

PINE MEADOW RANCH OWNERS ASSOCIATION
MONTHLY BOARD MEETING
RANCH MANAGER'S OFFICE
DECEMBER 17, 2019

In Attendance: Andrew Pagel, Treasurer; Stephanie Coleman (Area 1); Nicole Irving (Area 4); Bruce Hutchinson (Area 5); George Sears (Area 7). Ted Bonnitt participated via teleconference. Pamela Middleton joined the meeting later via telephone.

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

Nick Jackson, newly elected Vice-President; Tom Brace, newly elected Area 1 Rep; Paul Suitor, newly elected Area 6 Rep. Michelle Suitor, newly elected Secretary.

Excused: Pamela Middleton, President; Joe Pagel (Area 3)

Nicole Irving called the meeting to order at 6:39 p.m.

Approval of Minutes

November 12, 2019

MOTION: Stephanie Coleman moved to Approve the Minutes of the November 12, 2019 Regular Meeting as written. George Sears seconded the motion.

VOTE: The motion passed with one abstention.

Ranch Manager Report

Jody reported that they have been doing a lot of snow removal the past few weeks.

Jody was doing maintenance on the equipment to keep it running. He reported on brake issues with the Ford dump truck.

Jody stated that there was plenty of sand at this point.

Ms. Coleman complimented Jody and Randy for doing an amazing job on Forest Meadow. She was concerned about the parking because there are too few spots in the Summit County lot at the bottom of the hill, and several cars in both lots are left there for a long time. Ms. Irving noted that a Volvo with a broken axel has been there for a long time and she suggested calling Summit County.

Ms. Coleman stated that the lot by the dumpsters is typically used for snowmobile trailers and overflow from the County lot; however, a number of vehicles appear to be left in that lot as well. She asked Jody about plowing the flat space at the top of the S-curve that could fit three or four cars.

Ms. Irving thought that should be addressed in the summer and made into a proper parking area that could be plowed. She suggested doing an assessment of the cars in the lot that have not moved for a month or more.

Bruce Hutchinson suggested contacting Summit County authorities or the police to look into it because that is a chain-up area and it needs to be available.

Ms. Irving would ask Jann LeVitre to post a reminder on the website and Facebook that the bottom lot is not long-term parking. If vehicles are not removed, Summit County will be called within 48 hours.

Mr. Hutchinson stated that Pine Meadow has always been limited on parking. As the Ranch grows it will become increasingly more of a problem. However, he questioned whether it was an HOA issue. Ms. Coleman believed that road safety was an HOA problem. Vehicles coming up the roads that are not appropriate is a definite concern for everyone.

Mr. Rosing noted that the Association owns random parcels of land. He asked if any of those parcels were close enough to the bottom to park. Mr. Hutchinson stated that at one time there was a small lot just below Oil Well that they talked about pushing out. It is on a slope and if they push it out, they might be able to accommodate four or five cars. At that time no one felt it was justifiable.

Mr. Sears remarked that the challenge was that they were a week away from Christmas. The chances of figuring out a strategy for the winter was limited. He believed the real question was whether the Board would address it for next year before winter. Ms. Irving agreed that it was too late to address it now, but the Board should address it in the summer.

Mr. Sears stated that if the problem is that if vehicles are left for extended periods of time, the HOA has an obligation to have the cars towed or to take some other action. Ms. Irving noted that the HOA already has parking stickers for that purpose. Mr. Sears thought the Board needed to decide whether to be active or passive in the process. He did not think they could resolve the problem this evening.

Mr. Hutchinson asked whether the parking lots owned by the HOA were being utilized properly. Jody answered yes. He added that they had opened up the lower lots all the way. Jody agreed that the problem is at the bottom and primarily during the Christmas weekend. The rest of the time the lot is mostly empty.

Water Company Board Meeting

Mr. Hutchinson reported that the Water Company cancelled their December meeting.

Mr. Hutchinson summarized his report from the last meeting where he informed the Board that the Water Company will no longer be setting the meters. Meter connections will be done by a licensed contractor, in the presence of Brody Blonquist or Trevor Townsend, and hired by the property. Mr. Hutchinson thought the charge for the meter was still questionable because the Water Company would no longer set the meters.

Ms. Coleman assumed Mr. Hutchinson was talking about the \$2500 bond the Water Company would require before the meter installation. She asked if the Water Board has the right to make those decisions without any input from the HOA. Mr. Hutchinson replied that the property owners could vote out the Water Board members, but beyond that the HOA has no other input.

