

PINE MEADOW RANCH OWNERS ASSOCIATION
MONTHLY BOARD MEETING
RANCH MANAGER'S OFFICE
JULY 16, 2019

In Attendance: Pamela Middleton, President; Tom LeCheminant, Vice President; Stephanie Coleman (Area 1); Joe Pagel (Area 3); Bruce Hutchinson (Area 5); Ted Bonnitt (Area 6); George Sears (Area 7) Nicole Irving, (Area 4) arrived later in the meeting.

Ex Officio: Jody Robinson, Ranch Manager; Randy Larsen, Assistant Ranch Manager; Robert Rosing, HOA Legal Counsel

Excused: Andrew Pagel, Treasurer; Jeremy Jespersen (Area 2); Jann LeVitre, Secretary

Guests: Aaron, Lot FM-A-9, 2887 Forest Meadow Road; John Adams, Lot FM-D-136; Heidi and Brad Parkin, Lot PI-F-9, Leo Moshier, Lot PI-D-75

Pamela Middleton called the meeting to order at 6:33 p.m.

Approval of Minutes

June 18, 2019

Pamela Middleton reported on a correction submitted from Jann LeVitre who was not present. Mr. LeVitre referred to a sentence "Ms. LeVitre said that she would update the website when she received the new information, however, she could not be available for extensive updates to the website until after August 10th". Ms. Middleton remarked that the sentence needed to be corrected in the Minutes. She had no further clarification.

MOTION: Joe Pagel moved to Approve the Minutes of June 18, 2019 as amended. Stephanie Coleman seconded the motion.

VOTE: The motion passed. Pamela Middleton, Tom LeCheminant, and Bruce Hutchinson abstained from the vote.

Fire Station

Ms. Middleton did not have an update on the condemnation process and she assumed it was moving forward. Mr. Rosing stated that he was sent a draft of what was proposed as the next step. He would review the draft. Mr. Rosing noted that it was being called a Friendly Condemnation and he thought it would work well for everyone.

Final ruling on the continuity between the Fines, the Rules and the Fire Situation.

Mr. Rosing reported that the final ruling was that they needed to be meshed. There is a problem with the fire fines because there is no warning. Mr. Rosing would mesh all three documents and the Board could adopt them the same way they adopt other rules; which requires an advance notice 15 days prior to the meeting, giving the owners the opportunity to voice their opinion on the rules at the meeting, and sending out the actual adopted rules within 15 days after the meeting. If all three requirements are not met, they would need to go through the process again.

Ms. Middleton recalled that the Fire Rules state that a fire violation results in an immediate fine. Mr. Rosing agreed, which is the problem with the fire rules. The State Statute is very clear that they need to give a warning first. Ms. Middleton suggested that if they agree to change the rules it should be done when they vote on the CC&Rs. She did not want to go through the expense for one item.

Mr. Rosing pointed out that the Rules are amended by the Board; not the owners. However, the Board needs to give notice to the owners that they are voting on a change to the rules. Ms. Middleton remarked that the owners are noticed through a mailing which is expensive and time consuming for Carol. Mr. Rosing thought the mailing could be a postcard.

Ms. Coleman asked if the change to the Rules would be spelled out in the CC&Rs and whether that would be redundant. Mr. Rosing replied that the Rules and the CC&Rs are separate documents. Ms. Coleman read in the Minutes a question about whether the notice about the Rules could serve as the first warning. Mr. Bonnitt recalled a discussion on whether the warning could be the CC&Rs or some other document that every owner received and read. Mr. Bonnitt noted that the question was asked but never answered. Mr. Rosing replied that the answer was no, it could not serve as the warning.

Ms. Middleton recalled that the owner is given 10 days from the original warning before the fine is implemented. Mr. Rosing pointed out that a fire violation would not be a continuing violation. If someone has an unauthorized fire it would be stopped. For that type of situation, the owner is only given a two-day warning. If they repeat the violation the HOA can implement the fine. Mr. Rosing suggested that the HOA could have a separate fine schedule for fires and make the first fine extremely large.

Mr. Hutchinson was struggling with the idea of needing to issue a warning first on something as serious as a fire because it is dangerous. Mr. Rosing agreed and

encouraged the Board to fix the fine schedule. He remarked that every Association he deals with struggles with the warning because it is a health and safety issue.

