

SILVER CREEK

Board of Directors Meeting Minutes_

Meeting Date/Time: March 16th 2023, 6:30 PM

Meeting Location: zoom video

1. Call to order (President) 6:41 PM

a. Roll Call (Secretary)

- i. Wolfgang Riss Secretary, Michael Morrey President, (Christopher Miller, Treasurer – (absent), Joshua McCoy-Redmond MAL – (absent))
- ii. Don Campbell, REIS management representative

2. Approval of Minutes of previous meeting:

Are there any additions or corrections to the meeting minutes?

Wolfgang Moved; 2nd by Joe; unanimous vote (3-0) to approve the minutes of the February 16th, 2023 (most recent board meeting) as written.

3. Board Member Reports

_ Wolfgang Riss (Secretary)

*Trials – campers reported one on trail above CH & one in tunnel

_ Christopher Miller (Treasurer) *no report (absent)*

_ Joe Jonak (MAL) *no report*

_ Joshua (VP) *no report (absent)*

_ Mike (President)

*The board authorized proceeding with a lawsuit to foreclose the Association's lien against lots [insert lot number] in [insert neighborhood] for unpaid assessments and to obtain a personal judgment against the owners.

Brookfield lot BF 012STA,
Hillsboro lot HB 026SEE,
Hillsboro lot HB 164COO,
Hillsboro lot HB 214BUR,
South ridge lot SO 011WIL,
South Ridge lot SO 101BEN,
South Ridge lot SO 115OLS,
Country Hollow lot CH 035BAS,
Country Hollow lot CH 184PET,
Country Hollow lot CH 208VEL,
Country Hollow lot CH 263JAI,
Country Hollow lot CH 271BER,
Country Hollow lot CH 350VIL,
Premier lot PR 035TRA,
Sterling Ridge lot SR 059THE,
Sterling Ridge lot SR 118BRE.

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* Regarding Budget statement by a homeowner. "the budget is wrong" ... and "the supplemental assessment can be changed"

The homeowner is correct: In that The Supplemental assessment **can** be changed (recognize it can also be decreased not only increased) 3.3 supplement started at \$120. 1553(87%) homeowners that pay the extra \$120.00 may vote at any time to remove the line 3.3 if they wish to do so as the quorum required to amend is 1190 homeowners (which is less than the 1553). As doing work around Silver Creek and watching the 3.3 supplemental for a better and more accurate financial report. There are more indicators that shows conflicts and unfair assessment than not. The Master CC&Rs has a Nondiscriminatory clause under section 4.5 and I quote:

Section 4.5 Nondiscriminatory Assessment:

Except provided in section 4.3 and 6.14 hereof, no assessment shall be made at any time which may unreasonably discriminate against any particular owner or group of owners in favor of other owners.

Ex. Boulevard maintenance is under the Supplemental but doing work in the Highlands, who pays? The master? If so, why do the other neighborhoods pay out of the \$120 and a portion of those funds are used for boulevard maintenance when, 1- not all pay that way and 2- it is property of Silver Creek HOA not belonging to any "sub-neighborhood"?

I found that lighting, ponds, mailboxes, street maintenance should NOT be under supplemental and there is an amendment from 2002 to that which changed the nomenclature of exhibit "C" SC HOA pays for storm water maintenance for Carson Elementary and the early Boards failed to acknowledge their responsibility.

SC HOA President in April 2011, erroneously signed a maintenance agreement with Silver Pointe in which, Silver Creek is not responsible for the maintenance as we are below grade from Silver Pointe and 2 years ago we found out per county report that Silver Pointe owes Silver Creek 10% of maintenance cost to a pond behind Brookfield.

4. Management Report

1) Financials:

a. Balance Sheet as if 2/28/23

i. Operating account:

ii. Reserves:

iii. Multiple CDs and investment accounts

Operating	\$ 269,889.98
Insurance Reserve	\$ 10,422.20
Unallocated Reserves	\$ 409,488.01
Emergency Reserve	\$ 11,371.00
Certificates of Deposit	\$1,938,987.30

2) Collections:

A) Assessments: To date we have received \$494,145.14 in payments (past charged dues assessments are included in that figure (i.e. someone who "caught up" past due balances would be reflected here) as well as first half payments.

