

PINE MEADOW RANCH OWNERS ASSOCIATION
MONTHLY BOARD MEETING
SHELDON D RICHINS BUILDING
KIMBALL JUNCTION
FEBRUARY 19, 2019

In Attendance: Pamela Middleton – President; Tom LeCheminant, Vice President; Jan LeVitre, Secretary; Andrew Pagel, Treasurer; Joe Pagel (Area 3) Nicole Irving (Area 4); Bruce Hutchinson (Area 5); Byron Harvison (Area 7); Ted Bonnitt (Area 6) via telephone.

Ex Officio: Randy Larson, Assistant Ranch Manager; Robert Rosing, HOA Counsel

Excused: Jonathan Hoffman (Area1); Jeremy Jespersen (Area 2)

Guests: Tess Saarel, FM-B-36; Karen Dunton, B-1; Amber Martinez, Tim Williams, PI-I-6; Cindy LeCheminant, PI-B-29; FM-C-74; Josh Lane, PI-G-14; Dane Proffitt, FM-B-36-A; Ross Barrell, PI-G-83.

Pamela Middleton called the meeting to order. She thanked everyone for their patience while the Board met in Closed Session to discuss Board processes and procedures.

Ms. Middleton reported that the Board had reserved the meeting room at Mr. Rosing's office on Sidewinder Drive in Park City for the March and April meetings. The meetings will begin at the regular time and they will be able to stay until 8:30 p.m. The extra half hour will allow the public more time to speak at the end of the meeting. Ms. Middleton stated that they would start meeting on the Ranch again beginning with the May meeting.

Approval of Minutes

January 15, 2019

Ted Bonnitt referred to page 10 of the Minutes and noted that there were several references to him making comments. However, he was on the phone only briefly at the last meeting and he was not the one who had made those statements.

Pamela Middleton referred to page 5 of the Minutes, second to last sentence, and changed two-wheel box trucks to correctly read **two-wheel drive box trucks**.

MOTION: Bruce Hutchinson moved to Approve the Minutes of January 15, 2019, as corrected. Jan LeVitre seconded the motion.

VOTE: The motion passed. Joe Pagel, Tom LeCheminant, and Nicole Irving abstained from the vote.

CC&Rs Update

Ted Bonnitt reported that there was a new draft for the CC&Rs based on a meeting that was held at Robert Rosing's office on January 2, 2019. It was a productive meeting and Mr. Bonnitt thought they were close to presenting the draft to the general membership for review prior to the first membership meeting. Mr. Bonnitt stated that he had received comments from Roy Parker a few days earlier, and he was waiting to hear input from other committee members. Once all the feedback is in, he will submit the comments to Mr. Rosing to be incorporated into the draft document and the committee will discuss a schedule to distribute the draft to the membership; followed by an appropriate date to hold the first of three general meetings for public input.

Mr. Bonnitt recognized that the process was taking longer than anticipated, but he thought the initial schedule was quite ambitious from the beginning.

Ms. Middleton stated that she had read the draft document and asked if the committee wanted editorial input as well as substantive feedback. Mr. Rosing replied that all comments or corrections should be submitted.

New Construction

Stop Work Order – Deer Meadows DMS-4

Mr. LeCheminant stated that Summit County had issued a Stop Work Order; however, he had recently received an email indicating that the work had started again. Mr. LeCheminant was unsure whether Summit County was aware of it because the County had not returned his calls. He would continue to follow-up.

Stop Work Order – Bull Moose FM-B-36

Mr. LeCheminant reported that before beginning construction Tess Saarel, the owner, had failed to come to the Board with architectural plans and they had not obtained a building permit from Summit County. Mr. LeCheminant stated that the mass of the additional structure was double the size of the existing house, and the owner wanted to construct a large breezeway between the two. He was not in favor of that plan. Mr. LeCheminant noted that the plans meet the architectural guidelines in terms of colors and materials.

Mr. LeCheminant recommended further review with the attorney. He pointed out that the Board previously approved a breezeway on a very steep lot. Ms. Saarel based her

request on the fact that there was an existing foundation, and that Summit County shows only 490 square foot tool shed on the tax record. She did not want to pay for the 1400 square feet on the main floor.

Bruce Hutchinson agreed with Mr. LeCheminant. Mr. Pagel thought the Architectural Committee needed to meet with the owners of Lot FM-B-36, to see if they could reach some consensus on what would be acceptable.

