

**SWAINS CREEK PINES LOT OWNERS ASSOCIATION  
BOARD OF DIRECTORS MEETING  
May 8, 2021**

Minutes of the Board of Directors Meeting of the Swains Creek Pines Lot Owners Association held at the Swains Creek Pines Pavilion on the 8<sup>th</sup> Day of May, 2021.

**EXECUTIVE SESSION – 8:30 a.m. MDT (Closed Meeting)  
Collections, Enforcement, Personnel and Legal Issues**

**OPEN MEETING – 10:00 a.m. MDT**

**I. CALL TO ORDER**

Chairman Dan Theisen called the meeting to order at 10:03 am.

**II. ROLL CALL OF OFFICERS**

Present: Dan Theisen (Chairman), Gina Chapman (Vice-Chairman) Cynthia Holland (Secretary), Chris Schlaffman (Treasurer); Bob Chapman (Manager), Travis Cottam (Board Member), Alan Zellhoefer (Board Member), Dan Crowther (Board Member) and Bill Roderick (Manager), Paul Placek (Board Member) not present.

**III. APPROVAL OF THE MINUTES OF THE REGULAR MEETING**

January 9, 2021 Minutes, Dan Theisen made motion to approve minutes, 2<sup>nd</sup> by Gina Chapman, motion carried.

**IV. TREASURER'S REPORT**

Treasurer's Report provided by Chris Schlaffman from CAM Utah

As of April 30, 2021, the Association ended the month with the following:

\$183,879.32 in the General/Operating Account  
\$ 5,199.66 in the Playground Fund  
\$ 1,832.91 in the Pond Restoration Fund  
\$ 10,012.33 in the Fire Department Fund  
\$ 1,000.00 in the Petty Cash account  
\$148,301.30 in the Reserve Fund

To date, the Association has \$125,251.94 in total income of which \$124,632.00 was from dues and \$619.94 was from Misc/Other Income. YTD remaining revenue is \$117,702.66.

There are currently 89 total accounts/lots with delinquencies. There is \$17,561.00 in delinquent assessments, \$3,950.00 in delinquent fines, \$1,730.00 in delinquent late fees, \$100.00 in delinquent lot joining fees, and \$70.00 in delinquent process server fees.

Motion to approve by Gina Chapman, seconded by Dan Theisen. Motion carried.

## V. COMMITTEE REPORTS

### Finance Committee –

### Legal Committee –

Appellate court accepted appeal on the Cox vs. Swains lawsuit. We are in the process of going through the motions and will provide updates as available.

Dan Theisen – We are in the process of updating our policies and procedures. Everyone will receive a notice of when the proposed actual changes will be uploaded to the website. We are hoping to vote on the changes in June.

### Facilities & Architecture –

Bob Chapman - Dust abatement will be May 17<sup>th</sup> & 18<sup>th</sup> for water and May 29<sup>th</sup> & 30<sup>th</sup> for mag chloride.

We will be stocking fish before Memorial Day.

The Water Conservatory will be dropping/cutting down some trees; if anyone wants fire wood, they can help themselves. They should be cut next week.

### Architectural Committee -

Dan C. – We received ARC requests for 3 cabins, 2 driveways, 1 shed, 1 addition and 1 garage. We have at least 5 individuals that did not do ARC requests, and the question is how do we stop this? The people ignore the rules and CCR'S are the ones who ruin it for the cabin owners who follow the rules.

We received a few applications for a green house. Green houses are considered an outbuilding.

We do have some neglected properties and are in the process of correcting that.

Gina Chapman – We have not updated our ARC guidelines since 2017; therefore, we went through and made some changes. The packet, noting the changes, will be put on the website along with an email address you can respond to so you can make any suggestions or comments. Once the allotted time frame for review has passed, we will finalize and vote on it in an upcoming meeting. This is a helpful packet. You are welcome to call any of the ARC committee members if you have questions. A lot of people ignore the rules which is why we must do stuff like this. Not everyone wants that pink roof next to them.... We are not trying to be difficult; we just want it fair for all. We have governing documents, CCRs, etc. that we need to enforce. We are not creating anything new as all of these rules and regulations have been in place since the beginning of time.

Dan Crowther - We would like to remind everyone that we are just volunteers, enforcing the CCR's/Bylaws, etc. that have been in place for a very long time, we are not trying to make enemies.

Gina – If you can tell from the exterior that changes are being made, then yes you need to do an ARC request. The board does not approve fire pits, the fire department approves them. Just ask a committee member and we can help you; and point you in the right direction.

Alan – The burn pit is still closed. That is forest service land and people are dumping stuff on the road and it is not open yet. If you are going to haul a load, please call the station first to make sure it is open

Gina – You can use the Landfill at MM#89 on the 14/89 until the burn pit is open. It is free. Hours are M-TH-FR 1-6 SAT 10-6

### **Community Relations –**

Paul is not present and we were not able to get an update from him.

