

PINE MEADOW RANCH OWNERS ASSOCIATION  
MONTHLY BOARD MEETING  
RANCH MANAGER'S OFFICE  
ARAPAHOE DRIVE  
SALT LAKE CITY, UTAH 84121  
July 27, 2010

In Attendance: Hutch Foster, Bob Burdette, Dan Heath, Tom Deaver, Alan Powell, Bruce Hutchinson, Suzanne Larson

Excused: Scott Clausen, Scott Erickson, Duane Yamashiro were excused.

Ex Officio: Jody Robinson, Ranch Manager

Guest: Mary Kurachek, Lot PI-E-73; George and Judy Prince, Lot G-26; Sam Scaling

Hutch Foster called the meeting to order at 6:37 p.m.

### **Approval of Minutes**

MOTION: Bob Burdette moved to APPROVE the minutes of the June 22, 2010. Bruce Hutchinson seconded the motion.

Bob Burdette referred to page 1 of the minutes and corrected the minutes to reflect that Bob Burdette, not Bruce Burdette, had made the motion to approve the minutes.

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

VOTE: The motion passed unanimously. Sue Larson abstained since she was absent from that meeting.

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

#### Prince - Lot G-26

Judy Prince thanked the Board and Jody Robinson for the road base that was laid on Aspen Ridge Drive. She recalled questions in the past as to whether the road had ever had road base. She reported that it did have road base because Mrs. Johnson had receipts from 30 years ago when her husband put road base on that road when they first purchased their property. After the water system was replaced all the dirt underneath was brought up and created problems when the road was wet. Ms. Prince noted that the road base had been on for a few days and it made a tremendous difference this weekend when people would drive by. There was very little dust

regardless of how fast they were driving. Ms. Prince expressed appreciation for the efforts to surface that road, as well as everything else the Board and Jody do for the Ranch.

Mr. Foster reported that Aspen Ridge and Arapahoe were dangerous roads when wet and both roads were resurfaced this summer.

Kurachek, Lot PI-E-73.

Mary Kurachek thanked the Board for their time and efforts, recognizing that it is probably a thankless job.

Ms. Kurachek stated that the previous Saturday she felt like she was living on a NASCAR racetrack. She has seen children as young as 8 or 10 years old whipping by her place. Her cabin intersects three roads and the noise and dust created by the wheelies billows down towards her house. Ms. Kurachek stated that next year she would appreciate having the roads magged in front of her house and continued on to Craig's house. She commented on the amount of traffic that goes by her house, particularly on a weekend.

Ms. Kurachek pointed out that the Mountain has grown over the past 20 years, and she could not understand why they do not do a one-time assessment to improve the roads, or raise the annual dues. She felt it was inefficient to pay only \$250 a year when so many people live on the Ranch.

Ms. Kurachek remarked that the shack at the entrance at Tollgate with the tacked on message board looks horrible. She offered to personally pay for plants and barrels and to do the gardening work to make that area look nicer.

Ms. Kurachek stated that the garbage dump is also disgraceful and she wanted to know why they could not plant trees along the edge. She noted that they have owned property on the Ranch for eight years. They are only summer residents, but they love it up there. They have actively been trying to find another piece of property because of the dust and the road and people racing by their house. They love their house and do not want to move, but the Ranch is not the happy place it was 25 years ago. Ms. Kurachek felt the Board should consider the number of people and recognize that they are in the 21<sup>st</sup> Century and improvements need to be made.

Mr. Foster remarked that Ms. Kurachek's points were well taken and he agreed with everything she proposed. He believed the Ranch was due for increasing the road

assessments..

Ms. Kurachek acknowledged that some people in the community are living paycheck to paycheck and she could appreciate that. However, she felt that most people would be willing to have their dues increased to \$500 or \$700 a year for improved roads.

Judy Prince pointed out that the 80 year old woman who lives above them can barely pay her dues now. She commented on others who are trying to build their homes from salvaged materials because they cannot afford anything more.