Mr. Sears asked if they could post signs stating No Fires Allowed. Mr. Rosing stated that when someone commits a Rules violation, they must be issued a warning and given 48 hours to stop or correct the situation. Mr. Hutchinson did not believe that was a good solution because it only reaches the property owners and they typically are not the ones who have the fire. It could be one of their children or someone staying in their home. Mr. Rosing remarked that the owner is the one responsible for controlling whoever is on their property. Mr. Rosing noted that the current fine for a fire is very low. He recommended setting the first fine at \$3,000 after the warning.

Mr. Hutchinson wanted to know what would happen if an owner has several children and one is issued a warning but two years later another child commits the same violation. Mr. Rosing stated that the period within which they can fine after a warning is one year. If the owner receives a warning and a violation occurs again within that year, they can be fined. If it is two years later, the HOA would be required to issue another warning. Mr. Rosing stated that if the HOA bears any costs associated with the fire, those costs could be assessed separately from the fine.

Mr. Hutchinson noted that the State holds people accountable if they are responsible for causing a wildfire. Mr. Rosing replied that causing a wildfire is a different situation because that person is responsible for damage. A fine is an amount untethered to any cost. If someone starts a fire and the house burns down, that liability is different than a fine.

Mr. Sears asked if the issue would be addressed in the CC&Rs where they can articulate that there will be a schedule associated with fire. Mr. Rosing thought the CC&Rs already contained some language about fires. However, the fine schedule is a separate issue in the CC&Rs. Mr. Rosing stated that when the Board is ready, he could adjust the Fire Fine schedule to mesh with the current Fine schedule. Fire is a general liability issue; however, there are also general statements in the CC&Rs stating that if someone causes damage to another person's property, they are liable for the damages.

Ms. Middleton understood that Ms. LeVitre had put the three documents together and sent them to Mr. Rosing. Mr. Rosing did not recall seeing the documents. Ms. Middleton asked for a volunteer Board member to go through the fire text from the CC&Rs, the Rules, and the Fine Schedule and compare the current fines to the Fire Fines. It would be helpful if the Board could look at them side by side to see what was in each document. Mr. Rosing stated that he could take the language from the current Fire fines and merge them into the existing Fine Schedule. The Board could then

readopt the Fire Schedule with the fire language included as one document. Ms. Middleton reiterated that she was trying to find a solution that did not require the time and expense of another Rules change mailing. Mr. Rosing offered to look at the Fire Fine Schedule to determine whether the Fire Schedule needs to be amended.

Fire Pits

Ms. Middleton asked if Alan Powell would be liable if he approves a fire pit and something goes wrong. Ms. Coleman noted that Mr. Powell is not on the Board and, therefore, is not covered by the liability insurance. Mr. LeCheminant pointed out that Mr. Powell is with the fire department. Mr. Rosing stated that the easiest way to indemnify Mr. Powell would be to have him serve on a subcommittee. Ms. Middleton noted that Mr. Powell is the HOA authorized fire person. Mr. Rosing thought the D&O Insurance should provide coverage for members of subcommittees. Ms. Middleton asked if it would be safer if the Board voted on the approval forms in their meetings to reinforce it with Board approval as well. Mr. Rosing asked if Mr. Powell was authorized by the Board to make the determination on whether a fire pit is allowed on the property, whether it has enough clearance, and if the owner can burn. The Board members answered yes. Mr. Rosing believed that as long as Mr. Powell is on a subcommittee he should be covered for liability as much as any other Board member.

Ms. Middleton noted that for years Mr. Powell has been listed on the website as the fire safety contact for the HOA. Mr. Rosing recommended that the Board formally vote again this evening to ratify any prior votes and to reaffirm Mr. Powell as the fire safety contact and authorize him to make determinations related to fire pit approval.

Mr. Rosing asked Mr. LeCheminant to have Carol check the D&O policy to see if it covers members of subcommittees.

MOTION: Pamela Middleton moved to Ratify all approvals that Alan Powell has made in the past regarding fire pits and fire decisions; and to reaffirm that Mr. Powell is on a fire safety subcommittee and represents the Board for fire issues; and to authorize Mr. Powell to approve fire pit in the future. Tom LeCheminant seconded the motion.

VOTE: The motion passed unanimously.

Nicole Irving (Area 4) joined the meeting

CC&Rs Update

Mr. Bonnitt reported that things were moving forward. He had a very productive

meeting with Mr. Rosing a couple of weeks ago and they reviewed all the feedback. Carol had prepared an excellent table with all the comments they received from the outreach with the questionnaires; and from emails and other correspondence. Carol had categorized all the comments by Article and Category. In looking through the table Mr. Bonnitt found interesting patterns and there was good consensus from the people who participated. He estimated approximately 600 or 700 comments; as well as additional information obtained in the public meetings through hand raising and informal discussion. For example, Mr. Bonnitt was surprised how many people strongly objected to a playground.

