

**July 15, 2006, Minutes of Board Meeting  
of Swain's Creek Pines Lot Owners Association**

Meeting called to order at 10:00 AM. Alan Zellhoefer, John Ewing, Frank Pearce, Irene Briggs, Andy Osterhout, Gary Decker, Robert Storie, Gayle Cromer, and Cheryl Case were present. Bill Rodreick, Manager, was also present.

**Secretary's Report** – provided by Cheryl Case. Motion by Frank Pearce to accept the June 10, 2006, Minutes. Seconded by Irene Briggs. Motion carried.

**Treasurer's Report** – Irene Briggs stated the balance in our account is \$61,608.25. This reflects the \$40,000 contribution to the Kane County Water Conservancy District (KCWCD). There is a positive cash flow of \$50,542.87. Motion by Robert Storie to accept the Treasurer's Report. Seconded by John Ewing. Motion carried.

**Manager's Report** - Bill Rodreick stated the third quarter water test has been submitted, and the pond was stocked July 2 with 600 pounds of fish. The trucks were inspected Thursday and passed; some mechanical work is needed on both trucks. The Stop, Shop & Swap went well, \$221 was collected to benefit Kyle, who was involved in an industrial accident here at Swains. A SUV drove on the runway; the driver was charged for the damage caused to the runway and has paid. A large adult black bear was recently seen south of Swains Creek development. The conservation officer who responded stated everyone should be aware there are also cougars in the area. Lot Owners should mark a location on their property where they want their meter installed, and include the lot #. Trade West is trenching in the Blackman Hills area. Meter barrels are being set. Kathy Jones received the first meter barrel. Blue pipe will be exposed; lot owners will hook to the pipe instead of hooking directly into the meter barrel. Pipe from the stop/waste valve is connected to the meter. Connect directly to the ¾" pipe. Lot owners can install yard hydrants. People doing trench work are already behind; there are about 2,000 connections in other areas, and about 600 in Swains. They will backfill to the barrels. Both hardware stores in Duck Creek have all supplies needed. Six foot hydrants are actually about eight feet long, buried 2-3 feet down, and cost \$50-\$80. Fittings cost about \$20. Peterson's in Cedar City also sells the supplies. Lot owners will need a "T" handle key. Jeff Hoyt will have demonstrations at the barn on August 19, August 26, September 3, and September 9. Bill requested lot owners anticipate their need for water, as trenching can restrict access for water delivery. 605 water loads have been delivered so far, compared to 461 loads as of the same date last year. Irene Briggs stated there will be eight contractors qualified by KCWCD available to do trench work; the list will be posted on our website, the KCWCD website, the Sunrise Engineering website; and the newsletter. Frank Pearce requested the names of plumbers also be posted. Irene will check to see if there are recommended plumbers. Andy Osterhout stated contractors will make connections on both ends of water systems; people might need a regulator. Ed Swain stated he contacted two contractors who will charge \$15-\$20 per foot, plus the pressure valve. Irene stated she was told the average cost is \$28 per foot, or an average of \$50 per foot if a hoe ram is needed.

**South Central Utah Telephone Association request** – trailed.

**Committee Reports:**

**Budget** – Irene Briggs stated the gross income is \$71,814.49; \$21,272.62 has been spent, leaving a current net positive cash flow of \$50,542.87. There was discussion regarding potential changes for next year's budget. There was discussion regarding the roads. Bill Rodreick stated the roads should get gravel next summer; the roads will not be plowed this winter. Bill further stated if contractors damage culverts of a lot owner's driveway, he believed the contractor would fix the culvert. The water tank will be installed at 8,200

foot elevation, toward Strawberry. Irene stated 100,000 feet of pipe will go into Swains; the construction deadline is November 6 unless there are weather related delays.

**Liens** – Irene Briggs stated she has processed seven liens.

**Reserve to Preserve** - Irene Briggs stated assets contributed to KCWCD have been removed, and assets which have been fully funded are not reflected on the summary. We should contribute \$12,066.41 for 2006 to stay on target.

**South Central Utah Telephone Association request** – Ken Platt, of South Central Utah Telephone, present. Ken requested permission to put a 10' x 15' slab of cement with chain link fence and slats, about 4' tall, to enclose equipment to be installed at Swains View Trail and the forest service road, on the east side. A carrier would be installed, electronics, power meter and base, enclose, cross-connect box, and carrier. Would allow for future expansion, telephone cable is buried. Attempting to expand wireless service, hope to provide high-speed internet/DSL to this area. There was discussion regarding easements. Ken stated there is a 66' road easement, the county will not use all 66'. The slab would be inside the road easement. There was discussion regarding written easement. Irene Briggs stated an additional site is being looked at between Mr. Galardi's property and the road. Ken stated the site has not been surveyed yet; it may belong to Barbara Christensen. Irene recommended both proposals be approved now. There was discussion regarding cell phone service and towers. Motion by Gary Decker to approve in concept the site identified, as well as the right of way, and have it approved by our attorney before final approval. Seconded by Robert Storie. Irene will have our attorney review the survey and the grant of easement document. Irene read the grant of easement into the record. Gary amended his Motion to include that upon final approval by our attorney, it would be acceptable to approval by the Board. Seconded by Gayle Cromer. Motion carried. Ken provided Grant of Easement, which was signed by Alan Zellhoefer, Chairman, and Cheryl Case, Secretary.

