

PINE MEADOW RANCH OWNERS ASSOCIATION  
MONTHLY BOARD MEETING  
RANCH MANAGER'S OFFICE  
PMROA WINTER PARKING LOT  
ARAPAHO DRIVE  
MAY 21, 2013

In Attendance: Tony Tyler, President; Dan Heath, Vice-President; Bob Burdette, Treasurer; Honey Parker, Secretary; Matt Brown ( Area 1); Jeff Hubbard (Area 2); Mike Gonzales (Area 6), Alan Powell (Area 3); Mark Hodgson, (Area 5); Nick Boyle (Area 7)

Ex-Officio – Jody Robinson, Ranch Manager

Excused: Tom Deaver (Area 4).

Guests: Jack Walkenhorst, Allwest Communications; Bill Marchant, Allwest Communications; Craig , Midstate; Steve Taylor, Allwest Communications; Hutch Foster, Lot G-12; Gayle White, Lot D-57;

Tony Tyler called the meeting to order at 6:31 p.m.

### **Approval of Minutes**

April 16, 2013

Hutch Foster referred to page 17 of the minutes, and noted that the minutes stated that he had resigned as President. He corrected the minutes to accurately reflect that his term had expired.

MOTION: Matt Brown moved to APPROVE the minutes of April 16, 2013 as corrected. Dan Heath seconded the motion.

VOTE: The motion passed unanimously.

### **Owner/Visitor Open Forum and Other Owner Communications**

Mr. Tyler stated that he has had conversations with Craig with Midstate about potential fiber optic cable running from Lewis Peak down to the tower that is currently off of the Forest Meadows Road and back down into I-80. They were present this evening to outline what it would entail and how it would benefit the Ranch.

Craig explained that they were looking to connect from Lewis Peak down to AT&T and from AT&T over to Blue Skies. He stated that two proposed route would go through the Ranch area. Mr. Tyler had indicated a preference for the diagrammed blue route; however, from the standpoint of ease of installation, Allwest would benefit more from the red route. Craig stated that Jack Walkenhorst with Allstate Communications had talked about offering an online survey of the people who would be provided the services. The

results of the survey may help determine which route would be most beneficial for Allwest.

Mr. Burdette asked the representative from Allwest to explain the types of services that would be offered and how it would affect the owners. Mr. Walkenhorst stated that Allwest is a telecommunications company that offers dial tone services, high speed internet and video services. The services would be provided over fiber cable directly to the home. Mr. Burdette asked if the service would be provided to the lots along one of the proposed routes. Mr. Walkenhorst answered yes, which is the reason for the survey. After four years of discussions with Verizon regarding fiber optics at the peak, Verizon now has the funding to accomplish it. At the same time, AT&T at the bottom also asked for fiber connectivity. Allwest had considered various routes, understanding that they would need easements because any route would cross private property. They decided to pursue the matter to find out the level of interest and whether easements could be obtained.

Mr. Tyler favored the idea of a survey because they would get a better feel for who was interested and where they were located on the Mountain. Mr. Burdette pointed out that an online survey was impractical because not all the owners have electronic access. Mr. Walkenhorst replied that a mailed survey would also be possible. Mr. Tyler suggested a mailed postcard giving the choice of returning the card or taking the survey online.

Ms. Parker asked how this would change the current service to the Ranch from Lewis Peak for owners who would not be on the route with the option for fiber optics. She was told that the service from Lewis Peak would be enhanced regardless.

Mr. Tyler explained that in his conversation with Craig, he was initially shown the red route. Mr. Tyler had suggested the alternative route of going down Pine Meadow Drive and Arapaho because all the commercial equipment owned by the Ranch is parked at the winter parking lot and it would benefit the Ranch and the Water Company to have service in that location for the cameras and monitoring equipment.

Mr. Walkenhorst stated that it would be easier and less disruptive to choose a line away from any development and work with specific property owners without having to deal with water and power. However, they wanted something that would be beneficial to both parties. They hired Midstates to help with the coordination and to find out if there was interest from the Tollgate, Pine Meadow area.

Mr. Gonzales suggested a subsidy in exchange for an easement. Mr. Tyler replied that another alternative would be for Allwest to bypass the Ranch altogether and go straight

down to Hoytsville. Mr. Walkenhorst stated that Allwest would be willing to pay for an easement or trade for services. Mr. Burdette pointed out that the roads belong to all Ranch members, and some would benefit from this and others would not. Without a subsidy to the Owners Association, the owners who would not be on the route would never be in agreement. Ms. Parker thought the people who would be most interested are the ones who currently do not have line of sight to a tower.

