

May 14, 2011 minutes of Board Meeting  
Of Swains Creek Pines Lot Owners Association

Meeting called to order at 10:05 a.m. by Janelle Pearce. Bill Moser arrived at 10:08, Bob Runkle, Ed Swain, Janelle Pearce, Shirley Burke, Chuck Costa, Bruce Kuveke and Darcy Grizzle present. Bill Rodreick, Manager, and Irene Briggs also present.

**Secretary's report:** Janelle Pearce moved to approve the minutes of January 22, 2011, Ed Swain seconded. Minutes approved at the end of the meeting. We made copies of the minutes for the audience, as it was stated that no one received the minutes which were emailed out the end of January, 2011.

**Treasurer's report:** Chuck Costa stated so far this year, \$121,860.19 has been collected, the majority being dues, and \$5,161.53 has been spent on office supplies, utilities, mailing etc. This leaves \$116,910.15. The General fund has \$138,558.98, the majority of which is for dust abatement. Copies of the Financial Reports were handed out. Monies in the bank \$77,474.00 attributed to Reserve to Preserve of which \$50,000 was put into a CD. Shirley Burke **questioned why she didn't receive a copy of the budget since she was on the finance** committee, Shirley was told it was emailed out the 1<sup>st</sup> week of May & she should have received it.

Janelle Pearce turned the meeting over to Bill Moser at 10:12am.

Managers Report: Bill Rodreick gave a big thank you to Andy Osterhout for taking care of the gates at the pond. Restrooms are up & running & in good shape. Tues May 3, called Kane Co. Road Dept, called for dumpsters, & fish supplier, left message for Randy Marshall out of Beaver regarding perimeter fencing. There was damage on roads, they were bladed twice.

**Hired Rudy to take care of damage on runway, 2 hrs tractor work, can't roll till** the mud dries out where tractor is. Snow plowing took out some road signs. Bill Rodreick is repairing as he finds them. He has been cutting back some of the trees off the road, but not on private property. Picnic tables on meadow side of pond cannot be put out yet, as it is still too wet. Camera recorded an incident, will speak of that later in the meeting. Delynn Shumway passed away.

Committee reports:

- A. Finance Committee - Chuck Costa, Chairman; Shirley Burke, Vice-Chair; Janelle Pearce to assist.
  - a. Budget was emailed out the 1<sup>st</sup> of May to Finance Committee. Covered in above.
  - b. Liens - no new liens filed this year to date, no liens paid off thru the winter, per Irene Briggs.
  - c. Reserve to Preserve - Irene is going to go back 4 years to bring Reserve to Preserve up to date, then the committee will look into replacement costs, life expectancies etc. Irene will make a packet to give to the finance committee. Some monies moved out of General fund into Reserve to Preserve that had not been allocated will be allocated.

- B. Legal Issues Committee – Ed Swain, Chairman; Bob Runkle, Vice-Chair; and Bruce Kuveke to assist
- a. Lot Dues for 2011, Letter to those unpaid. There was discussion regarding sending a letter to lot owners who have not paid their dues, co-joined lots, and a letter received prior to the meeting from Ray & Linda Waber. The Board met in Las Vegas, April 21, 2011, to discuss the lot co-joining issue and decided to keep in the spirit of the way the CC&Rs were written & base the dues on the lots as originally platted. We could lose 238 lots if all co-joined and the budgetary shortfall could potentially be \$39,000 per year, If the Board allows joined lots to pay only one dues payment, the shortfall will need to be made up by all lot owners. There was discussion regarding **the Board's** decision, the language in the bylaws, liens, future owners, and county plats. Irene Briggs stated she checked with the county offices; the county action does not effect the way the Association collects dues and Shannon McBride & Gary Smith in the county offices stipulated that they told everyone who joined their lots that they do not have any control over the Association. All remains the same related to the Association; if you had 3 lots & co-joined, you would still get 3 fishing permits, 3 votes etc. Gina Chapman stated she has co-joined lots and suggested changing the assessment or dues for every lot owner as things are not fair. They have 4 lots each at .33 of an acre, some people have 1 acre lots, and 2 ½ acre lots & they are paying more than those. Following arguments, Bill Moser stated the board had decided dues need to stay as they have been. There was discussion regarding paragraph 20, Unit 3 CC&Rs. Following further arguments, Bill asked for written recommendations to the Board from the audience as to how they would like to resolve this issue, to be turned in before the next meeting on June 23, 2011. Following further discussion, Irene Briggs stated the Association's attorney has advised us that in order to make changes, we would have to modify the CC&Rs in all 6 sets & it would cost the Association \$50,000.00 to do this & also it would take 100% of lot owner agreement. Shirley Burke requested other questions be asked at the end of the meeting.
  - b. Security Cameras – New cameras filmed an incident on May 5<sup>th</sup> showing 2 adult male ATV riders spinning their quads in the pavilion parking lot after Bill had cleaned & graded it. The film was viewed by the Board and audience. Bill Rodreick recognized the people on the quads and they were notified & warned that we will pursue monetary reimbursement for the damage done and labor to redo the parking lot if it happens again. The parent of the offenders has assured Bill this will not happen again. Currently only Board members have access to camera at this time, they are trying to get it linked & hooked up so all lot owners can access it. Lot owners can request to view the playback tape if they are aware of something happening on a certain date and time at the Barn & Pavillion.
  - c. Cabin Rental Issues – as of right now we are aware of one lot owner who has not paid rental surcharges. There was discussion regarding monitoring rentals. Ray **Waber said the CC&R's state you can't rent your cabin, but the Board voted to let some people rent due to monetary issues.** Kathy Cox wants the decision to let people rent removed and a Board decision to not allow cabin rentals at all. The Board will take this into consideration.
- C. Property & Facilities Committee – Bruce Kuveke, Chairman; Ed Swain, Vice-Chair
- a. Roads & Dust Abatement for 2011, Parking, Runway & Facilities – we have a quote from Dean Loveland from Desert Mountain for application of dust abatement, requested a firm commitment & guarantee 100% coverage, we would pay 90% of the

