

**August 16, 2008, minutes of Board Meeting
Of Swains Creek Pines Lot Owners Association**

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

Secretary's report: Cheryl Case. Paul Hicks moved to accept the July 20, 2008, minutes. Seconded by Bob Runkle. Motion carried; minutes accepted.

Treasurer's report: Frank Pearce. Current assets \$300.00, Reserve to Preserve \$79,780.03, General account, \$63,977.31. Total cash assets \$144,057.34. Assets reviewed. Cheryl Case moved to accept Treasurer's report. Seconded by Paul Hicks. Motion carried.

Manager's report: Bill Rodreick – office is under construction. There will be another fish plant before Labor Day; the price will be the same. Rudy De La Paz offered the dumpsters again during Labor Day for slash only. There was a refrigerator at dumpsters. A lot owner reported two violators; the license plates were from Nevada, and Utah. Letter to be sent to owners by Western Kane County Special Services District, if repeated violation there will be a fine. Three transfer stations may eventually be placed on Cedar Mountain.

Committee reports:

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

- a. Liens. Irene Briggs – 21 liens will be filed.
- b. Reserve to Preserve. Frank Pearce. We need to re-apportion due to disposition of the truck and other assets. Funds for those assets to be re-proportioned to other assets. This would defer any need to increase funds for the Reserve account.

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

- a. C.C. & R.s - Committee was created with the goal to bring all CCRs under one uniform set. This would require 51% of all property owners voting in favor of consolidation. There are currently 529 lot owners, and six CCRs. Prior quote from attorney to re-write CCRs was \$15,000 to \$25,000. Following discussion, it was decided there is no current need to pursue consolidation of CCRs. Discussion regarding CCR violations. See Bill Rodreick to submit a complaint.
- b. Insurance – All insurance is current. If a playground is built, insurance would increase \$70.00 per year.
- c. Security – There are traffic problems. Two people were seen around midnight, near Alan's cabin, looking in cabins. The east door is open on the old sales office and has been for weeks. The Fire Department will do a training class on it. As to individual security, sensor lights can be installed. Be aware, and watch out for our neighbors.
- d. Public Easements – no report.

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

- a. Water & Pond, no report as this was discussed in the Manager's report.
- b. Environmental & Fence. Cows are grazing.
- c. Roads, Parking, Runway & Facilities. Dale Gardner left a message with Karla Johnson to get on the County agenda, and will call again. Her husband or Jayne will go to the Commissioner's meeting for the issue of changing the speed limit to 15 mph. Discussion regarding recent rain, damage to the roads after they were graded, and mag chloride, which is a salt based product and 70% water. Forest Service no longer allows it on their roads. It

has been allowed on some roads but not near water. A byproduct from another construction project was put on our roads. Ted Long said codes were not followed when water system was installed; a thrust block has finally been put in at the end near him. Margie Black said she is concerned people do not have all the information and will vote on the road issue. Discussion regarding two year commitment. Funds can be refunded if not spent. Concerns about dusty roads discussed. Board to continue to pursue other options. Bill Rodreick said someone is willing to do a presentation/sample of mag chloride. Additional information about lignosulfate, including the cost, is needed. Ted Long requested the Board investigate and remedy the property in Swains which is exempt from restrictions. The Board previously consulted an attorney about the property. It was determined the property has its own means and bounds and is not part of the Association; prior dues paid were contributions. Roads have been signed off at the area. Further discussion. John Ewing said when he flies in he can see the dust in our area for 20 miles.

- d. Water Conservancy, see below.

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

- a. Newsletter – there will not be another newsletter before Labor Day.
- b. Fire & E.M.S. The Fire and Ice fundraiser is 5pm – 8pm at the Fire station tonight. Contributions go toward emergency communication system. Last fundraiser of this year.
- c. Personnel, great job Bill !

E. Events Committee – Alan Zellhoefer, Chairman. Bob Runkle, Vice-Chairman.

- a. Labor Day, Meat and chicken have been ordered. Corn to be ordered. Photos of quilts shown, tickets may be sold. Irene will invite Sheriff and deputies to the dinner. Bob Runkle and group will gather wood at 1:30pm today.
- b. Nominations, no report.
- c. Election, no report
- d. Pot Lucks (6:00pm-Utah time- on Board meeting days at Pavilion) pot luck will be tonight.

