

PINE MEADOW RANCH OWNERS ASSOCIATION
MONTHLY BOARD MEETING
RANCH MANAGERS OFFICE
PINE MEADOW RANCH
JUNE 21, 2016

In Attendance: Dan Heath – Vice President; Honey Parker, Secretary; Matt Brown (Area 1); Jeremy Jespersen (Area 2); Tom Deaver (Area 4); Tom LeCheminant (Area 7).

Ex Officio – Jody Robinson, Ranch Manager

Excused: Tony Tyler, Pat Kreis, Alan Powell (Area 3); Bruce Hutchinson (Area 5), Mike Gonzales (Area 6)

Guest: Barry Eisen, and Bart DePetrillo, Lots PI-E-1 & 2; Bart DePetrillo, Chris Robinson, representing Lot E-40, Max Schiller, C-42; Cecilio Vazquez, P-E-96.

The meeting was called to order at 6:30 p.m.

Owner/Visitor Open Forum

Barry Eisen, Lot PI-E-1 & 2, presented building plans. Mr. Eisen and Mr. DePetrillo own both lots together in an LLC. Alan Powell is the Area 3 rep and they had sent Mr. Powell the PDF of his plans. The roof color was green metal. The wood siding would be a brownish stain. The shortest setback was 47 feet. The rest were 100+. Mr. Deaver asked if they had replatted with Summit County to combine the two lots into one lot. The owners preferred to leave it as two lots for now, but they only planned to build one structure. Two of three Architectural Committee members were present and they were satisfied with the plans.

MOTION: On behalf of the Architectural Committee Tom Deaver recommended approval of the plans for Lot PI-E-1 & 2.

The motion was not seconded.

VOTE: The motion passed unanimously.

Max Schiller, Lot C-42, submitted building plans for a garage. The roof would be Ranger Green and the wood siding would be stained Canyon Brown to match his house. He assumed the trim would also be green. The exterior material would be either T-11 or wood siding.

MOTION: On behalf of the Architectural Committee Mr. Deaver recommended approval of the garage on Lot C-42 contingent on payment of the impact fee.

The motion was not seconded.

VOTE: The motion passed unanimously.

Matt Brown asked if there has ever been a suggested minimum clearance around a house for fire. Mr. Heath believed it was 30 feet. Mr. Brown asked if anything could be placed within that 30 feet. Mr. Heath stated that all combustible material and vegetation should be removed from that clearance. Vegetation should be kept low.

Cecilio Vazquez, P-E-96, submitted building plans for the first time this evening. The Architectural Committee took a few minutes to review the plans. The upper roof would be brown metal. All other roofing would be brown asphalt shingles. Mr. Deaver noted that the plans were complete and the colors were approved. The impact fee is \$6,000.

Mr. Deaver noted that the Board could vote their approval of the building plans, colors and materials, but Summit County still needed to approve the setbacks and other County requirements.

MOTION: On behalf of the Architectural Committee Tom LeCheminant recommended that the Board approve the building plans for Lot P-E-69.

The motion was not seconded.

VOTE: The motion passed unanimously.

Chris Robinson, representing Lot E-40, stated that he attended this meeting to talk about the fine he was being charged for having a fire. Mr. Deaver had spoken with Alan Powell who told him that the fire was not in an approved fire pit. It was on the ground surface and barely 15 feet away from the structure itself. The contractor was burning construction debris. Since then the contractor has been using a refuse container. Mr. Robinson explained that the container was not used before because no one could make it up the hill to deliver it. He stated that they were working with siding in the snow and trying to keep their gloves dry.

Jody Robinson disagreed with Mr. Robinson because the container was there the day before the fire. Mr. Robinson was unaware of that and he apologized for being inaccurate. Mr. Heath asked for the amount of the fine. Mr. Deaver replied that it was \$500.

Mr. Heath informed Mr. Robinson that construction materials should not be burned under any circumstance. Mr. Robinson stated that he is a construction supervisor who was brought on the job site after the fire to make sure the rules are followed for the

duration of the construction. Mr. Robinson remarked that the supervisor who was on site during the fire told him that he had spoken with someone with the HOA who told him it was okay to burn. He was trying to fight the fine based on stories from other people. Mr. Heath asked Mr. Robinson if he knew the HOA member who said it was okay. Mr. Robinson did not know but offered to find out.

