

SilverCreek Townhomes HOA
BOARD OF DIRECTORS MEETING
Silver Creek Clubhouse 1732 W 540 N St. George UT 84770
Thursday October 17, 2024 | 6:30pm

Minutes

ATTENDEES

Board Member Attendees:

Board Members Present: Adam Witt, Karen Hayes, Carol Stauffer, Jeff Snow, Carla Peay, Lindsey Dover

Absent: Bruce Lindsay

Homeowner Attendees:

Homeowners Present - Leann Boyd, Lori Heaton, Shelly Pierce, Neal & Deanne Nuttall, Balinda Earl, Matt Schwenk, Jim & JoAnn Caster, Karen Cleverly, Cal Loe, Stan Engh, Bill & Marcia Brown

Attendees via Zoom - Jayne Holman, LaRae Gibbons, Sherri Burmester, Barb Debry, Jake Rocco, Val Carter, Maureen Vowels, and Ray

WELCOME AND CALL TO ORDER: Adam Witt, Board President - **Time: 6:32 pm**

I. HOMEOWNERS OPEN FORUM: (2 minutes per lot)

Lori Heaton: Asked for status of a landscape request. Inquired about allowing a family member's food truck to be scheduled to operate occasionally on or near our property. *Response: Adam Witt- commercial business activity is not allowed by the CC&Rs. City Ordinances must be followed for city streets.*

Cal Loe: Asked about rules concerning purchasing another home for family members to use when visiting. Asked if dues will be raised for homeowners. *Response: Adam Witt - homes have been purchased for family use, but renting not allowed. Dues will be increased for next year but the amount has not been determined at this time.*

Lindsey Dover: Announced her need to resign from the Board effective immediately. *Response: Carla Peay- expressed thanks on behalf of the Board for all the work and time she has given in service to our community.*

II. BOARD BUSINESS

A. Follow-up on Homeowner Concerns from last Board Meeting:

Homeowner Requested Letter to All Homeowners addressing the Board's policy for enforcement of the rules and the written list of suspected violations submitted to the Board on September 19, 2024. *Follow-up: Carol Stauffer read the requested letter. This letter to Homeowners is attached to these Board Minutes.*

B. Board Actions:

1. Vote to approve Minutes of Board Meeting held August 15, 2024:

ACTION TAKEN: *Motion to approve: Karen Hayes, Second: Jeff Snow. Vote to Approve unanimous.*

2. Vote to appoint Neal Nuttall to fill the board position vacated by Hans Kuhni's resignation last month:

ACTION TAKEN: *Motion to approve: Adam Witt. Second: Jeff Snow. Vote to approve: unanimous.*

3. Vote on contract with Montiel Landscape Services: (Discussion - Negotiations have not come to a satisfactory resolution for the Board.) **ACTION TAKEN:** *Motion not to renew contract and give Montiel 30-day notice: Adam Witt. Second: Jeff Snow. Vote: unanimous.*

4. Vote on ARC Rule Summary proposal: (Proposal was read and discussed)

ACTION TAKEN: *Motion to approve: Carol Stauffer, Second: Carla Peay. Vote to approve: unanimous. The approved rule summary is attached to these minutes.*

5. Vote to approve updated Flag Rule proposal: (Proposal was read and discussed).

ACTION TAKEN: *Motion to approve: Karen Hayes. Second: Carla Peay. Vote: unanimous. This approved rule is included in the ARC Rule summary attached to these minutes.*

6. Vote on HOA management proposal: Adam explained the advantages of the option to move to a self-managed HOA using PayHOA software. Discussion on the motion. **ACTION TAKEN:** *Motion to approve change of management from CAM to Pay-HOA: Karen Hayes. Second: Carol Stauffer. Vote to approve: unanimous.*

III. OTHER BOARD UPDATES & CONCERNS:

1. Social Activities Update: *Carla Peay*

- a. Bunko - First Wednesdays - next scheduled Nov. 6th
- b. HOA Dinners - Second Mondays - next scheduled Nov. 11th
- c. Sit & Chat & Finish That - Third Wednesdays - next scheduled Nov. 20th
- d. Planning to have Neighborhood Beautification/Clean-up Activities during 2025.

2. Clubhouse & Security Update: *Jeff Snow*

- a. Clubhouse - Carpet will be spot cleaned. Palms by mailboxes have been trimmed.
- b. Pools - Outdoor pool will close around Oct. 25th depending on weather conditions.
- c. Security - Please report any problems with garage door lights to Jeff Snow or Dan Gill.

3. ARC Concerns and New Requests: *Adam Witt*

- a. **Unit #8 Request for Landscape change on the west side of their home.**

ACTION TAKEN: Motion to approve: Adam Witt. Second: Carla Peay. Vote to approve: unanimous.

