



**39th Annual Home Owners' Association Meeting  
Pinewoods Resort  
Duck Creek, UT 84762  
JUNE 23, 2018  
10:00 AM – 12:00 PM**

**Attending Members:**

Dale & Thelma Clothier	Jim & Marcia Day
Sheri DeMott	Don & Paula Dudek
Gary & Vickey Hansen	Jeff Hoyt
Rosann Krausch	Lynn Larson
Donna Mooers	Dick Reed
Ron Roundy	Erma Stauffer
Peggy Stevens	Shelley Stevens
Lynn & Tom Strong	Chuck & Donna Telles
Kathleen Wegst	Bill Whitlow

The Board thanked Kimberly, Brad, and Rachel, members of Pinewood Resort, for their help behind the scenes setting up the room, coffee, donuts, and so on. Unfortunately the kitchen caught fire at 5:00 am Monday morning. In spite of that, they were able to provide for the meeting.

Rachel added a thank you to everyone from the owners and staff. Pinewood has received amazing support and offers of help since the fire.

Donna added Pinewood Resort is not only a business, they are also a dues paying member of the Association.

**Call to Order:** At 10:01 AM Utah time, the meeting was called to order by President Sheri DeMott.

Robert's Rules of Order: Sheri reviewed Robert's Rules and advised members to silence their phones. She then asked members who wish to

hold side conversations to either take it outside or wait until the meeting was over.

Voting: This year there are 3 Board and 3 ARCOM seats available. In the past it was a showing of hands, but the correct voting process is one vote per lot owned. Sheri advised the voting process will follow the one vote per lot system.

**Guest Speakers:** Each Speaker is given 15 minutes: 10 minutes for their topic and 5 minutes for Questions / Answers

Due to the nature of the job some speakers may cancel at the last minute.

**Salli Shackelford Co-Chair, Cedar Mountain Community Coalition**

This is a new organization that came together about a year ago to find ways to be more effective as a community. Salli and Sheri DeMott are co-chairs of the coalition. The coalition is made up of many mountain associations and different subdivisions. By coming together we have a bigger voice regarding issues that we all have in common.

The coalition is not very structured. There is no charter just an opportunity to discuss like issues and solutions. We meet about once a month during the summer and every other month or less in the winter.

In group discussions it is found that we all face the same challenges: roads, speeding, dust. Some have learned from other associations as to how they handled things and then sharing that information.

The Coalition has reached out to others: the Village Association, Sheriffs' Department, Cedar Mountain Fire Protection District, and Kane County Fire Warden. All have been very responsive, attending coalition meetings.

Everyone is welcome to attend and/or become a member. There is no funding. Everything is done on a volunteer basis. In general, meetings are held at the fire station. If you cannot attend you can get on a mailing list to receive copies of the agenda and minutes. Anyone can have items placed on the agenda. Contact the Coalition via their email: (not case sensitive) [cedarmtncommunitycoalition@gmail.com](mailto:cedarmtncommunitycoalition@gmail.com) or contact a Board member.

Fire is a huge, huge concern right now. This summer is very dry and very hot. The summer is being compared to the summer of the Shingle Fire (July, 2012 burning over 8,200 acres). Everything was so dry a vehicle without a spark arrester started that fire. Last year (2017) the Brian Head fire showed how massive a fire can be (burning over 70,000 acres). If the wind had shifted in our direction this whole area would be gone.

The Coalition is working to be a Fire Wise Community. A future speaker today will talk about what that means for all of us.

Jeff Hoyt Duck Creek Village Association Representative – Township Act

The Township Act came to light about 7 years ago. The Village area was having problems with their septic tanks and leach fields due to the water table being close to the surface during spring runoff. It was discovered the Duck Creek Camp Ground pumped their sewage past the fire station into the ponds behind. This is when the Township Act was started, to be able to take over the ponds along with some 73 acres to be granted. The Village Association will be able to purchase about 10 acres on the corner of I14 and Mammoth Creek, where the horses are presently located. The cost may run around \$5,000 per acre. Several agencies will own property in this area.

