

PINE MEADOW RANCH OWNERS ASSOCIATION  
MONTHLY BOARD MEETING  
TRAILSIDE PARK CONFERENCE ROOM  
FEBRUARY 22, 2011

In Attendance: Hutch Foster, Bob Burdette, Dan Heath, Amy Jackson, Bruce Hutchinson, Jeff Hubbard, Alan Powell, Scot Erickson

Mike Gonzales, Tom Deaver and Suzanne Larson were excused.

Hutch Foster called the meeting to order at 6:35 p.m.

### **Approval of Minutes**

MOTION: Bob Burdette moved to APPROVE the minutes of January 25, 2011. Alan Powell seconded the motion.

VOTE: The motion passed unanimously.

Bob noted that the minutes reflected Scott Clausen as being present. He pointed out that Jeff Hubbard is the new area Rep and Scott Clausen is no longer on the Board.

Amy Jackson questioned the reason for having the minutes so detailed. She was concerned that the detail could pose problems. Mr. Foster suggested that the Board have a separate discussion on how they want the minutes in the future, as a topic under New Business this evening.

Mr. Foster referred to page 3 of the minutes, first full paragraph, "Mr. Foster thought they had a majority of email addresses." He remarked that if he had actually said that, it was in error. There are approximately 250 email addresses in the announcement list out of 800+ owners, which is less than a third. Mr. Foster noted that the Water Company has a list, but he was unsure of their number. Mr. Foster corrected the minutes to appropriately say, "Mr. Foster believed they would reach many of the owners by email."

Mr. Burdette recalled that Mr. Foster was referencing the people who lived on the Ranch full time. Mr. Foster replied that if that was the case, his statement was probably true in that particular context. Mr. Burdette pointed out that the issue related to closing down Tollgate Canyon to repair the leak.

Mr. Foster concurred with Mr. Burdette on the intent of his comment and revised the correction to say, "Mr. Foster thought they had the majority of email addresses of **residents**".

Mr. Foster referred to page 4, last full paragraph, "Mr. Foster stated that the main

feature of the meter is that a leak can be detected because it sets off an alarm linked to the Water Company laptop". He clarified that comment by noting that the alarm is set off when they drive by a meter looking for a leak. The meter does not automatically communicate to their computer system from a distance. Mr. Foster revised his comment to add, "...**when they are looking for a leak**".

Mr. Foster referred to page 11, last full paragraph, first sentence, and replaced the word not with no. The corrected sentence would read, "Mr. Foster stated that if the Board would **no** longer focus their efforts..."

Amy Jackson referred to page 5, next to last sentence, ".....put Ms. Rakes the charge and corrected that to read, "put Ms. Rakes in charge".

Mr. Foster called for a vote on the minutes as corrected.

VOTE: The motion passed unanimously.

Mr. Foster noted that at the last meeting he had corrected the December minutes to indicate that the dues had not been raised for many years. He was informed that this was an error because in 2006, the dues were raised on empty land by \$30.00. The rest of the dues have been the same for many years.

Mr. Heath and Mr. Hutchinson recalled that the dues were raised for everyone in 2006. Mr. Foster stated that his recollection was incorrect and his entire statement should be stricken. Mr. Hutchinson noted that the increase was done to adjust for use.

### **Owner/Visitor Open Forum and other owner communications**

Mr. Foster stated that Mr. Hutchinson had received a communication from someone on Uintah View who was upset because a berm had been left at their driveway. Tom Deaver sent Bill Groot down there immediately and Mr. Foster had evaluated the situation himself. Mr. Foster assumed the complaint came from an owner who does not frequent the Ranch in the winter, because there was natural snowfall in their driveway. Mr. Hutchinson clarified that the snow was blown and not pushed into the driveway. He believed the issue had been resolved. Mr. Foster stated that Bill Groot actually carved them a parking space, which went above and beyond.

Mr. Foster reported on phone calls he received from people who complimented Jody. As usual, he also received calls late at night with complaints about road conditions.

### **Environmental Control Commission Plan Review**

There were no reports or plans presented.

### **Water Company Meeting**

The HOA was not represented at the last Water Company meeting.