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- B) Collection accounts (with Pody/McD)
- a. Collections report from Pody McDonald as of 3/9 attached.
 - b. List of those who owe over \$1,000.00 balances:
 - i. 105 total 77 of which are not in Pody/McD system yet.
 - ii. Auditing 'balance forwards' from JCH (we have found quite a few that had paid in August and should not have been reported to us as having 'balance forwards')... we wanted to get through the audit completely before recommending which/who of these over 1K to send to Pody/McD
 - c. General past due from .01 cent to \$999.00 is 455 homeowners; \$177,180.54
 - d. Late Fees and Interest update
 - i. Plan is to retroactively do a bulk late fee charge same with Interest (the system did not pick up late fees for Feb on March 4 nor interest for January on Feb 4 (it did charge interest for Feb on March 4 but not late fees)
 1. AppFolio support is working from the "back end" to get these charges on. And will also correct so that the late and interest will consistently charge each month.
 - 2) Violations:
 - A) Report attached is "to date Feb/March".
 - a. Notes: we are working on the GPS piece in the compliance module. Once synced, this should more than double the capacity as it will exponentially speed things up on compliance drives. (we're currently doing it the old-fashioned way...)
 - b. We'll start to fold in the lower tier violations like trash cans out in the open.
 - c. With the arriving Spring we'll be adding lawn and landscape violations as well.
- 3) Financial: Statements are emailed to board members around the 10th of each month for review, and then the specified collections reports will be sent around the board meeting for more detail.
- 4) Maintenance & Misc.:
 - a. New signs ordered should see installation soon.
 - b. GE was asked to clean up the trails behind WinCo
 - c. Fence Specialists has been reached out to for a quote to repair the fence behind WinCo

5. Committee Reports

- a. Budget and Finance
 - i. *no report*
- b. ACC
 - i. 1 request in pipeline under review
- c. Forest committee
 - i. Waiting for DNR
- d. Appeals
 - i. Received No appeals. Nothing new to report
- e. Security – *no report*

6. Unfinished Business

- * Field drain work complete
- * Silver Pointe Storm pond issue atty still working on it
- * Wetlands removal of 30 trees replant of 100 – complete

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* Grass strips stumps being removed opposite side will happen next then irrigation repairs followed by replanting of some trees (note backflow valve testing and reports being done same time as repairs)

* Clean and repaint of Tunnel management putting out for bids

* any raised sidewalks are being looked at for removal of trip hazards

* PC will inspect stormwater pond and street drains in April

* Slab at sport court. Premier paving owes SC some work. Including The ADA corner ramp in Hillsboro is not done yet nor is the slab for under the honey bucket near the basketball court

* get honey buckets ordered for April delivery

* new trash cans Mike and management to work together to get these delivered

7. New Business

* None

8. Open forum (3 minutes) 'request to raise hands in order to be recognized state name and what neighborhood you live in.

a. **Randy Chavis – Highlands** question about trees that were removed. Unclear to him who determined what trees to be removed. Answer Green Effects showed issues.

b. **Lavern P. – Highlands** States that Mike is “unprofessional” in his opinion. Discussion ensues no resolve

c. **Bob Schultz – Highlands** notes that board should be transparent. Board concludes that it is transparent certain notes i.e. executive session meetings and committee meetings no minutes are taken. Board does report in open session after any discussions in exec. If no decisions are made in those sessions, they do not report.

d. **“Hillsboro” (Norm Stogsdill) – Hillsboro** question regarding appointment vs. election of Mr. McCoy. McCoy is not at this meeting. Mer. Stogsdill does not agree with the way that the board appointed members there seems to be some confusion regarding the end of board members terms and what happens when no quorum is met for several years. Board states that elections will be held annually until a quorum is met.

e. **Bob Shultz – Highlands** volunteers to make the next budget. Board states that the Treasurer is supposed to take the lead on this task.

f. **“Hillsboro” (Norm Stogsdill) – Hillsboro** more disclosures and discussion around board appointments vs. elections. President asks if we can move forward and stop discussing the same issues/questions over and over with someone expecting a different answer. Norm also expresses concerns about the trees removed. Asks that meeting minutes be taken in narrative form. Management states minutes are NOT going to be narrative. Association minutes are to be

i. Types of minutes taken in board meetings:

1. **Action minutes.**

2. **Discussion minutes.**

3. **Verbatim minutes.**

ii. We take action minutes with some outline of discussion – that is all.

9. Adjourn to Executive Session 8:14 PM

a. Discussion regarding legal actions on collections

b. No decisions made.

10. Reconvene and Adjourn Meeting 8:35 PM