

Cottages HOA Board Meeting Minutes

10:00 AM January 29, 2022

Ferguson Home

Attended:

Bob Ferguson

Jacquelin Rasmussen

Andrea Perri

Randy Westbrook

Carol Ferguson

Bob opened meeting and thanked Randy for attending to discuss the Landscape Committee.

Discussion on Landscape Committee Proposed Common Area Plan to be shared at May annual HOA meeting. Randy will contact committee members again in two weeks follow up on email sent to committee members on Friday, January 28.

Bob reported on pre-submittal meeting with Russ Pearson and Austin Henrie (lot 11) on Friday at Ferguson home. Austin and Amber do want a fence in their back yard. They have looked at the Pearson and Westbrook fences. That is the type of fence they will have installed. He knows solid fencing is not allowed.

Jacquelin confirmed that Kirk Rasmussen will continue as Chairman of the Architectural Design Committee.

Jacquelin announced the Board needs to consider a replacement for her position on the Board. No resignation date given; she just wanted to give the Board a heads up. Jacquelin suggested Randy Westbrook to fill the Board vacancy when she does resign.

Bob reported Corbin Gordon, Cottages attorney, submitted a GRAMA request for a copy of the SETTLEMENT AGREEMENT by and between Hidden Creek Water Company, Springville City and the Utah State Engineer.

Budget report from Jacquelin:

1. A change was made to the Legal Fees Balance, from \$6,000 to \$10,000, if circumstances arise for legal help from our attorney outside of the water issue, we wanted to have more in the legal budget, getting our CC&RS passed would be one example. Funds in our yearly budget, and funds required for the Special Assessment Water Issue will not be mingled.
2. A change was made to the Landscaping Balance, \$2,000 to \$5,000. We had planned to improve and extend the drainage ditch on the West side of Hillside Drive from Oakwood Circle down. **Thank you Randy Westbrook and your Red Machine** for starting to move dirt to help this process. Digging and Weed Killing are needed in preparation to have a large truck full of matching stone 2-4" in size, to line the drainage ditch. Delivered price from, Utah Landscape Rock, Nephi, Utah – 863.00
3. ALSO: The median needs to be improved, we should spray the weeds there, and add matching stone, 4-8" a thicker cover will keep weeds from growing.
 - a. There are large bare sections.
 - b. The water pipes need to be protected.
 - c. Driving vehicles and 4 wheelers across the median is a problem.
 - d. Utah Landscape Rock, delivered price is \$863.00. Total for two trucks \$1,726.00.
 - i. Left over stone could be used for common area near the back gate.
4. The County through Glen Tanner obtained all of the required permissions for paving the apron. Glen agreed to pave the apron with regulation depth black top from Canyon Road connecting the black top to Cottages Drive/Upper Whittemore Road (one in the same.) When the air turned cold the first week of October, they had to postpone the job and promised to do it in the spring One can only hope it comes true; Glen is a trustworthy guy though.
5. The Upper Whittemore Board President and Jacquelin have an agreement that Cottages and Upper Whittemore would split the cost in half, and Glen Tanner from Utah County Public Works said the Labor would be free if we would pay for the materials. It should be less than \$3,000, hence the Landscaping fees of \$5,000.

Bob proposed scheduling a regular time for Board to meet. No time set.

Carol led discussion on CC&R Article 4.5 Retained Easements. Need to get documents together and take to David Leavitt. Discussion included:

- a. Both the 2019 Edition UCLUO Ch. 6 Sec. 6-4 MHD B-4 pg. 2 and latest New Edition MHD 14.16 B (Permitted Uses #4):
 - i. Common areas for the exclusive use of the residents of the Mountain Home Development.
- b. Utah Code 10-9a-603. Accurate Plat. (2) (b):
 - i. “. . . whether the owner proposes that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose. . . .”
- c. Developers Schematic Master Development Plan 26 August 1999.
 - i. Note #5, “Easements to be shown on final plat as required.”
- d. Quit Claim Deed Entry 138381 December 31, 2001. No easement reserved:
 - i. Fillerup Letter 4 September 2018 – most significant is fact that Deed failed to reserve any rights in the common elements.
- e. Breach of Governing Documents:
 - i. Declaration of Covenants, Conditions and Restrictions of The Cottages at Hobble Creek (CC&Rs) entry #124110 November 29, 1999.
 1. Article 4.4 Declarant to convey to the Association title to the Common Elements free and clear of all liens. . . .
 - ii. Maintenance and Open Space Preservation Agreement (Agreement) Entry #124109 November 29, 1999.
 1. Section 9 page 5 Developer to record CC&Rs without an interest in or encumbrance on the land.
 - iii. Easements and liens are encumbrances, or restrictions that affect a real estate title, that are placed on real estate property. Both types of encumbrances restrict the property owner's rights regarding the property.
- f. Many statements by County Staff regarding common elements.

Andrea agreed to research 1999 Utah County Land Use Ordinance (UCLUO) and Utah Code.

ACTION ITEMS

1. **Andrea** research 1999 Utah County Land Use Ordinance (UCLUO) and Utah Code.
 - Did 1999 UCLUO reserve “common areas for the exclusive use of the residents of the Mountain Home Development” similar to both the 2019 Edition UCLUO Ch. 6 Sec. 6-4 MHD B-4 pg. 2 and latest New Edition MHD 14.16 B (Permitted Uses #4)?
 - Did 1999 Utah Code have same requirements as Utah Code 10-9a-603. Accurate Plat. (2) (b):
 - i. “. . . whether the owner proposes that any parcel of ground is intended to be used as a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose. . . .”
2. **Jacquelin** will send Bob a draft of the 2nd edition of “The Cottages Chronicles.”
3. **Randy** will continue to follow up with Landscape Committee on presentation at annual HOA meeting.