Ms. Kurachek suggested that some people could be excused from the increase for valid reasons. However, when she sees new trucks, mobile homes, and new campers, all hauling new ATVs, she is inclined to believe that most of the owners could afford an increase. Ms. Kurachek asked the Board to think about it in an effort to improve the roads and install a few guardrails for safety.

Mr. Foster stated that he thinks about it annually and if she comes back to plead her case again, he would support her. He informed Ms. Kurachek that other people have expressed an interest in volunteering their time to make improvements at the entrance and her efforts would be appreciated.

Mr. Foster pointed out that there is major brainstorming currently in process regarding entry area beautification. He was unsure if it would happen because there were still wrestling with budget issues and planning issues, but the Board would continue to discuss it.

Ms. Kurachek suggested forming a committee and asking people to donate trees that could be planted around the garbage dump. Bob Burdette pointed out that there is no water in that area to water the trees.

### Sam Scaling

Sam Scaling had attended the meeting to discuss plowing. Mr. Foster noted that plowing was not scheduled for this meeting. He assumed Mr. Scaling was talking about plowing the connection from Pine Meadow to Forest Meadow this coming winter, since he was the plower last winter. Mr. Scaling replied that this was correct. Mr. Foster offered to schedule that discussion for the next meeting.

Mr. Foster referred to an email that Amy Jackson had forwarded to him from an owner who complained, regarding trash on a neighbor's lot. He had not had the opportunity to

look personally look at the situation and he was unsure if Ms. Jackson had been up to the Ranch. Mr. Foster would follow up on the matter.

### **Environmental Control Committee Plan Review**

Dan Heath provided copies of plans for a garage to replace an existing garage that was in compliance in terms of colors, materials, etc. The garage was made smaller than the original, but the plan was approved and he collected the check. The owner gave him the check and read through all the requirements and agreed to everything except short-term cabin rental. He told Mr. Heath that he had read the covenants and obtained title insurance, but short-term rentals was never mentioned. The property owner offered to sign the agreement but stated that he would write unacceptable across that clause, unless someone could show him where he ever agreed to prohibition of short-term rentals.

Bruce Hutchinson pointed out that the owner was being asked to agree to it now by signing this agreement. Mr. Heath noted that the owner wrote unacceptable. Mr. Heath believed the Board would see this issue occur again.

Alan Powell asked if the owner intended to make his cabin a short-term rental. Mr. Heath stated that the owner could care less about renting, but he wanted to be consulted if they were taking away his rights. Mr. Burdette noted that his rights were not being taken away. The owner was asking for permission to build. Mr. Heath stated that if they deny the right to build, they better have good reason. Mr. Hutchinson remarked that asking the owner to sign the agreement was asking him to adhere to the new CC&Rs. Mr. Foster pointed out that they are new Rules and Regulations, but they are not CC&Rs.

Mr. Heath suggested that if they add viable language indicating that it is voluntary, people may be more inclined to sign. He stated that personally he would not sign it on the chance that he would be giving up his rights to build a garage or other structure. Mr. Heath noted that he would side with the homeowners a hundred percent if they voice objections.

Mr. Foster remarked that the Board should make a decision to either follow this rental issue to a final legal resolution, or decide that prohibiting short-term rentals is not the correct thing to do. One way or another, they need to follow this matter to an outcome. Mr. Foster preferred to hold further discussion to a closed meeting since two new members need to be informed of the implications. He suggested a brief discussion in closed session at the end of this meeting, if time permitted.

Mr. Foster reiterated that the Board needed to make a decision that would become policy, however, it would be a no-win situation, since they would alienate a good portion of the Ranch by whatever decision is made. Mr. Burdette did not believe that should be a determining factor because the Board needs to do what is right. Mr. Foster agreed that the Board should do what they are required to do by the CC&Rs, which is to take care of the best interest of the Ranch. He noted that the CC&Rs do not discuss the rental issue, which may take them in another direction.

Suzanne Larson questioned whether nightly rentals was even a problem when the CC&Rs were originally drafted. Mr. Foster stated that based on historical information, it did occur and it was a widespread use for most of the life of the Ranch. Mr. Foster did not think it was much different from loaning your cabin to your family.

