

PINE MEADOW RANCH OWNERS ASSOCIATION
TRAILSIDE PARK
5715 TRAILSIDE DRIVE
PARK CITY, UTAH
APRIL 28, 2009

In Attendance: Hutch Foster, Bruce Hutchinson, Dan Heath, Bob Burdette, George Ramjouw, Scott Clausen, Scot Erickson, Suzanne Larsen, Amy Jackson.

Ex-Officio: Jody Robinson, Ranch Manager

Excused: Jen Kanzler, Duane Yamashiro. Amy Jackson arrived later in the meeting.

Guests: Marla Janusz, PI-52 and Storm Matheson, Lot unknown, Michael Kottler, Lot SS-145-A-3, Paul Sharwell Lot SS-156-A-1, and Kim Watkins, Lot E-31.

Mr. Foster noted that Michael Kottler and Paul Sharwell were property owners on Lower Forest Meadow below the Ranch.

Hutch Foster called the meeting to order at 6:40 p.m.

Approval of Minutes

Mr. Foster called for discussion on the meeting minutes of March 24, 2009.

MOTION: Bruce Hutchinson moved to ACCEPT the minutes of March 24, 2009. Scott Clausen seconded the motion.

Scott Clausen remarked that the minutes were very complete and lengthy. Mr. Foster stated that since the Board only meets once a month they should expect the minutes to be more extensive.

VOTE: The motion passed unanimously.

Owner/Visitor Open Forum

Understanding that Mr. Kottler and Mr. Sharwell were present to discuss road maintenance, Mr. Foster offered two options. If they wanted to leave the meeting earlier they could make their comments at this time. If they preferred a more in-depth discussion, he requested that they wait until further in the agenda, at which time the Board would have that discussion. Mr. Kottler and Mr. Sharwell preferred to wait until the matter was discussed on the agenda.

ECC Plan Review

Kim Watkins, E-31, reported that she and her husband have postponed plans to build on their

property. Since they have already paid the \$5,000 impact fee and the water fees, she asked if it was possible to have any part of those fees refunded until they decide to build. Mr. Foster stated that the Board has never faced this question, but in fairness, he would like to refund their money. However, in order to make sure a property owner reviews their plans with the Board, the plans must be approved and the fees paid before they can request a water letter from the Water Company. If they return the fee and two years later the property owner decides to build something different than the approved plans, the Board would have lost their leverage to insure a design that would meet the requirements of the neighborhood. Before refunding any money, the Board needs to devise a mechanism that would require the property owner to come back to discuss their plans.

Bruce Hutchinson agreed that the fee should be refunded, but suggested placing a lien on the property stating that if the property is sold, building plans must be approved by the Board. George Ramjoue thought that a simple agreement between the HOA and the Watkins' would be sufficient. Mr. Clausen stated that if the water letter is returned, the property owner would need to come back to the Board in order to obtain another water letter. Mr. Foster agreed that retrieving the water letter would be a good approach because a new owner would not be able to request a building permit without that water letter. He noted that the Water Company would also need a letter in their file to that effect. The details could be worked out outside of this meeting.

MOTION: George Ramjoue made a motion to return the impact fee to the Watkins' conditioned upon the successful execution of an agreement that spells out the requirements for the Watkins or any future owner to come back to the HOA Environmental Control Committee building plan approval, and returning the water letter would be the leverage to accomplish that.

Mr. Foster clarified that the motion referenced the \$5,000 impact fee only and did not consider any Water Company fees. He noted that the Water Company is a separate entity and any refund requests would be the decision of the Water Board. Bob Burdette informed Ms. Watkins that fees change and she would be assessed the fee in effect at the time they decide to build.

VOTE: The motion passed unanimously.

Mr. Foster stated that he would work out the details of the refund with the Water Company and Carol. In the meantime, he asked Ms. Watkins to find out whether or not she had pulled a building permit and to locate the original water letter that was issued.