Mr. Pagel stated that the Water Company holds an Annual Meeting; however, at that meeting he felt there was insufficient notice of an approval or a new budget. Mr. Hutchinson noted that Eric Cylvick indicated that the water assessment may need to be increased due to other issues. An increase was not in the 2020 Budget so it was not discussed. Mr. Pagel thought the HOA Board should follow it closely since an increase was not approved at the Annual Meeting. Mr. Pagel commented on an issue he had with the Water Company last year. He explained that at the 2018 Annual Meeting there was approval to increase the 2019 water assessments; but they actually charged the 2018 water usage at the new 2019 water rate. Mr. Pagel questioned the policy and Eric Cylvick explained that the Water Company has had that policy for over ten years.

Nicole Irving asked if a water rate increase would go through a community approval process. Mr. Hutchinson answered no. Mr. Sears explained that once the budget is approved for the year, the Water Board can manage the budget and adjust it as needed. Mr. Hutchinson emphasized the importance of attending the Water Company Annual meetings. It is the only opportunity the property owners have to give input. Mr. Pagel clarified that the water rates cannot be increased unless the shareholders attending vote to approve an increase at the Annual Meeting. Mr. Sears replied that he was correct.

Mr. Pagel asked Mr. Hutchinson, as the HOA representative to the Water Board, to keep the HOA Board informed on what is discussed at the monthly Water Board meetings.

Mr. Sears noted that the Water Board does a quick budget summary at the Annual Meeting and very little time is given for the membership to ask questions. The problem is if only ten people attend the Annual Meeting and six vote to approve an increase, the increase applies to the entire Ranch. It is consistent with how the Water Company was set up and there are no quorum requirements. Approval or denial only requires 51% of registered property owners who attend.

Mr. Hutchinson stated that the handouts for the Annual Meeting were listed on the website. Mr. Sears noted that the Financials are posted but the Minutes do not get posted until they are approved at the next Annual Meeting by those who attend.

Mr. Sears stated that the Bylaws allow the Water Board to have more members on the Board than they currently have; but they must have a minimum of five members. A certain number of Board members need to be full-time residents and a certain number need to be part-time residents. Mr. Sears pointed out that at one time the HOA and the Water Company were one organization. When the Special Service District was dissolved in 1999, Summit County forced the two organizations to separate and the Water Company was formed. Mr. Sears stated that he was president of the Water Company before Eric Cylvick became the president. Another person was president for one year when the Water Company was first started.

Mr. Pagel asked if altering the Water Company Bylaws for the purpose of more transparency would require a super majority of the entire Ranch. Mr. Sears answered no. He explained that the Bylaws can be modified or adjusted with a much smaller threshold. Ms. Irving believed the Water Company would have no reason to change the Bylaws. Based on their comments, Mr. Sears thought more owners should be engaged to understand where the Water Company stands and what has occurred over the last 15 years.

Election Results

Ms. Irving announced the Election results: Tom Brace (Area 1). Bennett Wetch (Area 2). Paul Suitor (Area 6). George Sears (Area 7). Andrew Pagel, Treasurer. Michelle Suitor, Secretary; Nick Jackson, Vice-President.

Mr. Hutchinson referred to a number of emails regarding the Vice-President position. Mr. Rosing advised the Board to have that discussion in closed session.

Mr. Hutchinson wanted to know if Nick Jackson officially won the Vice-President position since Mr. Jackson was present this evening. Mr. Jackson was updated on why

his elected position was questionable.

At Mr. Rosing's request, the recorder was paused for the remainder of the discussion.

The recorder was turned back on for the remainder of the meeting.

Fund Reserve Analysis Study

Mr. Sears recalled that at the last meeting the Board decided not to address the Fund Reserve Analysis Study until the Spring. He had contacted a number of companies who do the studies, but there was no reason to do anything until late Spring in preparation for the 2020 Annual Meeting.

PI-D-8 – Noah Levine

Mr. Rosing noted that Noah Levine owns a large parcel that is outside the Ranch but sits in the middle of the Ranch. He previously presented a proposal to the Board to swap HOA owned land for building rights in exchange for a portion of his land. Mr. Rosing believed the HOA could legally do the land swap but the issue was how to do it. He and Mr. Levine talked with Summit County on how they will need to amend Plat PI-D-8. In order to achieve what Mr. Levine was requesting, his lots would be brought into the Association and recognized by Summit County as HOA lots. Mr. Levine had agreed to doing that.