Mr. Foster tabled the discussion until the Board could meet in closed session, either later this evening or at the next meeting.

### **Water Board Update**

Mr. Foster had attended the June Water Board meeting. The major discussion related to updating the water meters. The Water Company is looking at installing radio read meters that provide a signal when there is a leak. If an owner purchases one of these meters, Brody or Trevor would check their meter when a leak is detected on the Ranch. Mr. Foster noted that these would most likely become the required meter for new construction.

Mr. Foster reported that the Board was still discussing an additional water source, which he believed would become a permanent discussion. There may be the opportunity for an exploratory drill on Tollgate Canyon on another parcel of land.

Mr. Foster noted that the connection between the 200,000 gallon tank and I-Plat has been delayed because the Water Company is still trying to find the appropriate party to approach to cross easements to the property behind the Ranch. Property ownership was not as clear as they expected. Mr. Foster expected that the project would be delayed until next summer.

### **Ranch Manager's Report**

Jody Robinson reported that all the equipment was running well. The fire trailer and the water truck are in good shape and ready to go. The roller has a few leaks that he plans

to fix as part of winter maintenance. The dump truck and grader are in good condition.

### Water Truck

Mr. Hutchinson asked how the water truck was obtained and if it belonged to the Association. Jody stated that the government loaned the truck to the Ranch in case there is a fire. He noted that the truck could also be used to water the roads when they lay gravel, as long as they maintain it.

Mr. Foster believed that use of the water truck was a bonus resulting from the relationship they have established with Jody Robinson being part of the Fire Department, and Mr. Foster and Mr. Powell doing fire training with Bryce.

Jody stated that during the winter he would put the truck in the North Summit station in Coalville. Per their agreement, the truck needs to be under cover in the winter.

Jody noted that new gravel was laid on Arapahoe and that project is finished. Aspen Ridge is still in progress. Jody stated that he has been repairing signs around the Ranch.

### Weeds

Jody reported that the weed spraying was completed and he had gone over the entire Ranch twice.

Tom Deaver suggested that Jody spray for weeds by the mailboxes. He noted that there is a small patch of noxious 6-foot high purple thistles at the bottom.

Mr. Foster reported on the number of emails he received over the last few weeks regarding weed issues. Dyer's Woad is mostly managed on the Ranch, however, there may be a few near the dumpster. He had spent several hours on the Ranch knocking on doors asking people to pull them before they seed. In some cases, he pulled them himself for people. Mr. Foster stated that he has hauled off truck loads of trash bags with Dyer's Woad. He noted that the part of the weed that is blooming looks similar to the yellow flowers that are blooming. The flower is Arrow Leaf, which is a native wildflower, and it does not need to be pulled.

Mr. Foster stated that he also received panic emails regarding poison Hemlock. Mr. Foster explained that the white bloom in all the shady, cool areas on the Ranch is Cow Parsnip, not poison Hemlock. It is a large, white cluster of flowers on a tall stock

approximately 4-6 feet tall.

### Chipping

Mr. Foster asked Mr. Powell if he had contacted the State regarding chipping. Mr. Powell stated that he spoke with Ken Ludwig and when a crew is available, they would come through for chipping, like they did two summers ago. Mr. Ludwig estimated that it would be the end of August or early September before a crew would be available. Mr. Powell noted that the County also had a chipper crew, but they are currently working on staffing and a crew would not be available until late September.

Mr. Powell stated that it is a matter of scheduling and he would like to have a crew for three or four days. He offered to drive the Ranch and mark the piles on the map. Mr. Foster noted that piles should be near the roadside, but back far enough so if they are not picked up this year, they would not be in the way all winter. Mr. Foster suggested several smaller piles as opposed to one large pile. Stacks should have the butt end of the branches toward the road. Mr. Powell commented on the process for each individual property owner to log their hours, which can be turned in for in-kind hours. It is a general form that logs hours, equipment used, and expenses. The in-kind hours pays for these services.

