

**Timber Lakes Property Owners Association
Annual Meeting Minutes
July 9, 2011 – 10:00 AM
Wasatch County Senior Center – Heber City, Utah**

Conducting, Welcome & Roll Call: Craig Allen

Board Members Present: Shane Olson, Milt Taylor, John Blickenstaff, Mike Durr, Rondo Fehlberg, Gary Hume, Andy Berry

Board Members Excused: Gordon Huetter

Employees and Others Present: Kris Price, John Price, Accountants, Martha Lackman, Administrative Assistant, Belinda Smout Security

Property Owners Present: 165

Warrant List: Gary made a motion to approve, Rondo seconded and the motion passed unanimously.

Craig explained the lot combination question on the ballot. Craig recognized Pat and Don Christian for helping out with a car that rolled into Lake Creek from the mail house parking area with a small child inside. They rescued the child, and helped retrieve the car from the creek.

Craig stated that Andy has withdrawn his candidacy for the Board due to work commitments. He thanked Andy for his time served.

Craig introduced our candidates.

Mike Durr – Mike said he wanted to continue working on the Blue Spruce project and other various projects the Board has started. Mike stated that he felt the board has done some great things, such as the storage building, auditable books, and open space improvements. He spoke briefly about his stance on lot combinations. He said that the fire station is in final stages of planning by the county and we will see ground breaking this year.

Rex Gale - Introduced himself and gave a short summary of his credentials. His platform is not to raise assessments. He spoke about paving roads in Timber Lakes and everything entailed with the cost of paving. He stated he would like to help with the Blue Spruce project.

Theresa Gubler - Was unable to attend, but Tom Metcalf spoke on her behalf. He spoke of her background and her prior HOA experience. He spoke about her work on the Newsletter, and that she is part of the Open Space Master Plan Committee.

Craig asked if there were any nominations for candidates from the floor. There were none. There was a ten-minute break for voting.

Craig brought the meeting back to order to discuss regular business.

Milt Taylor, Treasurer - Milt thanked John and Kris Price for their efforts this year. We completed our first real audit. He explained what the capital reserve fund is and how it works. This year we will have an audited balance sheet and income statement. We have made significant steps forward with our collections. He spoke about the budget being approved in advance, and that we have a handle on income and expenses.

Shane Olson, VP of Operations Roads/Water Company Liaison, We have caught up with ninety percent of our drainage issues. With the snow pack this year we have been working on many of the roads already. We will continue to maintain roads, and sub-contract out the larger projects. We will be installing culverts this year. The asphalt budget has been approved and we will be moving forward with repairs.

Andy Berry, Compliance, As far as compliance issues there really have not been many. Compliance issues include unauthorized fencing or funky paint etc. He thanked the board for all their efforts this year.

Mike Durr, VP of Administration, State Fire Liaison, Mike spoke with the County and we hope to break ground on Fire Station this summer. Open pit fires are not allowed in Timber Lakes. These pits have to have chimneys and be spark arrested. The open space projects are moving forward with modest improvements. As a reminder all ATVs should stay on road easements, or on personal property.

Gary Hume Security, Gary stated that you may see bears in Timber Lakes. DNR has come up with dogs and are trying to chase them out. They are not able to trap them because they have no place to take them. The gate is open due to parts needed to repair the gate from being pushed open. The mechanisms are broken and will be replaced. We now have the owners on camera who are pushing the gate. We also now have permission to forward bills to those who are pushing open the gate. So, if you push the gate, you are on camera, and you will get the bill of \$3,000 cost to repair it.

Craig Allen President, We have court ordered fishing rights on Witt's Lake. A long time ago, the Association was involved in a legal dispute with the Developer. When lots were originally marketed and sold, the plat showed Witts Lake as Timber Lakes common area. All of sudden that plat showed that it was not in Timber Lakes with the developer retaining ownership. Plats cannot be changed or amended without all owners in the Plat agreeing. At the time, in order to settle the lawsuit, the Board agreed, among other things, that Jones Lake would be Timber Lakes common area, and the Developer could own Witts Lake with stipulations. One of those was that we would have access to fish Witts Lake. We advised the new owner that we would like to exercise our right to

fish. What we were then offered from the owner were several conditions to access, including the stipulation that the member would have to sign a liability waiver and rent a boat from the owner for \$150. Craig contacted the owner's attorney and told him that there is nothing in the order of dismissal that states that our owners have to waive anything, particularly their right to equipment that was safe for its intended use, and they have a right to "reasonable access" to the lake to fish per the court order. We have not yet gotten to the \$150 boat rental or the limit of two persons fishing at a time. In addition there would be a time restriction of the 1st of July thru the end of August. Craig was advised to refer his opinions to counsel, which we have done.

As for short-term rentals, Craig asked for a show of hands of those opposed to short-term rentals. He also asked for a show of hands for those in favor of allowing short term rentals. We have four in favor and the rest (161) opposed. It appeared that it was the opinion of a clear majority of the membership that short term rentals should continue to be prohibited per County Ordinance and Zoning. As it would take two thirds of the members to approve amending the CC&Rs to permit short term renting for it to be legal, it was clear that this is not happening with ninety seven point five percent in opposition. Craig reminded everyone that short term rentals are currently illegal in the County and unless a development's documents specifically permit it, those activities are prohibited. Craig advised that he would meet with the County attorney to discuss the next steps in having the existing laws and zoning enforced per the membership's vote. Craig spoke briefly about our insurance coverage.