Mr. Tyler summarized that the Board would send a survey to the owners on the Ranch to be reimbursed by Allwest, and Allwest Communications would decide the route based off the survey response. Allwest would then come back to the Board with a specifically defined route and to work out a possible easement agreement to use the roads. Mr. Tyler asked about timing to begin construction and commented on the short construction season on the Ranch. Mr. Walkenhorst stated that their timing has been based on Verizon and they told Verizon that it would take one year to engineer and another year to build. They were currently in the engineering phase.

Mr. Tyler asked if the Board was generally in favor of this proposal. The majority of the Board members expressed an interest. Mr. Tyler noted that it was progress that would move the Ranch into the 21<sup>st</sup> Century and he recognized that there were positives and negatives. However, it was progress that could happen regardless and he asked the Board to think about it for the next meeting.

Mr. Tyler reported on items that were not listed on the agenda. He and Mr. Burdette had received an email from Kathy Bergerson at Title Source asking if the Ranch would subordinate a judgment it currently has against a lot within the Ranch for past due HOA assessments. Mr. Tyler emailed back asking to whom and for what reason, and informed Ms. Bergerson that the Board does not subordinate debt to anyone else. Mr. Tyler did not have the lot number but the address was 2677 South Iroquois. Mr. Burdette was primarily working on it and Mr. Tyler was copied on the email.

Mr. Tyler stated that he spoke with and received an email from Pam Davis, 2520 Forest Circle, who was sent to Revenue Recovery for collections. Ms. Davis purchased her lot and cabin in 2011 and closed through a regulated legal title company. The title company had her mailing address correct but the HOA never had that address. Mr. Tyler was unsure where the gap in communication occurred, but Ms. Davis is 2-1/2 years past due on water and HOA assessments. Ms. Davis is horrified that she never received an invoice or paid her assessments and she is trying to resolve the matter.

Mr. Gonzales questioned why it never crossed her mind that she owned property on the Ranch and never had to pay for water or dues. Mr. Tyler understood that Ms. Davis was under the assumption that everything was handled through the title company, and

that she had paid fees to the HOA and the Water Company as part of her closing. Mr. Tyler explained that Ms. Davis was asking the Board to look at the balance owed and possibly waive the late fees and interest on her past due HOA fees. He asked Mr. Burdette and Carol to review the balance and find out where she was in the collection process. Mr. Tyler noted that Ms. Davis was also trying to resolve the issue with the Water Company. He felt that Ms. Davis was sincere and legitimate in her request and he thought the Board should work with her. The Board would discuss the matter at the next meeting once they have all the information.

Mr. Tyler had received an email from the owners of Lot PI-F-76, 77, requesting to erect a 12' x 12' shed. The email outlined all the details. Mr. Hodgson was the area representative. He had forwarded the email to all the Board members. Mr. Tyler noted that it was not on the agenda because he had received the email after the agenda was posted. It is a small construction project and everything appeared to be in order. The impact fee would be \$144 because the shed would not have power. Mr. Tyler recommended that the Board approve the project and allow the owners to move forward.

MOTION: Tony Tyler moved to APPROVE the shed on PI-F-76, 77 with the caveat that the Association must receive the \$144 impact fee. Mark Hodgson seconded the motion.

VOTE: The motion passed unanimously. Honey Parker abstained from the vote because she had not yet reviewed the details outlined in the email.

## **Ranch Manager Report**

### Equipment Status

Jody Robinson reported that the grader was in good shape. The dump truck needs two new front tires. The dump truck needs to be licensed at the end of May and he had asked Carol to include the licensing information in the packet for this meeting. Jody submitted a cost estimate for the tires in the amount \$487.34 from Morrison Coalville.

### Summer Projects

Jody stated that the roads need gravel this year. He and Tony had talked about resurfacing some of the roads, particularly Bull Moose. Mr. Burdette remarked that the number one complaint he hears is that the roads where Board members live are repaired, and other roads are left unrepaired. The perception was that the Board members sit in these meetings and discuss what is best for them personally, rather than what is best for all Ranch members. Mr. Burdette pointed out that two Board members

live on Bull Moose. He asked if it was possible to consider other roads besides Bull Moose. He noted that Forest Circle is much worse than Bull Moose. Forgotten Lane is another road that is worse than Bull Moose and it gets passed over each year.

