

Cottages HOA Board Meeting Minutes

7:00 PM Sept 14, 2023

By Zoom

Attended:

Bob Ferguson – President

Scott Hill – Board member

Karen Tusting – Board member

Jonathan Berry – Secretary

John Tusting – Legal Liaison

Lily Berry

Board election results:

Scott Hill received the most votes and received the 3 year term.

Karen Tusting received the 2nd most votes and received the 2 year term.

The board unanimously approved Scott to act as Vice President when the Bob is unavailable.

CCR vote results:

25 votes YES

8 votes NO

Board responsibilities:

Water matters – Scott and Karen will jointly lead issues and questions from members

John Tusting remains as Legal Liaison with Corbin

Snow Removal & Gate

Bob will set up a meet with Dan Clark (Pres of Upper Whittemore HOA) to discuss new second gate adjacent to our gate at the end of Cottage Drive, snow removal, and signage.

Landscaping

Karen will take over as Landscaping chairperson. She wants to submit a proposed survey to the board to distribute to members to get an idea of priorities and interests. Then regather a group of interested members to form a committee. Priorities are fences and thistle control. Jonathan will get more info about using the \$5,000 thistle grant which was approved for us. For fences, we will try to get another bid and wait until Spring to pursue repairing or replacing.

Scott moved that the HOA pays for place boulders in the 4 paths where ATVs can enter our community. Bob seconded the motion. All 3 board members approved.

Further CCR changes that require ballot voting (Karen)

1. Section 1: Article 1.12 - Declarant

Name of declarant needs to change from "Hobble Creek Homeowners Association" to "Cottages Community Association, Inc."

2. Section 4: Article 4.5 - Retained Easement

The original Section 4.5 from the 1999 CC&Rs refers to the declarant as T&M Development, L.C. We have changed the declarant in the 2023 version of The Cottages Community Association, Inc. Therefore, in the amended version we have clarified that T&M claims the retained easement.

In the 1999 version of 4.5 the "Article 12, Option to Expand" has since expired, so we have removed the language referring to "Article 12".

Change 4.5 in the 2023 CC&Rs to read:

4.5 Retained Easement. The original declarant from the 1999 CC&R's T&M Development, L.C. claims "an easement over the road designated on the Plat as Whittemore Road, for ingress and egress."

We will encourage the community to look through CCRs and make any additional changes. We will not resubmit the changed CCRs until all community has had sufficient time to have their voices heard.

Karen and Scott will work together to draft a cover letter to be sent to the community members regarding the CCR 2nd Revision.

Water

Scott will set up mtg with the board and Albert to get an update where things stand, what he's aware of, and if he was able to talk to the attorney (and how that went) and then we can decide if there is any further action we should take.

Lot 35 Driveway issues and proposal

Lily and Jonathan Berry (lot 35) presented a proposal (Appendix A) for the board to consider allowing their lot to use a portion of open space for their driveway. Many factors were presented. The main justification is that all Hillside lots were already granted the same request.

Karen Tusting motioned to approve the request for Lot 35 to use open space for their proposed location for their driveway. Bob seconded the motion. Voting was unanimous.

Re-activating the gates

With only 2 builds remaining, it seems time to return the gates to normal opening closing. Karen motioned to close the gates. Scott seconded. Voting was unanimous. It was agreed to close the gates on Oct 1.

Rock in median

Discussed whether small rock should be added to the median. It was considered low priority and will be discussed later after getting more information.

Weed Control

We want to spray weeds in the median this fall.

Low trees in median

Will try to rent a woodchipper for cleanup day.