Marla Janusz, Lot PI-52, presented preliminary building plans for their 2.25 acres lot. She asked what information the Board would like to see and in what detail. Mr. Foster stated that they like to see plans for siding, utilities, septic, electrical, driveway cut and elevations with colors and materials. Ms. Janusz stated that the prior owner paid the fee for the water connection, but she

was unsure of the connection location and was not able to identify it on her plans. In addition they had identified the dumpster location and the propane tank. She believed their plans were complete based on the information requested. They plan to use a gray or charcoal metal roof and hardy board siding.

Mr. Foster requested that Ms. Janusz provide actual color samples at a future meeting. He noted that George Ramjoue would be their Area 3 rep. Once the plans are approved by the Board, Mr. Ramjoue should be able to assist them on future matters.

Amy Jackson joined the meeting.

The Board reviewed the plans and determined that a few details needed to be worked out before they could be approved. Mr. Ramjoue stated that Ms. Janusz would contact him when the plans are complete. Ms. Janusz asked about colors. Mr. Foster replied that the Board looks for colors that blend into the mountain environment. He noted that hardy board has been approved on other projects in neutral, earthy and natural colors. Metal roofs are acceptable as long as the reflection is muted. Natural stone is also favored. Mr. Foster remarked that they would talk more about color and materials when elevations are submitted. He suggested that Ms. Janusz contact Mr. Ramjoue if they need assistance or have plans ready before the next meeting.

Storm Matheson asked if there are rules or regulations regarding heavy equipment coming to the site. Mr. Foster replied that there are no regulations during the summer. Property owners are required to pay a \$5,000 impact fee, of which \$2,000 is refundable at the discretion of the Board if they avoid building during the wet season. The defined building period to allow heavy equipment traffic is June 1st to October 31st. If all the exterior work and landscaping is complete by October 31st, the Board could decide to refund a portion of the impact fee. Mr. Clausen pointed out that if a trackhoe or other equipment does significant road damage, the property owner would be responsible for any repair costs that exceed the impact fee.

Water Board Update

Mr. Clausen had not attended the Water Board meeting. He stated that Thursday is an inconvenient day for him to attend and he apologized for not checking his schedule before volunteering to be the representative.

Amy Jackson asked if it was possible for the Board members to take turns attending the Water Board meeting. Mr. Foster felt that taking turns was better than not being represented, since the HOA is responsible for sending a representative.

Mr. Clausen stated that he could attend the May 28th meeting if someone else could attend on

May 14th. Scot Erickson offered to attend on May 14th. Mr. Foster stated that if Scot Erickson and Scott Clausen could attend the May meetings, the Board could re-evaluate and choose someone who could attend regularly at the next meeting.

Jody Robinson reported that work for the Water Company has been slow. Mr. Foster understood that the water manager, Brody Blonquist, and his assistant, Trevor Townsend, had helped Jody with the culvert issue. In turn, Jody has been helping them with projects.

Ranch Manager's Report

Equipment Status

Mr. Robinson remarked that the grader has been repaired and serviced and he expected a significant bill from Wheeler Machinery.

Projects

Mr. Robinson stated that he has mostly been doing water control. He plans to start attending to the weeds because the thistle is starting to grow up the canyon. He noted that work for the month has been slow.

Mr. Foster asked if Mr. Robinson had obtained an estimate for sealing the cracks in the asphalt and for the mag water. Mr. Robinson replied that he would get the estimate for the asphalt this month now that the weather is better. Mr. Robinson stated that the roads need to be graded and dried before they can apply the mag water. Mr. Foster suggested that they get their name on the calendar for mag water.

Mr. Foster reported that on Sunday the water had started to bypass one of the culverts and created a swirl at the bottom of Tollgate that was heading towards the road. The bank was collapsing fairly rapidly and had moved eight feet of fill by the time Jody Robinson and Brody Blonquist arrived. The County was called, since they own the land, and after looking at it they gave authorization to do what needs to be done. Brody and Jody used the Water Company trackhoe to re-channel the stream and the County delivered a truckload of large boulders. Trevor placed the boulders to reinforce the banks. Mr. Foster remarked that it would be imperative this summer to look at the upper end of the culvert to see if the bottom has eroded.