The Township Act is to be signed into effect August 1. Kane County Water Conservancy District will then put in a sewer system in the Village. The present sewer lines, put in sometime in the 1960's are being moved. It will be a large project about 4.2 million dollars beginning in spring 2019.

A second project, presently called the Duck Creek Beautification Program, is the cleanup and repair of areas in and around the Village.

“Buy a Block” will be a program wherein individuals can purchase a block that will be used as part of the Beautification program.

Jeff Hoyt is the Manager for the Kane County Water Conservancy District and also a member of several mountain community groups. Please contact him if you have further questions regarding these projects or water related issues.

Sheri added a thank you for his help in getting the signs up and the Mag Chloride down.

Wade Heaton / or Andy Gant Kane County Special Services District (unavailable)

Sheriff Tracy Glover or Chief Deputy Alan Alldredge Speeders (unavailable)

Spencer Rollo Kane County Fire Warden “Wildfire Preparedness in the Wild land Urban Interface “WUI”

Spencer works for the state of Utah and represents Kane County. The nuisance ordinance is a great tool the county has to enforce some of the problems with fire hazards. Although we don't want to force people to do something, we do want to encourage them to take the initiative. There is no real guideline for someone who inspects a lot. The opinion of a nuisance may vary from that of a fire fighter, a Sheriff's deputy or the lot owner. HOA's on the mountain have come together using a guideline called **fire wise**. It is a national program, heavily used in Colorado. The

reason for working with the **fire wise** system is to keep the area safe. Originally the DCROA subdivision was logged. Overtime you can see how the growth has taken over. Duck Creek Pines, which was logged a few years ago, is still in great condition. Looking at the two you can see the difference.

The term WUI (woowee) means "Wild land Urban Interface". It is what we live in. We love the trees, the bushes and where we build our homes and cabins. That is where **fire wise** comes from; to help mitigate the one hazard we have: fire. It gives a tool, a guideline that can be used to go out and trim trees, clean lots and force compliance.

Basically clear all vegetation within the first five feet of your cabin. Eliminate limbs, bushes touching your cabin, trim them back. Fifteen feet out from your cabin, thin out your trees, get the limbs off the ground, eliminate ladder fuels and cut back canopies. All that helps keep a fire out of the trees and on the ground where firefighters can safely and effectively suppress the fire. The next step is out 30 feet and then 100 feet.

The Mulch Feast is a great tool for members to use to help clear their lot. Donna advised the information was sent out prior to the meeting.

Stop by the Fire department for information and to sign up for the Mulch Feast. Any work done by a member should be reported to a member of the Fire Council for credit.

Along with the Cedar Mountain Coalition, each subdivision is putting together a Fire Council. They will help monitor working hours, help put together the fire plan, a place where people can go for information. The HOA council gathers the information needed to go after grants.

A member questioned fire insurance and does this help. Rollo said yes. The USSA insurance for example looks at **fire wise** communities and will send out a representative to look at your lot. They are trained in **fire wise** and will inspect lots.

At least 30,000 people lost their insurance last year during a fire due to their lots not being cleared.

Rosanne asked if there is communication between the County and insurance companies. Rollo advised it is between the owner and the insurance company.

Peggy stated that it is up to the owner if they want a **fire wise** lot or not. Rollo said yes, there is no law in the State of Utah that says you have to clean up your lot. However, there is a county ordinance that if they deem the lot a nuisance then we can go in, clean it up, charge you for cost, and place a lien on the property. Donna added there are also rules and regulations of the HOA that require compliance with the same process as the nuisance.

At this time these are guidelines to help you make your property safe.

On the County web site, go to Departments, to Fire Warden and all the information is there. ([kane.utah.gov](http://kane.utah.gov))

Sheri asked anyone interested in the Fire Council to see Bill Whitlow after the meeting.