**Labor Day** – Gayle Cromer stated she would meet with Alan Zellhoefer to assess what will be needed. Robert Storie volunteered himself and Darlene to help serve at the dinner. Gary Decker volunteered Sharon Decker to help with the meat. There was discussion regarding volunteers needed. Irene Briggs proposed we continue as planned this year, and reassess to decide if we will continue with events next year. Dee Ewing asked about alternate plans for Camp Golden Eagle. Irene stated a schedule of activities may not be included in the mailing, which must be post-marked by August 3, as construction may affect which events can go forward. A schedule of events should be posted on our website prior to Labor Day, and schedules can be distributed when people register.

**Water & Pond** – John Ewing stated fish have been planted, and from the air the pond looks like a meadow due to all the grass in the pond. Bill Rodreick stated some water had to be released from the pond over the July 4<sup>th</sup> weekend; he has not heard any more about the contractor's request to release water from the pond to do trenching.

**Insurance** - Irene Briggs stated she received the renewal on the director's liability policy; it increased by \$235. Irene spoke with Brian about the airport policy and no increase is expected.

**Environmental & Fence** – Alan Zellhoefer stated some work was done on the north and south ends. Paul Hicks stated Merlin Esplin has taken the main fence to the corner on the south end. Merlin will contact Paul Tuesday or Wednesday about repairs. Volunteers should contact Paul Hicks. Andy Osterhout stated there are about ten cows at the south end.

**Roads, Parking & Facilities** – Bill Rodreick stated some roads were damaged by the rain; contractors will attempt to change the water flow to avoid future damage to roads and driveways. Issues related to roads damaged by water should be reported to Bill. Lot owners may need to park near their lots during construction as some driveways may not be accessible for short periods of time. Roads are being widened and some culverts may be installed this year. Roads will be graded again next year and a gravel base will be applied. Patti Rynes requested a schedule of road work. Bill stated there are frequent changes; people can

call the barn to get information. Leave your phone number if you are unable to reach Bill or Dave when you call.

**Fire & EMS** – Irene Briggs stated there was a fund raiser and fireman/EMS/EMT appreciation over the 4<sup>th</sup> of July weekend; funds were collected to purchase a defibrillator for another subdivision. The Fire & Ice fundraiser is scheduled for the afternoon of August 5.

**Newsletter** – Cheryl Case stated information to be included in the next newsletter needs to be submitted to Irene Briggs by July 18.

**Elections** – Gayle Cromer stated we are ready for the elections.

**Personnel Supervisor** – Irene Briggs stated Bill and Dave are working hard and doing a good job.

**CC&Rs** - Irene Briggs requested this be tabled as some information submitted by our attorney was not received.

**Nominations** – Cheryl Case stated three have agreed to run for the four positions on the Board. A fourth person is 90% sure they will run. If that person declines, another person would agree to run to fill the fourth position. Cheryl asked for volunteers from the audience. There were no volunteers. Cheryl stated this committee can be removed from the agenda until May, 2007.

**Architectural** – Gayle Cromer inquired about the house on Heavenly with the pink roof. Bill Rodreick stated he would talk with the lot owner. Alan Zellhoefer stated he has seen the roof; he does not believe it is within the requirement for natural scenic beauty. Bill stated two garages have been constructed without an application; he will contact the lot owners. Irene Briggs stated she would contact Barbara and Jerry, the Kane County Building Inspectors, to attempt to resolve this issue. Frank Pearce suggested an insert with the Labor Day mailing to include that the manager is to be contacted prior to any construction. Tom Stewart suggested lot owners provide a report if they will not be required to get a building permit. Clint Malberg stated a lot owner began construction years ago; the partial structure still has no roof and his septic smells. Alan suggested Clint contact the health department. Clint stated he previously complained to Barry, our former manager, who stated nothing could be done. Clint further stated lot 23 needs to be cleaned up and the Board should look for violations. There was discussion regarding enforcement of our CCRs. Bill Rodreick stated violations should be brought to his attention; he will inform the Board.

**Water Conservancy** – previously addressed.

**Security** – Irene Briggs stated there have been no incidents since last month. Bill Rodreick stated the runway incident was resolved due to an eye witness providing the license number of the vehicle. Gary Decker requested lot owners' telephone numbers be available. Irene stated all phone numbers provided by lot owners are on the list which has been provided to Bob Runkle; the list will not be a public document.

### **Old Business:**

Gayle Cromer inquired about fencing around the dumpsters. As the road construction will not require the dumpsters to be moved, Irene will notify Jerry Leavitt, who will arrange for the fence.

### **New Business**

Frank Pearce suggested a CCR of the month be highlighted in the newsletter. Irene Briggs stated our attorney has determined the CCRs cannot be consolidated; the goal is to have revised sets ready when they expire, and to have all CCRs uniform.

### **Open Meeting: Lot Owners to address Board**

There was discussion regarding the perk tests on the land previously donated to Kane County. Water was hit at four to five feet on fifteen of sixteen lots. Bill Rodreick was told a subdivision has been approved. There was discussion regarding the designated green space, and prior representations to lot owners that there would be no buildings on the land. Bob Runkle stated the perk test holes need to be properly filled. Bill will contact Kurt Allen regarding filling the holes. Clint Malberg stated Ms. Christensen has posted no

trespassing signs on the trail to the forest service; the trail should not be blocked. Irene Briggs stated the road is Barbara's property, and suggested Clint contact Dale Flanagan, of the Forest Service.

**Meeting schedule** – August 26, September 3 (annual meeting), October 7, and January 20, 2007.

Motion by Gayle Cromer to adjourn. Seconded by Robert Storie. Motion carried; meeting adjourned at 12:14 PM.

Respectfully submitted,

Cheryl Case, Secretary