Mr. Tyler explained that before he rode around with Jody to look at the roads he had done some preliminary work to determine which were the most affected main arteries. He considered Bull Moose for resurfacing because it is a main artery for many other properties. Mr. Tyler believed that if they neglected Bull Moose it would continue to degrade to the point of being a really bad road. He pointed out that they were one step away from not having to work on Bull Moose for five years. Mr. Tyler remarked that smaller roads have fewer people and he personally felt they should spend the time and money on roads that benefit a higher percentage of the Ranch owners. The artery roads get the most traffic and they should get the most maintenance. Mr. Tyler clarified that they were only talking about the small rough section of Bull Moose that was not done previously.

Mr. Burdette understood the concept but he thought Forest Meadow was a much bigger thoroughfare than Bull Moose; which is one of the reasons why they mag water Forest Meadow Road and not Bull Moose. Mr. Tyler stated that he had also suggested that they resurface portions of Forest Meadow as well. He believed that Pine Meadow Drive is far worse than Forest Meadow or Bull Moose, particularly the upper section. However, the Water Company intends to replace the pump line from Uncle Tom's to the new culvert. The question was whether to band-aid Pine Meadow until that work is completed or whether they should resurface the road and have the Water Company repair it when the project is completed. Mr. Tyler noted that the Water Company was uncertain whether that would take place this summer. It is on their list of projects for this year, but if they do not have the budget for it, it could get pushed to next year. Mr. Tyler stated that he lives off of Pine Meadow Drive; however, his personal opinion is to wait until after the Water Company replaces the line.

Mr. Heath asked if adding a couple of truckloads of 3" rock to the worst spots on Pine Meadow Drive would make a difference temporarily. Mr. Tyler thought they could do a little bit of band-aid work. Mr. Heath preferred to wait until the Water Company completed their project before doing any major work on Pine Meadow Drive. The suggestion was made to educate the owners on why roadwork was being delayed so they understand that it was not a matter of being forgotten.

Mr. Tyler asked each Board member, as area reps, to walk or drive the roads in their area at least once a year and let him know which ones need repair. However, at this point he did not think it made sense to spend money on Jeep roads without cabins. The Board agreed. Mr. Brown thought some of the owners on Forest Meadow Circle might

be interested in helping with the cost of materials to improve their road. Mr. Heath was willing to talk with the neighbors in the Forest Meadow area about contributing if Jody lets them know when he will be in that area.

The Board discussed roads and repairs and the art of balancing cost with need. Jody stated that he grades all the roads every year, regardless of whether or not the road gets new road base. Mr. Tyler reiterated that he had identified Forest Meadow, Bull Moose and Pine Meadow Drive as the most heavily traveled roads that need road base. He acknowledged that other roads also need road base and/or grading and it was up to the area reps to identify those roads for prioritization.

Jody was asked how he defines a road that needs road base versus and only being graded. Jody replied that he likes to put down road base on main artery roads to make sure the road would withstand the traffic in case there is ever an evacuation. The smaller secondary roads are a second priority.

Mr. Burdette asked if it would be possible to put a speed bump on the steepest part of Bull Moose Drive to slow down the traffic. Jody stated that he could build a speed bump. Ms. Parker was concerned about ATV riders who may not see the bump. Jody replied that it would be a problem for ATVs. Ms. Parker understood the need for a speed bump to protect the owners on that portion of Bull Moose Drive, but she was concerned about creating a liability issue. Mr. Tyler could not recall any speed bumps on the Ranch and he would be hesitant to put one in. He has the same problem with speed in front of his house on Pine Meadow Drive.

A guest member asked if the Ranch would still be liable for an accident or injury if they post a sign announcing the speed bump. Mr. Tyler replied that anyone can sue for anything and that poses the problem. Signage may reduce the liability but the next question was whether they wanted signs everywhere on the Ranch. He felt that was a discussion for another time.

Mr. Tyler reported that Jody had estimates on the three main roads identified; however, they would delay repairing Pine Meadow Drive for now. Jody stated that 96 loads of road base would be required to do what he thinks should be done on Bull Moose. He would need 40 loads for Forest Meadows. The cost of 96 loads on Bull Moose was \$20,662 plus tax. The cost of 40 loads for Forest Meadows was \$9,040 plus tax. Jody stated that he also needed 16 loads of road base for the lower parking lot by the dumpster to keep down the mud. The cost for 16 loads was \$3,700.