bill until verification that all roads were covered & the remaining 10% would be due at that time. Roads would probably be ready sometime in June. This is the 3<sup>rd</sup> year. If **we see at the end of this summer that the roads won't need it next year, the dues** will be reduced. Cathy Cox stated on Ponderosa Drive Unit 3, dust abatement is completely gone. Bruce Kuveke will drive all the roads with Desert before applying abatement to see how much & where is needed. Requested inspection two weeks after application with representative of abatement company. Ruts etc are taken care of by county. There was discussion about getting bids from other companies, prior performance issues with Desert Mountain, use of Dura Blend as there are not environmental issues as with Magnesium Chloride, county graders pushing the product off to the side, and the grading process. Runway is back up to par, just **hasn't been rolled yet. Buildings & Facilities are in good shape. Stop Signs, curb signs** cost around \$50,000.00 for the entire mountain. Jeff Hoyt wants to be put on next meeting agenda, to update us on the well & water issues.

- b. Environmental, Pond & Fence – Randy Marshall in Beaver, is over a state program under the Dept. of Agriculture & he is looking to see if funding is possible for us. Fencing is needed to keep cows out. Bill has left him voice mail a couple times. Chuck suggested we get with the ranchers & see if they will help with the fencing. Brent is ready to stock fish for same price as last year even though fuel costs are up, rainbows will be stocked before Memorial Day. Maybe we can get some volunteers from the Association to help with putting the fencing up.
  - c. Ranch Road Dedication & Property Swap Update – Irene Briggs stated Barbara Christensen is expected to sign soon, verification is needed by the surveyor for one lot & that has been scheduled. Ranch road will be dedicated as a county road soon.
- D. Community Relations Committee – Chuck Costa, Chairman; Janelle Pearce, Vice-Chair; Darcy Grizzle to assist.
- a. Newsletter –The next newsletter must go out in August – 30 days before the Sept. meeting. Irene will need a draft by the end of July. Chuck told about the storm & the Fire District. Mike Petullo will be at the next Board meeting to talk about the December Disaster on the Mountain. Janelle Pearce asked everyone to submit items for the newsletter before the deadline.
- E. Events Committee - Bill Moser, Chairman; Bruce Kuveke, Vice-Chair; Paul Hicks, Bob Runkle & Darcy Grizzle to assist.
- a. Memorial Day Chili Cook-off. All money raised at fundraiser will go towards playground. Chili Cook-off 12pm Saturday 28<sup>th</sup>, trophies will be given for 1<sup>st</sup> & 2<sup>nd</sup> place. Supply your own chili, bowls for tasting & spoons will be supplied. \$1 per **vote, you don't pay to taste, person with most dollars wins. Chili to be pre-made**, not cooked at the Pavilion, no entry fee, can sell bowls of Chili if you like. Duck Creek Chili Cook-off has been moved to later in August due to meadow being under water. Flyer for Swains Chili Cook-off will be at Barn & also emailed & on Facebook.
  - b. 4<sup>th</sup> of July – Saturday July 2<sup>nd</sup> Stop Swap & Shop, booths are \$5 a table. Only have two or three tables reserved so far, room for 19 or 20 more. There will be soup this year also along with other food. Contact Bill Rodreick for table. Come before 10am to set up, runs from 10am to 3 or 4pm.
  - c. Labor Day Weekend Activities – Volunteers needed for Camp Golden Eagle, call Bruce Kuveke 435-682-3441. Will put up a volunteer chart at the barn & will also be in the newsletter. Movie night is a possibility for this summer, All You Can Eat

Spaghetti Fundraiser may be some weekend this summer. Calendar of events will be on the Information Board at the Barn.

