

**SCPLOA BOARD MEETING
MINUTES
January 13, 2018
Los Prados Clubhouse ~ 5150 Los Prados Circle
Las Vegas, Nevada 89130**

OPEN MEETING – 10:10 a.m. PST**1. 1. Welcome& Introductions: Janelle Pearce**

The Meeting was called to order, and held at the Los Prados Clubhouse at 10:15 a.m. MDT by Chairperson Janelle Pearce, Vice-Chairperson Gina Chapman, Secretary Jane H. Lewis, Treasurer Chris Schlaffman, Ron Anderson, Lauren Patt-Kirby, Alan Zellhoefer, Clint Malburg and Cheryl Case were present. Manager Bill Rodreick was also present. Jerry Jensen from Community Association Management (CAM) Utah was introduced and present.

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

The proposed minutes from the October 7, 2017 meeting were submitted and accepted as read. Janelle explained that the minutes of the SCPLOA Annual Lot Owners Meeting in September 2017 will be approved at the next SCPLOA Annual Meeting in September 2018.

- Cheryl Case moved to approve the minutes as read. Seconded by Gina Chapman. Motion carried.

3. Treasurer's Report: Chris Schlaffman

As of December 31, 2017, there was \$160,936.87 in Revenue with \$132,460.00 coming from dues. On the Balance Sheet there is \$300.00 in petty cash. The General Account includes \$23,020.19. There is \$5,199.00 in the playground fund and \$1,832.91 in pond maintenance fund. The Fire Department Fund has \$2,134.23 and there are total monies including the CD of \$51,135.85 in the Reserve to Preserve Fund of \$174,551.87. There was a suggestion to possibly put more money from the Reserve to Preserve into another CD.

- Lauren Patt-Kirby moved to accept the Treasurer's Report. Clint seconded the motion. Motion carried

4. Nominate Temporary Chairman

Gina Chapman nominated John Colman as temporary Chairperson. No other nominations.

- Gina made a motion to elect John Colman as Temporary Chairperson. Motion Seconded by Cheryl Case. Motion carried.

5. Adjoin

Meeting adjourned at 10:22 a.m. PST while incoming Board of Directors decide Board positions and Committees. Board Reconvened with newly elected Board of Directors at 10:35 a.m.

6. Welcome: John Colman, Temporary Chairman, reopened the meeting.

Outgoing Board Members were thanked for their services.

7. New Board Members:

The New Board was introduced: Ron Anderson, Lauren Patt-Kirby, Jane H. Lewis, John Colman, Charlie Duvall, Dan Theisen, David Pugh, and Cheryl Case. Paul Placek was excused and gave his proxy to Charlie Duvall.

8. Officer Responsibilities and Nomination of Officers

Jane Lewis nominated Paul Placek to be Chairperson. Charlie Duvall seconded. No other nominations. Nominations closed. Paul Placek was elected Chairperson.

David Pugh nominated Charlie Duvall to be Vice-Chairperson. Dan Theisen seconded. No other nominations. Nominations closed. Charlie Duvall was elected Vice-Chairperson.

Lauren Patt-Kirby nominated Jane H Lewis to be Secretary. Charlie Duvall seconded. No other nominations. Nominations closed. Jane H. Lewis was elected Secretary.

Cheryl Case nominated Lauren Patt-Kirby to be Treasurer. David Pugh seconded. No other nominations.

Nominations closed. Lauren Patt-Kirby was elected Treasurer.

9. Committee Responsibilities, Organization, and Assignments:

It was recommended to combine: 1) Property and Facilities Committee and 2) Architectural and Compliance Committee and rename as Facilities and Architectural Compliance Committee. John Colman made a motion to combine Property and Facilities Committee and Architectural and Compliance Committee as Facilities and Architectural Compliance Committee. David Pugh seconded and the motion carried. It was recommended to form a new committee: SCPLOA Fire Committee.

- Charlie Duvall made a motion to accept the SCPLOA Fire Committee as a standalone committee. Dan Theisen seconded. Motion carried.

Finance Committee – Lauren Patt-Kirby, Chairperson; Paul Placek Vice-Chairperson, Cheryl Case, Jane Lewis and Chris Schlaffman to assist.

