

PINE MEADOW RANCH OWNERS ASSOCIATION
MONTHLY BOARD MEETING
RANCH MANAGER'S OFFICE
AUGUST 21, 2018

In Attendance: Tony Tyler – President; Tom LeCheminant - Vice President; Pamela Middleton, Secretary; Andrew Pagel, Treasurer; Jeremy Jespersen (Area 2); Robert Walthall (Area 4); Bruce Hutchinson (Area 5).

Ted Bonnitt was appointed as the Area 6 Rep and participated via telephone.

Ex Officio: Jody Robinson, Ranch Manager; Robert Rosing, HOA Attorney

Excused: *Jonathan* Hoffman (Area 1); Joe Pagel (Area 3); Byron Harvison (Area 7)

Guests: Peggy Simeone, Aspen Ridge Ranches; Christie Alderman, Aspen Ridge Ranches; Milos Ochtabec, Lot B-24; Carolyn Strathearn, Lot F-50; Amy Wright, Lot FM-C-57; Paul Waite with Beehive Broadband; Zach Jacobsen with Woodman Telcom.

Tony Tyler called the meeting to order at 6:52 p.m.

Approval of Minutes

July 17, 2018

Pamela Middleton referred to page 1 and noted that the Minutes state that Tony Tyler called the meeting to order. She changed that to correctly read Pamela Middleton since Mr. Tyler was absent.

Ms. Middleton referred to page 17 the Minutes, the last sentence, where she had asked Carol to send a letter to Pam Slaughter, P-a-m, not Kim Slaughter as reflected in the Minutes.

MOTION: Bruce Hutchinson moved to APPROVE the minutes of July 17, 2018 as corrected. Pamela Middleton seconded the motion.

VOTE: The motion passed. Tony Tyler and Andrew Pagel abstained since they were absent from the July meeting.

Appoint Area 6 Representative

Mr. Tyler asked the Board to appoint Ted Bonnitt as the Area 6 representative. Mr. Bonnitt was participating via telephone. He accepted the appointment as the Area 6 representative.

Mr. Hutchinson asked if Mr. Bonnitt was full-time, part-time or a landowner. Mr. Bonnitt stated that he was a part-time owner. He has a cabin on Lot PI-55 in Area 6.

MOTION: Tony Tyler moved to APPOINT Ted Bonnitt as the Area 6 Representative for the remainder of this calendar year; at which time Area 6 will be open for election after the Annual Meeting of 2018. Tom LeCheminant seconded the motion.

VOTE: The motion passed unanimously.

Appointments to CC&R Review Committee

Mr. Tyler requested that the Board appoint Ted Bonnitt and Roy Parker as the CC&R review committee; as well as anyone else who would like to volunteer. Carolyn Strathearn volunteered. Bruce Hutchinson and Pamela Middleton stated that they had previously volunteered and would continue to do so. Robert Walthall and Andrew Pagel also volunteered. Robert Rosing recommended that the committee members appoint a chair to coordinate directly with Mr. Rosing.

Mr. Bonnitt stated that since he is now a Board member and Roy Parker is a full-time resident and has a legal background, they were willing to work as the point people to keep the process as simple as possible. Mr. Parker was not present. In his absence, Mr. Bonnitt offered to take the Chairperson position for now. He and Mr. Parker will discuss it and make a change if Mr. Parker prefers to be the Chairperson.

MOTION: Tony Tyler made a motion to APPOINT as members of the CC&R Review Committee Ted Bonnitt, Roy Parker, Pamela Middleton, Robert Walthall, Bruce Hutchinson and Carolyn Strathearn and Andrew Pagel. As a part of that Committee, the Board further appointed Ted Bonnitt as the Chairperson and primary point of contact for Robert Rosing. Tom LeCheminant seconded the motion.

VOTE: The motion passed unanimously.

Mr. Rosing stated that the first item for the Committee is to work on the questionnaire. Mr. Bonnitt had filled his out as much of the questionnaire as possible based on his knowledge at this point. He suggested that under Mr. Rosing's guidance, everyone who needs to fill out the questionnaire should get it done as quickly as possible. He would like to talk with Mr. Rosing and the Committee to set up a timeline and a schedule for what they need to do to keep the momentum going on the information they gathered this summer.

Mr. Rosing offered to work on a revised timeline.

New Construction/Additions

PI-11

Mr. LeCheminant noted that the owner of Lot PI-11 had already started construction on a garage and claimed that he was unaware that he needed HOA approval. The owner attended a previous Board meeting in early summer, but the Board did not have a quorum to formally make the decision; however, they did discuss the plans. Mr. LeCheminant did not believe the Board had voted on the plans.

Mr. LeCheminant stated that the owner has since paid his fees. The garage does not have a roof because the owner was waiting for Board approval. The garage is a standard Tuff-Shed building. He recalled that it would be a shingle roof. The structure meets all the Architectural Guidelines.

MOTION: Tom LeCheminant moved to Approve the 11' x 16' garage on Lot PI-11 at \$2.40/ sf. Tony Tyler seconded the motion.

VOTE: The motion passed. Robert Walthall and Ted Bonnitt abstained.

Lot PI-B-2

Mr. LeCheminant reported that Jim Madore, Lot B-2, would like to put a shed on their property. There is no other structure on the lot. The Mador's attended the last meeting to present their plans, at which time Bruce Hutchinson requested that they postpone a decision to allow time to determine whether a full impact fee was required or just the impact fee for a shed. Mr. Hutchinson's concern was that people build a structure that they call a shed, but actually end up living in it.