- F. Architectural Committee - Bob Runkle, Chairman, Janelle Pearce, Vice-Chair; Bill Rodreick to assist.
  - a. Architectural Review - Nothing to report. Not much building going on in Swains Creek.
  - b. Lot Owner Complaints, (Storage Container Policy & Enforcement). See New Business.
- G. Rental Regulation and Enforcement Committee - Janelle Pearce, Chairman; Bill Moser, Vice-Chair; Bill Rodreick and possibly Bruce Kuveke to assist.
  - a. One complaint about **a renter using another owner's driveway**. That is it so far.
- H. Old Business: Reminder on underground tank safety hazards will be put in the newsletter.
- I. New Business:
  - a. **David Kipp's Attorney Letter** - Ed Swain made motion to drop this as there is nothing in the CC&R's about metal containers. Janelle Pearce disagreed as the CC&R's state any outbuilding must adhere to architectural standards & be approved by the architectural committee & be aesthetically pleasing. There have been complaints about this one, **we were told it would be removed & it hasn't been. It is** very visible from the road & this has been going on for a year. This needs to be handled by the architectural committee & brought back to the Board at the next meeting. Shirley Burke opposed pursuing this. There was discussion regarding the CC&Rs, storage containers, outbuildings, storage buildings etc. In the letter, the attorney states that they would welcome a meeting with the Board to resolve this. Motion made by Bruce Kuveke to suspend assessment of fine pending meeting between architectural committee & Mr. Kipp & his attorney, prior to the next Board meeting to take care of this, if not the fee will be charged, seconded by Janelle Pearce, no opposed.
  - b. Security Camera incident 5/5/2011 - covered above. Another camera has been donated, Irene got a bid for under \$200 to put it up & point it towards the restrooms. In the past there has been damage to the restrooms. Following discussion, Motion was made by Chuck Costa to expend the \$200 to put up the camera, based on the recommendation from Bill Rodreick, seconded by Bob Runkle. No opposed. Mike Kempf asked and was denied access to playback. Live video is in the process of being transferred to the barn & linked up, so all can see. Lot owners can request to view playback of a certain day, from a Board member. The back camera is on swainscreekpines.com for access to all lot owners. Wi fi is up & running at the barn, no password is needed. It is **unsecured & you don't have to be** inside the barn to access, but the more people on it, the slower it will run.
  - c. Replacement Board Member for Paul Hicks - John Love was next in line, and agreed to accept position on Board. Janelle Pearce moved to nominate John Love, Ed Swain seconded, no opposed.
  - d. Added Mike Petullo, CMFPD Chairman - Jeff Hoyt to next meeting's agenda. They will be 1<sup>st</sup> speakers before meeting actually starts.
  - e. Aug 13th meeting date, Duck Creek Days was moved, now will conflict - Janelle made motion to change to Sunday, August 14th, Ed Seconded, all approved, no opposed. Janelle made motion to approve minutes from the Jan 22, 2011, meeting,

Ed Swain seconded. All approved, no opposed, minutes are approved. It will be posted on the website as to the change.

J. Open Meeting: Lot owners to address the board: Mike Kempf asked if he could get fishing licenses on the lots that he did pay for. He paid on two lots, wants two fishing licenses. He owns four lots but co-joined down to two & paid for them. Linda Waber stated they continued to pay on their other lots, but her check was held & they did not get their fishing permit; they got a letter for late fees & wanted a valid reason as to why they still owed it. There was discussion regarding past policy that dictated if you **haven't paid on all your lots, you don't get your fishing licenses.** Irene Briggs stated she got the check, and the attorney told her to hold the checks until the CC&R's could be reviewed. After the attorney sent his advice, the Board decided at an Executive Meeting. The late fees were automatically assessed, Irene failed to communicate in the discussion with lot owners regarding late fees & apologized; a letter will be sent out, once references & terminology are researched. The Board stands by the decision to receive dues as originally platted. There was discussion regarding co-joining, the possibility of a loss of funds to the Association, and the special meeting held by the Board. Bruce Kuveke made a motion that late fees due to the co-joining of lots be suspended until the issue of co-joining lots has been resolved. Shirley amended the motion to include that fishing licenses be issued on the lot assessments that have been paid. This is specifically for the co-joined lots. Motion & amendment clarified. Bruce Kuveke clarified the late fees were to be waived only on co-joined lots. Shirley Burke clarified that the amendment was for fishing licenses to be issued on lots paid by co-joiners. Motioned & seconded, no opposed on either. There was discussion about a lot that is not listed on the CC&Rs, dues have been paid and the lot has been co-joined. Irene stated that when the county co-joined they should have done it at a public hearing with 30 days notice. Instead they did it at a public meeting, without giving 30 days notice to everyone in the Association. They only served Notice to people within 500 feet. Following further discussion, Bruce Kuveke asked to adjourn; he would be able to meet with lot owners whenever they like, as we cannot decide anything right now. There was no opposition. As it stands now, the Board has decided the dues will stay owed as originally platted, but will waive the late fees & liens related to co-joined lots for now.

K. Meeting Schedule:

June 25, July 23, August 14, September 4 (Annual Meeting), October 1, and January 7, 2012.

Motion to adjourn by Bruce Kuveke, Ed Swain seconded. Meeting adjourned 1:35p.m. The next Board meeting will take place June 25th, 2011.

Respectfully submitted,

Darcy Grizzle, Secretary