Mr. Brown thought the issue is that the builders do not always read the guidelines about building on the Ranch. He pointed out that the homeowner has the responsibility to make sure their builder reads the guidelines.

Mr. Deaver recalled that during the discussion about levying the fine, he and Alan Powell had wanted to issue a warning. The rest of the Board was adamant about issuing the fine to be consistent with the fines levied on everyone else who committed a violation.

Ms. Parker believed the challenge was the precedent and where they would draw the line. Mr. Brown thought the area reps could do a better job of educating their neighbors. They could begin by informing owners who submit building plans that the guidelines clearly state that construction materials cannot be burned.

Mr. Robinson stated that the construction workers were unaware of the burn rule. If they had known they would not have burned. He noted that they sometimes do control burns on the job site to during the winter when it is allowed. Mr. Robinson reiterated that he was unaware that a dumpster was on-site at that time and he would personally talk to his workers.

Mr. Jespersen stated that as a Board Member fire is a major topic and he personally has zero intolerance for fires. However, if the contractor was unaware and there was not a signed document, he believed it was unenforceable from a Board perspective. Mr. Jespersen thought they could be better at spreading the word about fires.

Mr. Heath thought it was in the Lot Improvement Plan that is given to the owner or the contractor. Mr. Deaver noted that the fire code is on the website under HOA documents. He did not see it on the Lot Improvement Plan or any other signed documents. Mr. Jespersen remarked that as a policy procedure going forward they could have a document signed by the homeowner. If there is an issue the HOA could send them a faxed copy of the document along with the assessed fine.

Ms. Parker suggested the same process that they recently did with people who wanted to build through the winter. The owner signs a document accepting responsibility to make sure their contractors do not block the road because they tried to access without

chains or causing road damage. The owner takes the liability if the road needs to be cleared.

Mr. Heath stated that for this particular situation the Board could either enforce the \$500 fine they voted to levy or they could revisit the issue. However, since it was a Board vote he was unsure whether it could be overturned. He asked if the Board was willing to accept half of the fine now in-lieu until the full Board meets again to decide whether or not to enforce the full fine amount and whether they even have the power to override the original vote. Mr. Deaver could find nothing in the bylaws about overriding a fire fine.

Mr. Robinson stated that he was not opposed to paying the fine. He primarily wanted to explain that the contractors were not aware that it was prohibited or they would not have done the burn. Mr. Deaver recalled that when the vote was taken to levy the \$500 fine most of the Board members were in attendance.

Mr. Heath pointed out that the HOA has always had zero tolerance for fire violations. The question was whether they now wanted to start looking at gray areas. Mr. Heath stated that unless they could find a written directive giving them the ability to overturn a vote from a prior meeting, he did not believe they could do it. None of the Board members were aware of any such document or written language.

Mr. Heath asked which Boards members were in favor of upholding the original vote to assess a \$500 fine for having an unauthorized fire and for burning construction materials. All the Board members except Mr. Deaver favored upholding the vote. Mr. Deaver held to his original opinion to issue a warning. Mr. Heath stated that since the majority of the Board members in attendance this evening would vote to uphold the original decision, Mr. Robinson would have to pay the fine. Mr. Deaver informed Mr. Robinson that Alan Powell would send him a letter of non-compliance and he should pay the fine as soon as he receives the letter.

Mr. Brown thought the Board should discuss adding a reminder in the Construction Checklist. Ms. Parker thought the Board should also talk about adding other important items or issues to make sure people understand what they are agreeing to.

Approval of Minutes – April 19, 2016

MOTION: Dan Heath moved to Approve the minutes of April 19, 2016 as written. Tom Deaver seconded the motion.

VOTE: The motion passed. Matt Brown abstained since he was absent from the April meeting.

Ranch Manger's Report

Jody reported that the new roller runs well. The lease payment is approximately \$3500 per month.

Jody stated that they have been installing signs, spraying weeds, doing roadwork and mag water. It was typical summer work.