Mr. LeCheminant presented a picture of the shed.

Mr. Hutchinson reiterated his concern that too many people come to the Ranch and build what they claim to be a storage shed without water or power and then live in it. He believed it was an effort to keep from paying the full impact fee for a habitable structure. Mr. Hutchinson thought the proposed shed on Lot B-2 could potentially be one of those situations.

Mr. Pagel had spoken to someone about Mr. Hutchinson's concern. He was told that because there are no guidelines to prevent that from happening, it could create an avenue for owners to sue the Board. Mr. LeCheminant noted that the Rules and Regulations state that a building must have over 400 square feet of living space on the

main floor to be habitable.

Mr. LeCheminant noted that he specifically asked the owners if they intended to live in the shed because it is the first building on the lot. Mr. Madore told him no because he plans on building a house next year. They want the shed to store tools and other items.

Mr. Hutchinson remarked that another issue that was discussed, was the possibility of having the owners pay the regular impact fee now, rather than next year when they plan to build the house. He believed that would eliminate any issues with the shed. Mr. Tyler stated that the problem is that sometimes people pay the impact fee; but for whatever reason they are not able to start construction as planned and request that the Board refund the impact fee.

Mr. Rosing believed that it was an enforcement issue. If someone builds a shed and they end up living in it, the HOA should go back and assess the impact fee. Mr. Hutchinson pointed out that there is no fee for non-compliance. Mr. Tyler stated that if the owner only builds a large shed, historically the HOA has not charged the full lot construction assessment for those types of structures; specifically predicated on the fact that the structure is not occupied. Mr. Tyler did not believe it was an enforcement issue from the standpoint of the HOA. Summit County prohibits a shed to be occupied on a residential basis; therefore, anyone living in a shed would be at risk for a Summit County Code Violation and County Enforcement. Mr. Rosing did not believe the HOA and Summit County were mutually exclusive. Both could pursue enforcement. Regardless of what happens with Summit County, the HOA could still enforce and collect the \$6,000 impact fee; and inform Summit County if they chose to do so.

Mr. Rosing apologized because he did not have the opportunity to do the intended research on this issue and other issues that were discussed at the last meeting prior to this meeting. However, if sheds on the Ranch are currently being used as residences, the HOA should address those as well and collect the full impact fee.

Mr. Hutchinson believed the HOA is responsible for the roads and making sure that whatever is built on one lot does not decrease the value of the neighboring property. He was looking at this issue on those two basic premises. Mr. Tyler thought it could be subjective. He pointed out that the Board does not review driveways, water taps, or septic systems. Someone could cut in a driveway, add a septic tank, water hookups, a power connection, and build a nice camping site to park their trailer without having to pay anything. In his experience, it has always been interpreted that the impact fee is for the first occupied structure. He suggested that they make that clarification in the fee schedule and other documents so it is clear. Mr. Tyler recalled that the Architectural Guidelines do not specify "occupied structure".

Mr. Rosing stated that part of the impact fee is to pay for the roads. Living in a shed creates a greater impact and the HOA should collect the full fee from those residents. If they are living in a structure that should not be used as a residence there are three enforcement mechanisms. One is to go to Summit County. The second is to collect the impact fee. The third is to take enforcement action and tell the individuals they cannot live there. Mr. Tyler noted that the Guidelines state that if it becomes an eyesore or appears to be abandoned, the Board can take legal action. He also recalled that the Guidelines require owners to follow Summit County Building Codes. If someone is occupying a structure without a building permit, they would be in violation of the Summit County Building Codes. Mr. Rosing noted that the violation could be included in the revised Fine Schedule, which would be approved at the Annual Meeting. For a continuing violation the owner would have to pay the maximum fine every month; and after a certain point the HOA could place a lien on the property.

Mr. Hutchinson commented on places he knows of on the Ranch where a shed was built and later crushed and it is sitting on the lot in a pile. He believed that was an eyesore. Mr. Rosing thought they should enforce the eyesore language. Mr. Tyler agreed. The HOA should send a notice and inform the owner that the deteriorated or abandoned shed needs to be cleaned up. Mr. LeCheminant thought the CC&Rs also had language about abandoned structures.

Mr. Hutchinson asked if it was proper to require that a shed should be built to withstand the winters on the Ranch. Mr. Tyler did not think the Board should be responsible for determining whether a shed was built to an appropriate standard. Mr. Rosing pointed out that if someone under builds a shed and it subsequently collapses and they refuse to fix it, the HOA sends a letter. Once a Fine Schedule in place they can begin fining for that violation. Mr. Rosing noted that the Fine Schedule makes enforcement a much more practical tool.

Mr. Bonnitt stated that he went through the process with a Tuff Shed when he built his cabin, and he was very careful to make sure the roof could hold the snow load that Summit County had required when he built his house. Mr. Bonnitt suggested that when an owner comes to the Board with their plans, the Board could offer guidelines and suggest that the roof comply with the County requirements for any structure on the Mountain. Mr. Tyler agreed. He was comfortable recommending that the roof be engineered to handle the snow load; but he did not want to be the one to determine that the roof was engineered to handle the snow load.

Regarding the shed on Lot PI-B-2, Mr. Tyler understood that the Board would approve the shed as presented and make clear in the approval that the Board had an extensive

discussion on whether it could be an occupied structure and determined that it could not be occupied as a residence. Mr. Rosing stated that if someone volunteered to collect the addresses of the collapsed sheds and the abandoned house, they could begin working on that project as well. Andrew Pagel and Tom LeCheminant volunteered.