Mr. Robinson reported that a homeowner's culvert plugged and had washed out the road. The culvert was opened up and the water is running through it, but there are still a few washouts that need to be fixed.

The Board discussed problem areas on the roads. Mr. Hutchinson felt that certain sections need to be plowed wider. Mr. Foster agreed and thought they had solved that problem with Chris last year. Mr. Hutchinson stated that poor workmanship by people who plow is costing the HOA additional funds and something needs to be done. The offenders should either be charged the cost of fixing the road or they should not be allowed to plow. Mr. Foster stated that the repair this year is only grading and there would be no materials cost. He felt they should find a solution for making the system work. It is already in writing but they need to enforce it when necessary.

Mr. Foster noted that a projects list was posted on the website. He could not find the list that Mr. Hutchinson had sent and he asked him to send it again. He urged all the area reps to send in proposed projects so they can prioritize the summer projects for Jody.

Dan Heath commented on a low spot on Forest Circle that needs a culvert. He believed one may be buried in that location, but if there is one it is not working. Mr. Foster stated that if the Board wants to generate a list for culverts, those low spots should be emailed to him so they can be added to the project list.

Truck Purchase

Mr. Foster presented a picture of a dump truck. This was a different truck from the Chevy the Board had previously seen. It is a five-year old Ford F-350 with a dump body, extended cab and 24,000 miles. It also has a blade. The price is \$26,500. Jody had priced a sander box. The cost with a Briggs & Stratton was \$5999 or \$6999 with a Honda motor. Both prices include installation. Jody remarked that a 1,000 gallon water tank is \$2,000 and includes a Honda pump to push the water. It would be good for watering the roads or cleaning culverts. Mr. Foster assumed there would be other incidental expenses. Jody may need to build a rack to store the sander for the summer and a rack for the water tank.

The Board felt it was appropriate to purchase the truck. The truck is in Denver and Mr. Foster stated that he and Jody would drive to Denver to look at the truck before purchasing it. Bob Burdette stated that the purchase was within budget and he favored moving forward. There was a question as to whether a motion was necessary. Mr. Foster stated that in a previous meeting a motion was passed to purchase a truck at the right opportunity. He commented on the possibility that after he and Jody drive the truck they may not make the purchase.

Old Business

Proposed SSD Status

Mr. Foster reported that the Special Service District proposal was submitted to the County

Council. He was told that in order to submit a legal proposal for consideration by the County it has to include a survey delineating the perimeter of the entire proposed SSD. Mr. Foster stated that it would be a \$10,000 survey job of 20 miles of bush wacking. The County Attorney was very helpful, but it is State law and there is no way around it. After some persistence, they thought the County Recorder's Office might come up with a legal description of the boundaries that would not require a physical survey. Currently, the County GIS Department and the Recorder's Office are working on creating a legal description of the boundaries of the area that Pine Meadow described as a list of lots. Mr. Foster remarked that the SSD matter is still working through the system. It has not gone before the County Council, but it is still active.

Mr. Foster believed that the SSD is still the right direction and he hoped that the County Council and the people who use Tollgate Canyon and Forest Meadow Road would agree.

Ranch Projects List for 2009 Season

Mr. Foster spoke about Forest Meadow and asked Michael Kottler and Paul Sharwell to explain their relationship with Forest Meadow and their vision. Paul Sharwell stated that he was the lowest residential property on Forest Meadow below the Ranch and he is a full-time resident. Over the past few years he has been very concerned about Forest Meadow road in his area. He has spoken with most of the neighbors and believes the majority share his concern. Mr. Sharwell stated that in the past he has paid road assessments, however he did not pay this year because he did not feel the money was being put to use on his road. He also plows the road because he understood the HOA was not responsible for plowing that road. Mr. Sharwell pointed out that it is getting harder to plow the road due to its current condition. Mr. Sharwell stated that if an SSD cannot be formed, he would like to reach an agreement with the Board on what can be done. Everyone he talked to agrees that the road needs a lot of drainage work, as well as surface work. They are willing to pay their share but they would like service for what they pay for.

