

Spearfish Canyon Owners Association  
Board of Directors Meeting  
September 11, 2010

Board President Jim Nelson called the meeting to order at 9 a.m. Present were Dan Schroedermeier, Ralph Reausaw, Gene Shaw, Steve Paula, Jim Benson, Ray Rossi, Harold Matti, and Fred Welker. By unanimous assent it was agreed that modified Robert's Rules of Order would be observed for this 2010-2011 Board activities. Rossi moved the minutes of the board meetings on July 10 and July 31, 2010 be approved. It was seconded by Shaw and the motion passed.

The treasurer's report given by Benson reflected a balance of total funds on September 8, 2010 of \$24,005.17. Revenues since July 8 were \$7,092.16; expenditures were \$3,023.04. Dues paid to date are \$9,320.00 and there are \$1,000 still owing on unpaid dues. The treasurer's report will be attached as a part of these minutes. Schroedermeier moved and Welker seconded that this report be approved. The motion passed.

A meeting with a home owner and counsel as part of the informal grievance process was postponed due to a death. It will be rescheduled as soon as possible.

**ARC:**

Reausaw presented a written report:

Building Permits approved since last report:

- Mary and Randy Stotz, 21328 Wood Chuck Lane, re-roof cabin, re-stain deck.
- Bill Perron, intends to shrink his proposed deck and reverse the location of the steps, in deviation from previously approved application. Committee is OK with these changes at Elmore cabin.

Permits still pending signatures:

- George Prisbe, application for new septic system, replace two bathroom windows and 5x7 wood platform to be built over a concrete stoop. Sent George a letter answering his questions about SCOA ARC rules and guidelines, with complete copies of both enclosed. In the letter, also requested copies of his septic permit and engineered septic design before work begins at 21671 Hanna Road.
- Awaiting reply from Rachelle and Robert Pearson after they applied for permit for new septic and mentioned rock work and garage replacement. Committee requested copy of county septic permit with engineered septic design. Also asked for detailed description of rock work and garage replacement.

Other issues pending:

- Sending third request to one owner for permit application for the new septic installation, foundation replacement and wall construction, done without SCOA approval at 20706 Cleopatra Place.
- Sending third request to another owner for permit application for construction done at cabin located at 20518 US Hwy 14A without SCOA approval.
- Jim Benson investigated concerns that the new construction at the Daley cabin at 21468 US Hwy 85 was over-height. He went and measured and found it to be in compliance at 30 feet high
- Received detailed septic designs and well location for Rath construction behind Cheyenne Crossing. Committee OK with well location per letter to Rath.
- Ralph and Dan are in favor of doing a visual inspection of a questionable septic installation.

## **FIREWISE:**

Ray Rossi is ready to restart conversations with SD Forester's office in Rapid City regarding designation of the SCOA as a FIREWISE Community and to submit the required paperwork, with the help of Gene and Bev Shaw. Ray reported that Firewise Day was August 21. SCOA received a \$50.00 donation from Maury Haugland for help with his brush removal that day.

## **ENVIRONMENTAL:**

Jim Nelson provided a written report which is attached to these minutes. In summarizing this report:

SCOA effort with the City of Spearfish, as part of the FERC licensing of Hydro #1, to release flow from Maurice into the 3 mile stretch of stream below Maurice (with some flowing beyond the 3 miles) to the Spearfish Diversion will become a reality, with significant enhancement to that part of the Canyon. Currently, it appears that the FERC license will be issued, hopefully sometime in the next year.

- Final *OHV* maps from the US Forest Service are due to be published this fall and will show coding that does not allow dispersed camping/game retrieval along three critical stretches of creek in Hanna Canyon, Little Spearfish Canyon, and along Hwy85 west of Cheyenne Crossing in Spearfish. SCOA's successful appeal of the USFS Record of Decision(ROD) which would have allowed this activity along Little Spearfish Creek, resulted in that stream reach being removed from designation as a dispersed camping/game retrieval area. The Hanna and Hwy 85 stream reaches had been previously deleted based on SCOA comments on the Draft Environmental document in 2009.
- The USFS has identified available funds to do an aerial assessment of beetle infestation in the Black Hills, as the basis for more current, focused effort by USFS on the beetle infestation. These additional USFS funds came about after significant pressure by the Lawrence County Commission with SCOA support, Spearfish Canyon VFD support, and recent visits by Representative Herseht-Sandlin to USFS Supervisor Bobzien.
- Nelson will follow up on last year's reminder of the USFS commitment to assess areas where mineral withdrawal should be prohibited, i.e. Spearfish Canyon, *as recommended in the Spearfish Canyon Landscape Assessment document as created by USFS in 2002.*

Matti reported that he is meeting September 15 at 1 p.m. onsite with Rhonda O'Byrne, USFS Northern Region, to view the *overgrowth and in-stream growth of West Spearfish Creek* adjacent to US Highway 85 from Cheyenne Crossing westward. Matti also reports that the state DOT is cleaning about 90 culverts from Cheyenne Crossing to the Wyoming state *line in preparation for resurfacing that section of US Hwy 85 in 2011.*

Steve Paula and Bob Geis are still working on speed control and crosswalk issues at Cheyenne Crossing with the DOT.