Legal Committee – Paul Placek, Chairperson; Dan Theisen, Vice-Chairperson; David Pugh, Janelle Pearce, Gina Chapman, Cheryl Case, and Chuck Costa to assist.

Facilities and Architectural Compliance Committee – John Colman, Chairperson; Dan Theisen, Vice-Chairperson; Ron Anderson, Clint Malburg, Gina Chapman, Charlie Duvall, and Bill Rodreick to assist.

Community Relations and Events Committee – Jane H. Lewis, Chairperson; David Pugh, Vice-Chairperson; Ron Anderson, Shirley Burke, Rod Burke, Melissa Pugh, Kelly Harrington, Beth Bayley, and Bobbie Cobell to assist.

Fire Council Committee – CWPP – Charlie Duvall, Chairperson; Paul Placek, Vice-Chairperson; John Colman, Gina Chapman, Chuck Costa, Teresa Zellhoefer, Gordon Davis to assist.

Charlie gave an over view of the committee and the goals over the next few years. It may take two years to complete. Charlie Duvall and Chuck Costa are co-leading the Swains Creek Fire Council. The committee is actively working to become a Firewise Community. Charlie explained becoming a Firewise Community allows SCPLOA to apply for State and Federal funding. There are potential grants that will provide 50% of the funding and the Association would have to provide a 50% match. The Association would need to apply for the grant and not as an individual. There was a question regarding the size, shape, and placement of the address signs. Gina explained the CWPP will assist first responders during an emergency i.e. this was not available during the Shingle Fire. Michael Lucero, (Lots 504,428,429) stated he spoke with someone at the Kane County Assessor's Office regarding a fee being assessed that the "fire department is responsible for lot cleanup and lot owners are not paying out of their own pocket." He stated this is not tax, however, a "collection of fees for the fire department." Charlie said someone will follow-up on this, because this is confusing information. Charlie encourages lot owners to become involved in Chip Fest 2018.

10. Manager's Report: Bill Rodreick

Bill reported that the snow has been very slow in coming this year and Bill thanked the past Boards he has worked with for the past 17 years. Lauren stated that Swains Creek has received snow over the past few days – heavy wet snow.

Committee Reports:

[NOTE: Committees are listed as with new members and individuals reporting from former committees in bold.]

I. Finance Committee – Lauren Patt-Kirby, Chairperson; Paul Placek Vice-Chairperson, Cheryl Case, Jane Lewis and Chris Schlaffman to assist. **Chris Schlaffman reporting.**

a. Discussion on Collection and Distribution of Transfer Fees

Collection of Liens. Chris said nothing has changed since last September 19, 2017. Accounts receivable \$34,152.50 from 19 Lots 15 Owners.

Distribution of transfer fees. Chris stated when a lot is sold a \$150.00 transfer fee is assessed. CAM is collecting a \$150 transfer fee and so is SCPLOA. Chris Schlaffman recommended to revisit the transfer fee ruling over the next four to six months.

b. Discussion and Possible Approval of Proposed 2018 Budget and Dues Increase

Lauren Patt-Kirby made a request to raise the annual dues by \$5.00. The dues increase will allow SCPLOA to hire a part-time Property Manager and contract for a new community management company. Michael Lucero, expressed concern regarding the budget and increases, especially following the assessment for the Pond Restoration. Chris stated there has not been an increase on dues for over the past two years. John stated the pond will be discussed later in the agenda.

- Lauren Patt-Kirby made a motion to accept the SCPLOA 2018 Budget. Charlie Duvall seconded. Motion Carried.

c. Report on Reserve to Preserve Contribution for 2017

In the past, excess monies collected are moved to the Reserve to Preserve. There was a discussion regarding reasons not to transfer all the excess monies. Jerry Jensen, from CAM explained the Reserve Funds could only be used for items outlined in the Reserve Fund. Mr. Jensen also stated an HOA should have at least three months of contingency funds in the operating budget. The amount budgeted for the Reserve Fund is \$4,388.36 and the remaining \$28,316.32 could be kept in the General Fund. Chris explained that the reason for the excess this year was less money was spent on some line items that were included in the original budget 2017. Chris quickly reviewed the difference between the Reserve studies of 2012 and 2017 and SCPLOA has a very strong rating from the 2017 study.

