

PINE MEADOW RANCH OWNERS ASSOCIATION
MONTHLY BOARD MEETING
WHITMORE LIBRARY
7695 NEWPORT WAY
SALT LAKE CITY, UTAH 84121
March 23, 2010

In Attendance: Hutch Foster, Dan Heath, Tom Deaver, Bruce Hutchinson, Suzanne Larsen, Alan Powell

Excused: Scott Clausen, Duane Yamashiro and Amy Jackson were excused.

Absent: Scot Erickson

Bob Burdette was expected to arrive later in the meeting.

Mr. Foster stated that he no longer hears from Scot Erickson and he requested that Dan Heath contact Mr. Erickson to inquire about his intentions as a Board member.

Ex Officio: Jody Robinson

Guest: Gaylene Woodruff and her mother PI-C-7,8,9. Larry Holt, Lot PI-C-7,8,9.

Hutch Foster called the meeting to order at 6:38 p.m.

Approval of Minutes

Minutes of February 23, 2010

MOTION: Suzanne Larson made a motion to APPROVE the minutes of February 23, 2010. Tom Deaver seconded the motion.

Bruce Hutchinson referred to page 2 of the minutes and corrected **Mr. Jackson** to read **Ms. Jackson**.

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

VOTE: The motion passed unanimously.

Owner/Visitor Open Forum and other owner communications

Mr. Foster clarified that the Maag Kennel was scheduled on the agenda for discussion. He noted that an interested property owner was present this evening to discuss the matter with the Board. Mr. Foster suggested that the property owner could give their presentation during this portion of the meeting and the Board could discuss it later in the agenda, or they could hold their presentation until the Board reaches that point in the agenda and be part of that discussion.

There were no comments or topics discussed.

Environmental Control Committee Plan Review

There were not comments or topics discussed.

Ranch Manager's Report.

Jody Robinson reported that all the equipment was in good repair. He noted that the roller purchase fell through and he was still looking for a roller. Currently he is doing minor runoff control.

Mr. Robinson expected to do the magnesium chloride around May 24th, depending on the road conditions at that time. Mr. Hutchinson recalled from last year that Mr. Robinson had intended to do the mag chloride earlier this year. Mr. Robinson replied that it was done later the year before last and May was the earlier date. He hopes to have it done before Memorial Day.

The Board discussed road work for this summer. Mr. Foster commented on the poor road conditions from Valley View to Forest Meadow. At the next meeting the Board should begin to compile a list of roads that need repair so they can prioritize the budget.

Mr. Robinson outlined the projected schedule for the Mag water. Mr. Foster liked the idea of trying to keep Tollgate closed as long as possible. It was pointed out that Mag water is extremely corrosive on vehicles and the roads should not be traveled on until they are dry.

Bob Burdette joined the meeting.

Old Business

Whiskey River Trucking Update

Mr. Foster reported that their account with Whiskey River Trucking was officially settled. He complimented Mr. Burdette on his efforts to negotiate a settlement amount with Whiskey that was within the range the Board had approved at the last meeting. Whiskey had signed a statement stating that all accounts with Pine Meadow Ranch Owners, the Pine Meadow Mutual Water, and with any other subcontractors have been settled.

Architectural Guidelines

Mr. Foster noted that the back of the agenda contained a re-write of the guidelines with the incorporated changes as discussed at the last meeting. The changes included specified colors, roofing and siding materials. He had added a paragraph to address lighting concerns. The language reflected the Summit County standards that the Board previously agreed to support.

A comment was made regarding requests to use straw. Mr. Foster replied that straw is a construction material that currently would not meet the guidelines, but he is interested in tracking its success. Mr. Foster stated that depending on the climate, straw is an actual building material and it would be used the same as insulated concrete forms or similar materials. It is typically used as infill for timber style construction.

The Board discussed colors and what colors could be considered as "acceptable". An owner is welcome to bring any color to the table for consideration. In the end, the ECC would make that judgement.

Mr. Foster pointed out that the architectural guidelines guide homeowners to building elements that would not need to be negotiated. It also guides the ECC to allow people to express themselves, but still build houses that fit within the Ranch environment.

Mr. Deaver believed that the goal should be to create basic guidelines without making specific demands that preclude individual choices.

MOTION: Tom Deaver proposed that the Board move forward with the guidelines and accept them as written by Mr. Foster. Sue Larsen seconded the motion.

VOTE: The motion passed unanimously.

Mr. Foster stated that the approved guidelines would be posted on the internet prior to the Spring building season.

