

SCPLOA BOARD MEETING
MINUTES

July 15, 2017

Swains Creek Pines Barn

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

Collections, Enforcement, Personnel & Legal Issues

OPEN MEETING – 10:00 a.m.

1. Welcome & Introductions: Janelle Pearce

Meeting was called to order and held at SCPLOA Barn at 10:03 a.m. MDT by Chairperson Janelle Pearce, Vice-Chairperson Gina Chapman, Treasurer Chris Schlaffman, Lauren Patt-Kirby, Alan Zellhoefer, Ron Anderson, and Clint Malburg present. Jane H. Lewis and Gary Dawes were excused and gave their proxies to: Jane gave proxy to Clint Malburg and Gary gave proxy to Lauren Patt-Kirby. Bookkeeper Irene Briggs and Manager Bill Rodreick were also present.

2. Secretary's Report & Approval of Minutes: Iren Briggs

The minutes from the May 6, 2017 meeting were submitted and accepted as read. Gina Chapman moved to approve the minutes. Seconded by Lauren Patt-Kirby. Motion carried.

3. Treasurer's Report: Chris Schlaffman

As of June 30, 2017, there is \$149,094.32 in Revenue with the majority \$131,324.00 from dues. On the Balance Sheet there is \$300 in petty cash; \$200 in seed money. The General Account includes \$98,835.77. There is \$5,198.35 in the playground fund and \$1,832.45 in pond maintenance fund and there are total monies including the CD of \$141,785.88 in the Reserve Fund. Alan Zellhoefer moved to accept the Treasurer's Report. Clint Malburg seconded. Motion carried.

4. Manager's Report: Bill Rodreick

Bill thanked several individuals for their latest donations: Butch Stout donated light bulbs, John Cox donated fire hoses, and Frank and Trude Jackson donated nine youth helmets. The roads were treated with magnesium chloride and this being the ninth time they look first-rate. Kane County spread gravel on the road coming into Swains with leftover rock from a project in Strawberry. The horse pastures are set up and ready for residents to bring their horses. The new signs are posted around the pond and playground. The pond has been planted twice with over 800 pounds of rainbow trout and one more planting is scheduled for later this summer. Bill reminded attendants to schedule the pavilion and the horse pasture. The cattle fences have been repaired and wanted to thank the many cabin owners that volunteered their time upgrading sections. Bill suggested a "horse corral tape rising" committee be put together with many of the individuals that use the pastures. Bill stated it takes about two days to put the horse enclosure tapes up. Bill talked about camp fire restrictions and only in approved fire pits. It is advised to have a hose nearby and NO FIREWORKS. Larry Bagley, Lot 14, stated that a fire pit should have a metal ring. Cabin owners can find information regarding what is needed to build an approved fire pit on the website. Bill also talked about the Thistle Weed and it is classified as a noxious weed with a purple flower. He advised to either dig it up or spray it with weed killer if one finds them on their lot. Chuck Costa, Lot HS 13 & 14, stated he sprays his lot with weed killer and asked about spraying along the roadside. There was agreement that along the roadside was an easement.

COMMITTEE REPORTS**I. Finance Committee – Chris Schlaffman, Chairman; Lauren Patt-Kirby, Vice-Chairman; Janelle Pearce & Irene Briggs to assist (18:50):****a. Budget Report**

Chris reported the budget is slightly ahead on income and slightly over on the dust abatement expense because it was so dusty and windy when they did the application, they needed to spray more water.

b. Reserve to Preserve

Chris stated he is looking forward to the Reserve Study coming up this fall. He is expecting SCPLOA to be in a good position. Gina asked about two neglected properties and if those went into violations, are they still being billed, and was that included in the budget. Gail Cromer, Lot 556, asked if a specific property is under foreclosure and Irene stated the property at this time is not under foreclosure and the owners are still the titleholders. Chuck Costa, HS 13 & 14, stated that the property in question is a safety issue. Gina, Clint both indicated that the Sherriff was contacted, and the Sherriff stated the property is not a safety issue.