Mr. Bonnitt stated that he was in the process of taking the last draft that went out and he was putting comments on the columns for everything everyone said that is useful. He was not including sensibility comments. Mr. Bonnitt remarked that once the CC&Rs are completed, the result will be a linear Word document with all the points, including typos and other things people had pointed out.

Mr. Bonnitt stated that the long-term strategy is to come back with a second draft that will be as close as possible to being voted on. The next draft will be greatly reduced in terms of complexity. He noted that Karen Post, a lot owner who has a career in simplifying legal documents, was helping with the iteration and it will come back to people in a readable form. Mr. Bonnitt stated that he has also had conversations with Ms. Middleton about what they can get accomplished and what they need to allow the next iteration to do going forward.

Mr. Bonnitt emphasized that the main objective is to get this document passed. They do not want to put too much in the document to create controversy. Most importantly, they cannot allow to have the CC&Rs be in disarray and conflicting. They need to create structure to make it possible to manage the Ranch. Mr. Bonnitt remarked that they were adding three or four initiatives that are popular that did not exist in 1970.

Mr. Bonnitt commented on the timeline and stated that the notion of trying to have 500+ votes cast positively in one day was unreasonable. He asked Mr. Rosing how they could address the issue, and Mr. Rosing suggested a proxy versus ballot. Mr. Bonnitt stated that the intent was to be ready to vote in the summer so they could utilize the number of people who volunteered to knock on doors and get out the vote; however, the timing was unrealistic. The idea of proxy will allow a much more natural and successful potential. The plan would be for Mr. Bonnitt to provide Mr. Rosing with all the information and Mr. Rosing would write the draft for the committee to review in September and allow for a comment period. He wanted the document to be very simple so people will read it and come back with their comments and hold a second meeting if necessary. Mr. Bonnitt stated that the comments from that round will be tweaked and

included in a votable CC&Rs draft to be presented at the Annual Meeting. Mr. Bonnitt hoped that enough people would come to the Annual Meeting to give them a good start on number of votes. Mr. Bonnitt remarked that if they do not get enough votes at the Annual Meeting, the Board could vote to extend the voting period through proxy. Anyone legally connected to a lot can legally vote. This would allow a second meeting next summer to have another critical mass vote. In between that time, the committee and the volunteers will have time to reach out to individual absentee owners who live farther away. They can contact the property owner and ask for their vote. If they are willing to vote, the property owner can just email their vote. The HOA can hire a third party to monitor the votes to address voting concerns. Mr. Bonnitt pointed out that they could gather votes ongoing until the meeting next summer. That would give them a year to conduct outreach in hopes of getting enough votes.

Mr. Rosing explained that the proxy would be a ballot proxy for at least one year. From the date of the first proxy they would have one year to collect additional proxies. He stated that they could possibly make the time period longer, but the default is one year. Mr. Rosing remarked that the proxy would look like a ballot. It is a Limited Directive Proxy. For example, the proxy language could say, "I appoint Bruce Hutchinson to be my proxy holder at any annual or special meeting of the members called in the next year, but to vote my interest only on the question of adopting the CC&Rs. And I direct him to vote as follows: I appoint my proxy to vote for or against." Mr. Rosing stated that the proxy will functionally look like a ballot, but the actual language makes it a proxy and valid for basically a year. Mr. Rosing stated that a proxy can be revoked at any time and if someone changes their mind within that year, they can revoke it.

Mr. Rosing clarified that the downside of a proxy vote is that a meeting must be held at some point where they vote the proxies. It can be a 5-minute meeting where the vote is called, and the proxies are voted. Bruce Hutchinson asked why the property owner would not just vote yay or nay rather than telling the proxy how to vote. Mr. Rosing stated that if they do it as a ballot, the ballot is only good for whatever meeting the vote is called. For example, if they call a meeting in November and they do not get enough votes, they would have to start over again because the ballots were only good for that meeting. With a proxy, the lot owner can either appoint a proxy or cast the vote themselves. Mr. Hutchinson perceived the proxy as being another opportunity to get their way by extending the voting period if the first vote does not go their way. Mr. Rosing agreed. He stated that for some people who think the process is unfair, the response is that in these situations it is almost never a matter of people voting no. It is a matter of people not voting and they need to conduct the outreach. Mr. Bonnitt pointed out that people who do not vote are considered a no vote. A proxy allows the owners to make a choice because most of them are unaware.