Mr. LeCheminant remarked that the owners of the house above this lot purchased the house with the understanding that no one could building anything larger than what currently exists. Mr. LeCheminant asked Ms. Saarel what their intention would be if Summit County only allows a 999 square foot mother-in-law apartment. Ms. Saarel thought that would be possible. However, she also noted that the breezeway connection was required by Summit County. Mr. LeCheminant understood from his talks with the person from Summit County Code Enforcement that the County intended to put pressure on the owners for the existing foundation that was poured without any permits or inspections. Ms. Saarel remarked that the foundation had passed all the engineering inspections.

Mr. Rosing suggested that the Architectural Review Committee have a meeting to discuss the issues before making any decisions. Ms. Middleton asked if the plans had been approved by Summit County. Mr. LeCheminant stated that to his knowledge they had not been approved. Ms. Saarel explained that Summit County had given preliminary approval; but she wanted approval from the HOA before finalizing with the County.

The Architectural Committee agreed to a conference call meeting on Saturday at 10:00 a.m. Mr. LeCheminant thought they needed to give the neighbor above this lot, FM-B-36-A, the opportunity to provide their comments. Mr. Pagel stated that they could contact that neighbor after the Architectural Committee had their discussion.

Ms. LeVitre asked for the procedure after the Architectural Committee makes their recommendation. She asked if the Board would vote on it via email or at the next meeting. Mr. Pagel thought the Architectural Committee should bring their consensus to the Board to see if they agree. From that point they should approach the neighbors and speak with Mr. Rosing.

Ms. Middleton remarked that the purpose of the Architectural Committee is to review the plans and make a recommendation to eliminate the burden of having every Board member review every plan.

Nicole Irving asked if the Board could vote on it at the Executive Meeting scheduled for Thursday, February 28th. Further discussion was tabled.

Lot PI-G-83

Mr. LeCheminant reported that this was a modified A-frame on Lot G-83 on upper Elk Road at Alexander. Ross Barrell was the property owner. The plan was for a 970 square foot A-frame structure. Mr. LeCheminant had reviewed the plans and made comments to the owner. It was on pylons, and for permanence he had recommended adding a foundation. The owner stated that he had revised the plans to include a foundation.

Mr. LeCheminant had no issues with the plans presented. The owner reviewed the plans and indicated the location of the septic tank and the existing road. He was proposing gray Hardie Plank siding with a charcoal gray roof. Mr. Pagel stated that his personal preference would be to change the light gray siding to a darker color, possibly a chestnut brown. He was informed that the gray color meets the Architectural Guidelines, therefore, they cannot require the owner to change the color. Mr. LeCheminant did not believe the color would make much difference on such a small area.

MOTION: Tom LeCheminant moved to Approve the A-frame cabin on Lot PI-G-83 as presented; and with changing the post and pylons to a foundation per the foundation plan that was submitted.

The Board discussed colors to address Mr. Pagel's concerns. It was noted that the Lot Improvement Plan indicated a dark gray sheet metal panel for the roof; and gray siding material. The gray siding would be crossed out and replaced with either chestnut brown or iron gray, whichever the owner decides. The owner stated that his preference would be the slate gray. He noted that the four colors he submitted had not printed out accurately. The color he submitted was his preference, but he was flexible if the Board preferred a darker color.

Mr. Pagel explained that his concern was about being consistent and holding everyone to the same restrictions. If the gray is too light it could look like concrete, and the Architectural Guidelines restrict the amount of concrete on the exterior to no more than 10% of the total exterior as a secondary siding. Ms. Middleton pointed out that the exterior would not be concrete, even if it looked like it. Mr. Barrell stated that his reason for using the lighter gray was to contrast with the roof. He believed the slate gray would present that contrast.

Mr. LeCheminant restated his motion.

MOTION: Tom LeCheminant moved to Approve the A-frame cabin on Lot PI-G-83 as presented; and with changing the post and pylons to a foundation for permanence per the foundation plan that was submitted. Jan LeVitre seconded the motion.

VOTE: The motion passed unanimously.

Ms. LeVitre thought it would be helpful if the Board could have a copy of the building plans prior to the meeting, after they are reviewed by the Architectural Committee. She asked if they could be put in the dropbox for the Board members to retrieve. Ms. Middleton noted that Carol is not able to put them in the dropbox because she does not have access to the plans until they are approved by the Board. Ms. LeVitre stated that as long as they come through the email in an electronic version she could add them.