Mr. Foster explained that they have not encouraged people to track their hours because they still had money left from the last time. Until that money was close to running out, it did not seem necessary to ask people to earn credits.

### Crash Gates

Mr. Powell stated that he was still working on finding the owner of the land at the back exit. Mr. Powell stated that there is an existing road from his area down to Red Hawk. It is a matter of going through three gates. Mr. Foster noted that there have been preliminary negotiations to do crash gates. Bryce has been participating in those discussions to help influence the process.

Mr. Powell stated that he was looking at it from the perspective of the fire safety committee. They are not looking for access, they only want a special way to access the Ranch in case of a fire.

### Projects Anticipated

Jody stated that he would be cleaning culverts and getting the Ranch ready for winter. He would also be grading the roads and finishing the gravel projects and sign repairs.

## **Old Business**

Mr. Foster recalled a question raised at the last meeting regarding insurance coverage for volunteer operators of Ranch equipment, which is the grader, roller and dump truck. Trevor and Brody as Water Company employees are insured operators, based on an earlier understanding that they would probably man the equipment on occasion.

Suzanne stated that Carol had talked to insurance agent and was told that any volunteer, as long as they are not under 16 years of age, would be insured. The liability is negligible unless it is a situation such as a group of Boy Scouts trying to run the equipment. Mr. Foster clarified that mature adults are covered under the policy. Suzanne replied that this was correct.

## **New Business**

Mr. Foster had provided copies of the plowing requirements for Ranch roads. He suggested that the Board discuss the requirements as written and make necessary revisions. He pointed out that the document has been the same since 2005, with minor modifications.

Mr. Foster offered a hypothetical scenario. If Green Street has 20 cabins, ten of which would like to have the road opened for the winter, one who would not want it opened, and the other nine do not respond, the road cannot be opened under the current rules. Therefore, with nine people abstaining, one person could prevent ten from opening their road. Mr. Foster clarified that he did not want to change the 50% theory because it is viable, but he would like to change how they require it and how it is counted. He pointed out that this same scenario actually occurred on the Ranch last year and fortunately that one owner decided not to pursue it. Mr. Foster thought it was unfair that one person would stop many from using that road.

Mr. Foster stated that because they require 50% of all to say "yes", they created a scenario where only one has to say "no". He did not believe that one person should have veto power.

Mr. Deaver asked if they could count the ones who do not respond as people who really do not care. Mr. Hutchinson did not think no response indicates that people do not care. He noted that there may be 50 lots in an area and only ten cabins. People who use the area for snowmobiling may not want it plowed. Mr. Foster explained that he was suggesting that interested owners would be counted as a vote, but those who do



not show interest would not get a vote. Mr. Heath stated that people should have to vote to be counted. Mr. Foster agreed. Currently, 50% are assumed to vote "no", even if they do not respond.

Mr. Hutchinson noted that when there have been other issues on the Ranch, the participation has been poor because people think someone else will worry about it. Typically, the majority does not respond, and consequently, a few rule the most. Mr. Hutchinson believed if they actually polled responses from those individuals, they would find the decision would go in the opposite direction. Mr. Foster replied that he was suggesting that polling take place if there was any question.

Mr. Hutchinson stated that in Salt Lake County, a variance is required for someone to build something out of the ordinary. The County sends out documents telling people what is going to happen and ask people to respond. Mr. Deaver stated that if people do not respond, the County assumes they do not care. Mr. Deaver believed that not responding should not give the right to stop. You must be proactive in your decision.

Mr. Foster proposed that the Owners Association abandon the position where they assume that it is not allowed. He believed the assumption puts the Board in a poor position, should they find themselves with people making the case that they cannot access their property. He wanted to put the Board in a position where they are not the ones who choose. The owners on the street should decide whether or not their road is a plowed street. If there is any question about the decision to plow or not, Carol would send a postcard to all the owners on that street, where they would choose to have the road plowed or not plowed. The owners who want the road plowed would pay for the mailing. Mr. Foster pointed out that this was only his proposal.