Mr. Foster recalled that when they started paving Tollgate, the concept was to put a durable hard surface on Tollgate and push all of the heavy truck traffic to that side. Once Tollgate is completed the budget would begin working up Forest Meadows. He pointed out that Tollgate is not yet completed. Mr. Foster remarked that Mr. Sharwell's road would require a significant budget and extensive work. Mr. Foster stated that the Board would brainstorm a solution for truck traffic because they never intended for heavy trucks to be on the Forest Meadow side. Mr. Erickson made the suggestion to engineer where the two roads meet to make it safer.

Michael Kottler asked what percentage of the Homeowners Association supports the SSD. Mr. Heath believed the majority of the homeowners support an SSD. Mr. Foster remarked that he has seen very little negative response. Mr. Foster explained the process for the SSD before it can be approved. The Board and Mr. Sharwell discussed the SSD and ideas for how it should be

organized and represented.

Bob Burdette reported that discussions had started with the land owners on lower Forest Meadow Road in an effort to bring ideas to the Board on what can be done with the road. He drove the road today and found that it was worse and the deterioration of the roto-mill is continuing. Mr. Burdette felt the Board needed to seriously discuss what needs to be done. To do nothing is no longer adequate.

Mr. Foster encouraged Mr. Kottler and Mr. Sharwell to visit the HOA website for updates.

Mr. Foster asked the Board if work needed to be done on Tollgate besides filling the standard chuck holes. He knew the budget would not allow for major work on either side this year, but he felt it would be good if they could resurface the roads with gravel, in addition to fixing the cracked sealing.

Mr. Hutchinson made a suggestion to push the gravel back to the edge of pavement going up Tollgate on the right hand side. Mr. Foster replied that Jody had talked about borrowing the Water Company's mini-hoe and slowly walking the entire road and doing a re-grade as he goes up. Pulling the gravel back to the road and putting the ditch further off the road would be time consuming, but inexpensive and effective.

Mr. Foster reiterated his request for the area reps to email him with on-Ranch projects for their area. He would like to compile a complete list as soon as possible.

Building Guidelines

Mr. Ramjoue stated that he tried to locate Merrill Nielson but was unsuccessful. He did contact Scott Boyle and Mr. Boyle told him that the Board developed the criteria for architectural review in 1999 after the McKissen's started to build an 8-foot fence. He understood that Merrill Nielson had prepared the document and suggested fees based on his job as a City planner. Mr. Boyle had the documentation at his home and he would try to locate the file with the original documents.

Mr. Burdette stated that after the last meeting he researched the CC&R's to see if there was anything that allows the Board to impose restrictions on building within the Ranch. He could not find anything that would give the Board that authority. Mr. Burdette remarked that the Board could make suggestions but they have no authority to impose their will on a property owner. Mr. Foster noted that the CC&R's reference the guidelines that the ECC would use, but those guidelines do not exist. He believed those guidelines should have been created when the CC&R's were created. Mr. Foster asked their attorney, Ted Barnes, if the Board has standing to create that document but he had not yet responded.

Mr. Foster stated that Scott Boyle had said that the Board had adopted Mr. Nielsen's guidelines, although they were never officially adopted to the rules and regulations. Whether or not a Board voted yea or nay ten years ago is not relevant at this point. Mr. Foster stated that he would continue investigating the matter to see if they can have something in writing.

Continued discussion on short term rentals

Mr. Foster recalled that the Board was deadlocked on the issue of short-term rentals at the last meeting. He noted that the ending discussion was about putting it up to the entire Ranch HOA as a CC&R amendment. Mr. Foster pointed out that 2009/2010 is their window for amending the CC&R's and he suggested that the Board start thinking about items they want to ask the Ranch owners about. He stated that the question of architectural guidelines and short term rentals would fit within that realm. Mr. Burdette noted that the Forest Meadows CC&R's states that no structure can be built within a 100 feet of any road. This means no structure can be built. He stated that they had backed away from that policy and use the County guideline, however, that should be amended in the CC&R's.

