

**SWAINS CREEK PINES LOT OWNERS ASSOCIATION  
BOARD OF DIRECTORS MEETING  
January 9, 2021**

Minutes of the Board of Directors Meeting of the Swains Creek Pines Lot Owners Association held via ZOOM with Board of Directors at the office of CAM Utah at 11:00 a.m. on the 9<sup>th</sup> Day of January, 2021.

**EXECUTIVE SESSION – 9:30 a.m. MDT (Closed Meeting)  
Collections, Enforcement, Personnel and Legal Issues**

**OPEN MEETING – 11:00 a.m. MDT**

**I. CALL TO ORDER**

Vice Chairman Dan Theisen called the meeting to order at 11:10 am.

**II. ROLL CALL -PRESENT**

Present: Dan Theisen (Chairman), Gina Chapman (Vice-Chairman) Cynthia Holland (Secretary), Chris Schlaffman (Treasurer); Trent Keenan (Board Member) Bob Chapman (Manager), Travis Cottam (Board Member), Alan Zellhoefer (Board Member), Dan Crowther (Board Member) and Paul Placek (Board Member)

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

October 3, 2020 Minutes, Cynthia Holland made motion to approve minutes, 2<sup>nd</sup> by Dan Theisen, motion carried.

**IV. TREASURER’S REPORT**

Treasurer’s Report provided by Chris Schlaffman from CAM Utah

As of December 31, 2020, the Association ended the 2020 year with the following:

\$66,240.66 in the 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 in the Debit Card account  
\$148,179.47 in the Reserve Fund

The Association had \$149,500.01 in total income of which \$139,007 was from dues. Prior to confirming with the year-end expense reconciliation, we are showing a loss of \$8,939.49. Once the reconciliation is complete, the members will be notified of the final numbers.

**Collections:**

There are no updates on collections at this time.

Cynthia Holland made a motion to nominate Dan Theisen as temporary Chairman, seconded by Alan Zellhoefer. Motion carried.

Motion by Dan Theisen to adjourn the meeting while new board members are seated, seconded by Travis Cottam. Motion carried.

Meeting resumed at 11:35 a.m.

Nomination of Officers:

Chairman – Chris Schlaffman made motion to nominate Dan Theisen as Chairman, seconded by Gina Chapman. Motion carried.

Vice Chairman – Dan Theisen made motion to nominate Gina Chapman as Vice Chairman, seconded by Travis Cottam. Motion carried.

Secretary – Dan Theisen made motion to nominate Cynthia Holland as Secretary, seconded by Gina Chapman. Motion carried.

Treasurer – Dan Theisen made motion to nominate Chris Schlaffman as Treasurer, seconded by Dan Crowther. Motion carried.

## V. COMMITTEE REPORTS

**Finance Committee** – Chris Schlaffman. Budget is shown on screen. It shows an increase of \$5.00/year. Next year we will need to do a reserve study which is required every 5 years in addition to a heavier fish drop this year. There may be additional fish drop this year. If no one has any questions or comments, we will vote.

New dues will be \$200.00 from \$195.00

**Motion to increase, Chris Schlaffman, 2<sup>nd</sup> Dan Crowther.**

**Legal Committee** – Dan Theisen. Our attorney has submitted a letter of appeal for the lawsuit. As a reminder there has been no out of pocket expense to the membership. Update given by Gina Chapman. Janelle Pearce said in the next few months we will be updating collections, fines, Arc guidelines and rules and regs. Before they are approved, we will have them ready for the membership hopefully by the May meeting. Whatever changes we make will be in accordance with the state law.

**Facilities & Architecture** – Bob Chapman – roll off dumpster will be at the pond for the winter season. We have people on the pond using it as a skating rink. Please know they are at their own risk and Swains is not liable.

The scaffolding at the barn is not done being utilized. We will remove it once the work is complete. Dust abatement, they will not schedule us until the middle of March. We are trying to get it done before Memorial Day weekend.

**Architectural Committee** - Dan Crowther – I figure it will be slow in the winter. There were 3 cabins whose Arc Requests were approved. They had great prints, setbacks and blueprints. All were approved. I am shocked that there is so much construction going on in the winter. We have some neglected properties that we have addressed and are continuing to address. Mostly trash that needs to be cleaned up. Other than that, that is all that is currently going on right now.

**Community Relations** – Dan Theisen – We have assembled a new committee. As far as events we are up in the air right now due to the health and social distancing restrictions. The committee will be moving forward with events per the Utah guidelines.

**Fire Council Committee** – Alan Zellhoefer – Swains Creek Fire has a new board. There is not too much to update on decisions right now. Station 3 (in Swains) has been roofed and insulated. It is right

across from the barn and is moving along nicely. There are plans to put two apparatus in there and 2 crew. Wild lands have gone down due to snow and there have been some controlled burns over by Strawberry ridge. That is all I have right now.