Mr. Tyler gave the Board time to think about the cost of road base and shifted the conversation to mag water. He pointed out that the Church road may be torn up this

summer due to the Uncle Tom's line. Mr. Tyler noted that he has consistently stated that he would rather spend money on gravel than mag water. He personally thought it was better to spend the money improving the roads as opposed to dust reduction. Mr. Tyler stated that he and Jody talked about the roads that they currently mag water and he was surprised to learn that the Forest Meadow roads were mag watered because they get less traffic than Arapaho and Pine Meadow. He asked for input from the Board members who live on the Forest Meadow side.

Mr. Brown thought the value of mag water on Upper Forest Meadow was that it keeps the road firm and, therefore, has less bumps. He did not believe the owners cared as much about dust control. Ms. Parker agreed that as a resident in Forest Meadow dust never crossed their minds. It was more about having a truer surface on the road. Jody remarked that the risk with mag water is that if it rains two days after it is down, it washes off and the money is wasted. Mr. Powell pointed out that if it is done right, mag water keeps the road smooth for the entire summer. Mr. Brown thought that only the upper hill of Forest Meadow would benefit from mag water. It was not needed on his side.

Dan Heath preferred to put the money into gravel. Several Board members concurred.

Ms. Parker wanted to know what would happen if they did not mag water. Jody replied that there would be dust and the roads would require more frequent maintenance because it washboards quicker.

Mr. Heath remarked that when the traffic study was done they found that 9 out of 10 cars do not use Forest Meadow. He reiterated his preference to spend the money on something more tangible. Mr. Tyler asked if the Church would still contribute if they do not mag water. Mr. Burdette believed they would. He had discussion with the Church this year and they have changed the process. The Ranch previously sent an invoice to four different places; however, that process is centralized and the Ranch only sends invoices to one location. Mr. Burdette stated that the Church is interested in being neighborly. They understand that their members use Ranch roads and they are most willing to cooperate.

Mr. Tyler proposed that they only mag water the hills that get bad very quickly, and leave the rest of the Ranch alone this year and see what happens. They would have an extra \$10,000 to spend on road base and gravel.

Jody was asked to provide a revised estimate on mag water to do the hill Mr. Brown mentioned from Danny's place down to the driveway. Mr. Heath questioned the benefit of mag water on that hill because there is no one there to have it affect. Mr. Tyler

thought they should mag water the steep section on the Tollgate Canyon side from Oil Well to Boyce's. Jody noted that that section also needs gravel. Mr. Burdette remarked that his preference was to spend the money on road base and not mag water at all. Jody stated that he would get one load of mag water and see how far it goes. The cost of one load of mag water is \$2300. Mr. Burdette pointed out that there were significant labor costs in addition to the cost of a load of mag water.

Mr. Tyler asked if the Board wanted to spend \$2300 to mag water the one section of Forest Meadow and the one section of Tollgate Canyon this summer, or if they preferred not to mag water at all this year as an experiment.

Ms. Parker asked Jody for his recommendation. Jody recommended that they not do mag water at all and just grade the roads. The Board deferred to Jody's recommendation for this year. Mr. Tyler asked Jody to put a few more loads of gravel on the lower section of Tollgate Canyon.

Mr. Tyler asked Mr. Burdette how much money was budgeted for road materials. Mr. Burdette referred to the profit and loss/budget versus actual and noted that \$56,000 was budgeted for aggregate and hauling, and \$35,000 for general road repairs. Mr. Tyler asked if the \$56,000 included the mag water. Mr. Burdette stated that the cost of mag water and asphalt were included in the \$35,000 for general road repairs.

Mr. Burdette noted that a washboard road is not terrible because it causes drivers to slow down and that is a good thing on the Ranch. Ms. Parker stated that washboard roads also ruin vehicles. She would like to find a way to encourage people to slow down because it is the right thing to do. Mr. Burdette pointed out that nothing would cause that to happen. Mr. Heath agreed with Jody that the main road should be as good as possible so they can evacuate quickly if necessary.

Mr. Tyler summarized that if they take the \$14,000 budgeted for mag water out of the general road repair fund, that line item would become \$21,000. Adding that \$14,000 to the \$56,000 budget gives them \$70,000 for aggregate purchases and hauling. Based on those numbers, Mr. Tyler thought it was feasible to do Bull Moose, Forest Meadow, the lower parking lot, and gravel for the lower section of Tollgate Canyon Road. Jody estimated 10 loads for the lower section of Tollgate Canyon Road for an approximate cost of \$2500.