**Introduction of Board Members:** Each Board member introduced themselves and their Board position. Sheri DeMott, President Tom Strong, Vice President Donna Mooers, Secretary/Treasurer Kathleen Peterson Wegst, Director Bill Whitlow, Director

**Determination of Quorum:** Yes

**Approval of Agenda:** Sheri asked for additions, corrections, changes. There are none. The agenda stands.

## **OLD BUSINESS:**

**Annual meeting minutes June 24, 2017:** Members agreed to waive the reading of the minutes. There were no additions, corrections. Motion to approve by Don Dudek; 2<sup>nd</sup> by Peggy Stevens. Approved

**Treasurer's Report:** Donna Mooers

Donna reviewed the report explaining since this was written the cost of the Mag Chloride came out of this with a cost of around \$25,000.00

Checking    \$74,487.40    a/o 5-28-2018 cash on hand

CD 0079    \$26,650.75    a/o 4-14-2018    3 month

CD 0061    \$26,222.56    a/o 4-14-2018    6 month

CD 9050    \$62,504.88    a/o 5-28-2018    24 month

TOTAL:    \$189,865.59 all accounts

**Lot Sales:** Donna Mooers

Sales pending: This was a most unusual year for sales. To date, most lots were sold between members.

**State of the Corporation:** Sheri DeMott stated the corporation is solvent.

## Committee Reports:

Roads: Kathleen Peterson Wegst

Kathleen introduced herself as Kathleen Peterson adding her married name is Wegst so members may know her under different names. Kathleen advised she has a background in roads having built a number of roads with the government, but most of her background is in biochemistry and infectious diseases.

Kathleen reviewed the one page Dust Suppression Products For DCROA Roads, June, 2018 (attached). She noted the 3 companies selected by the Board who looked at assets, costs, availability, and other things regarding each product.

The Mag Chloride has benefited us for some time now. It packs very well and our roads are in very good shape. This is not that bad a compound.

Dust Down Poly Pro is a vinyl acetate ethylene \*(inaudible). Kathleen stated most will not know what all that means but it will stay together and is very effective.

Earthbind-100 comes out of Portland, Oregon. They will apply.

On the form are the costs for each product. Not all companies will apply their product which will add to the cost.

Kathleen finished by saying there is a lot of money involved and in at least one case, there is no one to apply the product from the company which will be an additional expense. She called for questions but there were none.

Donna explained the Magnesium Chloride literally comes out of the Salt Lake right in Utah and is brought down and applied by a local company which saves on cost. Members will be asked to review the information and eventually vote on a product.

Lot Clearing: Bill Whitlow, Donna Mooers

Bill showed a list of lots that need attention and explained the project is into its 6<sup>th</sup> year. The lots listed are mostly vacant with out of state owners. Each lot shows downed and dying trees, slash piles and debris.

The first step this year was the letter recently sent out to all members. The second step this year is owners with lot problems will have a mandatory process that must be followed. There is a time frame which requires the member to state a time line and what action will be taken. If a member fails to comply, we have authorization to go in clean up the lot, charge the owner for cost, file a lien if the cost is not reimbursed to the Association. The last step would be to foreclose through the Attorney.

Jeff Hoyt asked if the Association can implement WUI. Donna explained presently our CC&R's allow for only a defined legal action but members can file complaints with the Sheriff's office.

Bill added photographs have been taken that show dead, dying trees, excess fuel on each lot. These photographs will be sent out with the letter of explanation to the owners on the list. The hope is to have the letters out soon.

A member asked if anyone can go and remove burnable fuel off someone else's lots. Donna advised there may be a trespassing issue unless the owner would give authorization in writing as has been done in the past. Tom Strong suggested when notifying the lot owner, we include the suggestion they allow persons to enter their lot for the purpose of removing burnable fuel.

A member questioned why they would be on a list when they have cleared their lot. Donna explained the photographs were taken 2 weeks ago. The letter does address lots on the list that are now cleared. Members who are on the list should wait until they receive the second letter with the photos so they have something to work with.

Rosanne asked what can be done when lots around or near you are not in compliance and pose a danger to your property. Bill explained the lots, after the photos were taken, were placed in a priority list. Donna added the Board also worked with members of the fire department to ensure the decision was not subjective but based on identifiable problems by the fire department, those who deal with this problem all the time.

Donna explained how a member can file a complaint with the Sheriff's office under a nuisance ordinance. Anyone can file the complaint. At this point, Spencer Rollo was able to join the discussion. Refer to Guest Speakers.