Ms. Irving asked when there would be another CC&R meeting. Mr. Bonnitt stated that he would call a meeting as soon as he can get the notes compiled and reviewed by Mr. Rosing. Ms. Middleton anticipated a meeting in September.

New Construction and Additions

Lot FM-D-181 – Stephen Poll

Mr. LeCheminant presented plans for a cabin on Lot FM-D-181 and reviewed the color samples. Brown or Slate were the two, color options for the roof. The siding would be Aspen. It is considered a cement board because the front layer is cement, but the material is particle board on the back.

Mr. LeCheminant had asked Mr. Poll to provide a lot survey but he had not yet received it

MOTION: Tom LeCheminant moved to Approve the plans as presented for Lot FM-D-181 pending submission of the lot survey. Bruce Hutchinson seconded the motion contingent upon the lot survey.

Mr. Hutchinson noted that sewer and other utilities needed to show on the survey as well.

VOTE: The motion passed unanimously.

PI-B-19 – The Pole Barn

Mr. LeCheminant reported that he spoke with JR many times last year about what needed to be done to get the plans approved. He went ahead and started the pole barn and Mr. LeCheminant told him he needed to stop working on it until it was approved by the Board. Mr. LeCheminant noted that Summit County was informed and Summit County Code Enforcement came up. The owner came to Mr. LeCheminant's house on Sunday but the submission was not complete. There was no Lot Improvement Agreement or parcel survey. The owner was using the documents from Summit County which specifically states that the map is not valid. The lot needed to be surveyed.

Mr. LeCheminant noted that the submission was not complete and the plans were not ready to be voted on by the Board. Carol sent the property owner all the necessary paperwork that needed to be completed.

Lot PI-E-30

Mr. LeCheminant reported that Carol had sent a letter to the property owner regarding the teal house color, but the owner had not responded. The owner was given ten days to respond. Carol had sent Ms. Middleton a copy of the letter. She did not have it with her and needed to look at the date on the letter to see when the 10-day period expires. Mr. Rosing noted that the property owner has an attorney and for that reason he thought further correspondence or action should come directly from him rather than Carol. Mr. Hutchinson commented on the importance of following through because otherwise they would be setting a precedent for others to do the same.

Mr. Rosing stated that the Board could begin with the initial fine. Ms. Coleman asked if they made this issue clear in the CC&Rs whether that would avoid setting a precedent in the future. Ms. Middleton pointed out that the CC&Rs enforce the Architectural Guidelines that prohibit blue colors. It is a new build and they should reinforce the Rule to let people know the Board was trying to maintain continuity in the neighborhood.

Mr. Rosing would follow up with Carol to make sure the owners had not responded before taking further action.

MOTION: Ted Bonnitt moved to authorize Robert Rosing to send a letter to the owners of Lot PI-E-30 with the initial fine of \$250 for not complying with the agreed color. Nicole Irving seconded the motion.

VOTE: The motion passed unanimously.

DMS4 – Deer Meadows

Mr. LeCheminant reported that the owner was back in town and Carol planned to contact her. He had not heard back from Carol and had nothing further to report.

Lot PI-E-19

Mr. LeCheminant stated that Mr. McDowell, Lot PI-E-19, wants to build a 30'x 30' garage on his property with future living space in the loft. One structure already exists on the property. Mr. LeCheminant noted that the 900 square foot mother-in-law apartment is allowed by Summit County. Mr. LeCheminant believed the existing structure was approximately 1700 square feet. The property owner was considering whether to attach the garage to the house.

Mr. LeCheminant discovered that he did not have the plot plan right before the meeting. He contacted the owner, but the Board could not vote on the building plans without the

plot plan.

Mr. LeCheminant noted that he had asked Carol to add the checklist of items required to the bottom of the Architectural Guidelines and also to the Lot Improvement Agreement.

Ms. Middleton asked if Carol could change the Architectural Guidelines without a vote. Mr. Rosing clarified that they were not adding a new rule, they were only adding a checklist. Mr. LeCheminant explained that the checklist was previously included in the Architectural Guidelines, but people would print out the Lot Improvement Agreement without looking at the Guidelines. Mr. Rosing emphasized that it was appropriate to include the checklist list.