Mr. Rosing stated that the last he heard, Mr. Levine was talking to the Summit County Planning Department. He would follow up for an update. Mr. Sears understood that it was back on Mr. Levine and there was no action for the Board to take at this time. Mr. Rosing would confirm that with Mr. Levine.

D-180 Easement Follow-up

Mr. Rosing suggested that the Board have this discussion in closed session.

CC&Rs Update

Mr. Bonnitt stated that the mailed ballots were sent 10 days ago and the votes were coming in rapidly.

Mr. Bonnitt noted that the amendment vote was causing confusion, and they were working on addressing that issue in communications. He commented on the importance of continuing an outreach effort to maintain engagement in trying to get the

number of votes needed for whatever is decided. Several items are in the works and the committee will discuss how to accomplish that the most efficiently over the next three weeks.

Mr. Bonnitt believed everything was going well and he looked forward to working with the new Board members and updating them on the process.

Mr. Bonnitt noted that due to security breaches they were trying to protect the integrity of the vote by not revealing any results until everyone has a chance to vote. However, once everyone is on the Board and accountable for the process, he would be willing to share that information.

Mr. Hutchinson wanted to know when Mr. Bonnitt would start generating a list of those who have not yet had the opportunity to vote and to follow up with them. Mr. Bonnitt stated that the mailed ballots were the most important aspect. They were only 11 days out from the mailing date and he anticipated getting a better feel by the end of the year. The intent is to push things along with some outreach in the meantime. It is an ongoing process in the vote phase to observe what is happening and the response rates; and to address it accordingly.

New Board Members

Ms. Irving reported that a closed training for the new Board members would be held at 6:00 p.m. prior to the next Regular meeting. It is important that all the new Board members attend.

Architectural Matters

Ms. Irving wanted to know who was receiving the architectural documents and communication now that Tom LeCheminant was no longer on the Board. Mr. Hutchinson stated that he had received a lot of architectural documents. He was communicating with the property owners and answering questions, but the Board needs to create a new Architectural Committee to review the plans before they come before the Board. Mr. Hutchinson noted that some of the documents he received were forwarded from Carol. Mr. Pagel thought they needed to direct Carol to send the documents to everyone on the Architectural Committee, which includes himself and Ms. Irving.

Mr. Rosing wanted to know which Board members were still on the Architectural Review Committee. Ms. Irving stated that Bruce Hutchinson, Andrew Pagel, and herself were committee members. Mr. Sears noted that Carol posts the plans in the dropbox. Mr.

Hutchinson thought the Area Reps should be responsible for making sure the building plans are submitted to the Architectural Committee if it is for their area.

The Board discussed the past and current process. Mr. Sears recalled a previous meeting where the Board discussed putting all the architectural documents provided into a dropbox for everyone to review. Carol was to put the plans in the dropbox and notify the Architectural Committee that the plans were available. Ms. Irving and Mr. Pagel noted that they only get notifications that Carol has made changes or added something to the dropbox. Mr. Hutchinson clarified that they receive those notifications because they are on the Architectural Committee and they should look in the dropbox.

Mr. Pagel noted that the notification is for the entire dropbox and not to a specific folder. Mr. Sears suggested that the Board ask Jan LeVitre to look into a better way to set up the dropbox to specifically identify when something has been added to the Architectural Committee Review folder.

Pamela Middleton joined the meeting via telephone.

Ms. Irving thought they needed to work on communication with the Architectural Review Board. She also suggested revisiting everything from the last six months to make sure nothing has slipped through the cracks, such as the pole barn, the color of the big house, and other issues beyond the Architectural Committee involvement. Mr. Sears suggested that the Board should have a separate meeting just for this discussion. He thought the meeting could be held remotely.

Ms. Irving thought the general idea from this meeting was that they need more committees and better communication. Mr. Hutchinson thought the Architectural Committee should meet more often than once a month. Ms. Irving concurred.

Lot PI-63, Modoc Loop

Mr. Sears noted that one item needed to be signed by the Architectural Committee for PI-63, Modoc Loop.

