

SCPLOA BOARD MEETING
AGENDA
May 6, 2017
Swains Creek Pines Barn

EXECUTIVE SESSION – 9:00 a.m. (closed meeting)

Collections, Enforcement, Personnel & Legal Issues

OPEN MEETING – 10:08 a.m. MDT

Meeting Called To Order

1. Welcome & Introductions: Janelle Pearce

Meeting held at SCPLOA Barn at 10:08 a.m. MDT by Chairperson Janelle Pearce, Vice-Chairperson Gina Chapman, Treasurer Chris Schlaffman, Secretary, Jane H. Lewis, Ron Anderson, Gary Dawes, and Clint Malburg present. Lauren Patt-Kirby and Alan Zellhoefer were excused and gave their proxies. Lauren gave proxy to Gary Dawes and Alan gave proxy to Gina. Bookkeeper Irene Briggs and Manager Bill Rodreick were present.

2. Secretary's Report & Approval of Minutes: Jane Lewis

The minutes from the January 14, 2017 meeting were submitted and accepted as read. Clint Malburg moved to approve the minutes. Seconded by Gina Chapman. Motion carried.

3. Treasurer's Report: Chris Schlaffman

As of April 30, 2017, there is \$132,909.84 in Revenue. \$120,258.25 is from dues. Accounts include \$300 petty cash; \$152,747.52 General fund; Reserve to Preserve has \$90,680.900 with \$51,084.60 in a C.D. There is \$5,197.91 in the playground fund and \$1,832.30 in Pond maintenance fund. Gary Dawes moved to accept the Treasurer's Report. Ron Anderson seconded. Motion carried

4. Manager's Report: Bill Rodreick

Bill reports there was very little winter damage. There is some fencing down in Unit One (1) that will need repairing. The tables around the pond have been placed. The horseshoe pits need to be placed again after the grass grows. The parking lot still looks good even with all the heavy equipment that was used for the pond restoration. The fishing signs have all been repainted and placed around the pond. The road signs need painting and someday replaced. Bill has called Kane County regarding the dumpsters and re-grading the roads. Bill has scheduled dust abatement for June 7-8, 2017. Bill has called the fishery and they are scheduled. There was a question regarding the cost of replacing the reflective street signs throughout the community. Kane County road department will not pay for these signs. Bill and Irene report the cost could run from \$7,000 - \$9,000. Dan Thessen, Lot 653, said he could volunteer someone to give SCPLOA a price on the signs.

Committee Reports:

I. Finance Committee – Chris Schlaffman, Chairperson; Lauren Patt-Kirby, Vice-Chairperson; Janelle Pearce & Irene Briggs to assist

a. Budget Report.

Chris stated the fund balance appears high because we are just starting the season and there have not been many expenses yet.

b. Reserve to Preserve

Utah recommends that a Reserve Study be completed every six (6) years and reviewed every three (3) years. The last study was completed in 2012. Chris stated he reached out to three (3) companies with a Request for Proposal (RFP) and received bids from all three (3). Complex Solutions, LTD presented the lowest bid (\$2,240.00) and they completed the last Reserve Study, therefore, they are familiar with Swains Creek. Chris Schlaffman moved to accept the bid from Complex Solutions, LTD. Gina Chapman seconded and Motion carried.

c. Reserve Study Proposals

See above.

d. Status of Collections/Liens

Chris reports that seventy-seven (77) lots have not paid their dues and second notices were sent to lot owners. Liens are not filed until later in the year. At the end of May 2017, fifty-two (52) lots had been assessed late fees. Liens will be sent out in July 2017. There are twenty-four (24) lots that have not paid their Pond Assessment, and liens will be sent by the end of the May 2017. Liens are re-filed annually. Currently there are twelve (12) lots with multiple liens.

II. Legal Committee – Janelle Pearce, Chairperson; Gina Chapman, Vice-Chairperson; Alan Zellhoefer, Lauren Patt-Kirby, Irene Briggs, Cheryl Case and Chuck Costa to assist

Report on Request to Amend Waiver of Enforcement Relating to Existing Designated RV Lots

