

ACCEPTED 8/15/09 / AMENDED 10/3/09 AND ACCEPTED 10/3/09
July 19, 2009, minutes of Board Meeting
Of Swains Creek Pines Lot Owners Association

Meeting called to order at 10:03 AM. Alan Zellhoefer, Frank Pearce, Cathy Jones, Bob Runkle (present at 10:07 AM), Paul Hicks, Jayne Alcorn, Bill Moser, Dale Gardner and Cheryl Case present. Bill Rodreick, Manager, also present.

Secretary's report: Cheryl Case. Frank Pearce moved to accept the June 13, 2009 minutes. Seconded by Paul Hicks. Motion carried. June 13, 2009 minutes accepted. Cheryl Case will not be present for the next Board meeting; Dale Gardner has agreed to be the Secretary for the August 15 meeting.

Treasurer's report: Cathy Jones – As of June 30, the total cash is \$153,893.14. Total assets are \$348,954.62. The pond was stocked before July 4th, at a cost of about \$3,400. \$57,000 collected so far for roads. \$56,182.15 has been spent for the road project. Another \$3,000 is due from homeowners who have not paid. Total owed for dues and assessments is \$8,873.50. This represents 33 owners of 46 properties. Paul Hicks moved to accept the Treasurer's Report. Jayne Alcorn Seconded. Motion carried.

Manager's report: Bill Rodreick. There has been a second fish plant. There is enough in the budget to do one more for Labor Day. Next spring we can plant a tiger trout from the fish supplier; hopefully this would eliminate the chub. Tiger trout are a little more expensive. Anyone willing to make donations toward fish budget could. Donations also accepted for a playground or any issue. Mike Noel sends a big Thank You for the use of pavilion for their summer meeting. The next phase of water project will begin tomorrow. Restrooms will be shut down at some point, possibly for a month. The roof will be taken off. Restrooms will be up and running for Labor Day weekend. They will cut into the road in front of barn; road will be closed 1-2 days. Traffic will be diverted. The overhead well and concrete will be removed. They will also trench. Sign to be posted at bathrooms regarding closure for an unknown period of time. KCWCD may put port-a-potties out there. All power in the box in the barn is only for the pump; it will be removed and transferred to the addition to the restrooms. We will not have access to that. They will be totally done within 2 months. Red Canyon Corp or Development, out of St. George, will do the final phase. Bill gets an annual permit for water from Kane County Road, for dust control. Bill can pull from any hydrant. It takes 4 minutes to fill the truck. Adaptors are on the truck. It was 11 minutes to fill the truck from the well. Jeff Hoyt wants a count of loads of water taken. Bill and his grandson Zachary made a new entrance to the runway parking area, it is more secure. The water truck has been inspected and was fueled at Todds. Cattle are expected this week. Merlin Esplin's crew has been repairing the southeast portion of fence, and will work with us to work on southwest portion where there is no fence. Alan clarified that all lot owners are required to carry fish permits when fishing.

Committee reports:

A. Finance Committee – Cathy Jones, Chairman. Frank Pearce, Vice-Chairman.

- a. Liens. Liens will be filed 8/1 for lots that have not paid dues. Currently 46 lots have not paid; they are owned by 33 owners. The amount is about \$9,000, including funds that should have gone to roads.
- b. Reserve to Preserve. Frank Pearce stated there are enough funds to cover replacements.

B. Legal Issues Committee – Bob Runkle, Chairman. Bill Moser, Vice- Chairman. Cathy Jones to assist.

- a. Insurance. The runway insurance has been renewed at the same cost of \$2,000 from NationAir Insurance. Thank you to John Ewing for this rate.
- b. Security. Bob Runkle said more Kane County Sheriff staff would be helpful here to deter

speeding, and spinning donuts on roads. The Utah Parks & Recreation staff were here writing tickets. Irene has invited Sheriff Lamont Smith & the deputies to the Labor Day Bar-B-Que; someone will be here and speak about the new ATV rules. Kids under age 18 must be within site of an adult. Irene is attempting to get new brochures.

c. Public Easements. No report.