Garage addition – Lot PI-01

Mr. Pagel stated that the house was recently purchased down the street from his house. It has a six-car garage. It was a new property that was built and then sold. The new owners were changing the garage to a finished area. They had already installed the septic system. Mr. Pagel noted that the owners came to a previous meeting requesting Board approval for the work that was already done. The Board asked them to come

back with proper documentation. Mr. Sears recalled that the documentation was provided at a later meeting. Ms. Irving agreed, and noted that the owners had also paid the impact fee. Summit County had approved the septic.

Mr. Pagel needed to know the amount of the check submitted for the impact fee. Ms. Irving stated that she personally took the check after the meeting. She was certain the impact fee was paid but she did not know the amount. Ms. Irving asked Carol to provide more details on PI-01, the amount of the impact fee, and whether there was already a signed improvement agreement.

Lot FM-A-7 - Fence

Ms. Irving recalled that the Board approved this item via email. Ms. Coleman asked about the email and whether there was follow-up. Mr. Hutchinson asked if the owner had come into compliance on the fence. Mr. Pagel answered yes. He noted that the Board voted on the fence and decided on a \$250 fine. Mr. Pagel stated that the actual improvement agreement was printed. He would sign it once they receive the \$250 check.

Ms. Middleton stated that she drives by that fence every time she leaves the Ranch. A section of the fence goes up the hill and does not provide any protection for children falling down the mountain and she would like to see that portion removed. Ms. Middleton thought it was counter to the owners reason for having the fence. The fence is very visible and she thought they should take down the part that curves and goes up the hill.

Mr. Hutchinson noted that they had already voted on the fence and approved it as a Board. He questioned whether they could go back on their vote.

Mr. Rosing asked if the Board did an email vote for the fence as it was specifically laid out. He was told the Board approved the fence in its specific layout. Ms. Coleman stated that she put in her response to the email that the visible part of the hillside could be adjusted.

Mr. Pagel stated that the Board voted to approve "as is" with the exception of Ms. Middleton and Mr. Bonnitt who voted to approve the \$250 fine and removal of the top portion of the fence. Mr. Rosing asked if there were enough votes to pass it. Mr. Sears stated that the vote was amended to satisfy Ms. Middleton and Mr. Bonnitt. Mr. Rosing asked if the approval included removal of the top portion. Ms. Irving stated that the vote was to approve the fence "as is" with the \$250 fine. She recalled that four Board members voted yes. Ms. Middleton and Mr. Bonnitt voted yes only if the owner removes the top section. Ms. Coleman voted to possibly refund the fee if the owners adjusted the fence as suggested. The final vote was 4-2 with the majority voting to approve "as is" and two voting to approve with the adjustment. The approval had not yet

been conferred to the owner.

Ms. Irving noted that the owners were unaware that they needed approval to build the fence. The fence was already started before the Board found out. Ms. Coleman spoke with the owners and told them they needed to submit the required paperwork before moving forward. Ms. Irving and Mr. Pagel went to the property. The fence extended out farther and they had required the owner to remove a portion of the fence. The owners did submit all the paperwork. Ms. Middleton stated that the owners were warned early on that they needed to stop building the fence but they continued working on it.

Mr. Rosing understood that the fence was approved only if it could be cut back. There were insufficient votes to approve the fence "as is". Mr. Rosing suggested sending a letter to the owners informing them that the fence will be approved if they cut back the specific portion. Ms. Coleman pointed out that they would not be able to cut back the fence until Spring because of the snow. Mr. Rosing stated that another option would be to have a second vote with more Board members, because as it stands now, they did not have enough votes to approve.

Ms. Middleton reiterated her request to have the owners remove the top portion of the fence. Mr. Rosing informed Ms. Middleton that she could call for an email vote to approve the fence with a \$250 fine, as long as the upper portion of the fence is removed. If they can get five votes, it will pass. Mr. Hutchinson noted that they could vote this evening and not do an email vote. Andrew Pagel called Joe Pagel to vote this evening.

Mr. Rosing asked who wanted to see the fence portion removed. Ms. Irving did not think it needed to be removed. Mr. Sears agreed with the \$250 fine but that was different from removing the top portion of the fence. Mr. Sears had not seen the fence and had to rely on those who had seen the fence. However, he was hearing differing opinions. The Board established that everyone supported the \$250 fine. The question was whether to approve the fence "as is" or approve with the removing the top. Ms. Middleton felt like she was the only one who wanted the top removed. Mr. Hutchinson stated that he did not want to see fences at all, but he would vote to approve with the modification. Ted Bonnitt stated that he would approve the fence with the top section removed. Mr. Sears stated that the more he hears from everyone, the more he thinks the top section on the hill should be removed. Mr. Hutchinson and Mr. Sears both acknowledged that they had not seen the fence. Ms. Irving asked how they could ask the owner to remove the top portion without seeing it.