Mr. Foster reported that the Water Company had started to repair the leak on Tollgate that day. The work was delayed because it took longer than expected to receive the parts. Mr. Foster understood that Tollgate was down to one lane and they had excavated substantially just above where the pavement ends. He was unsure how long it would take to repair the line.

Mr. Foster stated that the Water Company was trying to find a leak they believe is somewhere in the Pine Meadow Drive area. Upper Pine Meadow Drive has historically been problematic. Mr. Foster noted that the Water Company suspects the leak is caused by a bad meter and they have asked each owner to check their meter for the leak.

### **Ranch Managers Report**

Mr. Burdette noted that the Owners Association used the bulldozer the Water Company brought in to move a significant amount of snow. Mr. Foster was unsure how much of the rental cost would be appropriated to the Association. Mr. Foster remarked that the bulldozer had to be driven because they were unable to get the transport up to Oil Well. He inspected the road and although it scratched the surface, there did not appear to be meaningful damage.

Mr. Foster reported that Jody had replaced the hydraulic pump in the grader and it was working fine. He received a note from Jody saying that all the equipment is in good shape.

The last month has been quiet in terms of snow removal. The dozer was used to push back the snow with no incidence. There were a few sections of the road where the dozer did not have room to push. Mr. Foster stated that when the road tightens again and it becomes an issue, the Board should have a plan in place for widening the troublesome spots. He believed Tollgate Canyon would remain fine and there was still room to move snow. Mr Foster was concerned about the area across from High Dry

Circle, because a power box restricts the ability to push back on that corner. Another tight spot is the Arapaho intersection. He has personally widened that area with his small machine.

Mr. Foster thought it would be worthwhile for the Board to consider pre-approving an occasional widening with one of the larger blowers on the Ranch when necessary. It was noted that some of the owners have already volunteered their time and equipment and they should continue to look for volunteers. Mr. Foster requested a motion giving Jody authorization from the Board to call individuals when necessary.

MOTION: Alan Powell made a motion to authorize Jody Robinson to make the call for when he needs a blower and to contract with one of the blowers currently on the Ranch, and for that person to carry the liability insurance and meet all the requirements of plowing Ranch roads.

Mr. Hutchinson noted that Jody would need to be present to supervise the work.

Scot Erickson seconded the motion.

VOTE: The motion passed unanimously.

Mr. Foster clarified that Jody has approval to contact people who are pre-approved on the Ranch and have a machine large enough to help blow snow on the tight parts of the road.

Mr. Burdette referred to the lower parking lot at the gravel pit where vehicles are supposed to park, and noted that the eastern side is plowed but not the western side. He thought one reason could be that some vehicles are permanently parked there and Jody cannot plow around them. Mr. Hutchinson stated that it was that, as well as the fact that some snow vehicles are parked down there when they should be parked on top. Mr. Hutchinson suggested laying out flags or stakes on top so there is room for all the vehicles up there. He has also observed snowmobiles parked in the lot, which precludes people from finding places to park.

Mr. Foster agreed that the upper parking lot is chaotic and he would like to find a way for more organized parking. Mr. Burdette stated that there is a lot of room in the upper parking lot. He was up there Saturday, and rows of snow machines are being developed, which is fairly organized. However, the lower parking is not able to be plowed, which limits the room for vehicles. Mr. Hutchinson thought the Board should

consider ways to better organize the parking lots to make it easier those who use the lots. Mr. Foster suggested the possibility of creating an alternate week parking on the lower lot. One week, people could park on one side to allow him to clean up the other side, and then alternate the next week. Mr. Burdette felt that part of the problem are the cars that have been parked and left there all winter. Mr. Foster would talk to Jody about possible solutions.

## **Old Business**

### Fee Schedule Review

Mr. Foster noted that Carol had sent a copy of the fee schedule that was adopted at the annual meeting in 2006 and by the Board previous to that meeting. Carol requested that the Board approve the fee schedule to be posted online. Since it is a pre-approved fee schedule, the only question was whether the Board was comfortable posting it online.