Address sign installation: Donna Mooers, Tom Strong

The signs are here. The 245 signs will be going up soon. Although we call them street signs, Donna said the more she works with them, she began to realize they are first responder signs. They are the street number only. The screw, once in the tree, expands to prevent bugs from getting in and killing the tree. Lots joined have one address so the sign will go up as close to the entrance of the total joined lots. Lots without any structure or cabin, the sign will go more towards the center of the lot along the roadway, unless a driveway is visible.

Bylaw & CC&R rewrites: Tom Strong, Donna Mooers

It is a process to update the governing documents. There are new laws, new ideas, and new issues. Changes within ARCOM are being recommended. Once done, the Attorney will review and add his info and then the result will go to members for a final decision. It will go out in a readable form showing what it is now, what it should be, and the changes and why. Once approved by the members the documents are adopted and filed with the state/county as needed.

Donna used the ARCOM committee as an example of a rewrite need. They are presently elected by the members, which makes them answerable to the members only. They are to have regular meetings, a Secretary, a location where plans are kept, minutes, none of which is being done, nor has been done for years. The ARCOM should be a committee answerable to the Board and the Board answerable to the members. If a member has a grievance they will be able to have a hearing in front of the Board.

Web advertisement pages: Donna Mooers

The web site ([duckcreekridge.com](http://duckcreekridge.com)) changes will now have links to other agencies. As a member with a business you can advertise for free; or you



can advertise something for sale or giveaway. Members will be given notification as soon as ready.

## **NEW BUSINESS:**

### Member issues and concerns

A member asked for an update on the trash cans. Sheri paraphrased what she knows. The trash cans will eventually have a place near the fire station once the Township Act is in place. The present location will be closed. The understanding is eventually they would like to have a place for things like washing machines, large trash. This should be the last year where there will be trash can problems. Animals get into the trash bins when the lids are not closed. If possible, remember to close the lids.

A member from Special Services was to speak but was unable to attend. Wade Heaton is a new member of the Special Services board. Sheri has worked with him and found him to be easy to contact, work with, and interested in finding workable solutions for everybody.

Sheri announced next year is our 40<sup>th</sup> anniversary. We would like to have a celebration after the annual meeting. Anyone interested in helping, has ideas of what we can do, please let the Board know. We have a year to plan. Pinewoods offered their area for use and gave a whole lot of ideas for us to think about. We are one of the few Associations that still manage ourselves. It will be a celebration open to family and friends. Some companies in the Village have already offered donations towards a raffle.

### Budget 2018 – 2019

Donna passed out the Profit & Loss June, 2017 / May, 2018

- Processing Fee (\$400.00) \$50.00 fee collected every time a lot changes hands.
- Refund (\$902.03) Refunds from Garkane. The majority of the refund \$864.77 is money donated to the Association from the now closed Tax Payers Association.
- The amounts from the Treasurers' report and the Profit and Loss do not match as they are different time frames.

There were no other questions. Donna is not an accountant and is working to find better ways to show financial activity. Suggestions are appreciated.

Audit: Past audits were done by members and sometimes by the CPA. With the CPA, a copy of the check register is given and he checks to be sure everything balances. When members do the audit they get copies of the check register and all invoices matching the two together and balancing. The Board has opted to go back to having members do the Audit. Donna has 1 volunteer (lot 85 Stephans) and is asking for a second. Rosann Krausch volunteered.

#### 2018 - 2019 Dues

The dues will be \$140.00 this year. This may change next year depending on the road situation.

### **ELECTIONS:**

Board Members: 3 Seats each two year term:

Members Lynn Larson, Rosie Krausch, Bill Whitlow, & Kathleen Wegst volunteered/nominated. With only 3 seats available there will be an election in August. The ballots will be counted by the CPA and all members in good standing will have a vote.

ARCOM: 3 Seats each a one year term:

Members Bill Whitlow, Peggy Stevens, & Rosann Krausch volunteered.

### **ADJOURNMENT:**

A motion to adjourn was made by Lynn Strong & 2<sup>nd</sup> by Lynn Larson. There was no further discussion. The meeting was adjourned at 11:44 AM.