PMROA Suggested Guidelines for Living and Building on the Ranch

Mr. Foster explained that he had used this document to write the current guidelines. The only copy he could find was a handwritten version. He suggested that it be turned into an electronic version and incorporated into the document that the Ranch has been using since 2003.

New Business

Maag Kennel, PI-C-37

Mr. Foster assumed each Board member had received a letter from the Maag's regarding a dog kennel. They built a cabin last year with a dog kennel attached to the side of the cabin. He noted that the guidelines require that dog kennels be adjacent to the owner's cabin not their neighbors. Mr. Foster remarked that until the permit issue was raised, he was unaware that this property owner brought in five dogs. Mr. Foster pointed out that the letter sent to the Board members implied that they had been told there were no restrictions. He could not recall ever having a conversation with the Maag's regarding dogs, but if they did, he never would have approved a kennel with five or six dogs.

Mr. Foster stated that a dog kennel is a conditional use in Summit County under the official zone of Pine Meadow. This means that an owner must apply to the Planning Commission to allow a kennel as a conditional use. Mr. Foster explained that the Maag's took their permit to the Planning Commission and after a heated discussion, the Planning Commission approved the kennel as a conditional use. Mr. Foster noted that the approval was for the lot and not the Maag's specifically. Therefore, that particular lot, in perpetuity, is allowed a six dog kennel, regardless of the owner or the type of dogs.

Mr. Foster stated that on behalf of the Owners Association, he took a written position that it was not appropriate to approve a six dog kennel because it conflicted with the CC&R's of the Ranch, which specifically states, "a reasonable number of dogs, cats, domestic animals, horses...." "A reasonable number to be determined by the Environmental Control Committee." He informed the County that the guidelines have existed for at least seven years and prior to that time, the ECC had determined a reasonable number to be three. Three was the number chosen based on Summit County's requirement that three is the normal number of dogs for a household. Any number beyond three requires a permit. Mr. Foster remarked that several neighbors in that area also sent written comments to the Planning Commission.

Sue Larson reported that Mr. Maag had contacted her and said that after he applied for his permit, people on the Ranch showed up and threatened him. One property owner informed Mr. Maag that if he saw the dogs off a leash he had the right to shoot them. Mr. Maag stated that he has also been threatened by members of the Board. Ms. Larson stated that she invited Mr. Maag to attend a Board meeting to present his case. However, he refused.

Gaylene Woodruff stated that she was the person who actually started the conversation with the Maag's. Her question to them was why they moved to the Ranch if the HOA has rules in place regarding dog restrictions. She was not opposed to people having

dogs, but they should not purchase property in a community where they know they would be violating the HOA rules because they exceed the number of dogs allowed. Mr. Maag claimed that he did not know there was a restriction on the number of dogs. Ms. Woodruff believed it was not an acceptable excuse because a person has the responsibility to research all rules and regulations before purchasing property.

The Board discussed the matter and the action taken by the Planning Commission. Mr. Foster acknowledged that there are problems on the Ranch with dogs from various owners. If someone sees a problem with dogs running loose, they should promptly call Animal Control. Mr. Foster requested that the discussion focus on the matter of the Maag's kennel.

From the standpoint of the Owners Association, Mr. Foster believed the Board needed to address the fact that the Summit County Planning Commission granted a permit for a use that is not allowed on the Ranch per the CC&R's. He clarified that the issue for discussion at this point is their conflict with Summit County and not with the Maag's. Mr. Foster noted that there is a ten day appeal process for appealing a Planning Commission decision to the Summit County Council. He believed the Board needed to focus on fixing a problem that grants express permitted use on a Ranch lot that would go with any deed for that lot, which is in direct opposition to the CC&R's. Mr. Foster requested that the Board appropriately address the matter directly through Ted Barnes and through the Summit County Council appeal process. Since HOAs have the legal right to have covenants that are more restrictive than County laws, he believed the Ranch could make the argument that the Planning Commission has permitted a use that is less restrictive than the County ordinance and violates the CC&R's.

Mr. Foster stated that unless there was opposition from the Board, he would meet with Ted Barnes the following day and ask Mr. Barnes to draft an appeal.

Impact Fees

The Board members discussed construction impacts and the pros and cons of the current process versus a flat impact fee. Under the current process, an owner pays a \$5,000 construction fee. If they do not violate the winter construction restrictions and no damage is caused, \$2,000 may be refunded. The problem is the lack of ability to hold someone responsible for the damages. Mr. Deaver thought the HOA should keep the entire \$5,000 to cover the building impacts in perpetuity. Mr. Powell stated that if they change to a flat fee, the guidelines should be more explicit in saying that no winter construction is allowed and the property owner is financially responsible for any road damage incurred. At the same time, the Board would have the responsibility to make sure the property owner does not violate the guidelines.