c. Status of Collections/Liens

As of June 30, 2017, there is \$23,127.50, in accounts receivables, 17 liens on properties for past dues, 21 lots with 16 different owners.

d. Report on Fundraising Activities

The 2017 Chili Cook-off set a record of \$1,197.76. The Stop, Shop and Swap had a raffle that collected \$105.00. Currently the funds are in the General Fund until the Board decides the best use of the funds. Chris stated that during the Chili Cook-off and the Raffle individuals indicated they preferred the funds go toward helping the fire department locate within SCPLOA. Beth Bayley, Lot 571 & 570 stated that CMFPD raised over \$10,000 during the Annual Pancake Breakfast. Clint stated he would like to see the funds used in the best interest of SCPLOA fire protection. Gina stated the CMFPD has been approved to make an offer for property within SCPLOA. Irene made a suggestion to open a new account under the name of SCPLOA Fire Fund and move the monies from these two events into this fund. Lauren Patt-Kirby made the motion and Chris Schlaffman seconded the motion. Motion carried.

II. Legal Committee –Janelle Pearce, Chairman; Gina Chapman, Vice-Chairman; Alan Zellhoefer, Lauren Patt-Kirby, Irene Briggs, Cheryl Case and Chuck Costa to assist (33.51)**a. Action Regarding Request to Amend Waiver of Enforcement Relating to Existing Designated RV Lots**

In March 2017, the Board received a letter from Art Cox requesting to amend the Waiver of Enforcement. The Waiver of Enforcement (Waiver) was approved October 2016 and the intent was to bring peace to the community. The CC&Rs of most of the Units in SCPLOA require lots to be used for single-family dwellings with the exception of Unit 1A allowing trailers up to and over 30 feet. The SCPLOA Elections of 2016 to amend the CC&Rs did not receive enough votes in each unit to pass. However, there was a majority of support to allow those with existing recreational vehicles (RV) to remain on their lots. Therefore, the Waiver of Enforcement was adopted to allow property owners that were using their lots for recreational vehicles without cabins to identify their lot as a RV lot. Lot Owners had almost two years to designate their lots as a RV lot. The deadline for having a lot identified as a RV lot was July 2016. There were seventy-nine (79) designated recreational vehicle (RV) lots identified. The Waiver goes to the individual owner, however, it is not attached to the lot. The Waiver allows the current lot owner the option to place their lot in a Trust or a Will so that it can be passed on to family members or next of kin, which is not considered a sale. However, when the lot is sold to a 3rd party, the existing CC&Rs will apply. The Board feels this is in the best interest of all of the Lot Owners. RV lots represent about 10% of the overall property owners. Mr. Cox's letter references the use of "latches" as a way of suing the Board. Janelle stated that through research the use of latches applies when someone purposefully delays action to give themselves an advantage or "leg-up" in a situation. There was no intention by the board or advantage or benefit to the Association to delay enforcement of the issue. As soon as there was a complaint made and it was brought to the Board's attention that there was such an increase in RV only lots, the Board took action and adopted a Rule to prevent proliferation of RVs where they were not allowed. That rule was overturned and a CC&Rs committee was formed. An election was held and the amendment didn't pass. Janelle stated the Board has done their due diligence and has tried to work with the community to resolve the issue. She stated that the Waiver could not be amended; it would have to be rescinded and rewritten. At this time, the Chairperson opened the topic for discussion first to Board Members and then to the audience. Clint Malburg stated Mr. Cox's letter references he represents all RV lot owners.

