

DAMMERON VALLEY LANDOWNERS ASSOCIATION, INC.

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Minutes of the DVLA Board Meeting

May 31, 2016

AB Johnson called the meeting to order. Present were: AB Johnson, Joyce Gaufin, Brian Taylor and Don Wallace constituting a quorum.

ACTION ITEMS

Joyce Gaufin ***made a motion*** to approve the agenda for this meeting which was ***seconded*** by Brian Taylor and unanimously ***passed***. Joyce Gaufin ***made a motion*** to approve the minutes from the April meeting which was ***seconded*** by Lou Echols and unanimously ***passed***.

REPORTS

There was no Fire report.

Financial Report – Joyce Gaufin

Joyce listed checks totaling \$4948.93 for expenses for the month. After paying these expenses the operating account will have a balance of \$3886.43. She noted that we had overspent our budget for the year by \$1062.00 due to recent unexpected legal expenses. Joyce ***made a motion*** to approve the checks and to transfer \$3200.00 from our savings account into the operating account to cover expenses for June and until the 2016/2017 annual dues started coming in. The motion was ***seconded*** by Don Wallace and unanimously ***passed***.

Architectural Report – AB Johnson

AB reported that there were a few inquiries for two homes, a very large barn and a few fences but nothing ready for approval. AB stated that Lou Echols was not present and there would be no Social/Public Properties Report. He said that Lou had been appointed as the DVLA Board liaison with all the County meetings related to business in the valley and that he would make reports as business is conducted.

PUBLIC COMMENTS ON NEW BUSINESS ITEMS

Craig Meyocks commented on item 7 on the agenda. He said that Board should wait until the CC&R's and the Architectural Guidelines are all rewritten before considering hiring a licensed Architect to review building plan and that personally he could not see paying someone to do that for the DVLA. He said that the board member assigned to the Architectural Committee was supposed to be a two year term and that he would rather see the money spent on a licensed architect be spent on a Property Management Firm that could do those things for us as well as other DVLA business.

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W BUSINESS

1. **Election of Officers.** AB Johnson stated that Lou Echols had made a proposal to appoint Brian Taylor as President, Don Wallace as Vice President and to keep the other Board member assignments as they are with the addition of Lou as the County Liaison. Joyce Gaufin **made a motion** to approve that proposal which was **seconded** by AB Johnson and unanimously **passed**.
2. **Legal Statement.** President, Brian Taylor said that he was going to read a statement on the legal facts of a recently filed lawsuit and that there would be no further comments on this suit after reading the statement.

“The DVLA has been named as a defendant, along with over 100 John Does, in a lawsuit dealing with issues dating back to 2014. We have been served and we are required to respond and we will do so, although we feel that the case has no merit and is a frivolous action. We have consulted extensively with our legal counsel and others involved in the suit. To date we have incurred no legal expenses. We will provide more details to the homeowners as they become available. Please do not speculate on the nature of the suit, or the liability of the DVLA. We can tell you it is entirely unrelated to the recent matters regarding the Meadows and Ranches.”

Craig Meyocks asked if the legal counsel consulted is the same as the legal counsel for the Dammeron Corporation. Brian Taylor responded “no, not at this time.” Craig then stated that per state statute any meeting held by the DVLA board whether it be a work meeting or whatever should be open to attendance by the landowners and that minutes should be taken and posted for those meetings and asked the board to correct this oversight. Jan Yergensen said that two or more board members getting together to discuss anything is a meeting and should be documented and open to DVLA members to attend. AB Johnson said that work meetings were to set the topics of the agenda for that month’s board meeting, no business is conducted or voted upon. But that the board would set a consistent date and time for work meetings and post it on the DVLA website calendar along with the board meeting posting.

3. **Dumpsters.** Brian Taylor said that the two dumpsters were full and suggested having them emptied and brought back for another two weeks to encourage homeowners to clear their properties of debris. AB Johnson **made a motion** to extend use of the dumpsters for two weeks, Joyce Gaufin **seconded** and the motion was **passed** with one abstaining vote.
4. **The Community Garden.** Brian Taylor said that the garden area is fenced and water to the lot has been donated by the developer for anyone with an interest in using space there to set up their own garden plot. Overseeing this endeavor is not a DVLA responsibility and Brian has found a volunteer who would oversee the garden and set up some guidelines for its use. We will post an invitation on our website to encourage people to use this area.
5. **Non-member use of the Community Center.** There was some discussion on who uses the community center and whether there should be a separate “non-member” fee for using the center. Also discussed was who can attend events sponsored by the DVLA. Larry Carlon suggested setting up an “Associate Membership” with dues for those in the Meadows and

Ranches that are no longer regular members to allow them to participate. Mac Thomson commented that the rules are now that at least one person in the group using the facilities has to be a DVLA member and that the other attendees should contribute to the rental fees. Brian said that the board would be looking closely at this issue because we want the whole community to attend functions but it needs to be done carefully so as not to set any unwanted president.