- John Colman made a motion to move \$4,388.36 to the Reserve Fund and keep the excess \$28,316.32 in the operating funds. Lauren Patt-Kirby seconded the motion. Motion carried.

d. Status of Collections/Liens

Jerry Jensen, CAM, asked about all the separate accounts, Chris explained the different fundraisers, each account is revenue from a specific event and the funds cannot be used for another purpose.

II. Legal Committee – Paul Placek, Chairperson; Dan Theisen, Vice-Chairperson; David Pugh, Janelle Pearce, Gina Chapman, Cheryl Case, and Chuck Costa and to assist. **Janelle Pearce reporting**

a. Report on Recent Legal Action

Janelle reported the Swains Creek Association has been served with a legal action regarding recreational vehicles (RVs) on lots, which has been turned over to the attorney. Janelle reviewed the trailer issues over the past several years and stated that the Board was able to issue a Waiver of Enforcement to allow existing RV lot owners to continue to use their non-conforming lots without enforcement. Unit 1A is the only unit with CC&Rs that allow RVs, but they must be at least 30 feet in length. There was a question regarding whether the legal complaint would be posted to the website and Janelle stated it would not. John Ducus, (Lots 564,564,566) stated the complaint can be found online through Kane County records for \$5.00. Mr. Lucero stated he was told by a local real estate agent that one cannot advertise Swain Creek Pines as a "RV [recreational vehicle] lot" and he felt this is a "violation of his 5th Amendment rights." John Colman stated this topic has been discussed several times over the past two years and understands both opinions. John Colman said that SCPLOA CC&Rs can be and are more restrictive than Kane County. Once a complaint was filed, the Board responded, upheld the current CC&Rs, and eventually passed the Waiver of Enforcement. Mr. Ducus said he does not understand why the trailer issue was never enforced for the past "40-years." Mr. Lucero stated he lost a sale on one of the lots because it could not be sold as a "RV Lot". Clint Malburg reviewed the Waiver of Enforcement stating 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 third party, the existing CC&Rs will apply. Cathy Cox (325 Ponderosa) asked a question regarding compensation for legal fees. The attorney is looking into the insurance policy coverage.

III. Facilities and Architectural Compliance Committee – John Colman, Chairperson; Dan Theisen, Vice-Chairperson; Ron Anderson, Clint Malburg, Gina Chapman, Charlie Duvall, and Bill Rodreick to assist. **Clint Malburg reporting.**

a. Pond & Fence

Clint introduced himself as the new SCPLOA property manager and Bob Chapman as the potential

assistant manager. Clint reviewed several items that will be happening in May such as preparing for dust abatement and road maintenance and monitoring the pond water level. Bill passed the “official” baton – toilet scrubber – to Clint.

Michael Lucero, expressed concerns regarding the pond and five islands and was concerned about the grass growing at the far end of the pond. He feels the company did not meet their contractual agreement. He asked why the mud was not moved over to the airport side of the pond and build up that side for fishing. Clint stated there is no fishing by the airstrip because 1) insurance issue and 2) the airstrip can be used as an emergency landing strip for any aircraft. Mr. Lucero stated that he has heard of a “fish that will eat the grasses” in the Pond. Clint stated the fish are not a native to the area and are very expensive. Keene, (Lot 114) stated one cannot introduce non-native fish into the Pond, because they will swim downstream and possibly do damage. Janelle stated there was more sediment than anyone had estimated. The number of islands could not be predicted until the contractor was able to start the work. At that time, the Board was given an option for one very large island with creeks running around the one large island or increase the flow with more small islands. Question regarding what would happen if the Pond dried up, is it possible to move more dirt and dig it deeper? Clint stated we only are allowed to rehab the Pond. David Pugh stated due to environmental and legal reasons, the dirt could not be hauled away, and the pond capacity cannot be increased. There was a reminder the area is also a wetland. A question was asked which government agency(s) have seen the Pond. Janelle listed the Corps of Engineers, State biologists and the Water Conservancy had all viewed the pond and they were pleased with the outcome.

a. Roads, Parking, Runway & Facilities

b. Road & Address Signage

c. Security – Neighborhood Watch

d. Dust Abatement Contract for Spring 2018

e. Report on Architectural Requests

Only one request was presented and approved during the winter.

f. Update on Community Wildfire Prevention Plan and Fire Council

[Discussed earlier in meeting, see above.]