- b. Unit #125 Request for help with neighbor shrubs. *Issue resolved with cooperation between both neighbors.*

4. Financials Update: *Karen Hayes*

- a. 2025 Budget

-Comparison of costs from 2022-2024. All costs have gone up. All options are being considered to keep expenses down and reduce amount of monthly dues increase needed for operating costs.

-Need to have Board read the Reserve Studies and discussion is needed before the 2025 Budget can be accurately finalized.

- b. Homeowner Insurance Letter on the CAM portal needs to go out to all homeowners. Suggested having this included in another newsletter.

- c. Rules Concerns - Recommend a Realtor Letter with information on our rules.

-Recommended parking rule reminder notes to put on windshields of cars parking on the roads.

-Nightly Rental Issues - Request Notice of city ordinance signs from St. George City to place at our entrances.

Action: Carla will take this action.

5. Landscaping Committee Update: *Karen Hayes and Adam Witt*

- a. All back-logged sprinkler system repairs completed. Jim Caster and the Landscape Committee was thanked for documenting and keeping track of that work and following up with the homeowners on their requests.

Will send out written notice to CAM of our notice of intent to terminate our contract.

Will send notice to Montiel of our notice to terminate our contract.

- b. Carla will organize neighborhood cleanup activities for next year (2025).

IV. ASSIGNMENTS:

- a. **Adam Witt** - Will send out written notice to CAM of our notice of intent to terminate our contract.

Adam Witt - Will send notice to Montiel of our notice to terminate our contract.

- b. **Carla Peay** - contact St. George City to request two (2) Rental Prohibition signs for entrances to Silvercreek.

- c. **Carol Stauffer** - volunteered to take a card and flowers to the Merriam family (Unit 3) to express our sympathy for the loss of Jeff Merriam, who passed away this week from injuries resulting from an e-bike accident.

ADJOURN: *Adam Witt, Board President* **Time: 7:47pm**

NOTICE TO ALL HOMEOWNERS: In order to facilitate a smooth change to self-management on January 1, 2025, the Board will hold several Executive Planning and Training Meetings at various locations and on various dates during October, November and December 2024. Homeowners will be advised of progress in this transition at the November and December Monthly Board Meetings.

Attachment #1 to the Minutes of the HOA Board Meeting held October 17, 2024:
Letter to Silver Creek Homeowners - re: Enforcement of the Rules

October 17, 2024

To: All Silver Creek Homeowners
Re: Board of Directors' Policy for Enforcement of the Rules

It is important for Silver Creek Homeowners to understand that the purpose of our HOA Rules is to promote the peaceful coexistence of all residents and maintain the value of the homes in this community. Likewise, the purpose of the Procedures to Enforce the Rules is NOT to punish residents and homeowners for infractions of the rules, NOR is the purpose intended to provide additional funding to the HOA coffers by inflicting fines on the homeowners. The purpose of enforcement of the rules is to bring all homeowners and residents into compliance with the rules in a RESPECTFUL AND FAIR manner as we strive to maintain a unified environment that promotes the peaceful coexistence of all residents and maintains the value of the homes in our community.

This Board appreciates being notified of all community concerns. The Homeowner Forum at the beginning of every monthly Board Meeting is intended as a means for the Board to hear your concerns. Every concern that cannot be addressed and resolved immediately is assigned to a Board member for further investigation and consideration by the Board until a resolution is agreed upon.

This letter is in response to a Homeowner request for this letter, made at the September 19, 2024 Board Meeting. This request will be addressed in the following two (2) statements:

1. A statement from this Board regarding the enforcement of our HOA rules.
2. A request for a response to a submitted written list of suspected rule violations that have no record of enforcement.

1- BOARD STATEMENT REGARDING THE ENFORCEMENT OF OUR HOA RULES:

The Silver Creek Board of Directors will adhere to the following procedures for enforcement of the rules in our community when infractions are reported in writing to the Board:

A. All members of the Board of Directors will be informed of the infraction and one member of the Board will be assigned to contact the homeowner with a reminder of the rules via personal visit, phone call, text message or email. If the violation is resolved with this contact, no further steps need to be taken.

B. If the violation is not resolved, or if no contact with the homeowner can be made, the following procedure will take place in accordance with Utah State Law.

1) A Written Courtesy Notice. In accordance with Utah State Law, The Board shall give the homeowner a written Courtesy Notice that (1) describes the violation, (2) states the date of the violation and (3) states the fine that will be assessed if the violation is not corrected within 30 days after receiving the Courtesy Notice, OR, if the homeowner commits similar violations within one year after the day on which Courtesy Notice was written.