Mr. Gonzales suggested that they reserve some of the budget in case the mag water experiment fails early in the season. Mr. Tyler agreed.

Mr. Tyler asked Jody for his estimate on Pine Meadow Drive. Jody stated that from



Larry Holtz over to the top of the hill of Elk would require 50 loads at an approximate cost of \$12,000. The rest of the road past that point is good. Mr. Tyler clarified that it was a section of Pine Meadow Drive that would not be affected by the water line replacement.

Mr. Tyler estimated a total of \$47,000 for the roads. He pointed out that all the roadwork proposed this year were for roads on the Ranch. They would not be spending money on anything off-Ranch. Mr. Tyler asked if the Board was comfortable giving Jody a \$47,000 budget for roadwork this summer. It would still leave \$23,000 as a contingency in case they need to mag water, as well as additional money for other potential projects.

MOTION: Alan Powell made a motion to spend \$47,000 on roadwork this summer. Honey Parker seconded the motion.

VOTE: The motion passed unanimously.

Jody had obtained three quotes for crack sealing in the Canyon to save the good asphalt. Mr. Tyler noted that Jody had obtained the quotes on his direction. A section of asphalt along Tollgate Canyon is still in good shape. If they do not maintain what they have, there is no sense in doing more work. It starts with crack sealing followed by a slurry seal on the whole road. Mr. Tyler stated that the crack sealing is relatively inexpensive, but the slurry seal would be a significant cost.

Mr. Tyler read the bids. M & M was \$3,400.92 to crack seal approximately 7236 linear feet, and \$26,180 to surry seal that entire section of road. The total bid was \$\$29,580.92. The bid from Eccles Paving was \$6,420 for crack sealing and \$39,520 for slurry seal. Mr. Tyler thought it was important to crack seal this year. He felt the Board could wait until the next meeting to decide on the slurry seal.

Mr. Heath asked Jody if they were in a position to start to lose some of that road if they do not do the slurry seal. He understood that the crack sealing was inevitable. Jody recommended that they just do the cracks for now. Mr. Tyler thought they could wait to do the slurry seal next summer. Based on the difference in bids, Mr. Tyler suggested that they use M & M.

MOTION: Mark Hodgson made a motion to use M & M for the crack sealing in the amount of \$3,400.92. Nick Boyle seconded the motion.

VOTE: The motion passed unanimously.

Mr. Foster asked Jody if they could get a load of patch to fix the spots before they crack seal. Jody stated that he would like to get a ton of hot mix to rake in and patch. The cost is approximately \$48 per ton and he could use the dump truck. Mr. Tyler authorized Jody to purchase the hot mix.

Jody submitted an estimate for a fuel tank so they would have fuel on the Mountain for the equipment. Mr. Tyler noted that Jody found a used fuel tank on KSL from an equipment company. It is a 500 gallon tank with a stand for \$500. He thought that was very inexpensive for a fuel tank. Mr. Burdette asked how the tank is filled. Jody stated that Bell's Oil Company would deliver fuel and fill it. He noted that 500 gallons with the roller and the grader would last about a month and a half. He would only need the fuel during the summer.

Mr. Tyler added the cost for new tires for the dump truck and the \$500 for the fuel tank.

MOTION: Tony Tyler made a motion to purchase the 500 gallon fuel tank for \$500 and two new tires for the dump truck for \$487.34. Alan Powell seconded the motion.

VOTE: The motion passed unanimously.

Jody would find out the cost of the delivered fuel.

### **New Business**

Mr. Tyler noted that Gayle White, Lot D-57, was present to talk about her cabin construction. She was scheduled under new business later in the meeting; however, due to the length of the meeting, Mr. Tyler changed the order of the agenda so the Board could review Ms. White's plans before continuing with the remainder of the agenda items.

#### D-57 Cabin Construction

Ms. White presented the site plan and the survey. She also had a letter from the Water Company, as well as the lot improvement plan and her checkbook to pay the required fee. The Board reviewed the plans. Mr. Tyler noted that the impact fee was \$5,000 for new construction.

MOTION: Nick Boyle made a motion to APPROVE the plans for a cabin on Lot D-57, Gayle White. Jeff Hubbard seconded the motion.

VOTE: The motion passed unanimously.

