates the revised permit should go through in the next 45 days. As soon as we get the go ahead, we will begin construction and the building should be finished by the end of the summer. We will have a log façade – nice appearance.

Open Forum:

Dave Kirby: Sent out second notices of annual assessment bills on April 25, assessing a \$25 late fee. Dave requested waiving the late fee and extending the payment deadline to accommodate people who claim they did not receive the first bill.

The Board pointed out that the billing is simply a courtesy and that the Bylaws clearly identify the assessment payment is due every year. The Bylaws also require a late fee for those who do not pay on time,

A proposal was made to close the meeting.

Motion: Gary H

Motion seconded: Rob

All in favor

John Y. thanked everyone for coming

Meeting adjourned at 8:30.