MOTION: Tom LeCheminant moved to Approve the shed on Lot PI-B-2 as presented as a shed without water or power; not to be occupied. Pamela Middleton seconded the motion.

VOTE: The motion passed unanimously.

Lot PI-F-14

Tom LeCheminant presented plans for Lot PI-F-14, Alexander Canyon. Mr. LeCheminant understood that Art Wood, the lot owner, came to the Board in 2014 and the Board approved plans for a garage addition on the side of the house. At that time, Mr. Wood was not able to find someone to bid the project or build it. Mr. LeCheminant gave Mr. Wood the name of a contractor on the Ranch and asked Mr. Wood to resubmit his plans for a new approval.

Mr. LeCheminant noted that the garage addition is 384 square feet, 16' x 24'. The addition will be all wood, with the exception of concrete that goes 6' deep in the back. The roof will be shingled to match the existing house. The existing house has log siding and the garage will be wood siding to match.

On behalf of the Architectural Committee, Mr. LeCheminant recommended that the Board approve the plans for a garage addition because it meets the Architectural Guidelines and the same plan was previously approved by the Board.

MOTION: Tom LeCheminant moved to Approve the garage on PI-F-14 at \$2.40/sf for Art Wood as presented. Pamela Middleton seconded the motion.

VOTE: The motion passed. Andrew Pagel was not present for the vote.

PI-D-91

Tom LeCheminant noted that the owners had still not submitted their lot survey; even though they were asked to do so at the last meeting.

Bruce Hutchinson proposed that the Board table the plan review until the survey and all

required documents have been submitted.

It was noted that the plans did not show a driveway, which is also required per the Guidelines. Based on the discussion at the last meeting, Mr. Tyler was unclear where the proposed parking area exists; and whether it is entirely on their property or within the road easement. Mr. Walthall recalled that it was in the easement. Mr. Tyler remarked that they needed a stamped survey to know exactly where the parking will be. It could potentially be on the neighboring property. Mr. Tyler noted that the proposed parking area would not be allowed in the right-of-way road easement, which is a non-exclusive access easement that requires it to remain clear of any type of structure or permanent use.

The Board members commented on other areas where people are using the road easement for parking. Mr. Rosing stated that they should add that issue to the list of items that need to be addressed in rewriting the CC&Rs. Mr. Hutchinson noted that there is nothing to preclude people from dumping extra dirt on the right-of-way to fill their lot for access. Mr. Hutchinson believed the Board could put a stop to it if at any time it impacts the roads. At this point, there was no violation as long as they are not using it for parking. Mr. Rosing concurred.

Mr. Tyler tabled taking any action on Lot PI-D-91 until the necessary documents are provided.

Fiber Optic Cable

Mr. LeCheminant commented on the request to install fiber optic cable up the side of Lower Forest Meadow Road to the towers. He told Beehive Broadband that the HOA had just graded and improved the road and it needed to be returned to its original condition.

Paul Waite with Beehive Broadband and Zach Jacobsen with Woodman Telcom, the firm doing the engineering work for Beehive Broadband, were present to explain the plan for laying the fiber optic cable.

Paul Waite with Beehive Broadband explained that they intend to access a vault in the UDOT right-of-way on the Promontory side to lay the cable. They would bore through the UDOT right-of-way and enter the Summit County right-of-way on the north side of I-80. Using the vault in the UDOT right-of-way they would cross the Questar lines and enter Tollgate Canyon Road at the base. They will follow the roadway around to access the two existing towers. Mr. Rosing clarified that they would use Forest Meadow Road rather than Tollgate. He was told that was correct. The cable will go

two-feet off the shoulder of the road. They will pick the high side, trench it in, lay silt fence and follow the Summit County erosion control.

Mr. Hutchinson asked about construction impacts. He was told that traffic would be impacted during construction. The roads would not be shut down. Traffic would be maintained using a flagger on either end.

Mr. Bonnitt wanted to know the ultimate goal of this project. Mr. Tyler understood that the purpose is to service the existing telecom towers off Lower Forest Meadow Road with a fiber optic cable rather than a microwave signal. Mr. Bonnitt clarified that the intent was to get better cell service to those towers. Mr. Bonnitt remarked that the future technology alternative is Broadband wireless access. Mr. Waite stated that it improves current technology and allows for the expansion of future technology. Mr. Bonnitt asked if it would positively impact a majority of the Ranch or just the lower areas. Mr. Waite stated that it was the entire Ranch. If they currently have existing T-Mobile, Verizon or AT&T circuits and they received cellular service in their homes today, that service will improve.

Mr. Tyler thought it would be beneficial to everyone; but he was not sure if the HOA has a legal right-of-way over that portion of Forest Meadow Road. Mr. Waite remarked that in his research of right-of-way and property ownership, he found the recorded documents for those roads to be vague. Therefore, they technically fall into Summit County jurisdiction. Summit County is aware of this project, and Beehive Broadband is pursuing a permit from Summit County. One of the requirements was that they reach out to the Pine Meadow Ranch HOA to find out whether any of the property that would be impacted is Ranch property, and to make the HOA aware of what is occurring.

Mr. Tyler stated that from the switchback almost all the way up to the green gate is HOA owned property. They could clearly give a right-of-way on that piece. However, a large stretch pass that, which goes beyond the storage units, returns, and goes around the corner to the cell towers is not owned by the HOA; even though the Ranch maintains most of that access. Mr. Tyler pointed out that the HOA has a prescriptive easement on Forest Meadow only based on the fact that they have been using it for so many years; but it is not a legal easement.