Lot PI-E-16

Mr. LeCheminant recalled that the Board discussed this item at the last meeting. At that time, Jonathan Hoffman wanted the opportunity to review the materials and colors before voting. Mr. LeCheminant had sent a copy of the plans with colors and materials to all the Board members via the group email.

Mr. LeCheminant stated that the colors meet the Architectural Guidelines. The owner was proposing a dark brown color on the upper portion and rusted corrugated metal on the lower section. The roof will be ship lap Ponderosa in a green color. The and chimney and entryway area would be dark tan. The corrugated siding will be natural rust in the lower area where snow piles up against the house.

Mr. LeCheminant noted that the property owner had asked the Pine Meadow Mutual Water Company Board for an easement across the Water Company lots to access their property. The Water Board granted the easement request. Mr. Hutchinson stated that his primary concern with building in that area was the contamination of Bobcat; however, he believed this lot was high enough that it should not be a problem. Mr. LeCheminant pointed out that even with the easement the Water Company would have access to do maintenance or repairs. The property owner had talked about putting up a gate, but Eric Cylvick told them that they could not gate or fence across the easement.

Mr. LeCheminant clarified that an issue at the last meeting was that the property owner was proposing too many colors. He asked the owner to reduce the number of colors on

the structure and that request had been met.

MOTION: Tom LeCheminant moved to Approve the building plans for Lot PI-E-16 with the colors as submitted. Joe Pagel seconded the motion.

VOTE: The motion passed unanimously.

Josh Lane – PI-G-14

Mr. LeCheminant reported that the plans for PI-G-14 were submitted at a previous meeting with a discussion on size. The owner, Josh Lane, had reduced the size by approximately 200 square feet. LeCheminant noted that initially the roof was flat and it was changed to a pitched roof, which conformed with the rules. However, the major issue with the overall structure is that in general the Architectural Committee Rules required a reduction in the total mass and square footage of structures.

Mr. Rosing recalled that there were several issues on non-compliance with the plans and the owner had addressed all the issues with the exception of size and massing. He noted that the Board still believes the house is too large for the lot and for the neighborhood. He informed Mr. Lane that he could keep the general look of the structure, but reduce it to a size below 5,000 square feet.

Mr. Lane wanted to make sure that if his architect adjusted the plans that the Board would not find other issues. Mr. Rosing clarified that the Board had other issues; however, they felt those issues had been resolved. He stated that if Mr. Lane reduced the square footage but kept the same look, the Board would commit to approving it.

Ms. LeVitre recalled that Andrew Pagel had a secondary issue with the driveway setback. Mr. Pagel stated that Mr. Lane needed to make sure the driveway was within the 12' setback. In terms of square footage, Mr. Lane asked if the Board counts the garage and basement. The Board answered yes. Ms. Irving believed the basement should be included as living space, but not the garage. Mr. Rosing agreed that typically if the basement is living space it would count, but the garage is not counted in the square footage. Mr. LeCheminant stated that when he submitted his plans he had included the basement and the garage in the square footage for his addition. Ms. Irving remarked that since it was not a CC&R issue, she suggested that they call out livable space as including a basement but excluding the garage.

Mr. LeCheminant informed Mr. Lane that he needed to reduce the size to 5,000 square feet of living space, which would include the basement, first floor, and second floor. Mr. Rosing pointed out that the Board needed to be very specific, because Mr. Lane

wanted assurance that if he made the requested change that the Board would approve it. Mr. Rosing thought the Board was clear in saying that the basement counts as livable square footage, but not the garage. However, he cautioned Mr. Lane to limit the size of the garage and not use it as a loophole to gain square footage. Mr. LeCheminant stated that Mr. Lane was proposing a three car garage, which he thought could be kept to approximately 900 square feet or less.

The Board would plan to vote on the plans at the next meeting. Mr. Rosing suggested that because there was consensus among the Board this evening, they could vote on the plans via email. The Board agreed that if Mr. Lane could submit his revised plan to the Board a few days before the end of the month they could review the plan and vote on it at their Executive meeting on February 28th. Further discussion was tabled.

Ranch Manager's Report

Mr. LeCheminant reported that the motor was in the water truck and they could possibly get it back this weekend.

Randy Larson, Assistant Ranch Manager, stated that he would be widening Forest Meadow the next day in some spots. Otherwise, he believed the roads were in good shape. He was mostly pushing snow.

Randy stated that all the equipment was in good condition and running well. They had to buy a new chain for the blower. A bolt was lost on the road grader and that needed to be put back on to keep the grader running.