Mr. Hutchinson suggested that the individuals who want the plowing should secure written pros or cons from all his neighbors. He noted that history has shown that anything can be pushed through if you push it under the table, and that is done too often. Mr. Foster clarified that he had not proposed that approach because he did not think the Board wanted to accept documents from an owner with an agenda, based on his word that his neighbors said "yes". He thought the Board would feel more comfortable if the information was sent from the Association and the responses came back to the Association through Carol. That would insure that any information obtained is real and that letters in opposition were not "lost", or letters in favor were not fabricated. He believed he and Mr. Hutchinson had the same idea with different processes.

Mr. Hutchinson remarked that it behooves everyone to know their neighbors and this

approach would provide a forum for everyone to communicate and live together. He could not see a problem with putting the responsibility on the individual who wants the change to secure the attitudes of his or her neighbors.

Mr. Heath remarked that the Board controls the roads in their role as Board members. Mr. Burdette agreed, and felt that Mr. Foster was proposing a policy that provides some assurance that the Board would keep that control. Mr. Burdette stated that as an example, if he wanted his road plowed he could send out letters to ten of his neighbors. If eight people send back the notice saying "no", they do not want the road plowed, and two people send it back saying "yes", he could throw away seven of the eight "no" votes and present one "no" and two "yes" votes to the Board to demonstrate that the majority wanted the road plowed, but that would not be the truth. If the Board controls the mailing going out and the collection of data returned, they can rely upon that data to be more accurate.

Mr. Powell pointed out that those who want the road plowed should bear the mailing costs and it would not burden the HOA.

Mr. Burdette assumed that everyone on his road would not want it plowed. He lives there full time and would like access to drive into his home. He asked if the policy would prevent him from personally paying the cost to plow the road. Mr. Foster clarified that his proposal did not address the cost of plowing, but technically it would prevent personal plowing. However, he acknowledged that in the future someone with deep pockets would legally dispute that the Board has the right to prohibit them from plowing. At that point, he believed the policy would change again.

Mr. Foster stated that he was trying to change policy incrementally because people have strong feelings about their roads being their way. He was proposing a step towards removing the "whether or not people can plow" decision from the Board and putting it on the owners on street.

Mr. Heath pointed out that this same battle was fought and lost at Timberlakes. Timberlakes tried to deny someone access and they were sued. Mr. Heath thought they should learn from the mistakes at Timberlakes and not repeat them. Mr. Heath noted that this issue was previously addressed when a law suit was proposed against plowing. At that time the attorney said that the Association could not prevent people from reaching their homes or deny them emergency services. He encouraged the Board to distance themselves from the issue and let people in their own neighborhood make the decision.

Mr. Foster understood the history of strong feelings and clarified that the intent of his proposal was to allow neighborhoods to decide what to do.

Mr. Deaver wanted to know what would happen if there was 800 yards of road and the first five houses wanted it plowed, but the last six houses opposed plowing. He asked if those last six could stop the first five as a majority. Mr. Deaver questioned whether the road would stop at an intersection. Mr. Foster stated that he would count the sections as the road proposed to be plowed, regardless of whether it is a complete road or a partial road. His proposal only includes people who own structures. It would not include empty land because typically those people do not have a vested interest in whether or not the road is open during the winter. Mr. Foster felt the policy should address the section of road that is proposed to be plowed. He noted that for years the lower part of Alexander has been plowed. His proposal would leave the decision to plow that road to the eight or ten houses that make up the lower part of Alexander.

Mr. Deaver asked if the proposal would address the issue that plowing cannot prevent track vehicles. He believed that vehicle owners have the right to get to their property by whatever means they choose. Mr. Foster remarked that if the roads are plowed to the standards, it would not impede any snow machines. He was not proposing any changes to the plow standards.

Mr. Powell thought the mailed correspondence should be specific and ask three questions; 1) yes, I would like to have it open; 2) no, I do not want it open; 3) I don't care.