Water Company Board Meeting Report

No report was given.

Monthly Budget Review

The Board reviewed the unpaid bills detail. Jody noted that the roller was on the Capital One bill, as well as parts that were ordered for the Ranger and the snow plow. The total amount of the unpaid bills was \$8,618.26.

MOTION: Dan Heath moved to pay the unpaid bills detail as outlined. Tom LeCheminant seconded the motion.

VOTE: The motion passed unanimously.

Mr. LeCheminant referred to the transaction detailed account for Pine Meadows and five checks from PI-F-75 for \$1500; FMC-60 for \$300; PI-26 for \$300; PI-E-28 for \$300; and FMC-69-A for \$300. Carol wanted the Board to know that these checks were additional contributions given to the Ranch by happy homeowners for roadwork.

Mr. LeCheminant referred to the second to the last page of the financials and noted that FM-C-41, Michael Forbes, Area 1, has requested that Carol dismiss the finance charges. Mr. Forbes submitted a note stating that he has tried for several weeks to contact area reps to discuss the bad road conditions and that no grading has been done. He specifically listed Forest Meadow Road to Bull Moose Road to Forgotten Lane. Matt Brown stated that he is the area rep and he was never contacted.

Mr. Heath assumed that Mr. Forbes withheld his payment because he was not satisfied with the roads and has since accrued finance charges. Mr. Deaver pointed out that the request was to dismiss the finance charge of \$9.76. Mr. LeCheminant suggested that

the area rep follow-up on the matter and report back to the Board next month. Mr. Heath cautioned about setting a precedent for withholding payment when someone is unhappy with the grading or road conditions. Mr. Brown believed Mr. Forbes was complaining about the road conditions in the Spring because most of Bull Moose has no drainage. Mr. Deaver pointed out that Mr. Forbes specifically said Forest Meadow from Blue Moose to Forgotten Lane. He noted that Forest Meadow is a major road that Jody keeps in decent condition.

Mr. Heath did not believe the Board should waive the finance charge. The Board members agreed. Mr. Deaver thought Mr. Forbes should have to pay the assessed dues before he disputes the finance charge. Ms. Parker thought he should also talk with his area rep.

MOTION: Matt Brown made a motion that Mr. Forbes should pay his mandatory dues and talk with his area rep. Tom Deaver seconded the motion.

VOTE: The motion passed unanimously.

Miscellaneous Business

Map

Mr. Heath asked if everyone had seen the HOA road map. He noted that the spelling was still wrong but that could be *added*.

Mr. Deaver had made copies of the map for each Board member and outlined his suggestions in red. He thought they should remove Church Road because it is not within the Ranch. He also suggested that they move everything up to the top a little more to leave more room at the bottom for larger wording. Ms. Parker noted that before the meeting she had asked for the actual dimensions of the sign because it did not match an 8-1/2 x 11 sheet of paper. It was actually longer than tall. Ms. Parker suggested that they could move the information from the bottom to the side where there is more room.

Mr. Deaver referred to the bottom from Junction Court to Oil Well and noted that there was no name on the road. He thought it would be confusing for people who are not familiar with the Ranch. He also indicated a section of road that should be identified as Forest Meadow. He has the same issue with a section of Arapahoe Road.

Mr. Brown thought they should include landmarks or other identifiers. Mr. Deaver asked if they should label the Ranch Manager's Office. Jody suggested that they put a

star on the map at Bobcat Springs stating “you are here”, because that is where everyone stops.

Ms. Parker suggested that they make the roads black rather than gray. Mr. Jespersen assumed they would add the winter parking lot. He asked if they could use the map as a dual purpose of labeling the road that is plowed to the winter parking lot. Mr. Heath preferred not to include the plowed roads. The plowed roads map should be on the website.

Mr. Heath thought they needed something to indicate the number of miles to I-80. He also proposed that they shrink the map and make longer roads up and down so people can see where they are. He noted that the map ignores everything above and below Pine Meadow Ranch and some of that information is important, particularly what is below. Ms. Parker offered to send the Board members the map she originally designed because it had that information.