Clint said he is a RV lot owner and Mr. Cox has never contacted him. Mr. Malburg also stated that Mr. Cox was part of the committee that developed the Waiver and verbally agreed to the Waiver and he does not understand what his disagreement is at this time. Clint stated this topic has gone on for too long and stated that it continues to separate the community. He pointed out that today the community is having a celebration of unity and Mr. Cox continues to divide the community. Clint suggests Mr. Cox present a petition with 15% of Lot Owners that support his position. Clint pointed out that when an individual sues the Board of Directors they are ultimately suing the Association. Gina Chapman stated while sitting on the Board for the past 4 years, she has witnessed individuals threaten to sue then flip-flop from one side to another over the RV issue – it needs to stop! Gina stated that the Lot Owners she has spoken with feel it is time to move on. Larry Bagley, Lot 14, stated that he was also on the CC&Rs Committee and all Committee Members approved [the Waiver]. Mr. Bagley also stated he is a RV owner and Mr. Cox never contacted him and he supports the Board's decision. Chuck Costa, Lot HS 13 & 14, stated he also voted for the Waiver as a member of the Committee and he felt it was a great compromise. Gail Cromer, Lot 556, stated RV lot owners in her area keep up their lots sometimes better than some of the cabin lots. Ms. Cromer stated she wishes those that are opposed to the RVs would come up and see how much fun the RV residents have and she supports the Board. John Colman, Lot 656, stated he spent about two (2) hours last week speaking with Mr. Cox and trying to understand his motive for the letter. Mr. Colman stated he had friends with RVs and purchased his property and had an RV on his lot in the beginning. John stated he determined that Mr. Cox will continue to push the issue until it is "set in stone" such as a court order or the CC&Rs are amended. Janelle stated the Waiver of Enforcement was a "bridge." It was not intended as a CC&R amendment. The board does not have the power to amend the CC&Rs. It was to give the RV Lot Owners some sense of security. It was never the intent of the Board for existing RV Lot Owners to leave SCPLOA. The Board needed to prevent Realtors and Lot Owners from advertising the sale of lots as RV lots. The intent of the Waiver was to "set the record straight" and prevent more confusion and more violations. Ms. Pearce explained that anyone could put forth an amendment to the CC&Rs at any time and an amendment to the CC&Rs would be the only way to make it permanent, and much less expensive [than filing a lawsuit]. Ms. Pearce stated it is not reasonable that an individual can keep making their neighbors pay legal fees to defend the CC&Rs because one does not like how they were written. Irene pointed out that SCPLOA has 515 Lot Owners, 726 Lots, and currently 78 RV Lots. Gina Chapman motioned to notify Mr. Art Cox that the Board is going to put this issue to rest and the Board is not going to overturn or rescind the Waiver of Enforcement from October 2016. The motion was seconded by Ron Anderson. Motion carried.

III. Property & Facilities Committee –Clint Malburg, Chairman; Gary Dawes, Vice-Chairman; Ron Anderson & Bill

Rodreick to assist

a. Pond & Fence

Clint talked about how the roads were graded on Harris Springs Road. Clint stated there is a high berm and is concerned about washout later. Clint stated there are "No Parking" signs around the pond and there are still individuals driving right up to the pond and walking on the newly seeded areas around the horseshoe pits. There was a discussion about possibly roping off the area temporarily until the area grows back. Bill stated he recently measured the pond and there are depths from ten (10) feet to about four (4) feet at the far end. Gina wanted to thank Beth for planting the islands. There was a discussion about fishing without permits and Lot Owners taking it upon themselves to keep watch over the area and ask for tags. It is required to have Lot Owner Fishing Tags visible at all times and this may help identify individuals that are fishing dishonestly. There was discussion regarding "catch and release" and the mortality rate of release. It is best to keep what you catch and stop at 5, regardless of the size of the fish. This topic will be discussed at the Lot Owner Annual Meeting.

b. Roads, Parking, Runway & Facilities

Clint wanted to remind everyone about not parking on the roads and why this could be a problem for emergency vehicles.

c. Security

There was a discussion about hiring a security individual and/or starting a Neighborhood Watch.

d. Signage for Roads and Addresses

Clint reminded everyone about posting their address at the end of their driveways.

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

a. Report on Architectural Requests

Clint reports there were several architectural requests throughout the winter and spring. Clint stated the main thing they are looking for is that it matches the mountain landscape? and the setbacks [hopefully he said the Architectural Standards]. There has only been one (1) rejected. The request was for a “Cumberland” shell, which looked like a long shed with one window. Mr. Malburg reminded everyone do not start any building without an Architectural Request approved first. Clint stated he received an email asking if Board members drive around looking for CC&R infractions. Clint stated as community residents drive around and see changes within their area, feel free to contact the Architectural & Compliance Committee to verify if a request for change is on file. Clint said all the Architectural Requests are all filed for all the lots if anyone needs to look up any past requests.

b. Update on Community Wildfire Prevention Plan (CWPP)

Janelle stated that the Board has a meeting scheduled with Bevin Killpack, from Five County Association of Governments. Clint encouraged Swains Creek owners to support the CWPP, especially following the past two (2) fires. SCPLOA will have about two (2) years to complete the plan and this plan will be given to First Responders if we ever have another fire within the area.