Mr. Foster agreed that there was a risk in changing the process. However, they have not seen any progress in the last four years for stopping winter construction, because construction on a project cannot just stop.

Mr. Hutchinson felt there was nothing wrong with increasing the impact fee to \$5,000 to fix the problems that are created. Experience has taught them that they will always have road problems.

MOTION: Sue Larsen made a motion for the Board to implement a flat impact fee and to keep the seasonal building recommendations. The flat fee would be \$5,000 for new construction and \$2.00 per square foot for additions.

Mr. Powell felt it was important to know the exact language in the guidelines regarding winter construction and to include that in the motion. The guidelines should clarify the responsibilities and repercussions for incurring damages.

Mr. Foster clarified that there was a motion on the table. Ms. Larsen could withdraw her motion pending further clarification, or he could decline to call for a vote and the motion could sit until the next meeting.

Ms. Larsen withdrew her motion. Mr. Foster stated that he would put this item on the agenda for further discussion at the next meeting.

Roads

Mr. Deaver asked about coordinating with owners about putting road base on certain roads. Mr. Foster stated that the Board has always worked with owners if they want to resurface roads on their own. Jody makes sure the work is done right. Mr. Foster noted that the CC&R's state that owners are not to work on the roads without express permission from the Board.

Credit Card for Jody Robinson

A question was raised on a previous discussion by the Board on whether or not Jody Robinson should be given a credit card for Ranch use.

Mr. Burdette explained that credit cards create the liability for abuse. However, Jody is currently carrying two credit cards on behalf of the Ranch. One is to purchase fuel and one is for Home Depot. Neither card can be used to purchase supplies or other needed items. Mr. Burdette noted that Jody always requests approval for purchases outside of ordinary expenses.

Pine Meadow Ranch Owners Association
Board Meeting
March 23, 2010
Page 7

MOTION: Bob Burdette made a motion to authorize Jody Robinson to have a credit card in the name of Pine Meadow Ranch Owners Association, and that the card be carried by Jody Robinson and used to make purchases on things that are necessary for the Ranch.

Mr. Deaver asked about a credit limit. Mr. Foster believed that the card would have a limit of its own.

Dan Heath seconded the motion.

Mr. Deaver thought the Board should discuss whether Jody would need authorization to make a purchase if the cost exceeds a specific amount. He trusted Mr. Robinson, and he was only suggesting that the specifics be defined.

Mr. Burdette amended his motion to include a \$2,000 card limit.

Mr. Foster asked Jody to identify an amount where he would be comfortable making a purchase without having to contact an executive member of the Board. Mr. Robinson was comfortable with \$400.

Mr. Foster asked Mr. Burdette if he would accept an amendment his motion to include authorization for Mr. Robinson to spend \$400 before seeking authorization from an Executive Board member.

Mr. Burdette amended his motion to include a \$400 purchase limit before requiring authorization from an Executive Board Member.

Mr. Foster summarized that the motion on the floor was to authorize Jody Robinson to carry a Pine Meadow Ranch credit card with a \$2,000 limit and that Mr. Robinson would be authorized to spend up to \$400 at his own discretion on behalf of the Ranch. For any amount over \$400, Mr. Robinson would be required to contact an Executive Member of the Board before making the purchase.

VOTE: The motion passed unanimously.

Mr. Heath reported that two rental houses were up for sale on Arapaho. He believed that one house would require discussion. Mr. Foster asked Mr. Heath to send him an email with the details.

Monthly Budget Review

Mr. Burdette reviewed the unpaid bills.

MOTION: Mr. Burdette made a motion to approve all of the bills presented. Dan Heath seconded the motion.

VOTE: The motion passed unanimously.

Mr. Burdette reviewed the financial statement.

Assignment Review

Mr. Foster reported that Jody Robinson was still looking for a roller and he asked the Board members to contact Jody if they find one at a good price.

Mr. Foster stated that Alan Powell would be working on a proposal to clarify and change the impact fee and road damage guidelines for the Board to evaluate and possibly adopt at the next meeting.

Mr. Foster requested that the Board members provide a summer projects list so the projects can be prioritized with roads.

Mr. Foster would meet with Ted Barnes to pursue the appeal of the conditional use permit that was approved by the Planning Commission.

The meeting of the Pine Meadow Ranch Owners Association adjourned at 8:24 p.m.