- 6. Status report on the Ranches and Meadows Subdivisions.** Brian Taylor stated that the termination of these two subdivisions from the DVLA is a done deal. The board is looking at creating a second class of membership that would allow those in each subdivision who want to be a member of the DVLA a way to do so. Joyce Said that there are people on both sides of this issue, some who are saying why should non-paying residents be allowed to have the same benefits as those who are paying their dues. That is part of the work the board will be doing restructuring the bylaws, the Articles of Incorporation and the umbrella CC&R's. All of these will require a ballot to the landowners and a majority vote to finalize and record with the County.

Jan Yergensen said that CC&R's and HOA's are separate entities. The board has no authority to enforce CC&R violations for the Ranches and Meadows, they are subject to County rules. Mac Thomson said that currently there is no penalty for non-compliance and that the DVLA needs to have a structured penalty installed in the rewrite of the umbrella CC&R's. Brian Taylor said that the way the CC&R's are written is very vague and that yes, they need to be corrected with a list of penalties for violations. Craig Meyocks said that hiring a property management firm would take care of these issues, they could create a master plan with blanket CC&R's and sub CC&R's unique to each subdivision. Brian Taylor said, yes the Board agrees that rewriting the governing documents needs to be done and that the board is committed to doing this work as soon as possible.

- 7. Use of licensed Architect for new construction plan review.** AB Johnson said that the Architectural Review Board as it is currently does not look at structural elements of building plans. We make sure the plans meet the CC&R's for the subdivision, that the setbacks are correct, that elevations, roof pitch and color schemes comply. He said that while the board is looking at all of the other governing documents the architectural guidelines will also be looked at. Jan Yergensen said that our architectural guidelines are not really legal that a majority of the community voted to adopt them and that it would be a good idea to hire a management firm to oversee all of our governing documents and to help enforce CC&Rs. Brian Taylor said that he has had over 20 years of experience as one of those management firms and they charge \$5 to \$7 per unit per month to do what this board does for \$50 a year per unit. Craig Meyocks said that a previous board had gotten two bids from firms that would charge \$600 per month to do all of the secretarial, billing, financials, rewrite and enforce the CC&R's. Brian said that the board could look into that.

AB Johnson said that he was not sure what we would be getting for our money by hiring a licensed architect. He suggested tabling this subject until the board resolved rewriting the architectural guidelines.

Brian Taylor asked the Fire Chief what the procedure was for reporting a fire hazard on someone's property. The Chief said that he has no authority to do anything but the Sheriff does. But the local fire department can go out and talk to the homeowner or any homeowner who wants an appraisal of any fire hazard on their property. In fact the Chief said that he would welcome being given some authority to respond to hazards when the CC&R's are rewritten.

- 8. Schedule time for new signature cards at the bank.** Brian Taylor said that as new officers have come and gone signature cards at the bank needed to be updated with the changes. He would get together with everyone to schedule a time for that to be done. Brian then declared an end to new business and asked if there were any old business to discuss.

OLD BUSINESS

Joyce Gaufin stated that improving communication is a key issue for the valley. Where do people go for their information? They go to our website, e-mails, facebook pages and regular mail which can be expensive. She suggests official places to post notices be created. Our website is our main official place but it does not send out e-mails and does nothing for those who do not have computers. She suggests turning the covered bulletin board out in front of the Community Center so that you can drive right up to it and read notices as they are there to collect their mail.

Craig Meyocks said that 2014 House Bill 245 relating to incorporation of a city takes that process out of the hands of the County government and puts it under the State's purview. He commented that the CC&R's he read for the new subdivisions the Dammeron Corp is working on have a comment on incorporation which caused an uproar. Brooks Pace has said that he will remove that comment from the recorded CC&R's. Craig said that looking at the current divisiveness in the community could open the door for incorporation. Don Wallace said that is the main reason he chose to run for the open position on the board is to prevent incorporation. Brian Taylor said this is why it is so important to rewrite the CC&R's as soon as possible. Joyce Gaufin said that this board is not endorsing Dammeron Corp and that Brooks has agreed to allow all landowners and the board to review any new CC&R's before they are recorded. Brian Taylor said that he would like to see all new subdivisions under the same umbrella as the rest of the valley not as separate from the current subdivisions. This board has agreed to work with Dammeron Corp to develop common CC&R's for all subdivisions including any new ones with sub CC&R's unique to each subdivision. Joyce Gaufin said that she would like folks to realize that this board is open to discussion on this issue and that it is a top priority.

AB Johnson said that the board would set a work meeting date and post it on the website calendar every month. Brian Taylor said that the next meeting would be on June 28th at 7:00 PM and that there would be no board meeting in July as there would not be a quorum. As there are no other business, AB Johnson **made a motion** to adjourn which was **seconded** and unanimously **passed**.

Recorded By:

Lynda Charlton, Secretary