Abandoned Buildings and Trailers

Lot PI-63

Mr. LeCheminant reported that the owner of Lot PI-63 on Navaho was planning to remove the deck. He also heard that the owner was trying to hire someone to demolish the building.

Lot PI-E-12

Mr. LeCheminant reported that the owners of Lot PI-E-12 had not responded. The trailer that was on the property was moved to the parking lot; however, when the Board asked people to move their stuff out of the parking lot, the trailer was moved back to the property.

Mr. LeCheminant thought the Board should discuss this issue with Robert Rosing at a later time.

Parking Lot

Mr. Hutchinson remarked that the Ranch Manager did a wonderful job of cleaning out the upper parking lot. However, the lower parking lot appears to be a catch-all for all kinds of things. Mr. Hutchinson suggested that the HOA should start renting space for storage on items left there over one month. If people want to park in the lot rather than on their own property, they HOA should be compensated.

Mr. Hutchinson stated that for 20 years there have been issues with people not being able to find a parking space because others store their vehicles and other items in the

lot. Mr. Hutchinson thought the Board should address the issue before winter.

Mr. Hutchinson pointed out that people who use the mailboxes pay for them, and it should be no different for those who choose to use the parking lot for storage. He noted that the parking lot was originally established for people who came to the Ranch for a week or less. It was used for that purpose for years before it became a catch-all for boats, trailers and other items.

Ms. Middleton asked Mr. Hutchinson to prepare a proposal with a reasonable fee for the Board to discuss and possibly vote on at the next meeting. Mr. LeCheminant offered to help Mr. Hutchinson devise a plan.

Manager's Report

Randy reported that he and Jody have been working on the roads and getting ready for the mag water on July 22nd. They started at the bottom above Oil Well at the end of the pavement all the way to the Scout Camp. Mr. LeCheminant clarified that they had done Forest Meadow and they were working on Pine Meadow. Randy stated that they had gone from the bottom up to Bull Moose.

Randy had been digging ditches, but he was nervous about power lines. Mr. Pagel stated that when he built his home, he took pictures and called Rocky Mountain Power for Blue Stakes.

Ms. Middleton asked if all the mag water would be done in one day. Randy answered yes. He noted that Jody did not intend to close off roads because people drive around the signs and drive on the roads anyway.

Ms. Irving suggested putting up the detour signs because even if it deters some people that would be less driving on the roads. Mr. Rosing agreed. Some people drive around the signs, but they still need to alert the people who do not want to damage their cars with the mag water. Randy stated that there was no way to get on and off the Ranch without driving the roads because they were doing Forest Meadow and Tollgate Canyon. Mr. LeCheminant stated that people can go up Tollgate Canyon to Oil Well and back across.

Ms. Middleton offered to talk to Jody about road closures. Mr. Rosing stated that if people want to ignore the signs that is their choice, but he assumed other people would find an alternate route.

Mr. LeCheminant had spoken with Jody and the Chevy truck needs to go in for an issue

with the computer because the RPM goes up rapidly. The oil plugs need to be replaced on the Ford diesel.

Road Signs

Mr. LeCheminant reported that Jody was compiling a list of needed road signs. They could either go back to the original company or another option is that Jessie Arnett has a sign company and he was willing to match the price. Mr. LeCheminant noted that the price per sign is less if they order several signs.

Mr. LeCheminant commented on speed limit signs. The total price from Impact Sign was \$1500 for six speed limit signs at \$20 and six signs at \$25; three signs saying Welcome to Pine Meadow Ranch HOA with the website; and an additional sign at the bottom saying Entering Private Roads/Private Property to let people know that it is not a Summit County road.

Mr. LeCheminant noted that Jessie Arnett suggested reducing the size of the signs to save money. Mr. Arnett recommended 12 x 18 for the speed limit signs, 18 x 24 for the welcome sign, and 18 x 24 for the entering private property sign. The sign size from Impact Sign was 24 x 36.

Mr. Rosing believed Summit County has a sign ordinance and they need to make sure whatever signs they order meet the ordinance requirements. He suggested that the Board err on the side of smaller signs as opposed to larger signs. Mr. LeCheminant offered to contact Summit County regarding the sign ordinance.