Mr. Bonnitt stated that the fence was the first thing he saw coming up the hill when he entered the Ranch. It stood out strongly a good distance away and he asked Ms.

Middleton what it was. In addition to being glaring, Mr. Bonnitt was concerned about setting a precedent.

Mr. Pagel noted that they needed five votes to approve either way.

MOTION: Andrew Pagel made a motion to approve the fence on Lot A-7 "as is" with a \$250 fine. Nicole Irving seconded the motion.

VOTE: The motion passed. Nicole Irving, Stephanie Coleman, Joe Pagel, Andrew Pagel, and George Sears voted aye.

Lot PI-D-91 Yurt

Mr. Rosing noted that the owners of lot PI-D-91 had asked for a three-month extension to remove the yurt. Mr. Hutchinson stated that there was no reason to have an extension in the middle of the winter. Ms. Irving remarked that the people were living in the yurt while building their house. They intended to take down the yurt by the end of October because they thought the house would be finished. They are building the house themselves and since it is not finished, they have requested an extension. The start date for the extension was November 1st. Mr. Sears pointed out that they have already used 45 days of the requested 90 days. If the yurt is not removed at the end of the 90-day period, the HOA would implement a fine.

Mr. Pagel stated that in his opinion, if the owners obtain approval from Summit County, the HOA would approve the requested extension. Mr. Pagel pointed out that the County is very strict on temporary structures. The HOA temporary structure guidelines are verbatim from the Summit County guidelines.

Mr. Sears thought the Board should allow them the additional 45 days since they were already halfway through the extension period. If the Board ignores the request and does not take action, they would not be responsible for any liability. Mr. Hutchinson thought the Board needed to take a stand based on what is written. Mr. Rosing pointed out that the HOA can give variances.

Mr. Irving asked if they could grant the variance to end on January 30th with the stipulation that the HOA is not responsible for any damages to the yurt in winter conditions. Mr. Hutchinson stated that if the yurt collapses in a heavy snowfall and the HOA gave a variance, they would be liable because they gave permission to do something that was prohibited. Mr. Sears pointed out that by the time of the next Board meeting the 90 days would be over. His concern was whether the yurt would actually be taken down in 90 days.

After further discussion, Andrew Pagel thought they should not vote yes or no; and instead charge \$100 per month for every month the yurt stays up. Mr. Rosing stated that the Board should first send a warning letter. Ms. Irving noted that Carol had sent a letter and the owners responded asking for the extension. Mr. Pagel reiterated that the Board could fine \$100 and decide the amount of the next fine if it goes beyond the January 31st date. Mr. Hutchinson noted that the Board previously set an escalating fine schedule for violations starting with \$250, then \$500, \$750, and \$1,000. He thought they needed to be consistent.

Ms. Irving clarified that the owners should be fined \$250 for January. If the yurt is still up after January, they would be fined \$500 in February. Mr. Rosing suggested sending a letter notifying the owners of the \$250 fine and inform them that more fines would be assessed if they do not remove the yurt fairly soon.

Mr. Irving asked Carol to send a letter to Lot D-91 informing them that they are being fined for non-compliance starting January 1st in the amount of \$250, and additional fines in increments as defined in the fine schedule for each month the yurt is not removed.

Signs Prohibited

Mr. Bonnitt noted that Roy Parker is in Area 6 and he wanted confirmation from the Board on whether signs are permitted on the Ranch. Ms. Middleton stated that signs are not permitted, but there are still realtor signs. If the Board wants to be serious about prohibiting all signs, they need to be willing to enforce it. She noted that they were trying to enforce the more egregious signs on the Ranch, which is one reason for having a closed session.

Monthly Budget Review

Andrew Pagel had no questions or comments on the unpaid bills detail. Because the bills were usual and customary, there was no motion to approve.

The Board adjourned the Regular Meeting and moved into Closed Session.

The meeting of the Pine Meadow Owners Association Board adjourned at 8:18 p.m.
