

**MINUTES OF THE ANNUAL MEETING OF MEMBERS
SPEARFISH CANYON OWNERS' ASSOCIATION
JULY 16, 2011 – 7:00 P.M.**

The annual meeting of the Spearfish Canyon Owners' Association was held on July 16, 2011, beginning at 7:00 p.m. at the Fire Hall in Spearfish Canyon. Prior to the meeting, the members enjoyed a delicious dinner catered by David Brueckner.

Chairman Jim Nelson called the meeting to order. The registrars determined that a quorum was present for conducting of business. SCOA by-laws state that 10% of paid up members shall make up a quorum.

Before attending to business, the group heard a report given by Gerry *Bennett* Spearfish Canyon Fire Department Fire Chief. He first discussed the fire hall use by members. He stated that there is a new legal agreement for groups using the hall which holds the Fire Department harmless for alcohol use by those using the fire hall.

Bennett then reported on the relatively few incidents of motor vehicle accidents, one hiking fall and one fire which department members responded to. *Bennett* is also working towards a higher ISO (Insurance Service Organization, which rates fire departments) rating for our department. He is also working towards installation of a helipad on the Fire Department lot for use to medivac injured persons out of the canyon by helicopter.

Lastly, he reminded people that the monthly fire department potluck and meeting is the last Monday of each month. Everybody is welcome and new department personnel are always needed.

1. SECRETARY'S REPORT:

Fred Welker, Secretary of the Association, provided the Secretary's Report of the Minutes of the 2010 Annual Meeting. Upon motion and second, the Secretary's Report was duly approved.

2. TREASURER'S REPORT:

Treasurer, Jim Benson provided the Treasurer's Report. A copy of that report will be attached to these minutes. The report reflects total funds on hand of \$31,429.97. Mr. Benson stated that there are 6 past due accounts totaling \$475.00, and that he has filed a lien upon Susan Edwards Johnson's property for \$200 unpaid dues. Upon motion duly made and seconded, the Treasurer's Report was duly approved.

3. COMMITTEE REPORTS:

A. FIREWISE REPORT. Ray Rossi provided the Firewise Report. The annual Firewise Day is set for August 27, 2011. The purpose of that activity is to help owners reduce the fire fuels (brush, trees, etc) around their properties. The Committee continues to work on a formal application to receive official designation as a Firewise

Community. He has stated his intention to hopefully get a formal application to the State by end-of-year.

B. ARCHITECTURAL REVIEW COMMITTEE: Ralph Reausaw provided the report for the Architectural Review Committee. Ralph reported that thirteen building permits had been approved, with four of them being new homes. There is only one item in formal grievance. *A SCOA Formal Complaint was issued in 2009, followed by several letter exchanges and a meeting of the BOD, ARC, the owner and his attorney at the Fire Hall in October, 2010. Several other written exchanges/modifications have since occurred and SCOA, through Dick Pluimer has delivered a final agreement for signature and hopes resolution will be achieved soon without legal action. All other violations have been resolved with after-the-fact permits approved, fines and final agreements made.*

Ralph reminded owners that the ARC Application is required for any improvements, alterations, repairs, excavation, *grading*, landscaping or any other work which alters the exterior appearance of any structure or on any real property/*lot characteristics* within Spearfish Canyon. There will be some instances where interior repairs do not require ARC approval, but it will always be the better idea for homeowners to contact the ARC before undertaking any kind of construction, *remodeling* or *lot modification* project.

Septic system guidelines prepared by Helene Eddy, professional engineer, will be posted on the SCOA website.

C. ENVIRONMENTAL COMMITTEE: Jim Nelson provided an update on the activities of the Board on projects of interest to canyon owners. Jim advised that:

- The City of Spearfish has their FERC permit and the good news is that *the permit conditions include release of flows from Maurice which will provide year-round augmented flow in the stream between Maurice and the Spearfish Diversion Dam 3+ miles downstream and some overflow past the Diversion for another mile. This will improve the beauty and provide an improved fishery for this 4+miles on a continuous basis rather than the seasonal flow now existing there.*
- Off-road vehicle travel regulations have been established by the USFS for the Black Hills National Forest, and Spearfish Canyon is off-limits except on established highways and designated USFS roads.
- *SCOA has submitted a formal request to BHNF to effect Mineral Withdrawal(preclude mining) within the rim-to-rim designation of Spearfish Canyon as provided by SDCL 45-6B-105(includes Little Spearfish, Hanna and Icebox Canyons) as previously recommended by: the US Congressional bill approving the Homestake/USFS Land Exchange, the 1999 Corridor Management Plan, the 2003 Forest Service Landscape Assessment for Spearfish Canyon, the 1993 BHNF Management Plan. SCOA-requested letters of support have been forwarded to the BHNF Supervisor by the Lead and Spearfish Mayors, the Spearfish Economic Development Group, and, just recently, by the Lawrence County Commission. We now await action by the BHNF to protect the Canyon rim-to-rim from mining activity other than recreational panning.*
- The Lawrence County Beetle Committee has been formed to assess and document the problem areas in the county. *The County will review all USFS(BHNF) actions*

to “battle the beetles” to assure consideration of the County priorities is part of the BHNH planning.