Mr. Heath requested a vote of the Board to trust Ms. Parker to update and to order the map at the best price possible.

Ms. Parker wanted to make sure the road names were spelled correctly. Jody noted that Uintah was misspelled. Mr. Brown understood that Forest Circle should be changed to Bear Tooth. Since the signs are for visitors, he recommended that they replace the Bear Tooth street sign with Forest Circle to make the entire loop Forest Circle. Ms. Parker suggested that once the map is finalized it should be reviewed by the Board.

MOTION: Tom Deaver made a motion to approve the updated map electronically rather than waiting for the next meeting. Dan Heath seconded the motion.

VOTE: The motion passed unanimously.

Fireworks & Signs

Mr. Heath assumed everyone had read the letter that Alan Powell had sent to the Board members. He noted that the HOA does not have much of policy regarding fireworks. The policy for open fires is that when the sign is up fires are prohibited and that is rigorously enforced. Mr. Heath thought fireworks should be added to the policy. Mr. Deaver thought the sign said no open fires or fireworks. Jody replied that it only says no fires. Mr. Parker recalled that at one time there was a sign that said no fireworks. Jody would find the old sign that said no fires or fireworks. Mr. Deaver pointed out that according to Mr. Powell's letter, anytime the needle pointer is at moderate or higher, no

fires are allowed. He suggested that it also include fireworks. Jody would replace the sign.

Ms. Parker did not believe a sign was enough to make people aware. Besides posting it on Facebook she asked if the Board had other ideas for informing the owners. Mr. Brown wanted to know how the community learns about new rules that are imposed. Ms. Parker remarked that the challenge has always been the best way to reach people. Mr. Deaver noted that there is a drop down link on the website entitled safety and the fire rules and regulations are listed on the link. Mr. Brown pointed out that not everyone uses the website. Mr. Heath believed a sign saying no fires or fireworks was the best way to inform people because everyone drives by it.

Ms. Parker stated that she could also post it on Facebook. Mr. Deaver suggested a second sign to be placed at Oil Well. Ms. Parker noted that the Oil Well sign would not inform people living on Forest Meadow. Mr. Deaver suggested adding a third sign at the junction. Jody would order the signs which should say "no fire or fireworks. Fines imposed." He would order a sign for Oil Well and another sign to go up Forest Meadow.

Fire Station

Mr. Deaver referred to a concern expressed by Alan Powell that needed to be addressed. The Fire District would involve the HOA in the design process but needed the freedom to get things going. There was also some concern with the County Fire Board about whether the HOA was fully on board with the swap. They wanted to alleviate that concern as soon as possible.

The Board agreed that the HOA was in full support. Mr. Deaver recalled that one Board member questioned whether it required a vote by every owner because it was common property. Mr. Tyler had informed the Board member that a vote by the owners was not necessary. Mr. Heath offered to write a letter of support for the County. The Board requested that Mr. Heath write the letter.

New Construction

Mr. Deaver presented his plans for a pole barn and submitted the required documents. He had already paid his impact fee. The roof would be dark gray metal. The walls are wood stained cedar with batten.

MOTION: Dan Heath moved to approve the plans for a pole barn as submitted by Tom Deaver, PI-E-71.

The motion was not seconded.

VOTE: The motion passed. Tom Deaver abstained from the vote.

Tom LeCheminant presented plans for an addition on the back of his cabin so he could become a full-time resident. The addition would be 840 square feet of living space consisting of a master bedroom, bathroom, and walk-in closet. He was also proposing to add a 36' x 36' garage for a total of 1296 square feet. The roof would be green to match the existing structure. The siding on the addition would be log siding to match the rest of the house. The garage would be a 10G board. Mr. LeCheminant reviewed the site plan to show the placement of his garage and the addition. He submitted all the required documents. The impact fee would be paid prior to starting construction, which is contingent on selling his house in Salt Lake.

MOTION: Dan Heath moved to give conditional approval on the plans submitted by Tom LeCheminant, PI-D-29, contingent upon receipt of the impact fees. Matt Brown seconded the motion.

VOTE: The motion passed. Tom LeCheminant abstained from the vote.

