

**October 3, 2009, minutes of Board Meeting
Of Swains Creek Pines Lot Owners Association**

Meeting called to order at 10:05 AM. Alan Zellhoefer, Frank Pearce, Cathy Jones, Bob Runkle, Jayne Alcorn, Dale Gardner and Cheryl Case present. Bill Rodreick, Manager, also present. Bill Moser and Paul Hicks were not present. Paul's proxy to Bob Runkle. Bill Moser's proxy to Irene Briggs.

Secretary's report: Cheryl Case. Thank you to Dale Gardner for being the Secretary at the August meeting. Frank Pearce moved to accept the August 15, 2009 minutes. Seconded by Cathy Jones. Motion carried. August 15, 2009, minutes accepted. Cheryl moved to amend the previously accepted 7/19/09 minutes on page 4, section B, to delete "The last dues increase was 4 years ago", and to replace that with "There was not an increase in the 4 years prior to the increase from \$75 to \$80." Jayne Alcorn moved to amend the 7/19/09, minutes on page 2, section E (a) to reflect the fee is \$20, not \$15. Cheryl moved to accept the amendments. Jayne seconded. Motion carried. July 19, 2009, minutes amended and accepted. The audio recording of the August meeting was not retained.

Treasurer's report: Cathy Jones – Total assets as of the end of September are \$325,006.87. Year to date revenues \$72,105.16. Expenses are currently below budget. Some expenses have not been incurred yet. Frank Pearce moved to approve the Treasurer's report. Irene Briggs stated the insurance from Gleave will go down from \$6914.70 to \$5366.17. Cheryl Case seconded. Motion carried.

Manager's report: Bill Rodreick. Our well was not grouted back in 1970. To bring it to current standard it has to be grouted. Sunrise is working on that. The other well needs a part of the pump re-tooled. The stone wall should be done in 1-2 weeks. In 2009 there were 2850 pounds of fish planted; \$8,925 was spent in addition to the funds donated for fish. There was a very generous donation for a fish plant. Last year 2300 pounds were planted, and we spent \$10,775. John Perotta caught record fish, 26 ¾ " at 5 ½ pounds. Picture to be included in the newsletter. Rudy will provide roll off dumpster during winter again this year for household garbage only, per his agreement with Western Kane County Special Services District. No snowmobile trailers are allowed at the barn during winter. Vehicles can be parked at the barn. Thank you to Kim & Gary Stein for donating refurbished fire extinguishers. They are at the barn, and are from Chero-Key Piping Fire Protection. Volunteers needed after meeting to roll up the screen at the pavilion, and to cover the fire pit. Next year we will need new screen. Expired fire extinguishers can be taken to the barn to be refurbished.

Committee reports:

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

- a. Liens. Irene Briggs stated 2 old liens have been satisfied since August. The properties had sold. Ms. Stein said she recently switched lots with another, was told there are transfer fees of \$100 per lot. Following discussion, Alan stated the transfer fee is accurate.
- b. Reserve to Preserve. Cathy will review information with Irene before the January meeting.

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

- a. Insurance. Irene Briggs said the general liability insurance was reduced by \$1500. Alan said his insurance rating is down to a 6; the ISO rating was 9.
- b. Security. Irene said CMAC is communicating with the Sheriff to get information on incidents. That should be in place by this Spring.
- c. Public Easements. No report.

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

- a. Water & Pond. Dale will check during the winter to see if there are any options from Ducks Unlimited.

- b. Environmental & Fence. Bill Rodreick said Merlin Esplin moved all cattle out, except those on the North end. The cattle guard there will be removed & repaired next Spring by the Road department. Dale said the Forest Service fixed the fence and posted signs near Harris Rim road. The fence was down between lots 5 & 6.
- c. Roads, Parking, Runway & Facilities. Bill Rodreick said the grader was in the day before yesterday to repair roads damaged from the rain. Roads were not watered after they were graded.
- d. Rentals. To be addressed at next Board meeting. Irene Briggs suggested new rules go out in January mailing. Otherwise the next mailing would be July/August.

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

- a. Newsletter. Next newsletter to go out in January. Deadline is 1/9/10.
- b. Fire & E.M.S. Bill Rodreick said the AED machine will go to the front of the barn where the old pay phone was. He ordered a 911 phone to go beside it, which would tap into the regular existing line. There is a one time charge of \$200. A sign should be posted. The barn has been assigned an address, 1255 Harris Springs Road. Bill to make a sign.
- c. Personnel. Bob Runkle reported Bill is doing a good job. Bill's last day this season would be 10/31/09, weather permitting. Bill starts again 5/1/10.

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

- a. Labor Day. Alan said there were 98 kids. Irene said \$1,900 was collected for registration, and \$942 for raffle ticket sales.
- b. Nominations. No report.
- c. Election. No report.
- d. Pot Lucks – (6:00pm-Utah time- on Board meeting days at the Pavilion). None today.