C. Property & Facilities Committee – Jayne Alcorn, Chairman. Dale Gardner, Vice-Chairman. Frank Pearce to assist.

a. Water & Pond. Bill Rodreick was referred to Doug Mestering, of Cedar City, Division of Wildlife and Natural Resources, by Mike Noel. Doug is researching to see if there are funds available for an island/habitat area in the pond. The geese and 3 hatchlings are doing well.

b. Environmental & Fence. The rancher is working on fences and will contact us to work on other areas. Kline Esplin's old lease, to the north, may be used by another rancher. Dale Gardner said the Forest Service has blocked the road in the area by Harris Ranch, where the fence was cut previously. Discussion regarding prior study about roads, inventory, and new trail map of authorized trails. The Forest Service is in the process of closing unauthorized trails.

c. Roads, Parking, Runway & Facilities. Bill Rodreick is painting the barn again.

D. Community Relations Committee – Cheryl Case, Chairman. Bob Runkle, Vice-Chairman, Jayne Alcorn and Paul Hicks to assist.

a. Newsletter, has already been sent to the printer.

b. Fire & E.M.S. The pancake breakfast fundraiser was the largest ever. There will not be one in August. Bill Rodreick said Wednesday night the Fire Department was here until about 1am securing a propane tank at Spruce Drive. An ATV brake didn't set; the ATV rolled down hill, hit a huge propane tank at the Bonwell's cabin, rolled the tank, snapped the valve and fill line, and propane went into the air. All were inside when it happened, Mrs. Bonwell heard it and called 911. Garkane Propane came and reset the tank. It must be put on a concrete slab because of the size of the tank. Bill Moser said he is running for the Fire Department, Board of Directors. Hernan Garreaud is also running.

c. Personnel. Bob Runkle reported Bill is doing a good job.

E. Events Committee – Alan Zellhoefer, Chairman. Bob Runkle, Vice-Chairman, Bill Moser to assist.

a. Labor Day. Our annual meeting, the Sunday deep pit BarBQue, and Camp Golden Eagle events are coming. Volunteers are needed. Last year we had 108 kids. Events are Saturday, 9am to 11pm. Fee is \$15 \$20. T-Shirt, hat, and lunch are included. See Teresa Zellhoefer to volunteer.

b. Nominations. The five candidates are Bob Runkle, Paul Hicks, Spike Fusion, Tanya Garreaud, and Janelle Pearce.

c. Election. There are five positions available on the Board. Vote in person or by mail.

d. Pot Lucks (6:00pm-Utah time- on Board meeting days at the Pavilion). Pot Luck was last night, and will be the evening of the next meeting. Always fun, bring drink & utensils. Grill is available.

F. Architectural Committee – Bob Runkle, Chairman. Frank Pearce, Vice-Chairman.

a. Architectural Review. Bill Rodreick reported a small garage has been approved. A remodel is going in; it was previously approved. Irene Briggs said there have been more property changes so far in 2009 than in 2008, or 2007. Currently 5 are in escrow. Ted Long asked about copies of plans and permits. Bill Rodreick said plans and applications are retained. Jayne Alcorn said people can call 811 for Blue Stakes.

b. Lot Owner's Complaints. Bill Rodreick gave photos to Alan about three complaints. Letter to be sent to Mr. O'Leary. Nuisance law violations can be reported to the Sheriff. Some parents allowed children to ride ATV in the stream, destroyed the meadow area at the south end, by the water tank. There have been complaints about dogs, including barking dogs.

Dogs are to be contained. This can be reported to Kane County. Letters to be sent.

4. Old business:

a. Road dust control. Roads were done June 6/16, 17 & 18th. Alan Zellhoefer summarized the process for the road improvement. It was raining all week when the work was done. They started in Unit 1, went to 2 then 3. All ten tanker trucks of material were put down. Some areas are light, some were missed. The driver was unable to tell where he left off and restarted due to the rain. There are a lot of well founded complaints. The roads need to be finished. Desert Mountain is willing to send a truck back up for about 1 ½ miles, 20 feet wide, at a cost of \$5,400. Statements by Larry Bagley, Bruce Kuveke, Irene Briggs, Ted Long, John Perrotta, John Grul, Spike Fusion, and Don Hammond. Bill Rodreick has driven all roads and taken pictures. The rain holds the product, you can see where product was missed. Further discussion. Bill Rodreick has bids:

Rocky Mountain Dust Control, with mag chloride based on 18-20 foot road width, at a cost of \$1 foot, \$5,280 per mile. 1 mile or less is \$1.25.

Rocky Mountain Soil Stabilization, from Ogden/Kaysville, blended product of about 8% mag and 20% polymer from sugar beet, product from Idaho, based on 24 foot road width, \$3,200 per mile.