Rondo Fehlberg, Legal, There are no lawsuits pending at this time. The CCRs that govern us state clearly that the assessments are uniform per lot. If the lot has been combined, it is one lot, one assessment. We are not the water company: their assessments are separate. Rondo asked if the lot combination is passed, could it be overturned. We need a two thirds vote in order to change things, so things will remain the same unless we get a two thirds vote to make any change. There was a question as to why one real estate company has exclusive access to an office located within Timber Lakes. There was a lease, which is almost to term, which was granted in exchange for property located by the gate.

Gary stated that there was a question asking about the beavers in the beaver pond. There are still beavers in the pond.

Craig answered a question about a 1999 temporary increase for ten years for road asphalt that has lapsed, and why we are still paying for that increase. John Blickenstaff advised that the referendum was not for a temporary increase; the increase was permanent. Additionally, we could not pave lower Blue Spruce because it does not belong to us. We have an easement, but no right to pave that portion. Mike added that it is dangerous to pave a road with a twenty two percent grade. There was a question about dead tree removal for absentee owners. The county is now holding them accountable to remove noxious weeds and trees.

There was a question about Bench Lake, why it is not being drained and why ATVs cannot be ridden in the dry lakebed. There was a lawsuit filed by the owner of lot 725 stating that the irrigation company was making his lot unlivable. It is the opinion of most on the mountain that ATVs do harm to these riparian areas. We are not an open range state; we are restricted to trails and road easements. Snowmobiles do not damage riparian areas whereas ATVs do. We believe this is the opinion of most of the membership that ATVs should stay on road easements within Timber Lakes.

Andy stated that he wants to see a sign posted that says short-term rentals are illegal, and will be reported to the sheriff. It is evident that most members are opposed to short term rentals, and we will be pursuing with the county to enforce these laws.

Shane answered a question about the opinion on vinyl siding. Vinyl siding is not in compliance with the architectural regulations in Timber Lakes. Those that use vinyl siding will not receive their building bond refund.

Another question was asked in regards to subbing out road maintenance. Shane stated that there are many unforeseen things that can happen on the mountain and proposed that our large projects be subbed out.

John Blickenstaff, Secretary, Stated we are not the Water Company and introduced Mr. Anderton, who is now the president of the water board appointed by the County.

Barb Meierhofer, First Responders, Spoke briefly about the first response team. We formed the first responder group back in 2006. We are on call twenty-four hours a day. When you dial 911 we respond until County agencies can get here. We are all volunteers who are trained in first response care. We carry oxygen, and the AET machine, which is used to shock the heart. The only way you can contact us is by calling 911. You need to make sure your lot number is visible so we can find you in an emergency. We are always looking for new volunteers. If you are interested please let us know. We are a self-funded group, and we use those donations for training and equipment. Barb thanked the current and past members that have been first responders. There was a brief discussion in regards to the reverse 911 service. It is landline only, no cell phones. This service is now offered thru the County. *[Note: Since the meeting, the County has announced a new reverse 911 service that allows owners to register their cell phones in addition to landlines.]*

Public Forum:

Lot owner – asked if it was Timber Lakes responsibility to remove dead trees from common areas. Mike answered that it may be since it is our property. Milt stated we may need to budget for this in the future. Craig said we need to add this to agenda, or possibly use our fire grant money for removal.

Lot Owner 564 – Asked about the cell tower installations. Gary stated that All West still have the towers on their plan but the timing is still unknown.

Lot Owner 1121 – Does the association have any tax liability due to illegal short-term rentals? Craig stated that it is not the Association it is the law-breaking owners in the development. The County is responsible to enforce the no short-term rental laws.

Lot Owner 1220 – Discussed collections and delinquencies within another development and how they enforced. Thanked the board for their service. Milt said that we are aggressively going after the delinquent owners.

Lot owner asked about the Blue Spruce project and what we can do to get this project done without spending all the Association's money. Shane said that he wants to avoid any more litigation. Shane stated that the engineering plan should be done within a week. The County will approve our plans in about two weeks. There are some silt issues and few other issues that we are addressing. Craig stated that when we got the first demand letters our insurance companies were put on standby even though we would hope to not have to file a claim.

Lot owner wants to see the Blue Spruce plans. Shane stated that he had given plans to him in the past. With the new plans that we gave him, we are off his property. Shane said anyone has full access to the plans from Horrocks Engineering.

John Blickenstaff, Secretary, John thanked our election committee for their help. Those elected to serve are, Mike Durr, Rex Gale, and Theresa Gubler. He acknowledged the write-in votes, none of which was enough to change the election results. On the lot combination question, seventy percent voted to allow combinations, and seventy two percent thought we should charge a fee. John then swore in Mike Durr and Rex Gale as new members of the Board. He thanked everyone for participating in our election. Finally, he reminded owners to go to our website and subscribe to our email alerts.

Craig moved to adjourn the meeting. John seconded the motion and it passed unanimously.

The meeting adjourned at approximately 1:05 pm
Minutes provided by Martha Lackman, Administrative Assistant.