Mr. Foster stated that Ted Barnes is looking into whether or not they can amend the CC&R's and what would be required. This summer the Board should write proposed changes to the CC&R's so they can present them individually to the membership rather than as a package.

Mr. Burdette asked how they would get the 550 votes needed. Mr. Foster explained that the rules and regulations were amended to allow mail-in ballots by a majority of ranch owners who attended an annual meeting. He believed a mail-in ballot would be appropriate for this vote.

Amy Jackson believed many people felt strongly about not having short-term rentals. She thought it was important for the Board to be well-organized so they would not lose this opportunity for the members to vote. Ms. Jackson suggested that the Board members be given assignments on rules changes this evening rather than to wait until the next meeting. Mr. Heath offered to work on changes for Forest Meadow. Ms. Jackson offered to work on short-term rentals as a proposal for a CC&R amendment. The suggestion was made to have a proponent write one view and an opponent write another view on the short-term rental issue. Mr. Foster thought that the changes should be written first.

Mr. Heath and Mr. Foster believed they would need separate ballots for separate areas. Mr. Clausen asked if they should move towards one set of CC&R's or if they should keep separate ones. Mr. Foster suggested that they look at consolidating the sets to see if they make sense together. Mr. Foster asked someone to edit and update Pine Meadow. Mr. Ramjoue volunteered to do Pine Meadow.

Ms. Jackson requested that the Board take time at the next meeting to discuss the best way to reach people for an effective vote.

Mr. Foster commented on the importance of getting the architectural guidelines document from Scott Boyle so they could modify it as a proposal to the owners.

New Business

Mr. Foster reported that on June 13th there would be a wild lands fire engine training on the Ranch. He would post as much information as possible on the website so people will be informed as to what is happening. There will be 25 fire trucks roaming the Ranch doing training exercises. No fires are involved in the training. The suggestion was made to put up temporary signs at the bottom to that effect.

Monthly Budget Review

Mr. Burdette reported on a note attached to an invoice from a disgruntled person saying that his road has never been graded. Mr. Burdette pointed out that this particular road goes nowhere and only sees four cars a year. It starts at Bull Moose drive and goes east up a road called Bear Tooth Ridge. The property owner indicated that this would be the last time he pays dues because his road has never been graded. Mr. Foster stated that it would be fine if Jody wanted to grade the road.

Mr. Robinson noted that Mr. Burdette incorrectly identified the bill from Coalville Repair and Sales. It should be Coalville Auto and Farm. He also noted that Suburban Propane was not their bill and should be given to the Water Company.

Mr. Burdette presented bills in the amount of \$13,000. The \$13,000 total included Jody Robinson's salary plus taxes. He noted that eliminating the Suburban Propane bill would eliminate \$2400.

Mr. Burdette referred to the profit and loss report and noted that they had collected 77% of the 2009 assessments or approximately \$150,000. They also collected 75% of the road income. He stated that the 155 SS lots are non-Ranch owners and they have only paid 14%. Mr. Burdette noted that the non-Ranch owners are more than willing to pay once they see that something is being done to their benefit. Mr. Foster felt this was an old argument that the Board did not need to have this evening. He requested that Mr. Burdette move forward with the bills.

In terms of collections, Mr. Burdette stated that efforts are being made to collect delinquent balances. In terms of current balances he expected that they would collect 90% of the \$195,000

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by December.

Mr. Burdette reviewed the monthly bills.

MOTION: Bob Burdette made a motion to pay the bills as presented, with the exception of the bill from Suburban Propane. Sue Larsen seconded the motion.

VOTE: The motion passed unanimously.

Area Representative Issues

No specific issues were raised.

The next meeting is scheduled for May 26th at the Park Library, Taylorsville, Utah.

The meeting of the Pine Meadow Ranch Owners Association adjourned at 8:35 p.m.