Mr. Hutchinson asked if they could get a contract with Beehive Broadband to ensure that the road is returned to as good a condition as it was prior to starting the project. Mr. Jacobsen replied that they would submit a permit document. Mr. Waite noted that it was also notated in their clauses. Mr. Jacobsen offered to send digital copies of the prints to all the Board members if they provide their email addresses.

Mr. Bonnitt asked about timing. Mr. Waite stated that the goal is to be finished before October 15th of this year. The contract has already been awarded and the contractor is anxious to begin due to weather concerns.

From a design perspective, Mr. Tyler suggested that they look to see where the junction box goes around the entry way by the mailboxes. Rather than putting it right in the middle, he suggested that they put it on one side so it becomes less of an issue if paving ever occurs in that area. Mr. Jacobson stated that it was already on the north side of the entrance. The installation should not be in conflict with the driveway or the lower mailbox area.

Mr. Tyler noted that the HOA would need a draft agreement from Beehive Broadband to be reviewed by Robert Rosing. Secondly, the Board needed an opinion from Mr. Rosing on what access the HOA can actually grant. The third issue is for the Board to decide whether there should be compensation or whether it would be an outright grant.

Mr. Pagel thought the benefit to the residents was clear. He also thought the compensation would be higher bandwidth access to the internet. Ms. Middleton favored compensation as a contribution to future road maintenance. Mr. Waite suggested that appropriate compensation might be the cost of a typical Summit County permit. He offered to provide the pricing schedule.

Ted Bonnitt asked if this installation would allow building off that in the future if they ever wanted to lay fiber optic on the Ranch. Mr. Jacobsen answered yes. Mr. Bonnitt asked if there would be some agreement they could access it if that decision was made in the future. Mr. Waite stated that it could be included in the draft agreement language. He remarked that the cost to build fiber optics to the homes is substantial, but there are other possibilities.

Mr. Walthall suggested that when the construction is completed, they need to make sure the road will not sink in. Jody stated that the cable will be plowed in. Mr. Jacobsen explained that they would plow as much as they could. What they do disturb will be replaced with the correct road base. He assumed some places might need attention next Spring and they would monitor it to make sure it gets done.

Mr. Tyler summarized that the Board believes there is a benefit to the community and they should allow for the access. He understood from Mr. Waite that Beehive Broadband would effectively match the same permitting fees with Summit County as a contribution to the HOA in exchange for the right-of-way. Other considerations are the review of the agreement by the HOA attorney and what the HOA could legally grant. Mr. Tyler thought the Board could approve the agreement subject to review and final

sign-off by Mr. Rosing on the agreement details. The Board concurred.

MOTION: Tony Tyler moved to APPROVE the proposal by Beehive Broadband and Woodman Telcom to add the fiber optic plan as shown in the drawings provided this evening, in exchange for the same fee as what they pay to Summit County for the permit for the work; and subject to review and finalization of the agreement by the HOA attorney, incorporation of a reciprocal access right, and confirmation of ownership of the transferability of the easement right.

Mr. Bonnitt suggested that reciprocal access would include the ability to plug into whatever technology growth occurs.

Pam Middleton seconded the motion.

VOTE: The motion passed unanimously.

Mr. Tyler asked Carol to provide a copy of the Minutes to Mr. Jacobsen and Mr. Waite when they are completed.

Ranch Manager's Report

Jody reported that it was a busy month. A lot of work was done and there was still a lot left to do. The mag water was being done.

Jody noted that the water truck was back at the shop in Idaho where they purchased it from. The previous owner was still trying to figure out the problem. Mr. LeCheminant stated that new injectors were installed but it would not start. They put in a new starter and it still would not start. Mr. Tyler remarked that the HOA has agreed to pay for some of the parts, but the previous owner agreed to pay for all the diagnostics and labor. Mr. LeCheminant pointed out that if it needs a bottom end rebuild the cost of parts would be \$2500.

Jody reported that the rest of the equipment was running well and in good condition. He needed to replace a mirror on the tractor that was broken last winter by a limb when blowing snow. He needed to do other small equipment repairs, but nothing significant.

Mr. Tyler stated that he has not driven around the Ranch as much as he used to because he no longer lives on the Ranch full-time. However, he came up several times and drove around and he thought the roads looked great. Jody stated that he still needed to lay quite a bit of gravel.

Aspen Ridge Road

Mr. Tyler thought this was an appropriate time to talk about the Aspen Ridge Road improvements. He stated that Jody and Mr. LeCheminant brought it to his attention that Pine Meadow might want to help the Aspen Ridge Ranch owners regrade the road up Oil Well to remove the potholes. Peggy, an Aspen Ridge owner in attendance, stated that they do not own that section of road. It is owned by Axel and other landowners. However, it is in Aspen Ridge Ranches. She pointed out that the road is not used that often. She was concerned that if the road was smoothed out it would encourage more people to use it, and they were opposed to increased traffic. The road is not plowed, which makes it inaccessible from November to April.

Mr. Tyler clarified that Pine Meadow Ranch only approached them with an offer to help. They were not suggesting that the road should be done. Christie, an Aspen Ridge owner, recalled the need to use it as an emergency access. Mr. LeCheminant remarked that in the event of a fire they could still use it because the road is passable. Mr. Tyler was under the impression that there was a mutual desire to improve the road and maintain it. If that was not the case, the HOA was fine with not having to maintain the road.

