

Swains Creek Pines Lot Owners Association
June 25, 2011 Minutes of Board Meeting

Board Members Present: Bill Moser, Janelle Pearce, Chuck Costa, Shirley Burke, Ed Swain, Bruce Kuveke, and John Love

Also present: Irene Briggs and Bill Rodreick

Board Members Absent: Darcy Grizzle and Bob Runkle

1. Meeting was called to order at 10:10 a.m. Chairman Moser explained changes to the meeting rules and that each lot owner will be given 3 minutes to speak after Committee Reports and during the Open Meeting portion. They must state their name and lot number for the record.

2. Mike Petullo of the Cedar Mountain Fire Protection District spoke regarding the many challenges the District and other emergency responders faced during the heavy winter storm damage of December 2010 and January 2011. In addition to the dangers of maneuvering around downed power lines and large trees blocking many roads, emergency equipment was buried beneath several feet of snow and could not be accessed. An emergency was declared; however, the state of Utah did not commit any assets and FEMA requirements severely limited the amount of reimbursement. Only primary residences qualify for assistance and claims must be processed with the homeowners insurance company first. New legislation recently signed by the governor will allow local jurisdictions to declare emergencies and submit their own applications for FEMA funding in the future.

Mr. Petullo also explained that CMFPD is a Special Service District which is a governmental entity, autonomous from Kane County, with a board elected by residents of the district. You do not have to be a resident of Utah to be elected to the board. He spoke about snow removal contracts and the problems with a calendar year tax collection that does not correspond with an October to April snow removal cycle. Monies collected in the current year were being used to pay for previous year's expenses. To correct the deficit, the CMFPD will vote to raise the cost of snow removal next year to \$200 per lot. Contracts are bid on a flat fee basis for the entire season for each of the six areas within the Cedar Mountain Fire Protection District. For snow removal complaints, contact (435) 682-3226. Mike also explained the reverse 911 system now in place on Cedar Mountain. In case of an emergency, a phone message can be sent to every phone number on record within a specified area. For more information, go to www.CMFPD.com.

3. Jeff Hoyt from the Kane County Water Conservancy gave a presentation about the importance of turning water valves off at the street, particularly during winter months, to avoid freezing pipes and leaks. He especially cautioned lot owners who are renting to instruct renters how to turn off valves. The Conservancy will turn off the valve if they are made aware of leaks, but they will charge a fee to come back and turn the water back on. Jeff introduced his assistant, Paul Monroe, and passed out free anti-siphon valves to be installed on outside spickets to prevent backflow water from entering the fresh water lines.

4. Secretary's Report – Motion to hold the minutes until the July meeting was approved.

5. Treasurer's Report – Chuck Costa reported current assets of \$212,349.03 to include \$300 in petty cash, \$77,476.58 in Reserve to Preserve and \$134,572.45 in the general fund. Motion approved to accept the Treasurer's Report

6. Manager's Report – Bill Rodreick reported there was a fish plant on May 26 and there is another planned before the 4th of July. He was able to get the big roller out of the mud and will park it at the south end of runway next winter. Weeds will be sprayed next week. He fixed the small pump so that he can fill our water truck from the pond and spray common areas such as horseshoe pits and runway. He has had some inquiries about leasing out our facilities, but only Swains Creek Pines lot owners are allowed to use them. Kane County is accepting bids for tree removal in the rights of way only. Property owners are responsible for damaged trees on their property. Motion to accept the Managers Report was approved.

Committee Reports:

A. Finance Committee

a. Budget - Chuck Costa presented the budget adjustments needed to account for unexpected revenue of \$815 raised at the Chili Cookoff, \$250 in lien fees, \$100 donation, \$60 for credit card processing and \$350 remitted for prior year road improvement assessments. There were also a few unforeseen expenses that require line item adjustments for an additional security camera and camera repair, office supplies, credit card fees and increases in workers comp and unemployment fees. The contribution to the Reserve to Preserve Fund will be reduced slightly to cover these items, with no impact to required funding. A separate account will be set up to track donations and expenses associated with the anticipated purchase of playground equipment (\$815 less \$72.84 for trophies etc.). Stop, Shop and Swap income from prior years in the amount of \$924 will also be deposited in this separate account, less expenses of \$161.88, for a total of \$1,577.12 collected for the playground. An outdoor swing set costs \$5,000-\$6,000 and about \$16,000 is needed for typical playground equipment and fencing.

b. Liens - The Finance Committee reviewed lien fees and determined that an increase was necessary to cover current costs associated with the preparation and filing of liens. The increase is based on the amount of the 2011 dues assessments, as well as increases in notary fees, certified letter costs, and filing fees with Kane County as follows: The administrative fee coincides with the increase in dues of \$85.00 Certified letter costs increased by \$1.50 Notary fees increased by \$2.50 each for a total of \$5.00 Filing fees with Kane County increased by \$5.00 each for a total of \$10.00. Therefore \$101.50 will be added to the current amount of \$113.50 for a total of \$215.00 per lien. Currently there are liens filed on 49 lots (35 owners).

c. Reserve to Preserve – Janelle said the Committee met to update the asset list and begin planning for the reserve study. We are required by the state of Utah to submit a completed study by July 1, 2012.