Mr. Foster stated that he had sent Carol a few additions to the fee schedule that he thought were correct. Under fines and penalties, the standard fine for CC&R violations has been \$50 for typical items such as noise, four-wheelers, trash, etc. Since it has been the standard, he felt it should be listed on the fee schedule. Mr. Foster noted that for incidents of improper use of fire, as stated in the Rules and Regulations, the first offense was a \$500 fine and subsequent occurrence is a \$1,000 fine. Mr. Foster asked Carol to also include those fines on the fee schedule.

Mr. Hutchinson thought it was a \$50-\$200 fine on the CC&R violation. Mr. Foster replied that the fines he has known to be assessed were all \$50. He remarked that the matter was open for discussion. Amy Jackson suggested increasing the fine based on number of occurrences, such as \$50 for the first offense and a \$100 for the second offense. Mr. Hutchinson recalled that the first offense for violating the CC&Rs was just a warning. Mr. Foster believed the Board has done that in practice, however, in writing, the Board has the authority to fine on the first offense. Mr. Heath stated that the policy has just been to talk to the owners about problems. He did not believe anyone had been fined on the first occurrence. Mr. Heath agreed with Mr. Hutchinson that the fine could be as high as \$200. He was unsure where that was written but it was his recollection.

Ms. Jackson was comfortable with a warning on the first offense. Mr. Hutchinson felt it was appropriate for the Board to give a warning for the first occurrence, but he did not

think that should be published. Mr. Foster clarified that the fee schedule was only a list of fines the Board could impose for violations. The Board always has the discretion to educate first. If they can educate people and stop the problem, that would be more of a benefit than fining them.

The Board discussed minimum and maximum fines. Mr. Foster suggested clarifying the language to indicate that fines can be imposed at a minimum \$50 for CC&R violations. That would be consistent with fines imposed in the past and still leave the Board leverage for those who continue to violate the same rules.

The Board reviewed the fee schedule as written for all other items.

MOTION: Scot Erickson made a motion to APPROVE the fee schedule as discussed for posting online. Dan Heath seconded the motion.

Mr. Hutchinson asked for clarification on the fee for resumption of service. Mr. Heath explained that whenever a property is sold, Carol changes it over to the new owner and the fee is paid at closing. Mr. Foster suggested that Carol extend the parenthesis under Resumption of Service and explain that it relates to a property transfer.

Mr. Foster referred to the Construction Impact fee and the language in parenthesis, "no refund included". He noted that the Association does not have a refund schedule and that reference should be deleted. Mr. Hutchinson read the language, "Plans must be submitted to the ECC for plan approval", and suggested including "prior to seeking a building permit."

VOTE: The motion passed unanimously.

#### Meeting Locations finalized

Mr. Foster noted that Sue Larson was absent, which made it difficult to finalize the meeting locations. Mr. Burdette stated that Ms. Larson had indicated that the March meeting would be held at the Sandy library, but there was no information beyond that meeting.

Mr. Foster remarked that the Board has been looking for meeting locations free of charge, and he was unsure if that was actual criteria. Mr. Erickson replied that it has never been stated. Mr. Foster was not opposed to finding a more centralized meeting location. Mr. Burdette reiterated his previous suggestion for the fire station on 3300 South and 1900 East. Mr. Foster recalled consensus at the last meeting for meeting six consecutive months in the Valley and six months on the Ranch. Mr. Foster stated

that if the meetings are held in the south end of the Valley, it would be difficult for him to get there in time to start the meeting at 6:30 p.m. In his opinion, paying for a meeting location for six months would be a trivial amount compared to the convenience of a location closer to where the Board members work and live.

Mr. Foster believed they were committed to the Sandy Library for the March meeting. He requested that the Board members continue to pursue other locations that would be easier to access. Based on the discussion at the last meeting, the Board would hold their March and April meetings in the Valley and begin meeting on the Ranch in May. Mr. Erickson stated that he had informed Trailside that this would be their last meeting at that location. Mr. Hutchinson would check on the Fire Station on 3300 South.

## **New Business**

### Minutes

Mr. Foster referred to an earlier comment from Ms. Jackson regarding the level of detail in the minutes. He asked if the Board wanted to continue posting that level of detail for the owners, or if they preferred to post a summary of their meetings. Mr. Foster stated that he had asked Carol to begin preparing a summary page with the items discussed and motions and decisions.