Mr. Bonnitt asked about further discussion on the radar equipped flashing sign. Mr. LeCheminant stated that the cost of a flashing sign is \$2500. Mr. Bonnitt did not think speed limit signs were effective because oftentimes people do not see them. Mr. LeCheminant stated that currently nothing was posted on the Ranch suggesting a speed limit and he was concerned about liability in the event of a serious accident. He was trying to contact the Summit County Sheriff to see if they would set up their radar flashing sign on the Ranch a few times. Mr. Bonnitt asked if that would invite the Sheriff's Office to run speed traps on the Ranch. Mr. LeCheminant pointed out that they need speed limit signs before anyone could enforce speeding. Mr. Rosing thought the Sheriff's Office would have no interest in policing the Ranch roads.

The Board discussed speed limits. Mr. LeCheminant thought another issue was how to enforce the speed limits once they post the signs. Mr. Rosing stated that per State law, any road that is not posted is deemed to be 25 mph. Mr. LeCheminant recommended a 25 mph speed limit on Tollgate Canyon and 20 mph on HOA roads.

Mr. LeCheminant was looking for a vote this evening on a not to exceed amount for the speed limit signs, the welcome signs, and the entering private property sign. Mr. Hutchinson asked if there was money set aside in the budget for the signs. Mr. LeCheminant replied that it was not a budget item, but he estimated that another \$6,000 would be collected in assessments, or they could use the reserve account. It is a safety issue and it alerts people to the fact that they are driving through an HOA.

Mr. Rosing thought the Board could approve a capped amount subject to Mr. LeCheminant confirming the size and number of signs.

Mr. LeCheminant recalled that Jessie Arnett had estimated approximately \$1100. Impact Sign Company was approximately \$1500. Ms. Coleman noted that per an email, Jessie Arnett had proposed 18 total speed limit signs for \$675; and four HOA signs for \$300. Mr. LeCheminant was willing to work with \$1,000 because it would help to get some signs.

Ms. Middleton asked if she could cast a proxy vote for an absent Board member who asked her to proxy vote for them. Mr. Rosing answered no.

MOTION: Pamela Middleton moved to Approve \$1,000 to purchase speed limit signs and three Welcome to HOA signs and one private property sign. Stephanie Coleman seconded the motion.

VOTE: The motion passed. Bruce Hutchinson abstained from the vote.

New Board Member Orientation

Ms. Middleton asked if it was possible to set up an orientation for the two new Board members and record it with Owl or some other recording device. If they record it the HOA would not have to pay for it again for future Board members. Mr. Rosing thought it was best if he conducted the orientation so he could answer questions. He prefers to keep the orientation to 10 or 15 minutes. Mr. Rosing was not opposed to being recorded. Ms. Middleton thought a recording would enable a quicker orientation rather than having the Board members wait a month or two.

Mr. Hutchinson suggested a pamphlet or brochure outlining the responsibilities of the Board members. Ms. Middleton asked for a volunteer to prepare a New Member Orientation brochure or pamphlet. Ms. Irving offered to put one together. Ms. Middleton noted that Stephanie Coleman and George Sears were the new Board members. She suggested that they coordinate with Mr. Rosing to find a date when all three were

available.

RFP for Snow Removal

Ms. Middleton had emailed the Snow Plow RFP to the Board members. She noted that it was the same one that went out last year with a few minor updates. The RFP would be sent out for bids.

Ms. Middleton stated that Brian Myers was interested in plowing again this year, but he charged much more than what the Board had budgeted. It was noted that Sam Scaling was interested in plowing again. The Board was comfortable proceeding with the RFP and posting it on KSL or another means less expensive than the newspaper. Ms. Middleton was also willing to send a copy of the RFP to specific individuals who might be interested in submitting a bid. The Board discussed the best places to post the RFP. Someone suggested posting on Ask Park City.

MOTION: Pamela Middleton moved to electronically post the RFP for bids. Joe Pagel seconded the motion.

VOTE: The motion passed unanimously.

Ms. Middleton asked for a volunteer to help with the postings. Ms. Irving offered to post the RFP on KSL. Ms. Middleton would try to send the RFP from the HOA Facebook page to Ask Park City. She would ask Ms. LeVitre to post it on the Website.

Monthly Budget Review

The Board reviewed the unpaid bills detail. Joe Pagel reported that Andrew Pagel was not able to attend this evening but he had reviewed the unpaid bills and he had no issues or concerns.

Mr. Pagel noted that the reimbursement to Susan Smith for the Fire Safety picnic was for supplies for the potluck. Ms. Middleton stated that the Board had voted by email to approve that expense.

MOTION: Tom LeCheminant moved to Approve the CC&Rs expense for Ted Bonnitt in the amount of \$318.43. George Sears seconded the motion.