Christie stated that when the mag watering was going on, she misunderstood the directions. She thought people would be routed across Oil Well. Peggy stated that last year everyone routed their way and the amount of traffic was significant. Mr. Tyler pointed out that last year the mag watering was all done at the same time. That was not the case this year. Christie stated that the little portion from Forest Meadow to the last driveway was graded two or three years ago. After that is when everyone got detoured and the road immediately got washboarded. Since then the traffic has gotten worse because there are more visitors to other properties and there are new owners at Aspen Ridge. Christie stated that if there were any improvements, they would not mind having that portion graded. Jody offered to grade that portion of the road from Forest Meadow up to Christie's driveway. Peggy noted that they had donated \$1500 for the lower Forest Meadow improvements because they use that road. She believed there was a mutual willingness between Aspen Ridge and Pine Meadow to be good neighbors.

Jody noted that he was waiting for rain to finish the grading. If they grade when it is this dry the roads turn into dust.

Mr. Pagel noted from the bills that the road base was purchased for Elk Road. Starting on July 30th to August 1st, they worked on Forest Meadows. He asked if the portion of Elk Road was completed. Forest Meadows was also done. Mr. Pagel noted that the

last transaction was the road for Bobcat Springs. Jody stated that it was just the hill going up. Jody reported that he did Aspen Circle yesterday. Mr. Pagel clarified that the roads with dates means they were completed.

Anticipated Areas to Survey

Mr. LeCheminant noted that the three areas needed to be surveyed so they know where to put in the roads. Mr. Tyler asked if Jody knew a surveyor. He did not know of anyone, but he offered to ask Brody Blonquist for the name of the company who surveyed the lots for the Water Improvements.

Mr. LeCheminant thought it was important to do those surveys. They talked about doing Balsam Circle last year. Someone purchased a lot at Bull Moose Circle and anticipated building next year. Another one was Alexander Circle.

Mr. Tyler asked Jody if he has the equipment to pioneer roads. Jody answered no. Jody stated that they need to have a survey done before they can do anything. Mr. Rosing stated that the Ranch Manager is responsible for maintaining the roads, but he did not believe he was responsible for building roads. Typically, the developer builds the roads and turns them over to the HOA. Mr. Tyler wanted to know the recourse if the road has never been built and someone purchases a lot a comes to the HOA asking about their road. Mr. Rosing stated that the HOA does not step into the shoes of the developer. If the road was not built, that is a construction defect. The HOA might fix the problem, but the HOA could not be sued for development defects. Mr. Tyler pointed out that the buyer purchased the lot knowing that there was no access to a road. The HOA does not own the lots and he assumed they were being purchased from individual lot owners.

Mr. Rosing had not looked at this issue in the context of Pine Meadows Ranch, but typically, the HOA does not have to build the road because it is a larger undertaking than maintaining the road. Mr. Tyler commented on the equipment the HOA would need to purchase if they are required to build a road. He requested the opportunity to research their specific issue before the HOA commits to building roads.

The Board pointed to various scenarios in their discussion on whether the HOA should be responsible for building the road for lots that do not have developed access to roads. Mr. Rosing would do the research and report back to the Board at the next meeting.

Other Projects

Mr. LeCheminant asked for a follow-up on the issue with Elizabeth Follette that was

discussed at the last meeting. Mr. Rosing reported that he had drafted a letter but he was still researching the title. He expected to send the letter by the end of the week.

Mr. Rosing stated that he had not fully understood the degree to which a large portion of Forest Meadow Road was on random private property. He thought the HOA should consider a declaratory action to obtain a prescriptive easement to that section of the road so they can make repairs. Another option would be to ask the people. If they are unwilling to give an easement, they take action against all the owners to perfect the prescriptive easement. For the benefit of the non-Board members in attendance, Mr. Rosing explained that the Board was having this discussion because Ms. Follette would not let the HOA fix the road that runs through her property.

Mr. Pagel asked how they would get the easement. Mr. Rosing explained that he would send Ms. Follette a letter informing her that she needs to give the HOA the right to fix the road because they have a prescriptive easement. The hope is that a letter from an attorney on official letterhead might be more persuasive. The first letter will be subtle in explaining that if she says no, the Association will sue her to perfect the prescriptive easement.

Mr. Tyler recalled that this issue came up years ago, and because the HOA was not interested in suing people to perfect the prescriptive easement, they decided to let it go. They have a prescriptive right and the HOA has been maintaining it for years. However, he believed the situation was different if an owner was refusing to allow the HOA to maintain through their property. In that case, he did not believe the HOA had any other choice but to perfect the easement for that particular section of road. Mr. Tyler did not believe it was worth the cost of trying to perfect the easement if there were no issues otherwise.

Mr. Rosing remarked that another option would be to reach out to the other landowners and obtain a written easement. Mr. Rosing stated that he was surprised when he discovered how much of the road is not owned by the HOA. Mr. Tyler noted that Summit County controlled the HOA as a Special Service District for several years. When the County transferred the SSD into the HOA, they basically said that the HOA has rights to the road.

Mr. Tyler stated that if Ms. Follette puts up a gate or threatens the HOA for trying to maintain her property, they would have to take legal action. Otherwise, he preferred to be a good neighbor and continue to do what they have been doing.

Water Company Report

Mr. LeCheminant reported that at the last Water Company Board Meeting the Board primarily discussed extensive water use. A person who was warned about watering trees on his property came to the Board and apologized because he was unaware that landscape watering was prohibited and that watering his trees would use so much water.