Ms. Jackson agreed with a previous comment that people who are interested in the minutes take time to read them and the others do not. She clarified that her concern was when Mr. Foster turned off the recorder and went into a closed meeting on January 25, 2011. Ms. Jackson understood the reason, but felt they were asking for a problems when that was stated in the minutes. Ms. Jackson liked the detail in the minutes for the Board, but she questioned whether it was too detailed for the owners in certain circumstances. Mr. Foster thought it made sense not to announce in the minutes that the Board held a closed session to have a discussion that could not be made public. He felt it raised questions that the Board could not answer based on legal advice from the attorney.

Mr. Foster noted that the minutes with the closed meeting had not yet been posted.

MOTION: Scot Erickson made a motion to strike the reference to the closed meeting in the January 25, 2011 minutes before they are posted online. Alan Powell seconded the motion.

VOTE: The motion passed unanimously.

Mr. Foster specified that the bold section on page 10 of the minutes of January 25<sup>th</sup>, indicating that the Board held a closed session to discussion legal information should not be recorded in the minutes for the benefit of the Board, at the advice of their attorney. The Board did need to announce in the minutes that they chose to discuss private matters in the middle of the meeting. Should this same situation occur in the future, it should be referenced in the minutes.

Mr. Foster asked if the Board wanted to continue publishing the full set of minutes online, or if they wanted to only publish a content summary. Mr. Heath and Mr. Hutchinson favored a content summary. Ms. Jackson pointed out that if full minutes have been published, changing to a summary could raise questions. Mr. Burdette preferred to publish the full minutes. Mr. Erickson asked if the full minutes would be available if only the content summary was published. He agreed that people who have been reading the minutes would be concerned if that ability is taken away. Mr. Foster suggested that both the full set and the content summary could be posted online, and people could decide for themselves which one they want to read.

Mr. Hubbard referred to comments about the length of time it takes to post the minutes. He asked if the summary could be posted quickly without approval, followed by the approved set of minutes. Mr. Foster believed that would be possible, however, Sue Larson would need to create the summary. It takes Carol a while to transcribe the full set of minutes and the summary cannot be generated until the minutes are completed. Mr. Foster pointed out that the summary could be posted a few days prior to the next meeting when Carol sends the minutes. It would be easy for him to post the summary when he receives it.

Ms. Jackson stated that the summary should indicate that it is subject to Board approval. Mr. Hutchinson was concerned about posting a summary with items that may be corrected during approval of the minutes. Mr. Foster replied that he could ask Carol to stamp the first version as a DRAFT and post it as a draft. He did not believe corrections to the minutes would affect the content summary. The corrections in the minutes are primarily language changes and rarely relate to content.

Mr. Hutchinson stated that if Sue could generate the summary, it could be posted and made available right away. That would address some of the criticism the Board hears about not posting the minutes in a timely manner. Mr. Burdette recalled that a few years ago, no one on the Ranch could have access to the minutes without requesting a physical copy. He pointed out that even if the minutes are 30 to 40 days behind, the information provided is much better than any information they had before. Mr. Burdette stated that if any owner has a concern, they should come to a Board meeting and be heard. Ms. Jackson agreed. She understood that the owners are unhappy because



the minutes are posted long after their issue was either resolved or became worse.

Mr. Foster stated that he always posts an agenda with the topics for that particular meeting. People have the ability to read the agenda, and if they have specific concerns they should come to a meeting. He did not think it was fair for people to read the minutes post-meeting, and then be angry about what happened. The purpose of posting the agenda is to encourage people to participate.

Mr. Foster asked if the Board wanted to continue producing detailed minutes at all. Mr. Heath thought the minutes should be detailed to protect them if a matter goes to court. It is important to have that documentation. Mr. Burdette believed the detailed minutes are a necessary tool. Ms. Jackson thought a very small number of people even read the minutes. Mr. Hubbard felt it was important to have a detailed record of the meetings. Mr. Foster thought there was value in posting the content summary. Mr. Erickson was not interested to create another job for Sue Larson or another Board member. He preferred to continue with the current schedule and post both the full set and the summary content when the minutes are approved.