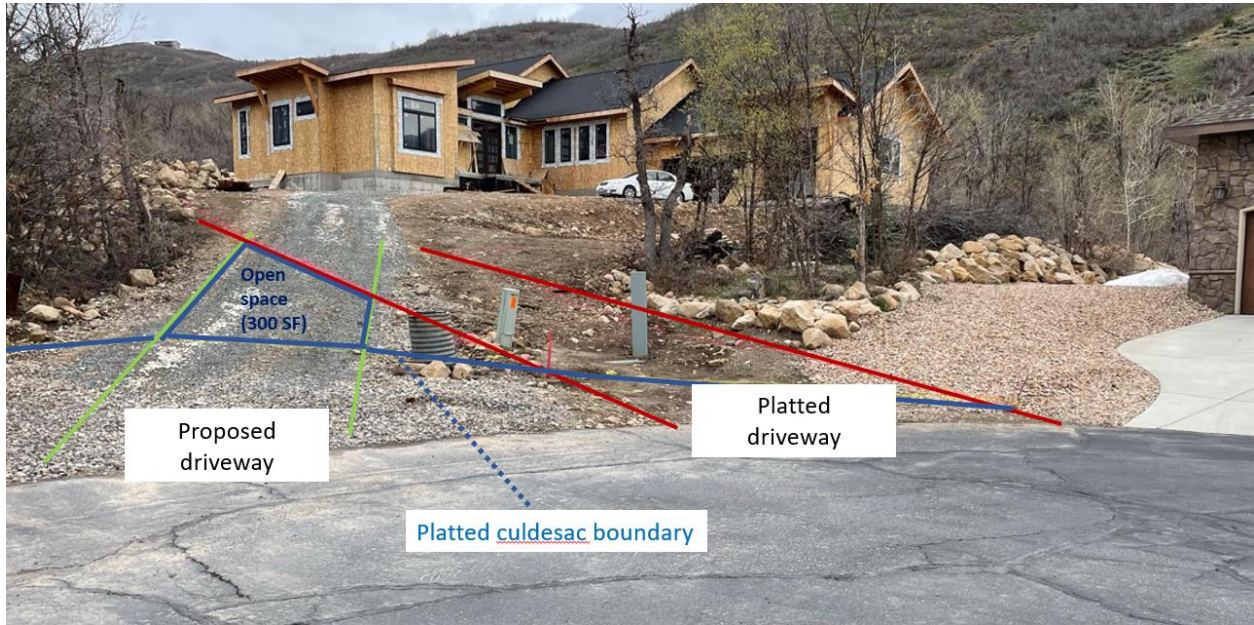
Mail Box issue for new builds

There are no PO boxes available for new builds. Karen is working with Postmaster for a solution. The new builds will need to work together to buy and install a mail slot unit and find a suitable location.

Mtg adjourned at 8:30 PM

Appendix A: Lot 35 driveway proposal to the HOA board

Driveway location request for Lot 35



We ask to put a small section (250 SqFt) of our driveway in the proposed location over open space for the primary reason that the board has already allowed all Hillside lots to do the same. On 11/17/2021, Hillside lots (12, 14, 17) were unanimously given permission by the board to use open space for their driveways “if desired”:

“Hillside Drive lots use of Open Space for driveways: Motion was given by AP [Andrea Perri] to allow all 3 Hillside Drive lots (12, 14, 17) to utilize the narrow strip of open space if desired. Seconded by BF [Bob Ferguson], unanimous vote approval.” ---(from HOA board minutes)

We expect to be given the same consideration as was given to the Hillside lots for use of open space for a driveway. Comparison to Hillside lots:

	Hillside lots	Lot 35
Reason to cross open space	Desired by lot owner	Safety, to avoid interfering utilities, desired by owner
Open space used	~300~1000 SF (depending on width and number of entrances)	~300 SF single entrance

Other factors:

- Safety concerns due to the closeness of Lot 34's driveway. Below is a statement from the Dimonds (owners of lot 34):

"Before this last winter, safety was a concern, but only a minor one. We can see Berry's lot while backing out to a degree, and we could learn to be careful when leaving our home. After this past winter, with snow piled very high, there is no possible way we could see a car coming from their driveway until our vehicle was well into its path. With their driveway located where the construction driveway is located, that would not be an issue." --- (Dave and Anne Dimond)

