

**Minutes of Legendary Hills Homeowners Association  
Annual Meeting  
November 3, 2005  
Liberty Christian Church**

Steve Leonard, President, called the meeting to order at 7:09 p.m.  
All present introduced themselves.

Bob Kenney moved to approve the minutes of the October 2004 meeting. Hermann Nann seconded.  
Carried.

Steve asked Rod Bray, attorney, to address the Covenants and Rules dilemma. He gave background on his past work with Foxcliff North and South, Painted Hills and others. Usually, an HOA is an incorporated entity, as we are. The Articles of Incorporation are fairly general. Next are By-Laws, which provide governance procedures for the Board. We have these also. Next is "Covenants and Restrictions," like ours, which are recorded at the County Recorder's office and enforceable in court. They are binding even if people don't have a copy. The last document is the Rules, governing less formal issues. These are easier to change than the others. Covenants are hard to change and deal with sizes of lots and houses and land use (business; residential). Rules usually deal with animals, vehicles, common areas, etc. Times change and Rules might need to be changed, for example a rule about needing an ID to use the pond. This is hard to enforce because of turnover in population; Boards also tend to forget to issue the IDs after a while. The Board votes on the Rules. The community should not vote, but can attend the Board meeting and have input.

Questions were posed as to enforcement. Mr. Bray said that he prefers not to use fines, but recommends that the first step be contacting the offender as a neighbor, the 2<sup>nd</sup> be a letter from the Board and the 3<sup>rd</sup> a letter from an attorney. Court is the last resort.

Objections were voiced about having 3 people make the Rules.

Mr. Bray responded that if the entire community voted on the Rules, we would be the only community that does it that way. Sec./Treas. John Peet said that nobody likes rules, but a committee can talk to people and find out what they want and recommend rules to the Board. Rules should not make life difficult, but should be aimed at maintaining the value of our property. Mr. Bray referred to the By-Laws, which say part of the Board's responsibility is to make rules that help enforce what's in the Covenants. Ultimately the Board can decide, people can protest and make their opinions known and change officers when they're unhappy.

President Steve Leonard advised the group not to require 2/3 vote (same as Covenant amendment) to change rules, because the process is very difficult and time-consuming.

Question was posed re: Rod Collier's use of the roads. After learning of the situation, Mr. Bray responded that Rod Collier, as a non-member of the HOA, can be stopped from using common areas and that he should be able to be stopped from using the roads.

Question was posed re: water situation, cost to HOA members, variations in pressure. Mr. Bray outlined the city's water plan. There still will be improvements to rural lines that will increase water pressure. Next phase in 3-5 years. President Steve Leonard suggested that continued problems should cause the HOA to go to the IURC and suggested a committee to document problems.

Question posed re: wireless Internet service. Steve Leonard said that wireless is being brought in by SCICAN.

(Mr. Bray left at 8:00)

Reports:

Maintenance: A “cracker” will come in November to repair road cracks.  
Dogwood Ct. has a problem with a poplar tree and Steve has talked with A-1 about removing it. Cost is \$600-800.  
No other road work can be considered for about 3 years, due to the loan repayment from the last paving.  
Trash collection—everyone pleased with Noah Campbell.  
Snow removal—Snow may be removed sometimes when it doesn’t have to be, but it is preferable to being responsible for dangerous situations.

Finance: We have \$13,000 on hand, but there are delinquencies. More effort will be made with these property owners.

Old Business:

Waterfall: Discussion ensued about setting up a fund and investigating restarting the waterfall. \$100 donations were pledged by John Peet, Brenda Ellis and Hermann Nann. No decisions were made.

Pond: Discussion was held about the “catch and release” policy and sign. The sign will be replaced. Some large fish may be being removed, possibly by non-residents. A new shelter house was also discussed.

New Business:

Steve Leonard requested nominations for the Board. Larry Patrick, VP, has resigned. Forest Rawlins nominated Brenda Ellis, seconded by John Peet. Brenda was elected by voice vote. Hermann Nann then moved that John Peet and Steve Leonard continue on the Board. Seconded by Brenda Ellis. Motion carried.

Meeting adjourned 9 p.m.

Respectfully submitted,

Susan Leonard  
Secretary pro tem

Members present:  
Brian Snow  
Forest and Kathy Rawlins  
Bob and Chris Heidenreich  
Norma and Bob Kenney  
Bill Heath  
Steve Collier  
Brenda Ellis

Wendy Jensen  
Brad and Stephanie Piercefield  
Steve and Susan Leonard  
Hermann and Judy Nann  
John Peet  
Max Piercefield  
Mike Duncan  
Pat Spencer