On October 2016, the Board passed a Waiver of Enforcement for current lot owners. There are seventy-eight (78) designated Recreational Vehicle (RV) lots. The Waiver goes to the person that owns the lot, NOT the lot. The Waiver allows the current lot owner the option to place their lot in a trust so that it may be passed on to family members. But if the lot is sold, the existing CC&Rs would apply. The only other way to resolve the issue is to change the CC&Rs. The Board does not have the authority to change the CC&Rs without the approval of the membership. A community vote was held at the 2016 Annual Meeting and did not pass. Mr. Art Cocks has currently written the Board a letter asking to amend the Waiver to allow lots to be sold as RV lots. It is implied in the letter that he may move forward with legal action if the Waiver is not amended. Mr. Cocks has requested a response from the Board by June 24, 2017. The Board may need to contact SCPLOA's attorney for a legal opinion, again more costs accrued. There was a question regarding who Mr. Cocks represents. The letter states that Mr. Cocks is representing all "seventy-nine (79) lot owners." Irene noted for the record, there were 79 properties that were designated to be RV lots; however, one (1) lot was sold after the Waiver of Enforcement

passed and has had its RV lot designation terminated. To date forty-six (46) of those properties provided their lot verification form and their ownership was verified. This constitutes 58% of the lots that were designated. There was a comment from a RV lot owner that stated [Mr. Cocks] does not represent him. There was a question regarding the process and cost of amending the CC&Rs and timeline. A petition requesting the amendment would need to be signed by 15% of membership by July 15, 2017. The costs are related to printing and mailing notifications and copies of the CC&Rs for each unit and there must be a “yes” vote from 67% of eligible voters in each unit for approval. There was a discussion that Mr. Cocks was on the CC&R Subcommittee and verbally agreed to the Waiver, and now wants it changed. Mark Lee, Lot 279-280; stated that the Board, at the time, could have handled the situation differently. Mr. Henry, Lot 200; offered his support to the Board to do what is necessary to put this “matter to rest.” Dave Magaw, Lot 55; stated he has been here for a long time, and asked if he can still have visitors come with their trailers and stay for a while. Because he lives in Unit 1-A, visitors are allowed to stay for up to 30-days per season.

III. Property & Facilities Committee – Clint Malburg, Chairperson; Gary Dawes, Vice-Chairperson; Ron Anderson & Bill Rodreick to assist

a. Pond & Fence

The pond looks amazing. There is still work that needs to be completed. The islands need to be planted and the “peaks” need to be knocked down. The number of islands could not be predicted until the contractor was able to start the work. The contractor was able to get into the pond further than originally planned and the five (5) islands allow the water to flow more freely than one or two larger islands. SCPLOA received more riprap rock than originally contracted. Due to environmental and legal reasons, the dirt could not be hauled away, and the pond capacity could not be increased.

b. Roads, Parking, Runway & Facilities

Bill reported that Bark Beetles are in Blackmans Hill. The beetles bore in Ponderosa Pine and White Fir. Bill encouraged anyone that sees their pines yellowing to get the situation investigated. The beetles are the size of a pencil head. Bark beetles are weakening and/or killing many trees. Dead trees are fuel for wildfires.

c. Dust Abatement Contract

Scheduled for June 7 - 8, 2017

d. Security

Currently Bob Runkle will continue as Community Security. Shirley and Rod Burke, Lot 264, and Rick Lewis, Lot 90&91, stated they had ladders stolen from their properties over the winter.

e. Signage

New community reflective “rules signs” will be placed by May 10, 2017. It was recommended in the Community Wildfire Prevention Plan to obtain reflective road and address signs.

IV. Architectural & Compliance Committee – Clint Malburg, Chairperson; Gina Chapman, Vice-Chairperson; Gary Dawes, Lauren Patt-Kirby & Bill Rodreick to assist

a. Architectural Requests

Clint reports that he had five (5) architectural requests over the winter. Clint stated the turnaround is very quick usually about two weeks. There have been no comments regarding the Architectural Standards.

b. Neglected Properties

Gina reported there were a few neglected properties owners left from fall 2016 who have asked for extensions [on their repairs]. One property has changed ownership and the Board needs to check with the new owners. There are about five (5) properties that never responded to the notices and the Board may start the violation process and fines could be assessed.