V. Community Relations and Events Committee – Jane H. Lewis, Chairperson; David Pugh, Vice-Chairperson; Ron Anderson, Shirley Burke, Rod Burke, Melissa Pugh, Kelly Harrington, Beth Bayley, Keene and Bobbie Cobell to assist. **Alan Zellhoefer reporting.**

a. CMFPD Update

Beth Bayley reports in 2017, Cedar Mountain Fire Department had 196 calls, 25 were fire calls, 94 EMS, 11 motor vehicle accidents, and 19 public assist calls and 47 fire inspection calls. Beth reports CMFPD will begin recording all incoming calls, which might increase the number of calls for 2018. The fire department is always looking for volunteers and reports four new Emergency Medical Technicians (EMTs) have certified. Swains Creek Pines has five lot owner EMTs and two with advanced training/certification.

b. Newsletter, Website & Facebook

Jane Lewis reports the newsletter is being drafted as this time and may be delayed due to switching of Management Company and all new Board. David Pugh said the Board would be using several different mediums to deliver information in 2018 – SCPLOA and CAM websites, Facebook, email, and “snail” mail services. David reminded everyone there are guidelines for social media sites and they are listed on SCPLOA Facebook page. Janelle reminded everyone to send the contact information form back to CAM. Jerry Jensen, CAM, stated they are working on a solution for individuals that own multiple lots, therefore, eliminating the need for two or more passwords to access multiple accounts.

c. Community Connections - Keene

d. Possible Events for 2018:

Chili Cook-off, May 26, Memorial Weekend

Summer Celebration, June 16

Stop, Shop & Swap, June 30

Spaghetti Fundraiser, August 11

Camp Golden Eagle, September 1,
Annual SCPLOA Lot Owners Meeting and Labor Day Potluck, September 2
Highway Cleanup – Spring, May 19 and Fall, October 6

- John Colman made a motion to accept the schedule of events for 2018. Ron Anderson Seconded. Motion Carried

VI. Old Business:

a. Website Live View

John Coleman said Paul Placek offered to work on getting the website live view and the IT support. There was a question about having a live weather feed linked to SCPLOA website. The current website Host, GoDaddy, will not allow linking and carrying other websites.

b. IT Support

VII. New Business:

a. Discussion and Approval of Assistant Manager's Contract

John Colman followed-up on question that was asked earlier if the Assistant Manager position was going to be advertised. The position for a new SCPLOA Property Manager was advertised in August 2017 and proper notification was given – SCPLOA website and both Facebook sites. The Board received only two applications. There have been several requests over the years to have a manager on duty seven days a week. The 2018 Budget included funding for a part-time Assistant Manager. The position was offered to Bob Chapman as he was one of the two applicants for the manager position.

- Lauren Patt-Kirby motioned to approve the contract for the new manager. Charlie Duvall Seconded. Motion carried.
- Bob Chapman accepted the Assistant Manager's position

VIII. Open Forum: Lot Owners to Address the Board

Keene Sherrett, Lot 114, asked about what to do with a neighbor's motion detector light that is on all night long and stated she has tried working with the neighbors. Keene stated the neighbor does not know how to turn it off and it was recommended to have someone assist the neighbor. Keene was asked to make the complaint in writing and email Amanda Crosby at Amanda@CAMUtah.com.

Michael Lucero, Lot 504,428,429, stated he had donated a fire pit down by the Pond and noticed it was not there. Clint Malburg said the fire pit was removed during the Pond rehab and was not put back in place last summer to let the lawn re-grow, but it will be installed this year.

[NOTE: All future complaints please email – Amanda Crosby, Community Association Management (CAM) at Amanda@CAMUtah.com - SCPLOA HOA Management Company

IX. Proposed 2018 Board Meeting Schedule:

May 19
June 16
July 14
August 18
September 2 – Annual Lot Owners Meeting
October 6
January 19, 2019

X. Adjourn

- Jane Lewis motioned at adjourn. Lauren Patt-Kirby seconded. Motion carried.

Meeting adjourned at 1:09 PST

Respectfully submitted,
Jane H. Lewis, Secretary