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

a. CMFPD Update

Beth reported that the CMFPD was on call during the Brain Head Fire and had several phone calls regarding the fire. Once the area north of Highway 14 closed, it was amazing how many trailers and fifth wheels began pulling out of the area. Beth said the fire department was appreciative to SCPLOA cancelling the June SCPLOA Board Meeting and reducing the number of vehicles and individuals on the mountain. There will be a new Emergency Medical Treatment (EMT) training starting August 5, 2017 – October 15, 2017. The cost for the book is \$300.00. Registration needs be completed prior to July 20, 2017. Mammoth Creek Fundraiser will be September 2, 2017. Someone left a box of charcoal on top of a cooler near the dumpsters and Kelly Harrington notified the fire department. The coals were over 600 degrees, which would have started a meadow fire and possible tree fire. Everyone is encouraged to notify the fire department if they have fire concerns. July 1, 2017, an ATV was caught on fire and caught a tree on fire and July 9 was the Lydia Canyon Fire. Therefore, as we plant the islands, we need to keep the plantings on the first two (2) islands low growing for helicopters to use the pond for water.

c. Upcoming Events: Pond Celebration (July 15); Spaghetti Dinner (August 12); Camp Golden Eagle (September 2); Annual Lot Owners Pot Luck (September 3)

Clint reminded today is Pond Celebration Day and Clint suggested we change the name to “Community Unity Day.” The Board wants to thank the Burkes for their dedication and commitment to community. Camp Golden Eagle is looking for volunteers. Kelly Harrington is the lead and the theme this year, “Camping Survival.” The Annual Lot Owners Pot Luck is open if we have enough volunteers. There will be annual raffle and we need raffle items and volunteers to serve food and sell raffle tickets.

d. Website & Facebook

No update

e. Stepping Stones/Bridge Builders

No update

f. Highway Cleanup –TBD

The June date was cancelled and needs rescheduling later in the fall.

g. Deadline for Board Nominations

There were six (6) applicants: John Colman, Travis Cottam, Charles Duvall, Paul Placek, David Pugh, and Dan Theisen. The deadline was Saturday, July 8, 2017. If anyone else is interested, they can run as a write-in candidate.

h. Deadline for Newsletter

Deadline was Saturday, July 8, 2017.

VIII. Old Business:

a. Website Live View

Gina reviewed the list of all the technology that will be needed to update for the Live View.

IX. New Business:

a. IT Support – Hardware and Software Upgrades

Gina stated that there is a need for a new operating system, printer, and etc. and it is time to make an investment in the future. Lauren Patt-Kirby made a motion to allocate up to \$1,500.00 for updating the system. Ron Anderson seconded the motion. Motion carried.

b. Manager Recruitment

Bill is retiring and the Board will be opening the position. The resume deadline is August 1, 2017. A job description will be posted on the website and on Facebook. SCPLOA lot owners are preferred.

X. Open Forum: Lot Owners to Address the Board

Cheryl Case, Lot 112 A, wanted to thank the Board and the volunteers for all their hard work. Claudette Dunning, Lot 655, stated we are looking for more plants for the islands. She suggested to set aside a "Planting Day" and have Lot Owners willing to dig up their own plants that day and bring them down to the pond. We need low growing [plants] for two reasons: 1) the geese use them for nesting and 2) the helicopters need lower growing plants. It was suggested to contact Stepping Stones to get the community involved.

XI. Meeting Schedule:

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: 11:57 a.m. MDT.

Motion to adjourn by Clint Malburg. Motion seconded by Alan Zellhoefer. Motion Carried.