Randy stated that the Board should expect to receive a bill for sand hauling from SVO that was delivered last Fall. Mr. LeCheminant noted that it was in the packet of bills to be approved this evening.

Andrew Pagel asked about that the charge of \$285 for the 3" gravel base or a Valley View water leak. He noted that it was ordered by Jody. Mr. Pagel questioned why the HOA was paying for gravel base for a water leak issue. Mr. LeCheminant explained that the leak on Valley View was above Roy Parker's. Mr. Pagel did not think the HOA should pay for damages to the roads caused by water leaks from Water Company pipes. The Board agreed. Mr. LeCheminant asked Carol to shift the \$285 charge for 3" gravel base to the Water Company. Mr. LeCheminant would personally give the bill to the Water Board when they meet on Thursday.

Randy stated that he and Jody were trying to cut down the amount of sand on the roads. If a road is too slick, people should contact Randy and he will sand it. They

were getting low on sand and were hoping to get through the rest of the winter with the sand they have. However, if they need to order additional sand they will.

Mr. LeCheminant thought the Board members needed to set the example and put on tire chains when the roads are bad.

It was noted that someone had piled snow at the end of Aspen Ridge Road making it difficult to get around it. Mr. LeCheminant had sent that complaint to the Board. Mr. Bonnitt stated that it was in his area and he was familiar with the problem. It has been going on for several seasons and he believed it was an intentional blockage. Mr. Bonnitt was concerned about the safety risks. It would hinder making a rescue, even on sleds. Another issue is if someone tries to maneuver the hill and gets hurt, the HOA could be liable because they allowed a 5' wall of snow to block access to the common road. Mr. Bonnitt had reviewed the snowplowing rules and there is a clear rule saying that the snow banks need to be tapered.

Mr. LeCheminant pointed out that it was not in the HOA rules. It was stated in the snowplowing contract that the plowers sign.

Ms. Middleton believed the main issue was the 5-foot drop because it is dangerous. No one on the Board knew of a similar situation on the Ranch. Mr. Bonnitt reiterated that it has been going on for several seasons. He believed it was out of hand and inappropriate. Mr. Hutchinson stated the Board should have the name of the plower and that they should let him know that it is inappropriate. Ms. Middleton agreed, and thought the Board could at least send the plower a letter. Mr. Hutchinson assumed the plower would ignore the Board, but at least they would have addressed it.

Mr. Rosing remarked that it is a Ranch road. If the plower ignores the request, Jody and Randy could knock it down and bill the plower for their time. Ms. Middleton stated that the Board would send a letter to the plower requesting that the bank be tapered when he plows due to the safety hazards. Mr. Rosing thought the letter could inform the plower that the HOA intended to take down the snow bank. Mr. Bonnitt asked Mr. Rosing if it was a violation of the terms of the plowing contract. Mr. LeCheminant pointed out that the plower has not signed the plowing contract in the past three or four years. Mr. Rosing would draft a letter.

MOTION: Pamela Middleton moved to authorize Robert Rosing to send a letter to the plower who was making a wall of snow on Aspen Ridge Road, to inform him that it is an HOA road and he is maintaining it in a way that is inappropriate for safety and the values of the Ranch.

Mr. Rosing asked if the letter should advise the plower to take down the snow bank or whether they should inform him that the HOA will take it down and bill him for the charges. The Board thought the HOA should do the work. Mr. Rosing should tell the plower that Jody would be coming up to grade the snow bank accordingly.

Nicole Irving seconded the motion.

VOTE: The motion passed unanimously.

Ms. Middleton would reach out to Jody after Mr. Rosing sends the letter.

Large Equipment Purchases.

In the interest of time, Ms. Middleton tabled this discussion to another meeting.

Snowplowing

Ms. Middleton reported that the person who contracted to plow the emergency route in the Forest Meadow area was thinking about buying a large blower. If the HOA wanted to contract him for additional work, he would purchase the blower and provide the HOA with more services.

Ms. LeVitre asked if the HOA needed additional services. Ms. Middleton thought they would if the HOA did not have its own blower on the Ranch. Ms. Middleton told the contractor that she would bring it to the Board for discussion.

The suggestion was made to speak with Randy and the owners in that area. Mr. LeCheminant remarked that for the amount they paid the contractor this year, in three years they could purchase their own tractor and blower and still have additional money to pay a contractor.

The Board was not interested in accepting the offer to extend the plowing services and Ms. Middleton would convey that message.