B. Legal Committee

- a. Lots Dues for 2011 – see Resolution below
- b. Cabin Rental Issues and progress – see Rental Committee below

C. Property & Facilities Committee

a. Roads & Dust abatement for 2011 - Bruce Kuveke gave a report on the dust abatement project which went very well. There were 420,000 gallons of water sprayed on the roads prior to the application. We had to rent trucks for 5 days to apply the water, causing the project to go over budget by \$1500. We will determine next spring if a lighter application can be applied after roads are plowed for snow.

b. Environmental , Pond & Fence – Bruce stated he tried to contact Randy Marshall regarding funding for fence repair, but has not received a call back.

- c. Ranch Road Dedication and Property swap update. – No new information

D. Community Relations Committee

a. Newsletter – Chuck Costa said articles for the newsletter were needed by July 10th. This committee will also serve as the Nominations Committee. Anyone wishing to run for the board should contact Chuck, Janelle or Darcy and submit their biography. There will be 5 openings on the board.

E. Events Committee

a. Association Events for 2011, 4th of July (Stop, Shop & Swap) and Labor Day Weekend – Activities and possible Spaghetti Fundraiser. Calendar of events at Information Board. - Bill Moser gave a report on the success of the first Swains Creek Pines Chili Cooking contest. He said we may want to do it more often or at least on an annual basis and possibly a Spaghetti Fundraiser. We are in need of volunteers and are looking for more ways to get the word out about upcoming events.

b. Ribbon Cutting Ceremony for playground is planned for July 2nd at Stop, Shop & Swap

F. Architectural Committee

a. Architectural Review – Mr. David Kipp’s Storage Unit – Remedy Proposal - Janelle said members of the Architectural Committee met with David Kipp and she thought they had reached an agreement on possible remedies to make the storage container less noticeable and more compatible with the scenic beauty of the mountain. However, Mr Kipp sent an email to Bill Moser right before the meeting stating that he did not intend to comply. A motion was made to send another letter to Mr Kipp giving him until October 1, 2011 to remove the container or submit plans to the ARC on how he intends to improve it. Motion was approved.

b. Storage Containers and Sheds – To be included in ARC standards

c. ARC Process & Standards – To be completed in the near future for Board review

d. Lot Owner’s Complaints - None

G. Rental Regulation and Enforcement Committee

a. Letter from Mr. Lee Fabrizio – Janelle explained the letter from Mr. Fabrizio did not contain enough information to determine what he was requesting or complaining about. A response will be sent to him asking for more information. It seems the Rental Rules and Regulations the Board adopted in October 2010 have helped curtail the number of rentals in Swains Creek Pines; however, there are some lot owners who do not want renting allowed at all. Janelle will organize a meeting of the Rental, Finance and Legal committees to review the CC&Rs for each Unit to determine if the Rules and Regulations should be changed or eliminated in the future. Currently only 3 lot owners have registered to rent out their cabins.

H. Old Business: None

I. New Business:

a. Security Cameras and public viewing - Irene Briggs explained the camera system and will provide the Board with instructions on how to view from a remote location.

b. Highway Cleanup planned for July 16 at 9 a.m.

J. Open Meeting: Lot owners to address the board.

K. Meeting Schedule:

Meeting Schedule for 2011: A motion was approved to change the July 23rd meeting to July 30th. The new meeting schedule will be: June 25th, July 30th, August 14th, September 4th (Annual Meeting), October 1st, January 7th, 2012

L. Resolution of Lot Joinder issue:

a. Proposed lot owners resolution(s) to shortfall in dues due to co-joining lots – Ed Swain read the proposal from Ray Waber representing some of the lot owners who have joined their contiguous lots. They offered to donate their annual dues for 2011 if the Board would recognize the plat maps as amended for future assessments. Janelle read the proposed Resolution that would require owners of joined lots to complete an application, submit a copy of approved plat maps, and pay a fee equal to current and past due assessments and fines, plus a \$100 administrative fee. The \$100 fee would be waived for all applications submitted on or before December 31, 2011. Future assessments would be based on the amended plat maps. Mr Waber stated that would probably be acceptable to his group, but wanted to see the final draft of the Resolution. There was discussion about fishing permits that had not gone out to owners of joined lots and Irene said that would be corrected. However, lots that are eliminated by joiners will not be issued fishing permits and only 1 vote will be allowed per lot, as amended by Kane County.

Meeting adjourned at 1:10 p.m.

Respectfully submitted:
Janelle Pearce