Mr. Hutchinson stated that if the Board considers changing the policy, they should also consider including a monetary penalty for not following the plowing standards. Mr. Foster pointed out that the last line of the requirements showed a \$50 penalty per occurrence. Mr. Hutchinson did not believe the HOA has ever charged a penalty. Mr. Foster agreed.

Mr. Foster stated that he receives heated emails on a regular basis regarding the Board's lack of enforcement on many issues. He pointed out that each Board member has the responsibility for their area. If they see an infraction, they have the responsibility to print out the letter of non-compliance on the internet, fill it out, and send it to Carol so she can send it to the lot owner. Mr. Foster requested that he be notified when a letter is sent out, since he would most likely receive an angry phone call. Mr. Foster reiterated that each Board member has that responsibility and it should not always fall on him as President.

Mr. Foster agreed with Mr. Hutchinson that the Board has been negligent on fining offenders for non-compliance with the plow requirements. They should send letters and collect fines more often.

Mr. Hutchinson suggested that the Board table this discussion for further consideration at the next meeting. He was not prepared to make a decision this evening and needed more time to review the requirements. Mr. Foster clarified that his intent this evening was to have an open discussion so he could get enough input to revise the document for the next meeting.

Mr. Powell recommended that the language indicate that the Board would suggest not plowing if the majority of owners oppose it, but they would not tell someone they could not plow. If the road is plowed and the neighbors complain, the Board could explain that the owner has the right to plow, but the Board had told him that the majority did not want it. Mr. Powell felt this would show interest on the part of the Board without taking away a right. Mr. Hutchinson pointed out that if the road is plowed without majority approval, that person would be in violation of the requirements and should receive a letter of non-compliance.

Mr. Burdette was concerned about creating a war inside a neighborhood. He did not believe the Board was going to stop someone from plowing a road if they are willing to pay for it.

Mr. Heath stated that years ago people wanted their road plowed, but Scott told Jerry to tell the person plowing that he could not do it. There was a fire and a house burned down and three dogs died. He noted that Scott was told by the attorney that he did not have the power to make that decision and the Association was liable. Mr. Heath cautioned the Board, as they decide these issues, to be mindful of their position.

Mr. Powell remarked that his suggestion for the Board to inform the person plowing that he should not do it, without specifically saying he cannot do it, should release their liability without taking away his right. Mr. Foster stated that if the Board position is to recommend that it not be done because the neighbors do not want it, there was no point in having a decision making process. He understood Mr. Heath's argument that the Board should extract themselves entirely from the issue, with the exception of their right and responsibility to regulate how the roads are maintained if people plow them privately. Mr. Foster felt they could handle the situation by moving the decision outside of the Board and make it happen on the street. Once people on the street make a decision, the Board will back those owners. At this point, he believed that was a defensible position.

Mr. Foster expressed his preference to have this matter finalized before the annual meeting where they may be handed a proposed plow route. Mr. Deaver supported his suggestion for three responses.

Mr. Hutchinson proposed that this item be tabled for further discussion at a future meeting. As part of that discussion, Mr. Foster asked the Board to think about whether the connection between Forest Meadow and Pine Meadow was a valuable contribution to the Ranch and whether the budgeting made sense. Mr. Burdette noted that they came in \$700 under budget. Mr. Foster noted that Sam Scaling had plowed that connection during the winter. He pointed out that the owners were not comfortable with the budgeted amount, but when he suggested that they attend a meeting with their own proposal for an increased rate, no one came forward. Mr. Burdette had proposed to the owners that since the residents of Forest Meadow had paid 100% of the plowing prior to this time, if the rate paid by the Owners Association was not sufficient, they could pay the difference from their own pockets to augment that rate. He noted that the owners did not find that to be an acceptable solution.

### **Monthly Budget Review**

Mr. Burdette reviewed the unpaid bills totaling \$28,228.04. He pointed out that July is always the largest month of the year for expenses.

Mr. Burdette noted that C&W Premier Insurance Agency was the annual insurance premium on the equipment. Insurance Designers was a fee paid for notary services when liens are released.