Mr. LeCheminant stated that a house on Navajo Road has a cistern. A leak was reported yesterday and they were losing 3-1/2 gallons per minute; which equates to approximately 5,000 gallons of water per day. Brody and Trevor shut off their water today.

Mr. LeCheminant noted that the Water Board also discussed the fire gate at A-Plat. The issue is that the road is "as is" and cannot be maintained. It was designed as a one-way emergency exit if needed.

Someone asked if the gate just passed Dan Heath's house is the road that goes over to Blue Sky Ranch. Mr. LeCheminant was unsure because he has never used that road. He understood that at some time in the past there was fire access over there; but due to abuse, the property owners shut it off.

Mr. LeCheminant noted that the Water Company had repaired all the previous leaks, so everything was running well.

Ongoing Business

Fire Evacuation

Mr. Tyler stated that the Water Company obtained the easement across and into Red Hawk because they wanted a reciprocal connection for the water line. Mr. Tyler explained that the Pine Meadow Mutual Water Company has a direct access to the Mountain Regional Water System, and they have a reciprocal agreement with Mountain Regional to feed water in both directions. If there is a fire on Mountain Regional's side of the mountain, Pine Meadow can pump them water; and vice-versa if there is a fire on the Pine Meadow side. Mr. Tyler noted that the idea to pursue a reciprocal connection came after the Rockport Fire. Rocky Mountain Power shuts off the power when there is a fire and they cannot pump water without power. For that reason, the Water Company pursued an alternative source of water. Mr. Tyler noted that the connection in the existing emergency route location across into Red Hawk was precipitated on the fact that a water connection was needed from Mountain Regional to the Pine Meadow water tanks. A pipe was laid underneath the road that connects the two tanks.

Mr. Tyler explained that as part of that agreement, the homeowner for that particular section of property had water assessments that were being assessed to his property for service. Mountain Regional was paying to pump water to them for fire service and then back charging the homeowner. The Water Company offered to pay off the homeowner's special assessments in exchange for the right to cross his property in the event of an emergency; as well as the right to install a pipe to connect Mountain Regional service to Pine Meadow service. Mr. Tyler pointed out that the agreement means that Mountain Regional no longer needs to pump water that high up because the homeowner gets fire service from Pine Meadow Water. Secondly, it provides an emergency access. Mr. Tyler clarified that this was the only legal, legitimate emergency access that exists on the Ranch. Numerous jeep trails have been designated in the past and some still exist, but they are not legal access points.

Mr. Tyler stated that Bryce Boyer with Wildland Fire told him that in the event of an emergency, the Sheriff's Office has the right to require a private landowner to open their property for emergency access. Mr. Rosing believed that under standard property law, anyone has the right to access any property in an emergency.

Mr. Walthall stated that if there is a fire he had no idea how to find the emergency access road. Jody told him that there would be signage. Mr. Rosing thought this discussion should lead to a discussion about updating the emergency plan. Mr. Walthall thought notification was an issue in the Tollgate fire. He thought Kirby's website was the best source of information. Mr. Tyler stated that during the fire he was looking at the Facebook page, listening to a radio station where you could tune into the scanners, and listening to KPCW.

Ted Bonnitt stated that during the fire he was working at his home office. He happened to check Facebook and it said there was a fire. He turned around and saw the fire out his window. Mr. Bonnitt did not believe a Facebook alert makes sense. People were never given official notification. He understood that Pine Meadow Ranch was not in evacuation danger, but people who did not have a bird's eye view were completely oblivious to the possibility that they might have to evacuate.

Mr. Bonnitt stated that a neighbor drove up to the access by Dan Heath's place and got into the Ranch with a four-wheel drive vehicle. Another neighbor told him that he got into the Ranch through the gate in A-plat because the crash gate was open during the fire. However, this neighbor told him that was a good 300' stretch of tall, uncut tall dry grass on the other side of the crash gate that he needed to drive over. Mr. Bonnitt was concerned about the possibility of setting another fire if there had been an evacuation and 50 to 70 cars were backed up over dry grass. He recommended that they at least assess the danger or possibly cut the grass. Mr. Tyler replied that the Water Company

holds the easement and he assumed there was a maintenance provision. He could see no reason why they would not be able to cut the grass. Mr. Tyler asked Jody to speak with Brody Blonquist at the Water Company.

Mr. Tyler disclosed that he would be on KPCW on Thursday to talk about the Tollgate Fire. He thought it would be a good time to highlight the issues and let people know that the Ranch exists and possibly get help in the future. Mr. Tyler stated that the collective fire departments reacted exceptionally well during the fire and responded exactly as they were trained. He also thought the fire highlighted issues that most people never think about, such as the second access. Mr. Tyler believed the communication piece needed to be highlighted. He noted that the Summit County Code Red System was transferred to another carrier, and no one knows what happened to it or why it was not used. As a result, they could not use the system to put out information to people.

Mr. Rosing had emailed the Emergency Planner at Park City and Pat Putt at Summit County to let them know that there was a communication gap between the County and individual Associations; and that there is contact information for property owners. He also told Pat Putt that the current emergency plan is 12 years old and it needed to be updated. He asked if Summit County could help the Association with an emergency plan. Mr. Putt told him that he would check to see if there was money in the budget for that, but Mr. Rosing had not heard back.

Mr. Rosing suggested that the Association could adopt either guidelines or requirements for fire mitigation, stating that trees need to be trimmed 6' and the minimum amount of dead wood and brush allowed on the property.

Ms. Middleton noted that the safety fire information is posted on the website for everyone to use. The problem is that people do not read it.