MOTION: Scot Erickson made a motion to continue with the current process for posting the minutes and include the content summary. Bruce Hutchinson seconded the motion.

Mr. Foster clarified that the motion was to continue to post full minutes of the meeting, in addition to the content summary, so the Ranch owners have all the information available, but to not create any new process for posting draft versions to speed up the availability. The minutes in any form would not be posted until they are approved.

VOTE: The motion passed unanimously.

#### Lower Parking Lot Issues.

Mr. Erickson stated that he went through the lower parking lot and he saw nine abandoned vehicles that have been parked there most of the season. In addition, there are nine or more trailers in the lower lot, four boats in the upper lot, and four other trailers. He wanted to know why the Board could not maintain the lots the Ranch actually owns. Mr. Erickson was not opposed to short-term parking but it bothered him that people were taking advantage of the parking lot. It makes the Ranch look unkept and not well-maintained. If the Board was not opposed to long term storage, then it needed to be labeled as such and people should be required to speak with their area representative about storing their vehicles. Otherwise, the lot should be cleaned out on a monthly basis.

Mr. Hutchinson asked if the owners of those vehicles live on the Ranch. Mr. Erickson replied that several of the owners do live on the Ranch. He was unsure about all of them.

Mr. Foster stated that the Board has talked about managing those parking lots for several years. He proposed that they create a cut-off date and post a sign stating that abandoned vehicles would be towed from the lot beginning June 1<sup>st</sup>. If a vehicle has a reason for being in that lot beyond that date, the owner must contact the area representative. Any vehicle without a Ranch sticker or a contact with an area representative prior to June 1<sup>st</sup>, will be considered abandoned and towed away. Mr. Foster stated that the information could also be posted on line, but it should definitely be on signage at the entrance of both lots. Ms. Jackson suggested that Mr. Foster send a general email to the addresses he has on file. Mr. Erickson favored that option.

Mr. Heath remarked that a storage lot would need to be secured and they should charge a storage fee. Mr. Hutchinson remarked that another problem with the winter parking lot are the trailers that are left year-round. He suggested also charging a storage fee for trailers.

Mr. Hutchinson raised the issue of liability if they accept payment for storage. Mr. Foster believed the Ranch could be liable if it is paid storage. Mr. Hutchinson recommended a time limit for how long a vehicle could be stored. Mr. Foster suggested that if they require stickers on the vehicles, it would identify the owner and the issues may not be relevant. The current problem is with abandoned vehicles that may not belong to Ranch owners.

Mr. Foster liked the idea of starting the project by cleaning out the lots. They need to find the owners and make them take responsibility for what they own. The Association could pay to tow away anything that is unclaimed.

Dan Heath offered to research the cost of signs for each lot and to draft appropriate language.

MOTION: Hutch Foster made a motion to create signage to let people know that the parking lots would be cleaned up, and to follow through by putting up the signs and cleaning up the lots this summer. Scot Erickson seconded the motion.

VOTE: The motion passed unanimously.

Mr. Burdette suggested that the Board set June 1<sup>st</sup> as an annual clean up date,

however, cleaning it up once will not solve the problem. Mr. Erickson clarified that his intent is to have Jody check it monthly.

### SSD

Mr. Heath asked for an update on the SSD. Mr. Foster replied that currently the matter is stalled with Ted Barnes, and he had not followed up with Mr. Barnes to get it moving forward again. Mr. Foster emailed Mr. Barnes at that point in the meeting asking him about the SSD.

Mr. Heath asked if the Ranch was only being patronized by Summit County or if there really was hope of becoming an SSD. Mr. Foster explained County Legal Department had presented three hurdles. Two were frivolous, but one needed to be addressed. The first was that the County Legal Department wanted every property owner adjacent to that road, to sign an easement to a theoretical SSD. It is an historic easement that has never existed and he and Mr. Barnes did not believe it was necessary. The second issue was the map of owners. Mr. Foster stated that the map exists because the GIS Department created it, but the Legal Department has not accepted it. Mr. Foster was more concerned with the third issue, which is the need for a legal description of the roadway in the proposal. He was unclear as to whether the legal description could be a text description of the existing road, if it needs to be an actual survey, or if it could be a drawn map of the road "as is".

