

**Marina Village at Saratoga Springs  
Open Board of Directors Meeting  
7:00 p.m. SSOA Clubhouse  
January 4, 2007**

Directors and officers present: Keith Eaton, secretary, Debra Hamilton, president, Ron Long, treasurer, Roman Patt, director, Terry Wolsey, director. Debbie Hooge, director, was not present.

Homeowners present: Doug Bunjes, Ken & Diana Rice, John Wallace, Janet Wolsey.

Others present: Becki and Jeff Wheeler from Online Community Solutions (the new management association for SSOA) and Ryan Hall, SSOA member.

President Debra Hamilton called the meeting to order at 7:04 pm. Since this was a board of directors meeting and 2 out of the 3 directors were present, a quorum was present for purposes of carrying on business for the association.

**Reading of the minutes of previous meetings:**

Since the minutes of our previous meetings are posted online (at <http://www.utahlake.org/mvss/documents.htm>), we waved the reading of the minutes. There was one board meeting (December 26, 2006) since our previous open board meeting on December 7.

**Report of officers:**

President Debra Hamilton reported that she had added our meeting minutes to our MVSS website (<http://www.utahlake.org/mvss>).

Secretary Keith Eaton said that all homeowners had been notified of this meeting by email or USPS mail. Additionally the regular open board meetings (on the 1<sup>st</sup> Thursday of each month) are shown on our website on the online calendar. Notices were also posted on each of the three mailbox stations in Marina Village.

Minutes of the previous meeting had also been mailed to those homeowners who do not have (or do not read) email. It would be great if we had email addresses for all homeowners since it would cut down on the expense of mail notifications and provide information in a more timely fashion.

Treasurer Ron Long reported that he had submitted the paperwork for MVSS to open a new checking account at Mountain America Credit Union (near Smith's). He needs the 5 officers and directors who will have signature authority to go in person and sign the application. There will be two signatures required for any MVSS check.

Ron is still trying to get figures from SSOA on previous Marina Village expenses and dues paid/owed to aid in the preparation of a new budget. Becki Wheeler pointed out that the SSOA books were currently being audited. She will work with Ron to try to get the necessary Marina Village expense/income history for him and to define procedures that we can use in the future. Jeff Wheeler pointed out that legally all past association

records should be maintained for seven years and should be available for any homeowner to review and he would see that this happens in the future. Ron said that he also had some checks for dues from other Marina Village homeowners. He was holding these checks because he was unhappy with the response from SSOA on his request for past financial records. It was suggested that he should submit the payments before the late charge penalty would be assessed.

Ron said that he had contacted an attorney about his concerns about the lack of cooperation from SSOA and his inability to obtain past financial records. The attorney said that he needed to find an attorney specializing in real estate law.

### **Reports of special committees:**

Architectural Control Committee (ACC) -- Terry Wolsey chairman. Terry reported that lot #1 had been foreclosed by today by the deed of trust holder. The lot has not yet been sold and he indicated that the finance company would probably be willing to sell the lot for \$45,000 to \$55,000. MVSS does not have the money to buy the lot, and it's not large enough to provide more than a few parking places. It appears that some of the individuals of Marina Village may be interested in buying the lot on their own, either to build on, or to resale to a builder or future homeowner.

Wells Fargo is pursuing Lot #11 to help satisfy a judgment they have against Larry Russell. They had asked for an appraisal of the lot and are interested in selling it. Debbie Hooge had located a copy of the contract between Russell Packard and Wardley Homes (the previous Marina Village development owner) stating that lot #11 was not buildable and was to remain an open green area. MVSS would like to take over lot #11 as part of our common area. Back taxes have not been paid on the lot in several years. Currently the lot is scheduled for a sheriff's sale on January 17, 2007. We will need a lawyer to pursue our claim. Roman made a motion that Terry be authorized to "take care of" the back taxes and pursue obtaining the lot for Marina Village. Terry seconded the motion and it was unanimously approved.