## **On-going Business**

Mr. Tyler moved another item on the agenda so Tom LeCheminant could update the Board on the Bobcat Springs expansion.

### Bobcat Springs Expansion.

Mr. Tyler stated that he had walked the area with Mr. LeCheminant and talked to him about it in great detail. Mr. Tyler had reviewed the engineering reports and the dam studies. He clarified that the project would dig out a section that was backfilled when the pond was originally dug. The dirt would be pulled and placed on the existing berm. It would double the size of the pond and push it more to the existing tree line. Mr. Tyler reported that Summit County requires permits. Therefore, Mr. LeCheminant would need permits for this activity. Mr. Tyler had spoken with Mr. LeCheminant about having liability insurance in place with the HOA named as the additional insured.

Mr. LeCheminant reported that he had collected approximately \$4500 in donations for the project. Mr. LeCheminant reviewed his proposed plans for the Board. Mr. Tyler clarified that the land belongs to the Owners Association. Mr. LeCheminant had collected donations and no part of the project would be funded by the Owners Association. He understood that Mr. LeCheminant had already stocked the pond for this year. Mr. Tyler believed that with proper controls this would be a benefit for the Ranch. They would get a bigger pond, more fish, and improvements to the area, which is their only common amenity.

Mr. Heath asked about the depth of the pond. Mr. LeCheminant replied that they would like at least 8 feet deep. If they can go deeper they will. Mr. Heath asked if 8 feet was deep enough for a helicopter. Mr. Burdette was convinced that a helicopter would not dip water out of the pond.

Mr. Tyler remarked that with the two controls of the Owners Association being named as the additional insured on the liability policy, and the permits required by Summit County, he thought the Board should allow Mr. LeCheminant to move forward. A question was asked about plans for the parking lot. Mr. LeCheminant had no plans for the parking lot and understood that the Water Company may use it for a pump house. Concern was expressed that a larger pond could generate more vehicles and if there is not adequate parking they would spill onto the road. Mr. Tyler felt the Board could address that issue if it becomes a problem.

MOTION: Mark Hodgson made a motion to allow Mr. LeCheminant to move forward

with the pond expansion. Matt Brown seconded the motion.

VOTE: The motion passed unanimously.

### **Water Company Report.**

Mr. Tyler reported that the Water Company had completed the test pump and camera inspection of the Aspen Ridge well, and the results were mixed. The casing on the well was far worse than they expected. They believed it was originally an 1/8<sup>th</sup> inch casing that has deteriorated to 1/16<sup>th</sup> inch. After reaching 680 feet they were unable to go further and think the well may have collapsed. The test never got to a section where there was perforation in the pipe, which means that the well goes deeper to possibly 1,000 feet deep. The pump was set at 400 feet and was tested at 20 gallons per minute, 30 gallons per minute, and 40 gallons per minute. At 40 gallons per minute the water level started dropping to the level of the pump. They backed it off to 30 gallons per minute and it sustained at 30 gallons per minute.

Mr. Tyler stated that 30 gallons per minute would only give the Water Company approximately 18 gallons per minute from the Aspen Ridge well. The question was whether the 18 gallons per minute was worth drilling a new well, since the existing well is not viable, add an additional line and a pump house, and connecting it to the system. Mr. Tyler noted that the Water Company was looking at the economics of whether or not it was worth it. A new well would cost approximately \$600,000 and a new pump house would be an additional \$150,000. Adding all the piping and other associated costs would result in an estimated total cost of \$900,000 for a new well and connection. The Water Company was looking at available loan money and whether the project was economically feasible.

Mr. Tyler reported that the general consensus of the Water Board members was to pursue a well at Aspen Ridge because even at 30 gallons a minute, it becomes the next best well site. There is the potential to drill 15' over from the existing well and have a new well with actual perforations and the ability to pump more than 30 gallons per minute. At this point the Water Board was investigating that as an option but no decisions have been made.

Mr. Tyler reported that the Water Company had the Department of Health come up for an inspection and the additional pump houses at Bobcat Springs and Tollgate are contamination hazards. The Water Company needs to begin the process of redesigning and engineering those buildings to make them clean and secure. Therefore, the Ranch can expect a couple of new pump houses over the next few years. As part of that, the Water Board discussed replacing the line that goes through Owners Association land at

Bobcat Springs to get it out of the marsh and bring it to the road. If that occurs, Mr. Tyler thought the Owners Association should talk to the Water Company about making the parking lot larger or pushing the pump house further down to get it away from the pond.