**WEED:**

Fred Welker would like his name and number to be published in the newsletter for a weed control article.

**NEWSLETTER:**

Carol Reausaw set September 25 as a deadline for articles for inclusion in the Fall newsletter.

**NOMINATING:**

Benson has received interest from Tom Adam to run for a board position. The terms of Benson, Schroedermeier and Nelson are ending. An article soliciting interested candidates will be published in the fall Newsletter.

**OLD BUSINESS:**

Reausaw reported that Brend and Cooksley are both amenable to applying for building permits after-the-fact with the \$50 fees.

**NEW BUSINESS:**

Rossi moved that vote counts be announced, and reported in the minutes of the annual meeting. Welker seconded the motion and it passed. Rossi moved that family of those running for board positions not be allowed to count votes. Paula seconded the motion and it failed by unanimous vote. Paula suggested that the counting procedure be explained before the election of board members. The votes are counted twice, if a close vote count occurs. Absentee ballots are counted separately with ownership data verified, votes during the meeting are counted, then the totals are combined. The process is repeated as necessary and overseen by the Nominating Committee chairperson who takes the report and announces the results.

In response to concerns voiced at the annual meeting, Reausaw noted that the ARC is becoming more attentive to timely responses. It should be noted that applications taken under consideration in winter may take a bit longer to complete the evaluation. Applications for building permits should go to both the SCOA P.O. box 480 as well as to *the* Reausaw address for quicker responses.

Nelson *asked that the Board members*, over the winter, review the draft Revised/Simplified Covenants done by Tom Adam and Dick Pluimer, generate their questions/comments/concerns with a target for Board discussion/further action at the spring Board meeting. When the Board is ready to do so, the proposed revised/simplified covenants will be presented to All Members for adoption/rejection vote, as the Board has done for all Covenant changes.

Nelson proposed that SCOA dedicate \$1,000 toward beetle infestation remediation issues. He proposes to ask the S.C. Fire Department for funds to be dedicated to the same issue. Schroedermeier, who is a member of the Spearfish Canyon Foundation, stated that he would also ask the foundation to contribute. Reausaw moved and Paula seconded a motion asking Nelson to continue to explore this concept. It passed.

Discussion of water in secondary structures will be delayed *until the Board has a discussion of issues/potential impacts of this change with a local state licensed septic system engineer and a USGS hydrology expert. This is planned for the Spring Board meeting.*

Benson moved and Rossi seconded a motion that provides for a late fee of \$25 be imposed on non-paying owners if not paid by November 1, and that a lien be placed on the property of the delinquent dues-payer if not paid in full by the next annual meeting, and that the names of delinquent dues-payers be published at the annual meeting and in the home owners newsletter, subject to approval by the SCOA attorney. The motion passed.

Shaw moved and Welker seconded a motion directing the *Board* send a letter to people engaged in commercial rental of their Canyon properties, warning them that this violates the covenants, and could initiate the informal complaint process as approved for change to the By-laws in 2006. The motion passed.

Nelson reported a delay in receipt of the fine and signed resolution from Wayne and Susan Miller, and he has asked them to expedite the matter.

Based on President Nelson's investigation and recommendation under the Informal Complaint process, Rossi moved and Welker seconded a motion to approve the proposed SCOA recommendations for forwarding to the Fullers to complete the 10 month effort to bring their Canyon garage structure, its water and septic systems into compliance with the SCOA Covenants and Guidelines, including the appropriate completed drawings and documentation from DENR for the septic system. The SCOA letter will also cover the requirements to be satisfied if/when a new home permit is requested in the future.

Finally, discussion took place regarding discrepancies between an approved building permit and actual construction taking place at a Canyon property. In particular, square footage is being exceeded, and working blueprints vary from those approved by SCOA and on file at the Lawrence County Planning and Zoning office. Welker moved and Nelson seconded a motion to send a cease and desist order to stop construction until these issues are resolved. Our attorney will be consulted as to the order form and content.

As part of the continuing efforts of the Architectural Review Committee, Shaw will devise a checklist to augment the ARC Rules, Guidelines and process for issuing SCOA building permits, the subsequent issuance of the County permits, periodic oversight of the permitted effort, any changes to the permit requiring ARC approval, and final inspection for compliance to the permit.

**ADJOURNMENT:**

The meeting adjourned at 12:30 p.m.



Fred Welker, secretary  
F.W./cjr