VOTE: The motion passed. Bruce Hutchinson voted against the motion. Joe Pagel abstained.

The Board continued reviewing the unpaid bills in the amount of \$17,390.50; including the approved reimbursement for Ted Bonnitt.

Ms. Middleton questioned a text she received from Carol regarding a \$5,130 missed payment. Mr. LeCheminant stated that it was budgeted last Fall for the sand shed. The amount was voted on and approved. It was included in the 2019 budget because the invoice was paid this year.

MOTION: Tom LeCheminant moved to Approve payment of the Unpaid Bills as presented in the amount of \$17,390.50. The Board had voted by email to reimburse Susan Smith for picnic supplies for the Fire Safety Meeting. Pamela Middleton seconded the motion.

VOTE: The motion passed unanimously.

\$5,000 Donation

Ms. Irving asked Mr. LeCheminant if he had obtained a cost for the gazebo. Mr. LeCheminant stated that he had not had time, but he planned to draw it out and get a quote on the materials. He would ask people on the Ranch to donate labor to build the gazebo. The HOA would need to purchase the materials.

Mr. LeCheminant stated that after the last meeting he spoke with families with children about the gazebo and the park. Most everyone objected to the park. He noted that the \$5,000 donation could be used for the gazebo because it would benefit the community.

For the benefit of the Board members who were not at the last meeting, Ms. Irving explained that the Board talked about having a couple of picnic tables, a bring your own propane fire pit, and possibly a gazebo in lieu of a playground.

Open Forum

FM-D-178

Pamela Middleton, Lot FM-D-178, made comments as an individual lot owner. If anyone knows of neighbors killing wildlife, she asked if they would tell them to stop. She has seen dead animals on the road, and many are species that people think are non-native and killing the forest. For example, she has seen dead porcupines and even though they sometimes kill trees, they have lived on the Mountain longer than any of the people on the Ranch. Ms. Middleton stated that she is a biologist and any stories they have heard on the Ranch about why porcupines should be killed is not correct. They

are native animals who live there and have evolved with the Forest. Ms. Middleton remarked that property owners have killed more trees building their houses and clearing their fire breaks than a porcupine will kill in its lifetime.

Ms. Middleton urged everyone to stop hating the animals. People need to accept and embrace what they have on the Ranch. Everyone will not like everything, but they need to learn to live in harmony.

Mr. LeCheminant noted that if someone kills an animal with a firearm, they should call the County Sheriff. Mr. Pagel stated that killing an animal in other ways can be considered animal cruelty.

Ms. Middleton clarified that her comments were personal as a property owner and it did not represent the thoughts or feelings of the Board.

Lot FM-D-136

John Adams, Lot FM-D-136, asked if the Board has ever considered using something other than mag water or possibly transitioning to some other type of application for the roads that is less toxic. For example, recycled asphalt is readily available. It absorbs sound and it keeps down the dust, and it adheres to itself better than the rock/dirt mix they have on the roads.

Mr. Hutchinson stated that for a number of years they used recycled asphalt as the base rather than pavement, and it was a total disaster. It was expensive to maintain, and it washed out.

Someone stated that it was used in his neighborhood in Missouri and every year for about two weeks he had to drive through the neighborhood at crawling speeds or it would flip black tar all over the car.

Mr. Adams asked if there were other alternatives because mag water is a toxic material. Mr. Hutchinson replied that mag water is a salt and it is widely used to keep down the dust. Mr. Pagel thought Mr. Adams was talking about magnesium chloride which is completely different from mag water.

Ms. Middleton stated that the mag water is scheduled for July 22nd. The roads receiving mag water would be posted on the HOA Facebook page, the website, and Ms. LeVitre would send out an informational text. She encouraged Mr. Adams to avoid the sections being mag watered for 24 hours. If it gets on a car it should be washed off immediately because it is a salt and can cause corrosion.

Mr. LeCheminant believed that if there was another option that was reasonably cost effective they would use it, but at this point mag water was the best option.

FM-A-9 - 2887 Forest Meadow Road

Aaron Lot FM-A-9, 2887 Forest Meadow Road, did not have an issue for the Board. He only came this evening to observe and hear the discussion. Mr. LeCheminant noted that the property owner was currently leasing with an option to buy.