**OLD BUSINESS** – Commissioner Wade Heaton (Guest) – Elected as new Kane County Commissioner. I live in Elk Ridge Estates; I am the 1<sup>st</sup> County commissioner ever elected that lives on the mountain. I have been helping with the special service district since April and have been serving as the director.

**Dan Theisen** – Can you please give us the background on the dust abatement and the County wanting to take over.

**Wade Heaton** – More than anything else I want to clear up a lot of misinformation. This is not Kane County proposing anything. This is the special service district proposing this. They have recently appointed a new board and are in the process of changing that from an elected board to an appointed board. It is how every other special service district works. It was not until the last while that we had an elected board. Our biggest goal is to try and change that culture and change some things. The newly elected board includes 5 people that live within the district. Some are full time; some are part time/2<sup>nd</sup> homes. There are a lot of common sense, open minded individuals on the board and these are the kind of people that we want on the board.

Dust Abatement – the concept was brought up last year in the spring. CMCC (Cedar Mountain Community Coalition) has been pushing for this for a while. 2020 was an ideal example of dust conditions as it was very dry. Just forest use of public land use was up 4x the amount it normal was.

The Commission was contacted by some older couples because they had to leave the mountain this year due to the dust issues.

The idea was to see where we are at. There are 4600 properties within the district. We tried our best and put out mailers to every property owner and we had meetings, etc. We ran a social media campaign. We wanted to see where the support level was with this proposal. I met with leadership at Swains Creek in regards to this, as you guys are unique, and are the main sub-division that has knowledge and have been doing this on your own for a while.

Over 90-95% of the people who have responded have supported the idea, so the CMFPD board has gone ahead and approved this as a 3<sup>rd</sup> service to the special service division. Basically, where we are out now, the new CMFPD board is going to start to meet with the HOA's. Swains will be a big part of that discussion as you have the most knowledge of the products, costs, etc. We will ask what would you want to see happen in your sub-division, what would you be willing to pay? We will find out what the majority of the HOA's want to see happen? The commissioners over the last 12 months have been liaisons, not voting members. Now they are voting members. The goal is not to shove this down property owners' throats. There have been no fees collected. If anything does move forward it will be for 2022. The CMFPD could potentially borrow money from one of the existing funds if that is what the people wanted and then that money would have to be paid back. That's it in a nutshell.

**Commissioner Heaton responded to numerous questions from lot owners regarding dust abatement. There will be more information made available by the CMFPD.**

**CAM Manager** – Please send any further questions or statements regarding County dust abatement to [cmfpdadmin@scinternet.net](mailto:cmfpdadmin@scinternet.net)

The new SSD board members are the ones that need to hear this. They need to hear from everyone. You can email to the district email which is:

[cmfpdadmin@scinternet.net](mailto:cmfpdadmin@scinternet.net)  
[wheaton@kane.utah.gov](mailto:wheaton@kane.utah.gov)

You can send any and all comments to both of those emails.

Dan Theisen – Thank you for your input.

## **VI. NEW BUSINESS**

**Dan Crowther** – I would like to make an amendment to the ARC guidelines.

I am asking for a time to be given for a board member to respond to an arc request.

The fines need to be for the individuals that do not follow the proper procedures. Does anyone have any comments on that? We are looking at 15 days for notification prior to construction.

**Dan Theisen** – We are updating you at this meeting so you know that we will be updating the arc guidelines and will send proper notification prior to the meeting.

**Chris Schlaffman** – We need to approve the contracts for the manager and assistant manager for next year. I don't know if the membership is aware that Bill Roderick has agreed to take the assistant manager position.

**Bill Roderick** – thank you for the opportunity. I am looking forward to it.

**Chris Schlaffman** - I will make a motion for the board to approve the two contracts, 2<sup>nd</sup> by Dan Theisen. Motion carried. Note: Gina Chapman abstained from the vote.

**Dan Theisen** - For clarification to the members, Gina Chapman was asked to leave the room during contract discussion.

**Dan Theisen** – Here is the upcoming meeting schedule.

May 8, 2021

June 5, 2021

July 10, 2021

August 7, 2021

September 5, 2021 (Annual Lot Owners meeting at 1pm)

October 2, 2021

January 8, 2022 (Proposed)

## **VII. OPEN FORUM:**

The Board responded to questions from lot owners regarding the appeal of the lawsuit, fish stocking, use of the

pond in winter months, insurance costs, manager duties, future events, and zoom meetings.

**Steven and Gina Blackburn** – Would like to assist with community relations.

**Janelle Pearce** – We are researching whether a vote of the association or the board is required to prohibit hunting within Swains Creek. In the meantime, private property owners can post No Hunting signs on their own property, which might help deter hunters.

**Bob Chapman** - We do spray the thistles along the pond and runway. We use our own discretion as to how close we get to the pond. We do not do the islands. We try and stay away from the pond. We do hand dig them. When it happens, it happens quick. They are hard to control. If you want to volunteer, you are welcome.

**Motion to adjourn made by Dan Theisen and 2<sup>nd</sup> by Alan Zellhoefer. Meeting adjourned at 12:38 p.m.**