Mr. Burdette explained that Revenue Recovery was the 35% fee the Association pays to Revenue Recovery when the full amount is collected, including the collection fee. Mr. Hutchinson stated that he was under the impression that the collection fee was added to the amount owed. If people send their payment directly to Revenue Recovery, Revenue Recovery takes their fee and sends the HOA what is owed. Mr. Burdette replied that the fee is included in the total amount owed. However, some people send the total amount owed, including the fee, directly to the HOA. In those cases, the HOA needs to send the fee portion to Revenue Recovery. Mr. Burdette liked seeing those payments because they net approximately \$3,000 of old money.

Mr. Burdette stated that RN Industries Trucking was the trucking fee to bring the mag water from Vernal to the Ranch. Packman Enterprises was the trucking fee at \$85 per hour for the aggregate on Arapahoe and Aspen Ridge.

Mr. Burdette stated that the United States Treasury and the Utah State Tax Commission is the income tax for 2009. He noted that the Association only pays income tax on interest earned on their funds.

MOTION: Mr. Burdette made a motion to APPROVE all the bills for payment as outlined. Mr. Deaver seconded the motion.

VOTE: The motion passed unanimously.

Mary Kurachek asked if the annual assessment of \$132,000 was the amount collected from the homeowners. Mr. Burdette replied that it was the amount collected from the homeowners from January through March of this year. He noted that those were just from the 2010 statement. Further down on the page, he indicated the additional amount collected from prior years billings. Ms. Kurachek asked for the total amount they expected to collect for the year. Mr. Burdette anticipated approximately \$291,000 for the year.

Ms. Kurachek commented on the amount they would gain by raising the dues as little as \$10.00 per month. Mr. Burdette appreciated Ms. Kurachek's opinion. However, he pointed out that many people on the Ranch do not share her opinion and still expect the Board to work miracles with the available budget.

Mr. Foster agreed with Ms. Kurachek that increasing the dues would provide additional money for more projects. The question is the value to the owners in terms of how much more money it is worth to get more done. It is an ongoing discussion and some people agree with Ms. Kurachek and others do not. Some people feel this is a rustic, recreation community and road deterioration is part of the charm. To that group, increasing the dues would not add any value. Mr. Foster noted that there is someone who can represent every perspective. The Board tries to make decisions that are best for the overall community and not any single faction. Mr. Foster stated that if everyone on the Ranch is slightly unhappy, they are probably doing what is right.

## **Assignment Review**

### Use of Impact Fee

Mr. Heath stated that the impact fee of \$5,000 that was taken from the gentleman who was annexed and built off Forest Meadow Road was put into the General Fund. The neighbors in that area felt it was wrong and Mr. Heath agreed. It is not right to take

money due to truck damage and not put that money back into the roads the trucks use. Mr. Foster clarified that this was not the reason the money was taken. Mr. Heath pointed out that the road on the Forest Meadow side is terrible and people are questioning what was done with that \$5,000.

Mr. Burdette pointed out that there is a road that comes up through the Forest Meadow side that was there and maintained long before this particular owner decided to build on the Ranch. He noted that the decision this owner made to build on the Ranch provides him access to his property that has been paid for and supported by generations of people before him. Mr. Burdette remarked that the owner also has the benefit from the Ranch having a road grader, which he has not paid for, other than through his impact fee. He also has the benefit of the compactor, a dump truck, and a trained operator for that equipment. The owner pays a one-time fee of \$5,000 for these benefits, but continues to get a \$350 a year ongoing bargain moving forward. Mr. Burdette stated that the owner is purchasing a tremendous amount with that \$5,000.

Mr. Burdette agreed that the dump trucks are damaging the roads, but that occurs when everyone builds on the Ranch. He believed the argument that the \$5,000 should be used to repair their road is the wrong approach. Mr. Heath stated that he told the owners and the neighbors that he would bring this issue to the Board. He agreed with the owners that some of that money should go back into that road.