Roads

Mr. Heath noted that the HOA had \$55,000 to spend on roadwork. He understood that the items previously approved by the Board had already been funded.

Mr. Heath asked Jody to give his opinion on roads. Jody had two major projects. One is by the horse property on Forest Meadow. The other was Pine Meadow Drive below the creek. He noted that the road is lower than the creek and he would like to build it up. Another project is the lower end of Navajo. Jody stated that he would be working on the end of Arapahoe the next day. Jody did not have a cost estimate on the road projects, but it would not be over budget.

Jody reported that one owner donated \$1500 for Pine Loop out of his pocket. Jody would spend all of the \$1500 on Pine Loop to fix the road.

Mr. Deaver commented on a portion of Navajo Drive that needs to have gravel. After the slightest rain it becomes a mud hole and he constantly gets complaints. Mr. Deaver also requested that Jody put road base on Navajo *Drive* down by the S turn from Navajo Drive to Deer Loop.

Mr. Brown commented on areas where there are low spots that need to be repaired. He mentioned a section below Dan's rental and another low section past Hamilton's house. Mr. Brown believed Bull Moose was the worst road in Forest Meadow. The Board added Bull Moose by Bowen's property and coming down to the list of projects.

Mr. Deaver asked what could be done with Pine Meadow just below Navajo Drive where the road broke apart and had been seeping out all Spring. Jody stated that he could build it up like he did at Bobcat.

Mr. Deaver commented on a section of road on Navajo near the two rentals that keeps washing out.

Mr. LeCheminant had given Jody a list of suggested roadwork in Area 7.

Ms. Parker stated that she would like to post on the website the roads that would be worked on this year and list the top priority projects. She posted it last year and people found it helpful. For that reason she would like a comprehensive list. Ms. Parker would compare the list she compiled from their comments and *check with Jody about getting the road list for the website.*

Mr. Heath commented on an issue related to a certain property owner and whether the property owner should be notified about their intentions to clean up his part of the road and the need for the HOA to maintain its right-of-way.

Mr. Brown noted that it was a prescriptive easement which means the HOA has a legal right to maintain the road. He pointed out that historically this particular owner has been against restoring the road.

Mr. Heath stated that the owner understands that the HOA has the right but he wants it cleared through him first. Mr. Brown asked if the HOA legally owes the property owner a notification. Mr. Heath did not know the answer. Mr. Brown thought it was an important question to ask the attorney. Regardless, Ms. Parker thought it would be a nice gesture to inform the property owner.

Mr. Deaver suggested that the Board could send the property owner a letter stating that they were advising him of the planned roadwork. Ms. Parker believed a letter or an email was appropriate. Mr. Heath thought it should be an official letter.

Mr. Brown thought the Board should find out what they can and cannot do, and how it should be communicated to the property owner. It was important to communicate with the property owner before the roadwork begins. If the owner opposes improving the

road because of the speed of traffic, the HOA could volunteer to put up a sign saying, "Please Drive Slowly". Ms. Parker was concerned that it would set a precedent and she would not want signs posted all over the Ranch.

Mr. Heath stated that he would talk with Tony Tyler and one of them would follow up with the property owner. Mr. Brown stated that he was willing to speak with the property owner and inform him about the roadwork, but he first wanted to have legal data to back him up and an official letter.

Jody stated that he would hold off working on that particular road until he heard back from the Board on how to proceed

Mr. LeCheminant reported that the trailer on the back of Windy Ridge was gone. The Board had talked about levying a fine but the owner removed it last weekend. Carol had told Mr. LeCheminant that the \$50/month fine was an inexpensive storage fee. Mr. Deaver noted that the trailer had been there for 28 years. He pointed out that people prefer to pay the \$50/month fine because the cost to put it in regular storage is much higher. Mr. Deaver suggested that the Board take another look at the fine structure. Mr. Heath was unsure if the temporary storage fine was listed on the fee structure. The Board would discuss it at the next meeting. Mr. Heath pointed out that the fine should be punitive rather than inexpensive storage.

The meeting of the Pine Meadow Owners Association Board adjourned at 8:29 p.m.