V. Community Relations & Events Committee – Alan Zellhoefer, Chairperson; Jane Lewis, Vice-Chairperson; Ron Anderson, Chris Schlaffman, Shirley & Rod Burke, Kelly Harrington, Keene Sterrett & Bobbie Cobell to assist

a. CMFPD Update: Chief Casey Tuttle

Chief Tuttle reports that the CMFPD was issued a Quick Response license and has seven (7) Advanced Emergency Medical Technicians (EMT) on the department. Casey stated he can now teach EMT classes. They are scheduling more EMT classes this fall. Chief Tuttle stated the fire department is very interested in a presence in Swains Creek and the fire department is planning to make a decision on a possible location at their next board meeting. The building is on two (2) lots and the department would like to purchase the lot behind the building and join all three (3) lots. Chief Tuttle reminded everyone of the Pancake Breakfast, scheduled Saturday, July 1, 2017. Chief Tuttle handed out *Utah Firewise Living, A Wildfire Preparation Guide* pamphlet. He talked about residents preparing their property to withstand a wildfire before the fire season starts and increase the chance of not losing their cabins. Chief Tuttle stated the Mulch Fest (Chip Fest) is coming. Property owners can place up to three (3) inch branches along the roadside starting Friday, June 16, 2017 until Sunday, August 27, 2017. Then the contractor will pick up the wood and the wood will be chipped. Property owners wishing to participate in the Chip Fest must fill out the intent to participate form at the Cedar Mountain Fire Station. The chips can be used in the Swains Creek playground. Janelle stated Swains Creek wants to support CMFPD having a presence in Swains Creek and ultimately reducing the ISO rating. Janelle talked about attending a meeting with Bevan Killpack who was hired by the Five County Association of Governments to update the Community Wildfire Protection Plan (CWPP). Each area of Cedar Mountain is different; therefore, Swains Creek will be developing a plan specific to the needs of the residents within our area. It may take two years to complete. There are several things that will need to be started and fire assessment and cleanup of our perimeter lots is a priority. The Bridges Community Committee will be helping with community cleanup.

c. Upcoming Events:

Chili Cook-off is May 27 from noon-2:00 p.m.; Stop, Shop & Swap (July 1); Pond Celebration-Old Fashion Fun - CMFPD Fundraiser (July 15); Spaghetti Dinner (August 12); Camp Golden Eagle (September 2); Annual Lot Owners Pot Luck (September 3)

Kelly Harrington plans to have Boy Scout volunteers help with Camp Golden Eagle 2017

The Southwest Health Department is starting a Free Wellness Program. It will be May – September. Contact: Lexie Little 435-644-2537.

c. Website & Facebook

Clint is still managing Facebook.

d. Stepping Stones/Bridge Builders – Keene Sterrett and Jane Lewis

Jane and Keene meet Saturday, April 29, 2017 to discussion progress and plans. Keene suggested we change the name to “Community Connections.” The plan is to give a “hand-up” to neighbors within Swains Creek. Volunteers will be limited to helping with ground cleanup only. If a lot owner has received a Neglected Property Notice, we are willing to assist with finding contractors as needed. Regarding the Wildfire Protection Plan, Community Connections is willing to assist with this project. Jane stated one of their biggest concerns is how to recruit volunteers. The group also suggested setting a certain day of the month that volunteers will meet to work on a project. It is suggested the Keene and Jane set a meeting with the Architectural & Compliance Committee to talk about the neglected properties and what needs to be done. Janelle said Casey’s lot was used as an example for proper lot cleanup and fire prevention. Mark Lee, Lot 14; suggested taking pictures pre and post of each project.

e. Highway Cleanup

Dates for the next Highway Cleanup: June 24, 2017 following the Board Meeting.

f. Deadline for Board Nominations

There will be 5 openings on the board next year. The deadline for nominations and to submit a bio to the Community Relations Committee is July 1 so that election materials can be printed and mailed to the membership on time.

VIII. Old Business:

Website Live View: Gina put together a new website and it is much easier to update. We need a URL link to set up a live view camera.

Insurance Coverage: Tabled. Still looking into a request for canoe races, and looking into insurance issues. Janelle suggested we let the pond recover from the work that was done.

IX. New Business:

Bill stated that Dean Corcoran passed away May 5, 2017. Dean’s name will be added to the Memorial plaque along with lot owner Dave Ault who passed away in the fall 2016.

X. Open Forum: Lot Owners to Address the Board

Butch Stout, Lot 367, asked about putting a propane tank on their property and does he need to put in an agricultural plan. The reply was, “No.” Propane tanks are classified as utilities.

XI. Meeting Schedule:

June 24, July 15, August 12, September 3 (Annual Lot Owners meeting, Sunday at 1 pm, Pavilion), October 7, & January 13, 2018 (Time & Location TBD)

All meetings held at 10:00 a.m. MDT (Utah time) at the Barn unless otherwise specified.

XII. Adjourn Time: 12:12 p.m. MDT.

Chris Schlaffman, Moved to adjourn, Seconded Ron Anderson