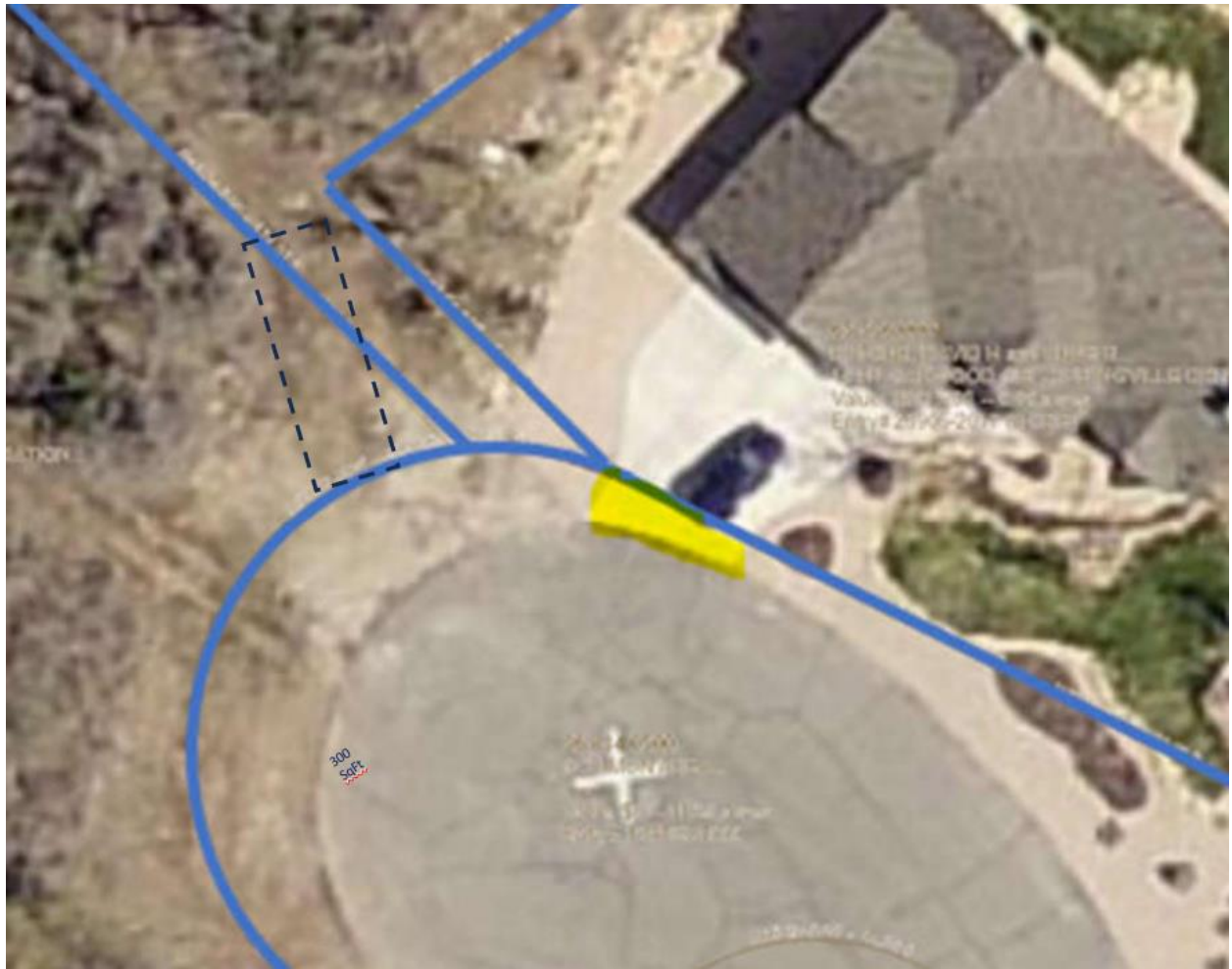
- Makes sense, is more aesthetically pleasing, looks planned, and improves the general look of the community.
- CenturyLink pedestal, Springville Power junction box, and water meter vault all interfere with platted driveway.

We would expect the board to be fair and equal and give us the same approval that was given to the Hillside lots, especially since the board okayed moving driveways over a strip of open space merely because an owner desired it (likely for better views), and not at all for reasons of safety or utility obstruction, which makes our case much stronger.

For the record, we agree with the board's decision in 2021 to allow Hillside lot's use of open space for their driveways. With that approval, precedence has been set. We see no reason the board should not consider or handle our request in the same manner.

Additional notes:

- There are only 3 lots with flagpole driveways: Lots 1, 14, & 35.
- No other lot will ever need such a request since there are no remaining lots that have open space between lot and road.
- The rights of members to access/cross this portion of open space will be retained, just as it is for the Hillside lots. Ownership remains with the HOA.
- The nearest neighbors have no objections.
- There never were any trees or bushes in the area of open space to be used for our driveway. Only dirt and weeds. Below is an ariel view of that area taken 2 years ago before the start of our build:



Thank you for your consideration,
Jonathan and Lily Berry
Lot 35