Mr. Tyler noted that the Water Company had sent a letter to all the property owners along Tollgate Canyon Road asking for an easement for the road itself. They need the ability to access their pump houses and lines across legal roads. The impetus was that a legal easement does not currently exist and they should have one. Mr. Tyler understood that if it works well with the Tollgate side, the Water Company would take the same approach on the Forest Meadows side because they also have lines in that area. Mr. Tyler offered to scan the letter and send it to the Board members for their review. He clarified that he received the letter because the HOA owns two parcels of land along Tollgate Canyon Road and the Water Company is asking for an easement.

Mr. Tyler understood that the argument for the easement is that without a legal easement the landowner is responsible for maintaining the road, as well as any liability issues that arise. The Water Company is also trying to create a separate entity that would govern and maintain that section of the road, which may eliminate some the Owners Association subsidy for the lower section of Tollgate Canyon and Forest Meadow Road. Mr. Burdette pointed out that the letter only indicates that the Water Company would transfer the cost of maintaining that section of road to all landowners who access their property through Exit 150 on that side of the mountain. Mr. Tyler offered to contact Eric Cylvick for clarification on the intent and how it would be accomplished. Mr. Burdette noted that the HOA maintains the roads because they want to, but they have no legal responsibility to maintain them. Mr. Tyler understood that the Water Company needs to guarantee access to the water system. Mr. Burdette stated that the Court already ruled that anybody has access to the lower Tollgate Canyon roads. There has been no attempt on the part of the Owners Association to prohibit the Water Company from having access to the roads. If the Water Company wanted legal access, Mr. Burdette was willing to grant it because the purpose is to service a water system that benefits the owners.

Mr. Tyler reported that the Water Company was planning to sell their excavator because they no longer use it.

### **Ongoing Business (continued)**

#### Deer Meadows Update

Mr. Tyler received a phone call from Doug McAllister indicating that he was having

problems with Dave Nichols who was objecting to joining the Pine Meadow Ranch Owners Association and subjecting himself to the rules and regulations.

#### Temporary use definition discussions

Mr. Tyler remarked that this discussion was a result of the Yurt situation and discussions after the last meeting with Bob Bethke and others. Mr. Tyler thought the temporary use discussion needed to focus on the number of calendar days per year a structure, vehicle, tent, etc. can be erected or exist on the lot before it becomes a permanent structure and, therefore, subject to an impact fee. The suggestion was made to specify consecutive days per year. Mr. Tyler stated that if someone erects a tent one day and removes it the next day, it should only be counted as one day. If someone erects a temporary structure and leaves it up beyond the specified time for a temporary structure, it would become a permanent structure and the owner would be assessed an impact fee.

Mr. Tyler understood that the current time frame for a temporary structure is one season, which is more than 90 days and could be as long as six months. The Board members thought six months would be considered two seasons.

Mr. Tyler requested feedback from the Board regarding temporary use. His initial thought was no more than 180 days in any calendar year defined as January 1<sup>st</sup> to December 31<sup>st</sup>. For example, if a temporary structure comes on the Ranch May 1<sup>st</sup> and it is still there November 1<sup>st</sup>, the owner would receive a non-compliance notice and the Association would begin to take steps to remove it. The Board discussed various scenarios regarding temporary structures. They agreed that the type and size of the structure was not an issue as long as it was removed within the time frame specified for a temporary structure. If the structure is not removed, the owner would receive a letter of non-compliance and the Board would take steps to lien or remove it. Mr. Heath remarked that another alternative would be for the temporary structure to meet the guidelines of a permanent structure and go through the impact fee process. Mr. Tyler would draft language indicating the 180 day time frame, making it clear that on the 181<sup>st</sup> day the Board would send a notice of non-compliance.

Mr. Burdette felt the Board needed to consider what a temporary structure would look like ten years from now if they allow it to become a permanent structure. Mr. Tyler pointed out that any temporary structure would be subject to the Architectural Guidelines if it stays on the Ranch longer than 180 days a year. Ms. Parker felt it was important to be clear that temporary use means how long the structure is erected and not how often someone uses the structure. The Board agreed to use the phrase "temporary structure" and eliminate "temporary use" from the language.

Mirror for FM/TG intersection

Mr. Tyler stated that he had personally driven the road recently and he thought a mirror would be a safety benefit so those on the Forest Meadow side could see people coming from the Tollgate side. The cost of the mirror and posts was estimated at \$100. The suggestion was made to post a yield sign in addition to the mirror to alert people that it is an intersection. The Board concurred.