Lot PI-F-19

Heidi Parkin introduced her husband Brad Parkin and her daughter Lisa. They own Lot PI-F-19 at 1972 Pine Loop. Her dad purchased the lot in 1983 and when he died five years ago they purchased it from the estate in order to keep it in the family. Ms. Parkin noted that the lot did not have water. Carol told her to attend a Board meeting to see if they could not get connected to water faster. Mr. LeCheminant stated that matters related to water should be addressed to the Water Company Board. Mr. Hutchinson stated that she would need to come back to the HOA if they decide to build on their lot. Ms. Parkin stated that they could not afford to build a home, but they want to put a storage shed on the lot. Mr. LeCheminant informed Ms. Parkin that the Board could review and approve plans for a shed. Ms. Parkin noted that the kit shed is 10' x 14'. She thought that was the minimum size, but Carol told her it was larger than the minimum size and she would have to pay \$336. They were willing to pay the fee and they wanted to bring in a backhoe to flatten an area to locate the shed.

Mr. LeCheminant noted that the Water Board meeting was last Thursday, however, the Parkin's could turn in their paperwork to the Water Company, pay the fee, and hook up the water. The lot does not need to have a building on it.

Mr. Parkin asked if they would put a meter and a yoke 10 feet into his property. Mr. LeCheminant was unsure about the yoke, but it would be a meter and a stub out. Mr. Hutchinson pointed out that it would actually be located in the right-of-way. Mr. Parkin should mark where he wants his meter set, drive a stake and paint it orange. It does not require a vote by the Water Board, but the fees need to be paid. Mr. Hutchinson explained that the HOA has a prescriptive easement 33' from the center of the road. The property line starts 33' at the center and the meter needs to be within that right-of-way.

Mr. Parkin noted that they were only planning to re-excavate what was excavated 20 years ago and bring in some gravel. He asked if it was possible for an owner to

piggyback an order the HOA has coming in for roadwork. Mr. LeCheminant answered no because the HOA buys what they need by the truckload.

Mr. LeCheminant noted that the shed was not a permanent structure and it could be moved.

Lot PI-D-75

Leo Moshier, Lot PI-D-75, missed the fire pit discussion at the beginning of the meeting. He understood the Fire Pit rule was based on CC&R #15, but that set of CC&Rs was not recorded against his property. He had no intention of burning, but he wanted to know how that rule is enforced against Lots that the set of CC&Rs is not recorded against.

Mr. Rosing remarked that Pine Meadow Ranch versus Forest Meadow Ranch, 2002, was a lawsuit about whether Forest Meadow Ranch was part of Pine Meadow Ranch. Mr. Moshier stated that his lot is part of Pine Meadow.

Mr. Rosing stated that if the question is whether Mr. Moshier must follow the Fire Rules, the answer is yes. If he is part of the Ranch he needs to follow the CC&Rs. Mr. Rosing stated that if Mr. Moshier did not want to follow the fire pit rules, he could submit an alternative for the Board to review. Mr. Rosing believed the issue for a debate was beyond the scope of an Open Forum.

Mr. Bonnitt pointed out that the main reason for rewriting the CC&Rs was to make everything consistent for all lot owners throughout the Ranch.

Mr. Hutchinson noted that the fire restrictions were included in the Rules and Regulations which covers everyone on the Ranch.

Someone referred to the Board discussion regarding the teal house color. He was concerned that if they were enforcing color against one house it would result in a lawsuit; and he did not want his dues to be increased to cover legal fees because the Board decided to arbitrarily enforce color. It was pointed out that other houses in the community were built under different Guidelines when brighter colors were not specifically addressed. However, if an owner intends to repaint the outside of the house in a different color the Board needs to approve the new color.

Ms. Middleton shared the concern about legal issues and assured him that the Board was being as careful as possible to avoid a lawsuit. Mr. Rosing explained that if the HOA implements a fine and the owner objects to the fine they could sue the HOA.

However, fines change the order of the lawsuit, which means the lawsuits that arise typically trigger HOA insurance coverage and the insurance company would pay the legal costs.

Someone asked whether the mag water could be scheduled closer to July 4th. Mr. Hutchinson stated that Jody tries to get an earlier date every year but the mag water company is so busy that it never happens. The suggestion was made to schedule it a year out.

Someone asked if a draft copy of the CC&Rs was available for the public. He was told that a draft was not available at this time. Mr. Rosing stated that when the next draft is ready, they could possibly run a redline from the old draft to the new draft so everyone can see all the changes. Mr. Bonnitt thought it would be easier to redline between the second draft and the final draft.

The meeting of the Pine Meadow Owners Association Board adjourned at 8:30 p.m.