- Individual owners should make an effort to get "red and dead" trees cut down for fire prevention. Also green and infected trees should be cut down and destroyed. Don Harvey, a local timber expert can be consulted as to the best way to proceed on this effort, and the County Weed Control Office(Dave Heck) is also head of the “beetle battle” committee for the County. Members can also have their "trophy pines" sprayed each year for protection against beetles and Don Harvey and Carol Reausaw can provide contractor contacts for spraying.

D. WEED CONTROL REPORT. Fred Welker provided the Weed Control Report. Fred reported on weeds that were considered noxious and the alternative chemical treatments available which work best in Canyon locations. Fred also provided a handout for members to refer to. This will also be posted on the SCOA website

E. DEPARTMENT OF TRANSPORTATION. Steve Paula reported that the resurfacing of U.S. Highway 85 west of Cheyenne Crossing is almost complete. The DOT will be working on landslide areas this summer and plans to resurface Highway 14A in 2012. Concerns continue to be expressed over the use of jake brakes by large trucks traveling down the canyon and excessive speed of log trucks and *the continuing increase of all types of traffic, including bicycles and pedestrians. In response to a concern expressed by Roberta Noel on this subject, President Nelson asked Sue Stave to summarize her presentation to the Lawrence County Commission on similar concerns last year and the subsequent lack of response.*

F. WEST SPEARFISH CREEK. Harold Matti reported on efforts to clean up a selected area on west Spearfish Creek that is being *choked with plant growth and deadfall limiting, restricting, prohibiting* creek access. Harold reported that fishing quality has declined substantially in that area of the creek. Harold and his committee have been working with the South Dakota Game, Fish & Parks and the Forest Service for four years. His efforts have met with *minimal action and continuing delay by USFS*. The liaison from the Forest Service to Harold and other entities concerned is USFS employee, Scott Moss.

4. ELECTION OF DIRECTORS:

The terms of Dan Schroedermeier, Jim Benson, and Jim Nelson expire at this meeting. The Nominating Committee had put forth the names of Tom Adam, Jim Benson, and Bob Geis. Biographical information on each candidate had been previously provided to members in the newsletter. *Vice President Shaw* called for nominations from the floor. No nominations were submitted. A motion was duly made and seconded to accept the recommendations of the Nominating Committee and unanimously elect Tom Adam, Jim Benson, and Bob Geis.. The motion was unanimously approved.

Dan Schroedermeier and Jim Nelson were presented plaques for their service to the organization. Jim Benson recognized Jim Nelson and Dick Pluimer for their outstanding service including time and money spent on SCOA issues. Nelson has served

nine years on the board of directors, six of which he served as president. He received a standing ovation and VP Shaw presented gift certificates to Canyon Crossing and Bum Steer to Jim and his wife, Ruth, who has also given much in time and effort to SCOA over Jim's years on the Board.

5. OLD BUSINESS:

- A. President Nelson said the board continues to examine the issues surrounding water installation in secondary structures. At this time research has been done by *US Geological Survey* concerning hydrology characteristics of the canyon *which directly effects septic system effectivity and thus must be considered when complying with the SD DENR septic system design requirements as applied* in this unique area. Past Homestake practice and current SCOA Guidelines prohibit water supplied to structures other than the primary single family home on a lot.
- B. Last year there was a potential need for special assessments to pursue legal action against covenant violations. *All but one violation(as previously outlined)* has been resolved *following the SCOA grievance process*, and no assessment has been necessary *to date*.

6. NEW BUSINESS:

- A. President Nelson reminded owners that it is their responsibility to monitor the environment and keep the rules of the SCOA. Members are also urged to bring their complaints, comments and recommendations to the board of directors, *or any individual director who can bring it to the Board*.

14. ADJOURNMENT:

There being no further business to come before the annual meeting, the meeting was duly adjourned at approximately 8:30 p.m. The assembly joined John Billington in a prayer *for our continuing respect and sensitivity to the preservation of our unique Canyon*.

Respectfully submitted this 16th day of July, 2011.



Fred Welker, Secretary