### **Fire Counsel Committee –**

Alan – I am now the district fire marshal. I have been with the fire department 6 years. This mountain is something we are concerned about and should be on the top of all of our minds. There is no open burning. Fire pits are OK if you have a permit. If you don't have a permit, call the station and they will inspect and give you a permit if you pass the inspection. Permits are currently still available, but due to the dry conditions, that may change.

Neglected properties, there are people that have a lot of underbrush, blown down, that can ignite and go right through this community. The Board is encouraging people to clean up their lots. I can tell you Station 3 is almost done and should be done by the end of the month.

Please make sure you make your insurance payments on time. Insurance companies are looking at any reason to drop you. The new fire station will help. Insurance companies are looking at HOA rules to make sure they are being proactive. This place will torch if we are all not careful, it could be a bad year.

Most of the issues on this mountain are renters. We just lost a cabin in Duck Creek Pines valued over \$2M. If you see something that is not right, call the cops. There is a Minimum \$1K fine. If you have a question, call the station. It is now still under the sheriff. If we

torch we are in a valley and must get out; gather your medicine, pets and get out if we order an evacuation. Be prepared to get the heck out.

Linley #519 – what do you mean by shut down. This is the shutdown of external fire pits.  
Be Safe

### **OLD BUSINESS –**

Update on dust abatement. The county wanted to take over dust control/mag chloride for the majority of the developments on the mountain. The majority of Swains was concerned with the county getting our tax dollars and once they got their hands on that money, we would lose control. We have done such a great job ourselves over the years we don't want to lose control. We spoke with commissioner the other night and he said it will be run/controlled through the district, not through the county. The money goes through the Special Service District (SSD). The SSD will sign a contract with each subdivision independently. We can have our own type of contract. If we want to keep control, we can be in charge of scheduling to keep control. We will have the option to back out and we will have a trial period before it being part of your taxes. The first year they will bill the association. Swains will push for dust mitigation. SSD will be able to do a lot of the roads on the mountain, and maybe some of the trails. I understand the SSD wants to get this done for cedar mountain.

There is a rumor going around on Facebook that the tree huggers are against mag chloride. That is a myth.

We will have the cost for us by August. We will need to decide whether we want to be a part of it and give it a try. Every objection we had about this; the SSD has addressed.

Alan – the reason the FD is interested in this is the advantage and the cost savings. Instead of hauling dust busters to do 17 miles, we will bring them up here to do 60 miles. If we don't like it, we won't play. Swains knows how to do it. Biggest advantage to us is a drop in cost. Please keep an open mind.

Linley # 519 – heard rumors that the developer wants to do something with the road right here. I have heard they want to pave the road and us to chip in.

Alan – when you hit the gate at Swains creek at the 14 we don't own that. We get the courtesy.

#519 – Every time the government gets involved it gets messy.

Gina – when dust abatement is discussed, our contract says we can get out at any time. If we do this and reduce dues and the control comes out of taxes and then we decide to back out, we will need to do a special assessment to add it back in.

The more we work together the more we can get. The county comes in and when we need them to help us with the road they come right over. On the \$200.00, your county commissioner is not for Swains Creek to pay to chip seal that road when Strawberry did not pay. We are not paying for it.

#519 – We should throw it out to all members to see if they want to pay to chip seal the road.

Bob – If we don't join the abatement the other parts of the mountain will probably go first. We need to think about that or we will be waiting until July to get our roads done.

Gina – We need to wait and see.

Dan – We are meeting with the commissioners and will keep you updated.

Richard Buchalski – Ever since construction started, the speed of the contractors that go through here is crazy. I am doing 25 mph and these trucks are going 60 mph.

Second question – If we slurry seal the road, it is costly to maintain and have we looked into getting a cell tower.

Chris – We acknowledge and are posting what we can for speed limits. The only thing we can do is call the sheriff and ticket people. Still a process, look at the official website.

Bailey – 1280 N. Heavenly – Call the sheriff if you see someone speeding and take license plate and give them a ticket. You can call in make a complaint.

Lot 445 – HOA does not have any ability to enforce on county roads.

## **VI. NEW BUSINESS**

Gina – Looking for volunteers. There are thistles on the pond islands. I will volunteer Bill who will take us out there. We need volunteers to help with this. If we get a volunteer group together that would be great. If anyone is interested, I can take names after the meeting.

Dan – Please see Gina if you would like to volunteer.

## **VII. OPEN FORUM:**

Next meeting June 5<sup>th</sup>

Motion to adjourn made by Dan Theisen and 2<sup>nd</sup> by Dan Crowther. Meeting adjourned at 10:50 a.m.