Mr. Heath clarified that he was not defending this particular owner, who was very vocal about why he paid the impact fee. The issue is that the neighbors below him feel the same way. Mr. Foster pointed out that the neighbors below were not even paying. He had little sympathy for those who never contribute. Mr. Foster agreed with Mr. Burdette that people pay an impact fee to buy into an infrastructure that they have had access to for 30 years for free.

### Budget

Mr. Burdette requested to prepare a revised budget for the remainder of 2010. He proposed to take the remainder of the available funds and come back to the Board at the next meeting with a proposal on what more could be accomplished for the rest of the building season. He noted that the Board has been careful with their money to this point and they have been under budget on many items.

Mr. Deaver pointed out that the Association must stay under budget. They do not have the right to float checks without funds. Mr. Foster stated that the Association carries a fund balance. Mr. Deaver remarked that it was an emergency fund and not an over

budget fund. Mr. Burdette noted that they have gone into debt in years past and it is difficult to dig out of that debt the following year. Mr. Foster agreed that the money should be used carefully, but there is more work to be done and they need to do as much as possible this season.

#### Clarification of “the bottom”

Mr. Heath stated that at some point he would like people to understand what they have been talking about at the bottom and passed out maps. Mr. Foster suggested that the Board members review it and be prepared for a discussion of the entrance at a future meeting.

#### Mag Water

Mr. Hutchinson commented on the mag water and asked if it was possible for Jody to indicate on the map where the mag water was used and where it is proposed to be used next year. Mr. Foster recalled that Jody had proposed an expansion this year and the Board declined to extend it.

#### Lighting

Mr. Hutchinson recalled a previous discussion regarding lights in his area. He noted that one cabin looks like a lit-up Christmas tree. The owner has recently put the lights on a timer so the lights go on even when the owner is not there. Mr. Hutchinson stated that he was requested to send non-compliance letter and he included a copy of the Summit County Dark Sky ordinance.

Mr. Hutchinson stated that the non-compliance letter had a line for the fine amount. He took it upon himself to put zero on the first letter. However, the matter is now worse and he requested permission to determine a fee amount that could be attached to his dues if the matter cannot be resolved. Mr. Foster asked if the owner had contacted Mr. Hutchinson after receiving his letter. Mr. Hutchinson answered no. Mr. Foster stated that the letter requires the owner to contact their area representative to discuss a solution. If the owner does not respond, Mr. Foster felt it was appropriate to follow through with a fine. He believed the standard fine based on the rules and regulations is a \$50 fine. Mr. Powell asked if that was \$50 per letter or a one time fine. Mr. Foster stated that it would be \$50 per episode of non-compliance. The Board could consider that to be per letter.

Mr. Hutchinson requested input on what he should write in the follow up letter. Mr.



Foster suggested that the note indicate that the owner had made no effort to contact his area rep and without a response a fine would be imposed. He hoped that would solicit an irrate response, at which time Mr. Hutchinson and the owner could discuss a solution.

### Non-Ranch Users

Mr. Hutchinson stated that owners in his area have complained that a lot of people on the Ranch do not own property. He understood that they cannot close off Tollgate, but as a deterrent, he recommended signage indicating that the community observes what happens on the Ranch. He suggested the possibility of a dummy camera to let people think it is taking pictures of their license plates. It would hopefully deter people who enter the Ranch at very strange hours. Mr. Foster noted that Dan Heath has made that suggestion for years. He could see no reason why someone could not take on that project.

### Sign Inventory

Mr. Foster requested that the area representatives look through their area to see what signage is posted and the condition of the signs at all the intersections. He noted that a number of people have contacted him reporting missing signs and their concern regarding emergency services access because roads are not signed. Mr. Foster had an additional concern about the tradition of using wooden posts, which rot, fall over, break or burn. He would like the Board to discuss signage for the future. Mr. Foster asked someone to prepare a spread sheet in Excel so as the area reps provide their inventory information, it could be combined into one document and used as a master list.

The meeting of the Pine Meadow Ranch Owners Association adjourned at 8:25 p.m.

\_\_\_\_\_ Approved August 24, 2010 \_\_\_\_\_