Mr. Foster stated that during his last meeting with Ted Barnes, he asked Mr. Barnes to address the three issues, but requested that he address the road description first. Mr. Foster stated that he was unconcerned about the first two hurdles, but it was important to accomplish the legal road description. Once they have the required description, he would be comfortable taking the SSD to the County Council under the open session. Mr. Foster stated that Ted Barnes was supposed to be researching the requirements of the legal description. At this point the County Legal Department will only talk to the attorneys involved.

Mr. Foster reiterated that when Mr. Barnes has the answer on the road description and they accomplish whatever is required, he would present the SSD request to the County Council and explain the problems they have encountered with the Legal Department.

### **Monthly Budget Review**

Bob Burdette reviewed the unpaid bills detail report. He also presented additional bills that were not included in the report. The first was a bill from Sam Scaling in the amount of \$3,635 for plowing the connector between Forest Meadow and Pine Meadow Ranch

from October to February 8<sup>th</sup>. Mr. Burdette noted that Scot Erickson had reviewed Mr. Scaling's invoice and found it to be consistent with the plowing that was done. Mr. Burdette presented the bill for Jody's Robinson's payroll for the last paycheck in January and the first paycheck in February, as well as the withholding taxes that were paid.

M. Burdette stated that the unpaid bills totaling \$12,779 plus the bill from Sam Scaling for \$3,635 put the total bills to be paid at \$16,414. He noted that Amy Jackson had submitted her meeting mileage reimbursement for \$37.00. Scot Erickson submitted a request for \$50 made payable to Basin Recreation, to pay for the rental of the meeting room that evening.

MOTION: Bob Burdette made a motion to pay all of the bills as outlined. Dan Heath seconded the motion.

VOTE: The motion passed unanimously.

Mr. Burdette expected to receive the bill for the bulldozer that was used to push back the snow. To his knowledge that was the only outstanding expense of major significance.

### **Assignments Review**

Mr. Foster summarized that Bruce Hutchinson would look into meeting facilities that could be easily accessed by all the Board members. Dan Heath would research signs for the lower parking lots and draft language that will warn people that the lots will be cleaned out this summer but still be useful long term in letting people know what is and is not allowed.

Mr. Erickson stated that he would be following up with Marian Palmer. Mr. Foster noted that Ms. Palmer had communicated that their annual assessment was not paid because they were unhappy with road work. He pointed out that the roadway she referenced was on Hillcrest, which is not part of the Ranch. Mr. Foster believed the road had been maintained as best as possible considering its steepness and condition. Mr. Burdette agreed that the road is incredibly steep and would always be difficult to maintain.

Mr. Hutchinson wanted to know how the collection of dues compared to this same month last year. In his opinion, he thought it was lower than last year. Mr. Burdette referred to the profit and loss and noted that \$79,596 of the total 2011 dues had been collected to date, which was less than half of the \$197,000 expected from the lot

owners within the Ranch. Mr. Burdette pointed out that the invoices were not sent until February and there is a net 30 day period. Mr. Hutchinson thought the invoices were sent in January. Mr. Burdette noted that the Water Company sends their invoices in November and indicates that they are not due until January. He would like that same schedule for the Owners Association because it gives people significant warning. Mr. Hutchinson thought the invoices should be sent as close to January 1<sup>st</sup> as possible.

Mr. Burdette stated that from a cash standpoint, the Association carried over a surplus from 2010 into 2011. They had two unplanned emergencies; one was a hydraulic pump for the grader and the second was the bulldozer to push the snow, and they were able to cover those expenses without going into the reserve fund or spending the entire surplus.

Mr. Burdette expected to see an increase in the dues collected over the next two months.

Ms. Jackson noted that she had previously offered to research the feasibility of oiled roads and whether they could be done on the Ranch, and it was still on her list of things to do.

The meeting of the Pine Meadow Ranch Owners Association adjourned at 7:59 p.m.

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