FAQ Page

Ms. Middleton reported on a plan to set up a FAQ page for the website. The Board gets emails all the time with various frequently asked questions. She would like to write up a question and answer page for the website. When they receive those emails they could send the answers to the FAQ Page.

Ms. Middleton stated that because Carol gets the brunt of the questions, she would ask Carol to put together a preliminary question and answer sheet for the Board to review. If the Board approves it, Ms. LeVitre will post it on the website.

Monthly Budget Review

Andrew Pagel reviewed the unpaid bills detail. He noted that per their earlier discussion, the \$285 invoice for 3" road base due to a water leak would be given to the Water Company to pay.

Mr. Pagel commended Mr. Rosing for the work he does for the Board. However, the initial budget for legal fees was \$15,000. At 5,000 for last month, if they continue with legal bills that high, they will exceed the budgeted amount. He cautioned everyone to be aware that when they use Mr. Rosing it should be for a valid concern.

MOTION: Andrew Pagel moved to Approve payment of the Unpaid Bills as presented, minus the \$285 bill being sent to the Water Company, for a total of \$19,581.21. Ms. Middleton seconded the motion.

VOTE: The motion passed unanimously.

Open Forum

Amber Martinez, PI-I-06, understood that the HOA was paying a plower \$30,000 per year to plow the parking lot, regardless of whether or not it snows. She questioned why they were hiring an outside contractor when the HOA has the equipment to do it.

Ms. Middleton explained that the HOA did not have enough equipment and manpower to do it. The HOA could purchase additional equipment and hire another person, but because the second route is needed in case of an emergency, the Board opted to hire an outside contractor to plow that route.

Ms. Martinez wanted to know what route is plowed. Ms. Middleton explained that the contract plower plows from the winter parking lot over Arapaho, down to Forest Meadow, up Forest Meadow and all the way down to Junction Court. Ms. Martinez questioned why the Board did not think \$30,000 was an extreme amount. Mr. Pagel noted that the insurance requirements are strict for a plower. In addition, it is not easy to find someone willing to come up to plow. They put it out for bid and the response was poor. Ms. Middleton pointed out that the Board did not want to spend that amount, but they had no other option because the connector route needs to be kept open as a

safety issue.

Ms. LeVitre pointed out that storms were coming and the Board had no other options so they voted to hire the plower who had submitted a bid. The idea was to get through the winter and for the Board to look at a better option for next year.

Mr. Hutchinson remarked that in the years before the HOA decided to plow the connector, the roads were plowed privately by the owners along that route. The owners complained about the amount of money they were spending without being compensated. The Board recognized that it was a financial burden on those owners but it was also important to have a second exit. Therefore, the HOA agreed to pay for that portion of the route.

Ms. Martinez commented on the mailboxes and noted that they did not get theirs until September, even though they paid for it. Mr. LeCheminant stated that if they paid the \$50 key deposit and the \$75 annual fee, they should not have to pay it again until next September. Mr. LeCheminant explained that when the Board decided to do the mailboxes, it would be for the people who were using the mailboxes and it was looked at as an extra source of income for the HOA. Ms. Middleton noted that the HOA paid for the mailboxes and to have them installed, and the annual PO Box assessment fee helps to keep them maintained. The idea was to provide a service to the Ranch where the owners could have a mailbox close to their property rather than driving to Coalville to pick up their mail.

Mr. Pagel explained how the Board determined the number of mailboxes needed now and how many more will be needed in the future based on lots being developed on the Ranch. He pointed out that those who have a mailbox now are paying for the initial cost of putting in the mailboxes, as well as for future expansion. Mr. LeCheminant recalled that the Board agreed to keep the annual fee at \$75. If it needs to be increased at a later time, the Board would have to vote on it. He noted that this current Board would not be in favor of an increase.

Dane Proffitt, Lot FM-36-A stated that his biggest concern with the construction going on next door, FM-36-B, was the size. They always anticipated their neighbor would build a garage, but now they have a second structure on the lot that is basically a second home. He understood that there could only be one livable structure on the property. They are concerned with the size of the new structure and why two homes are allowed on the lot, even though they are connected by a sidewalk.

Mr. LeCheminant noted that it was another issue for the Board to discuss when they talk about size limits. Joe Pagel thought it was another example of the Board being

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consistent everywhere on the Ranch. Andrew Pagel remarked that after attending a Water Company Board meeting, it was also necessary to set limits on the size of houses based on the availability of natural water resources.

The meeting of the Pine Meadow Owners Association Board adjourned at 8:00 p.m.