Ms. Middleton stated that she was on the Mountain when the fire was occurring, but even for residents who live there it is difficult to focus and deal with the emergency while it is happening. She suggested that they designate a point person who is outside of the chaos to alert people. She thought Carol would be a good point person. Mr. Tyler believed that was the intent of the County system, but it never reached the point where they felt like it was necessary to use it. Mr. Tyler was unsure who makes that decision. During the fire, people who were off the mountain drove up to check it out and that creates additional problems. He was concerned that if they send out an email saying there is a fire in Tollgate Canyon, they would all come up. Mr. Rosing stated that the email should tell people to stay away. He thought this was a good time to send notices to physical addresses asking people to provide or update their email addresses.

The Board discussed various options for alerting property owners if there is a fire or other emergency. Mr. Tyler thought this was a good opportunity for a few individuals to work together to come up with some ideas to revise the fire plan from 12 years ago and to work with Summit County to update it. The Board concurred. Currently there is an emergency responder and she already has contacts.

Mr. Pagel suggested forming a subcommittee. Mr. Tyler thought they should see who was interested and create a committee at the next meeting. Andrew Pagel and Jeremy Jespersen were interested. Andrew Pagel stated that his brother, Joe Pagel, wanted to be on the committee.

Mr. Rosing noted that he needed to leave the meeting soon and asked if he could push his items to the next meeting.

Mr. Rosing remarked that once they change the Architectural Guidelines and everyone agrees with the changes, the Board could adopt them as a rule in the same way they adopt the Fine Schedule. If they come to an agreement on both the Architectural Guidelines and the Fine Schedule, they could send out the required noticing in one mailing.

Mr. Pagel thought their differences with the Fine Schedule were the fine amounts. Mr. Rosing preferred to start low and go high if the violation continues.

Mr. Rosing left the meeting.

Architectural Guidelines

Mr. LeCheminant asked if everyone had read the Architectural Guidelines and provided their comments.

Mr. Hutchinson thought it was a good start, but he did not believe they needed to be as specific in their suggestions. He changed the roof pitch to correctly read 4:12 rather than 4/12. Mr. Hutchinson suggested a clarification under the first paragraph to include the sentence, "These Guidelines are to establish and to ensure the Mountain style is maintained, and to protect the value of all property owners on the Ranch". He thought they needed to explain that the idea is to protect everyone by requiring structures that are presentable and will increase the property values. Mr. Tyler thought they could add the sentence under Purpose, stating that the purpose of the Guidelines is to..." However, he did not think they should mention value. Mr. Hutchinson thought they could say "maintain the value of the surrounding property". Mr. Tyler replied that

“value” is a subjective term. It was noted that Mr. Tyler wrote the Architectural Guidelines in 2014. Mr. Tyler read language, “Regulate the exterior appearance and architecture to promote cabin, home, and structure designs that fit aesthetically in the mountain environment. They have been adopted to preserve the mountain experience for all owners within Pine Meadow Ranch”. Mr. Hutchinson thought the language Mr. Tyler read addressed his intent.

Mr. Tyler suggested that they add a time frame of approval to the Guidelines. For example, if someone submits plans, the submitted plans should only be valid for 12 months. He drafted language stating, “Any approvals granted by the PMRHOA on any given application are valid for a specific period of time not to exceed 12 months. If the improvements contemplated in the application are not completed but are diligently in process, the approval remains in effect”. The Board agreed with the language.

Ms. Middleton thought the way the permanent structure definition was written was confusing. The Board has said that trailers, yurts and other temporary structures are only allowed for 180 consecutive days. Per the language, if they remain on the lot for over 180 days the person would be asked to remove the structure because it was not built in compliance with the proper materials. She asked if materials were the difference between temporary and permanent. Mr. Tyler answered yes. He explained that if someone wanted to park an RV on their property and use it as a full-time residence, it would be prohibited because it does not meet the mountain aesthetic. However, if someone wants to put up a yurt, the exterior materials would have to match the requirements of the Architectural Guidelines. Whether the yurt would meet structural requirements for occupancy is an issue for Summit County and not the HOA. If the structure has canvas sides and a canvas top the Board would not approve it as a permanent structure because it does not meet the Architectural Guidelines.

Ted Bonnitt requested that Ms. Middleton send him a copy of the Architectural Guidelines and the Fine Schedule.

Mr. Walthall asked if anything in the Fine Schedule correlates to violating the Architectural Guidelines. Mr. Tyler remarked that the current Fee Schedule is very vague and only says HOA violations starting at \$50 per incident. Mr. Walthall clarified that he was referring to the new schedule Mr. Rosing sent out. Ms. Middleton thought it covered architectural violations, but she was not certain.

Mr. LeCheminant recommended that the Board members highlight their comments and submit them to him and he would revise the Architectural Guidelines.

Mr. Hutchinson noted that at the last meeting he indicated a situation on Lots F-61 and F-43 and reported that the two parties had worked out their differences. He explained that the owner of Lot F-61 had built a garage on Lot F-43. Lot F-43 was wanting to sell and when they did the survey the garage was determined to be built their property. Mr. Hutchinson was contacted by the owner of Lot F-61 informing him that he would work out the details and intended to purchase that portion of Lot F-43. Unfortunately, due to the steepness of Lot F-43, the owner was unable to sell it because the garage took up the only buildable portion of the lot. Mr. Hutchinson reported that the agreement fell through and the issue was not resolved. He told the owner of Lot F-43 that she had several options, but the HOA was not involved and she needed to address the issue directly with the other owner. She could either ask the owner to remove the garage or purchase the entire lot. He pointed out that since the garage is built on her property it is technically hers. Mr. Hutchinson reiterated that the owners would have to resolve the matter themselves because the HOA was not involved. Mr. Tyler agreed that it was a private property issue.