Terry performed a walk through of the properties owned by NOD/Apex Management on December 12, 2006 and gave them a list of problems and concerns and asked for a written response. He has also requested a \$5,000 completion bond for each lot. Jason has replied in an email that he would take care of the drainage and landscaping issues, but possibly not until spring. He is very reluctant to put up a \$5,000 bond for each lot and claims that this is not required by our CC&Rs. Terry asked Jason for any counter-proposal that would ensure that MVSS is not left with drainage or landscape issues when the homes are sold.

### **Unfinished business:**

John Wallace stated that he is very concerned about his walkway and sprinklers that were damaged when the new construction was started (by the previous builders). These are items that Jason Smith says he will address as part of the landscaping for the current homes. John is skeptical. Ron suggested that we should place \$5,000 liens on each property ASAP. Becki Wheeler stated that MVSS needs to be documented as a "party of interest" for each property before we can place the liens. She suggested that a lawyer could help us file the necessary paperwork.

Ron Long said that he felt that SSOA was partly responsible for the current problems since they had not properly monitored Larry Russell's actions. Ryan Hall suggested that we might consider using Jim Blakesly as the attorney for this purpose since he is familiar with Marina Village (having created the original CC&Rs) and is not presently on retainer with SSOA so there would not be a conflict of interest.

Ron moved that Terry be authorized to file whatever legal documentation is required to make sure that the properties under construction are finished to the satisfaction of the Marina Village ACC before the builder can complete this project. Ron seconded the motion and it was unanimously passed.

Ryan Hall mentioned that he had requested that SSOA do a survey on all the Marina Village properties under development to insure that the homes were within their property boundaries. That survey has been completed and the surveyor reported that there were no encroachments with the current construction, although some were very close. We do not have a written report on the survey results since only property marking/staking was requested and a verbal final report.

We mentioned that there was a lot of confusion about the Marina Village common area (which is apparently owned by SSOA). He said that we should check on the tax IDs of the common areas to see who is the owner of record.

There had been a short discussion at the previous board meeting about on-street parking. The CC&Rs apparently state that homeowners are not allowed to park their vehicles in the street; they must be parked in the garage or on their driveway. Doug Bunjes mentioned that some people were parking in front of the fire hydrant. Roman suggested that we wait until the current home construction is completed in Marina Village before enforcing the parking regulations. This remains an open issue.

#### **New business:**

Ron and Terry stated that some of the Marina Village trees need to be trimmed or removed. Ryan Hall suggested that since the trees are on common area which is technically owned by SSOA we should ask them to get the trees trimmed.

Becki asked how Marina Village wanted to handle dues and bills (since all monies are currently being paid to SSOA). Ron agreed to meet with Becki to define procedures to be used for the future with respect to SSOA/MVSS interaction on finances.

Becki also mentioned that dues should be paid with two checks, one for SSOA dues and one for MVSS dues to ensure that there would be no co-mingling of funds.

Jeff Wheeler mentioned that homes in Utah County were up 26% during the past year. Generally people feel that property in Marina Village has not kept up with this inflation and had, in fact, probably decreased in value due to the construction and general disruption in our development.

Becki suggested that we needed to get our finances in order, review and update our CC&Rs, and get the new home building under control. She also suggested that we

should not allow on-street parking since it decreases the value and appeal of our neighborhood.

John Wallace said that we should clean up the construction “mess” to help get our property values up. This would discourage investors and encourage more homeowners in the area. He also asked about MVSS possibly purchasing lot #1 for additional parking. Most present did not think this was feasible.

**Adjournment:**

Keith moved that the meeting be adjourned. Ron seconded the motion. There being no objections, the meeting was adjourned at approximately 8:35 pm.

The next regular open board of directors meeting will be on Thursday, February 2, 2007 at 7:00 pm in the SSOA clubhouse.

Respectively submitted:  
January 7, 2007

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Keith Eaton