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

- a. Architectural Review – Bill Rodreick & Bob Runkle have approved a few plans recently. Terry Nelson's contractor's license has been pulled. He has a second license for a plastering company in Arizona. Barbara Hansen at County may be contacted if there is an attempt to do business here.
- b. Lot Owner's Complaints – already addressed.

4. Old business:

- a. Water well for Sunrise Engineering, The permanent easement for the well was granted to Kane County Water Conservancy District. Building will be off the west end of the restroom. They will not bring equipment until after Labor Day.

5. New business:

a. New street addresses assigned by the county. Recorded Deed and ownership is still the original lot number. New addresses are for grid system for 9-1-1, delivery, and emergency purposes. Some street names have changed. Numbers were assigned based on latitude and longitude. Preliminary maps are available at www.kane.utah.gov. Irene will have a cross-reference system. Fed-Ex and UPS will use new address as they use GPS. New address is at bottom of tax notice. Lot owners should post this at their cabins. No need to change street signs yet.

6. Open meeting: lot owners to address the board:

Mr. Hoesly requested the Board ask the Forest Service to chip any piles within 100 yards. Karl Briggs said the Forest Service attempted to burn but could not with the wind. Forest Service will attempt to burn this fall/winter. Dale Gardner to prepare a petition to circulate at Labor Day, and determine if petition would be received.

Bill and Bob were thanked for their response when renters rode ATVs across properties. Irene has contacted Kane County; no license is required for recreational occasional use. If strictly a rental property, a license is required.

7. Meeting schedule:

August 31st (annual meeting at 1:00 PM), October 4th, and January 10th, 2009.

Motion to adjourn by Paul Hicks. Seconded by Frank Pearce. Motion carried. Meeting adjourned at 11:47 pm.

Respectfully submitted,
Cheryl Case, Secretary

NOTE: Letter read by Ted Long is included below:

QUERY

Recognizing that we all have a vested interest in preserving the safety and integrity of our beautiful mountain community; on behalf of me, my wife and many other concerned lot owners, I would like to present a query to this board and the lot owners at large:

With reference to the CC&R's and the Articles of Incorporation governing all of the units within Swain's Creek, the original Reversionary Owner clearly intended to exclude any commercial and business activity within the subdivisions in order to preserve the safety of the residents as well as the natural beauty of the area.

I then must ask; how and why there is an island in our midst exempt from the restrictions imposed on all of the surrounding properties?

This property, although described as "LYING OUTSIDE THE BOUNDS OF SWAINS CREEK PINES SUBDIVISION," is completely circumscribed by the Swain's Creek Pines boundaries. Consequently all ingress and egress traffic must traverse our subdivision and private roads.

The owner of the "island" property in question has been and is currently operating a substantial construction business. Although the business offices are registered at 58 Movie Ranch Road, Duck Creek Village, Utah 84762, construction equipment is stored and major operations emanate from this property. Consequently, numerous construction vehicles with trailers and heavy equipment are traveling on our residential and main roads on a daily basis. This type of traffic constitutes a grave safety hazard when you consider the youngsters on ATV's and pedestrians must share the same narrow right-of-way. The safety concerns as well as the nuisance noise and dust is exacerbated by the excessive speeds, despite repeated requests by our manager to slow down. Furthermore this only serves to prematurely deteriorate the road surfaces which are too infrequently maintained as it is.

I/we, therefore, respectfully request the Board investigate and remedy the foregoing. And during the process pay particular attention to the CC&R's and Articles of Incorporation with regard to the previous owner of the property in mind. The Articles state that membership in the Association (as well as compliance with the CC&R's) automatically transfers with ownership and is appurtenant to the property. I believe the record will show that Dr. Donn Covert was the previous owner as well as an Association member and Board officer.

Thank you.

Respectfully,
Theodore J. Long
Lot #695, Unit 3