Bruce Hutchinson left the meeting.

Update on Cabins Built on HOA Property

This item was tabled until the next meeting.

Donation from Aspen Ridge HOA

Mr. Tyler thought the Board should send the Aspen Ridge HOA a thank you card for their \$1500 donation. Mr. LeCheminant stated that he gave them a thank you card this evening since two of their members were in attendance.

Draft Enforcement of Rules

This item was tabled to the next meeting.

FedEx Box at the Bottom

Mr. LeCheminant reported that FedEx contacted Carol via email about putting a FedEx box next to the other box. He did not believe it would be a problem. The Board concurred. Mr. Tyler stated that it would be placed next to the UPS box at the base of the canyon. The person building the box would contact Mr. LeCheminant. Mr. LeCheminant gave them the dimensions of the UPS box and told them they would have to provide a concrete slab for the box to sit on.

Elections

Carol had provided a list of Board members whose terms were expiring in 2018. Anyone interested in running for re-election should resubmit their applications. Mr. Tyler noted that six seats were up for election. Ted Bonnitt was appointed this evening to finish out a term but he would have to run again at the end of the year. Mr. Tyler stated that the candidates are introduced at the Annual Meeting and members vote by mail. The candidates should submit a short bio to Carol. Ms. Middleton noted that the bio should be no more than 100 words. Mr. Bonnitt did not think the bio should be edited unless the candidate is consulted. Mr. Tyler agreed.

Mr. Tyler stated that he was not running for re-election. He served two terms and has moved off the Mountain.

Monthly Budget Review

Tom LeCheminant reviewed Jody's portion of the unpaid bills detail. He noted that \$75,000 in impact fees was collected; and \$42,000 was budgeted. There was approximately \$33,000 in surplus that the Board voted to use for roads this year.

Mr. Pagel indicated a \$6,000 refund of the impact fee to Lot FM-C-42. He also indicated \$56 paid to Revenue Recovery. Mr. Pagel had reviewed the legal statement and other bills and everything looked good.

MOTION: Andrew Pagel moved to Approve the unpaid bills detail as presented. Tom LeCheminant seconded the motion.

VOTE: The motion passed unanimously.

Mr. Tyler thought the budget looked good. They were doing good on expenses and collections were in line with what they expected. Mr. Tyler noted that they were approximately \$20,000 over budget in terms of revenue and significantly under on expenses.

Owner/Visitor Open Forum

Amy Wright, Lot FM-C-57, stated that she wanted to start the plowing conversation now rather than in December. She and Brent are part of the committee for plowing and there was a lot of confusion. A bid was supposed to go out for plowing and she was unsure whether it actually happened. Thankfully, last winter was mild and they were

able to cover it at half the expense.

Ms. Wright asked if they could start getting a bid for that section. Mr. Tyler answered yes. She asked if Randy would still be able to plow from Junction Court Down. Mr. Tyler answered yes. Ms. Wright thought it would be helpful to have the exact route clarified because there several questions last year.

Ms. Wright asked if a decision had been made on the connector because that discussion was very confusing last year. Mr. LeCheminant stated that originally the connector went over to and down Grandview and they experimented with going up past Jeremy's house, Arapaho Drive. Mr. Walthall noted that there was specific language in the motion on the connector locations, and he sent in a correction to the meeting minutes.

Ms. Wright stated that her committee could do the research. She requested to have this on the agenda for discussion at the next meeting. Mr. Tyler asked Carol to add snow plowing to the September agenda.

Mr. LeCheminant recalled that one of the problems last year is that the bid they received was a ridiculous amount. In addition, the insurance provider had said that the plower needed to have insurance equal to the HOA insurance. Mr. Tyler thought they were more informed and better organized this year to make sure the plowing is done right. An RFP was put together quickly last year, but the requirements were too harsh and too stringent and it prohibited people from bidding. The HOA would put out another RFP with a goal to have everything in place by October.

Ms. Middleton had the results for the fill-in the blank answers from the survey.

Mr. Bonnitt commented on the community meeting that was held last month. Between 150-200 owners are actively interested in the CC&Rs. The majority are in favor of updating the CC&Rs and people volunteered to be involved. Mr. Bonnitt was thinking of organizing the information and forming Google groups of people who could post updates to keep people informed and receive feedback so they can build a consensus before a vote. Ms. Middleton noted that a woman on the Ranch keeps offering to help with computer items. She would contact her to see if she could help.

Mr. LeCheminant stated that he would ask the Water Board about access to their WiFi for telephonic participation. Mr. Bonnitt commented on a system that senses who is speaking and has lenses and mics. The unit is approximately \$800. If a Board member cannot attend the meeting, it gives them the opportunity to participate electronically and virtually be at the table. It would also allow Ranch owners to

participate if they could not attend a meeting.

Mr. LeCheminant stated that after their legal meeting, he asked Robert Rosing to send Ted Bonnitt the CC&Rs questionnaire to fill out. Mr. Bonnitt stated that it would be helpful if Carol could email him an agenda and other information in advance of the meeting. Mr. Bonnitt thanked the Board for accommodating his electronic participation this evening.

The meeting of the Pine Meadow Owners Association Board adjourned at 9:16 p.m.