MOTION: Tony Tyler made a motion to authorize a \$200 budget for Jody to install a mirror and yield sign at the intersection of Forest Meadow and Pine Meadow Drive. Matt Brown seconded the motion.

VOTE: The motion passed unanimously.

PI-F-58 Shed

Mr. Tyler reported that the owners of Lot PI-F-58 would like to build a shed and had submitted the appropriate information and site plan. Mr. Hodgson, the area rep, had verified that the shed would have electricity. Mr. Hodgson would check with Carol to see if the impact fee had been paid.

MOTION: Tony Tyler made a motion to approve the shed on Lot PI-F-58 contingent on paying the \$240 impact fee. Mark Hodgson seconded the motion.

VOTE: The motion passed unanimously.

Cabin Construction Checklist and the Lot Improvement Plan and Agreement.

Mr. Tyler had sent a draft copy of the Cabin Construction Checklist, as well as the updated Lot Improvement Plan and Agreement. He noted that the two documents go together. He had tried to simplify the Cabin Construction information and streamline the Lot Improvement Plan and Agreement. Mr. Tyler pointed out that the primary change was the submittals on the second page. The checklist requires a survey, a site plan showing the proposed structure, a printed set of 11" x 17" plans, a digital set of plans, a copy of the water service letter, and a completed draft copy of the Lot Improvement Plan Agreement. The owner would submit the signed draft agreement. If the Board approves the structure the owner pays the impact fee and the Board signs off on the plans. At that point, the owner follows up with Summit County and Rocky Mountain Power and begins construction. Mr. Tyler believed the process was streamlined and straightforward.

Mr. Tyler thought they should add language identifying which projects constitutes using this list. There is new cabin construction on the mountain, which is a simple \$5,000 impact fee. Adding on to an existing structure falls under a different payment structure and there is no set process. He pointed out that the Lot Improvement Plan addresses new construction, but nothing addresses additions. Mr. Tyler suggested that they have a different checklist for remodels and additions. The Board talked about using the same checklist but adding items specifically for remodels and additions. The top of the form could have boxes to check for whether it is new construction or an addition.

Mr. Tyler was not opposed to raising the impact fee because it is a good way to raise money for the Ranch for improvements that cabins are already paying for now. Mr. Burdette stated that the argument the Board makes for owners who challenge the impact fee is that they never participated in buying their share of a grader, or a roller, or a truck or the aggregates used to improve the road all the way to their property. Therefore, the impact fee is to buy into the rest of the improvements that all the people who built before them have paid for. Mr. Burdette noted that another 400 homes would change life on the Mountain. Mr. Tyler agreed. He suggested the possibility of a flat impact fee plus a cost per square foot. He noted that they currently charge impact fees on square footage for additions but not on the original structure. He asked the Board to think about it for discussion at another meeting. Mr. Tyler remarked that a change in the impact fee would need to be addressed at the Annual Meeting.

#### Long Term Planning Discussions

This item was tabled for another meeting.

#### Website Update

Ms. Parker stated that they were ready to go live, unless the Board members had additional feedback. There were no additional comments. Mr. Tyler authorized Ms. Parker to go live with the Website. The suggestion was made to add a planned project section.

#### **New Business (continued)**

##### Signage.

Mr. Tyler had sent images of the signs to all the Board members. He suggested using green signs for the Ranch and brown signs for the Church and get rid of the other signage. The Church could just tell people to follow the brown signs. Mr. Tyler stated that his biggest problem when guests come up is that they have no idea where they are



going and it is a complete maze. He thought they should address appropriate road signage in the very near future. Ms. Parker thought a map at the bottom would also be helpful.

Mr. Burdette suggested that they ask the Church what signage they would like to have. Ms. Parker agreed that the Church should have some input and she suggested a way to quicken the conversation. Mr. Tyler thought colored signs were straightforward. Mr. Powell thought the Church signage should be green because the Ranch already has brown signs.

### **Budget Review**

Mr. Burdette reviewed the unpaid bills detail in the amount of \$11,519.69.

MOTION: Mr. Burdette proposed to pay all the bills as outlined. Tony Tyler seconded the motion.

VOTE: The motion passed unanimously.

The meeting of the Pine Meadow Owners Association Board adjourned at 8:55 p.m.

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