The County will not provide water for a patch job. #1 priority is in front of cabins. Paul Hicks moved to accept the bid of \$5,400 from Desert Mountain and if we are not happy, next year we will look at someone else. Seconded by Bob Runkle. Further discussion. Bill Rodreick and Alan Zellhoefer to determine the worst spots. Discussion. A smaller applicator truck is needed for Apache trail and Skyline. Our truck is not capable of doing the spray. Frank Pearce said he would like to amend the motion to include that we verify they have the equipment to handle the areas they missed, if not we should authorize the other company with same proviso that they have the equipment. Paul Hicks moved to give the Chairman the authority to get the job done with budget of \$6,500.00. Paul withdrew prior motions. Bill Moser moved to authorize Alan to spend up to \$6,500.00 based on the decision made by Bill Rodreick & Alan as to the best application available in the quickest amount of time for the areas we need to cover on the map. Frank Pearce seconded. Motion carried. The Board will receive email notification of the decision. Robert London asked where the \$6,500 would come from. Frank Pearce explained there are existing funds.

b. Horse corral. Cathy Jones said she sent an email to a number of people on the Board asking for volunteers, and got no response. Alan and Teresa volunteered, Dee Ewing pounded posts. John was there, Teresa's Dad was there, and friends from Las Vegas came. Bill Rodreick worked really hard for several days. Rudy has his guys pull out the old posts. The weekend before the old wire was pulled. Budget was \$4,000. Length was shorter than projected, but more parts were needed. Still don't have the dirt for the parking area. Spent \$6,150, including the \$1,000 billed by Rudy. Discussion. The wire is not turned on, and the last parts are on order. An electrician was brought up to properly ground the fence. Cathy paid IFA basically \$4,000 and Randy \$1000. Electrician will come back up. Frank Pearce moved that the Board authorize an additional \$4,000 for renovation of the horse corral, which will include reimbursement to Cathy for her out of pocket expenses. Seconded by Bob Runkle. Motion carried. Cathy said the middle and far pasture away from dumpsters are safe for horses; the one by the dumpsters still has holes and should not have horses there until holes are filled. We have warning signs for the electric fence. There will be a master switch for the fence. If no one is using the pasture, flip it to charge and it will not be on. Thank you to all for their work on the fence.

5. New business:

a. Rentals. There was discussion regarding rentals, CCRs, abuse by rentees, and the option to create rules and regulations on rentals with the imposition of fees. There are currently 10 rentals; two of those have not paid dues. Discussion. Irene proposed imposing a fee for replacing fishing permits. Complaints about rentals include ATVs tearing up roads, radio blasting past 10pm, ATVs with no muffler. Spike Fusion suggested a committee address this. Suggestions for rules: Homeowner responsible to inform renters of the rules. Must be current on dues before you can rent. No use of facilities, countered with \$100 fee to use per rental contract. Must be informed when a rental

is going to go out before the renters show up. Owner responsible for any hardship or financial damages, this would not be covered by the impact / use fee. No 'for rent' signs. Committee should talk to the rental companies; Irene has their contact information. Property and Facilities to address issue. Frank Pearce sent out proposed updates to our Rules for consideration for next year's Board. Fish limit may be controversial. Give feedback to Frank.

- b. Dues increase. Discussion. Irene Briggs said we cannot continue to have a special assessment for the same issue, dust abatement. Jayne Alcorn opposed an increase at this time. ~~The last due increase was 4 years ago.~~ There was not an increase in the 4 years prior to the increase from 75 to 80. Frank Pearce said there is no place to cut in the budget without cutting services. An increase is needed. Dues are due in March. Discussion. Frank Pearce moved to increase the dues \$5. Seconded by Paul Hicks. Jayne Alcorn opposed motion; motion carried.

6. Open meeting: lot owners to address the board: Irene, was contacted by Earl Decker, who is trying to put together a Neighborhood Watch, at the request of Lamont Smith. Earl has been invited to the CMAC meeting. Discussion. Irene to invite Earl to attend our Labor Day meeting.

7. Meeting schedule:

August 15th, September 6th (annual), October 3rd, and January 9th, 2010.

Bob Runkle moved to adjourn. Seconded by Frank Pearce. Motion carried; meeting adjourned at 12:39 PM.

Respectfully submitted,

Cheryl Case, Secretary