2) Assessment of a Fine. The Board may assess a fine against a homeowner if:

- a- The homeowner does not cure (***Resolve***) the violation within 30 days after receiving the written Courtesy Notice. (***NOTE: A violation can be resolved by sending a written statement to the board describing how the violation has been corrected OR by requesting an informal hearing before the board to explain concerns with the violation***)
- b- In accordance with Utah State law, after the board assesses a fine against a homeowner, the board may, without further warning, assess an additional fine against the homeowner each time the homeowner:
 - (i) allows a violation to continue for 10 days or longer after the day on which the board assesses the fine.

(ii) commits a violation of the same rule or provision within one year after the day on which the board assesses a fine for that violation.

c- The fines shall be as follows:

1st Violation – Fine \$100.00

2nd Violation – Fine \$250.00

3rd And Subsequent Violations – Fines of \$500.00 each

NOTE: Violations of Pool Rules will follow the procedures posted on the CAM portal in the Document tab > Governing Documents > SLVC 2024 Pool Rules.

2. BOARD RESPONSE TO THE SUBMITTED LIST OF POTENTIAL VIOLATIONS, WHICH INCLUDED:

a. Eight (8) homes listed as not occupied by home owner or timeshared over the last 2 years.

Board Response: The Board has contacted the owners of record of these homes and has not substantiated any rental violations.

b. Six (6) potential pool violations sent to Jeff Snow for investigation.

Board Response: Jeff Snow investigated all incidents and did not find any valid violations.

c. Seven (7) potential ARC violations.

Board Response: A Board investigation determined all violations have been resolved.

d. Four (4) Flag/Flag Pole violations.

Board Response: Board determined the existing Flag Rules are in need of clarification. The Flag Rules will be updated before any violations are determined.

In conclusion, the Board of Directors are united in their resolution to continue to clarify the rules needed to maintain the peace, unity and values of this community, and are committed to enforcing the rules with respect and fairness to all Silver Creek Homeowners.

Respectfully,

The Silver Creek Townhomes Board of Directors

Silver Creek Architectural and Landscaping Standards (ASR) Summation 2024

Architecture Requests

In order to streamline the approval process for homeowners wishing to make improvements to their properties, the HOA currently allows for "like for like" replacements without the need for prior architectural approval. This means that homeowners may replace existing features—such as roofing, windows, doors, landscaping, and fencing—with materials and designs that are identical in type, style, and color to what is currently present. All replacements must adhere to the community's aesthetic standards.

Homeowners are encouraged to notify the HOA of their intent to perform "like for like" work for record-keeping purposes, though formal approval will not be required. Any modifications that deviate from the existing features, including changes in color, materials, or design, will still necessitate the submission of an architectural request for review. This policy aims to foster a harmonious community environment while providing homeowners with the flexibility to maintain and improve their properties efficiently.

Plants, Trees and Flowers

Homeowners are permitted to place potted plants and annual flowers in their yards and on their porches without the need for prior approval from the HOA. These additions should be kept neat and well-maintained to preserve the overall aesthetic of the community. While there are no restrictions on the types of potted plants or annuals used, homeowners are encouraged to select options that complement the existing landscape and to ascertain that no invasive species are being planted within the community. This policy aims to enhance the beauty of our community while allowing homeowners the freedom to express their gardening preferences.

Homeowners are responsible for the maintenance and upkeep of all landscaping within their yards, including any oleanders, palms, or other plants that may become overgrown or untidy. It is essential that all vegetation is kept in a neat and orderly condition to ensure the overall aesthetic appeal of the community. Should any plants become overgrown, homeowners must take prompt action to trim, prune, or remove them as necessary. This policy emphasizes the importance of maintaining a well-kept environment and encourages homeowners to regularly assess their landscaping to uphold the community standards.

Flags - NOTE: This statement replaces all Flag Rules previously adopted by the Board

Homeowners wishing to display flags aside from the Utah State Flag and the traditional, current red, white, and blue American flag, must submit an architectural request for a temporary exemption from this rule. This request must specify the type of flag to be flown, the proposed dates for its display, and the duration of the flying period. This rule also requires anyone wishing to fly the flag upside down or in a non-traditional manner to submit a request to the board prior to doing so.

Historically, many homeowners in our community have displayed U.S. flags on poles inserted into concrete at the street in front of their homes during various holidays. While this tradition is valued, any homeowner wishing to continue this practice must also submit a request, detailing the specific dates for the flag's display.

The HOA Board will review all flag requests and may approve or disapprove them at their discretion, taking into consideration the goal of maintaining a harmonious community for all residents.

*Duly adopted at a Board of Trustees meeting, for the Silvercreek Townhomes Association,
held this 17th Day of October 2024.*

Signed _____ President _____ Secretary