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

- a. Architectural Review. Bill Rodreick said there is a big remodel at the former Bob Holmes' cabin, Lot 13 in Harris Ranch. The cabin on the hill on Ponderosa is about to be finalized by Doug Heaton. There have been some remodels. Bob Runkle said a request to put a container on a 495 Primrose to store equipment until Mr. Kipp could build was approved for 2 years. Container to be away from the road and must be painted dark green or dark brown.
- b. Lot Owner's Complaints. No report.

4. Old business:

- a. Wi-Fi spot at the barn. Irene Briggs said prices from South Central Telephone (SCUTA) for DSL with wireless capability are \$29.95 for 256 k, \$39.95 for 512, or \$69.96 for 1.5, There is a \$99 set up fee including equipment; a 1 year agreement. After 1 year sign up, can do seasonal shut down after have been with them for 6 months. Frank suggested we confirm it could be used at the pavilion and review the budget. Issue tabled to the January meeting. Gary Smith said the wireless works for 600 feet.
- b. Rules and regulations. Proposed changes to update the Rules were discussed. Discussion regarding imposition of a fine for failing to have or present a valid fish permit. Discussion regarding updating the fish permit, and including something to display the permit. Jayne is checking on posting a sign from the County of the OHV rules. Frank to do final draft of the Rules, to be addressed at January meeting. Communicate any changes to Frank.
- c. 911 phone and AED. Previously discussed.

5. New business:

- a. Harris Springs ranch. A Petition and request for Resolution was submitted by Ted Long. Ted said he has 14 signatures, plus 4 more to be added today. Discussion regarding

Resolution, issue of private roads, and legal process to get the roads dedicated. Frank Pearce said the Resolution is not within the purview of this Board. There are legal remedies being pursued through the County. Further discussion. Ted Long said there is a direct violation of the Land Use for the area; it does not include operation of commercial business. Gail Smith said at the Land Use hearing Rudy was given 30 days to apply for a permit, and to meet with neighbors. Further discussion. The Land Use meeting was 9/9. Ted requested the Resolution be signed or modified and signed. Gail Smith requested support of the Petition. Further discussion. Phone # for the Land Use division is 435-644-4966. Motion by Dale Gardner that we as a Board show support to the lot owners by signing the Resolution in support of Petition requesting the Zoning Commission not grant a conditional use permit. No second; no action taken. Alan said individuals should be aware of the Petition and may sign the Petition. Ted said the signed Petition is needed by the second Wednesday of the month. Janelle Pearce said years ago the Board was asked to support the snowmobile trailer parking at the turnaround, they declined because it was outside the area. There are a lot of issues the Board is unable to control.

b. New Collections Processes. Irene Briggs summarized the current lien collection process and recommended a switch to a collection process run by paralegals and attorneys from Salt Lake. Irene summarized their process; they file a judgment against the person. There is no cost to the Association. The company adds a \$150 fee to the collection, billed to the party who owes the money. If a person calls to dispute the money is owed, the company bills the caller. Irene clarified that currently if a foreclosed property sells, the Association gets money from foreclosure date forward. The company continues to pursue the prior owner. It will be on their credit report. Discussion. Irene said \$8537 is owed for dues prior to 2009. Dale Gardner moved that we use the services of Vial Fortheringham LLP. Irene said services can be cancelled within 30 days by the Association, or the company. Dale Gardner moved that we use services of Vial Fortheringham LLP as our collection agency at no charge to the Association. Bob Runkle, seconded. Cathy Jones added an amendment to the motion to ask Irene to send one last notice to the lot owners that they will be turned over for collection and there will be an automatic minimum \$150 added. Dale accepted Cathy's amendment. Bob Runkle accepted the amendment, and seconded. Motion carried.

c. Facebook. Irene Briggs said property owners have suggested we set up Facebook, and summarized the options. This would be in addition to the website, and is a good communication tool. Irene's office would set this up and would send information in the January billing. Cheryl Case moved to allow Irene to pursue the Facebook page. Seconded by Frank Pearce. Motion carried.

d. Reduction of number of Board of Director Members. Alan said there are currently 9. Discussion regarding reducing number to 7 or 5, and the Bylaws and Articles of Incorporation. Frank Pearce moved we authorize Irene to contact attorneys to research what is required and to report on if we could possibly reduce the number of the Board of directors. Discussion. Frank Pearce clarified the motion is to get a quote from the attorneys to find out what it would cost to get a recommendation on the issue of what is required to reduce the number of the Board of Directors. Second by Bob Runkle. Motion carried.

6. Open meeting: lot owners to address the board: Irene Briggs gave Bill Rodreick & Bob Runkle a cross reference list between lots & physical address. Discussion regarding including this information on the website.

7. Meeting schedule:

January 9th, 2010. Tentatively scheduled to be held at Community Association Management Building. 410 East Tabernacle Suite B, St. George, UT 84770. 10am, Utah time. It will probably be the last year we will have access to that building.

Bob Runkle moved to adjourn. Seconded by Cathy Jones. Motion carried; meeting adjourned at 12:50 PM.

Respectfully submitted,
Cheryl Case, Secretary