

Approved
August 16, 2016
as corrected

PINE MEADOW RANCH OWNERS ASSOCIATION
MONTHLY BOARD MEETING
SHELDON D RICHINS BUILDING
PARK CITY, UTAH
JULY 19, 2016

In Attendance: Dan Heath – Vice President; Honey Parker, Secretary; Matt Brown (Area 1); Jeremy Jespersen (Area 2); Alan Powell (Area 3); Tom Deaver (Area 4); Bruce Hutchinson (Area 5); Tom LeCheminant (Area 7).

Ex Officio – Jody Robinson, Ranch Manager

Excused: Tony Tyler, President; Pat Kreis, Treasurer; Bruce Hutchinson (Area 5); Mike Gonzales, Area 6.

Guests: Dan Kemper, Lot D-19; Carolyn Strathearn, Lot F-50; Ted Bonnitt, Lot E-56; Kent Smith, Lot A-59 and the North Summit Fire District Chief; Annette Shepard from Cleary Building Corp. representing Alan and Margo Ganske, Lot PI-B-6; Roy Parker, Lot G-85; Ethan Lamiman, Lot D-158A; Lori and Dan Magg, Lot PI-C-37B; Jody Taylor, Lot A-2; Bob Merrill, Lot PI-27

The meeting was called to order at 6:30 p.m.

Approval of Minutes – June 21, 2016

Honey Parker referred to page 10 and noted that the Minutes reflected that she would check with Dan Heath about getting the road list together for the website. She clarified that she was actually checking with Jody about the road list for the website.

Tom Deaver referred to the list of road projects and *changed Navajo Road at Pine Meadow to correctly read **Navajo Drive at Pine Meadow**.*

MOTION: Honey Parker moved to APPROVE the minutes of June 21, 2016 as amended. Tom LeCheminant seconded the motion.

VOTE: The motion passed unanimously. Alan Powell abstained since he was absent from the June meeting.

New Construction and Additions

Tom Deaver submitted the plans, the signed documents and the impact fee for Lot PI-B-6, Alan and Margo Ganske. He noted that the Architectural Committee had reviewed the materials and colors and recommended that the Board approve the building plans as presented. Mr. Deaver stated that the exterior would be hardy board dark gray siding with a rusted metal roof. Both are accepted materials in the Architectural

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Guidelines.

MOTION: Tom Deaver moved to APPROVE the plans submitted for Lot PI-D-6. Tom LeCheminant seconded the motion.

VOTE: The motion passed unanimously.

Ethan Lamiman, Lot D-158A, presented plans for a new roof on his cabin. The roof will be metal and the color is dark Ivy Green. The plans were complete and all of the required documents had been signed.

Mr. Jespersen stated that he was working through specifics on a glade wall for the cabin on Lot D-128, Robyn Dysard. Forest Meadow. The owners were in Europe and he anticipated to have the documents signed and everything finalized for next month.

Mr. Jespersen stated that Tyler Holman on Arapaho, Lot C-70, was putting new roofing on his existing shed. They were still working out the specific and he believed it would be finalized shortly.

Mr. Deaver presented plans for Lori and Dan Magg, Lot PI-C-37 & B2. It will have a basement and a garage. The house is set back on the lot and the plans meet the Summit County codes. Ms. Magg stated that the material would be Forest Green hardy plank. The roof would be green and black asphalt shingles.

The Architectural Committee recommended approval. Mr. Heath asked if the other Boards members were comfortable letting the Architectural Committee follow through on getting the impact fee.

MOTION: Alan Powell moved to APPROVE the plans for PI-C-37 & B2 contingent on receipt of the impact fee. Honey Parker seconded the motion.

VOTE: The motion passed unanimously.

Mr. Deaver emphasized that the property owner would not be able to begin any type of work until the impact fee is paid.

Water Board Report

The June Water Board meeting had been cancelled.

It was reported that the Water Company has been in discussions with Utah Broadband for putting a very small antenna on the tank at Bobcat. It is a metal skid rather than a tower, with two 10-foot pipes on either corner. They were hoping to get everything approved this Fall.

Mr. Deaver asked if it was based on mutual cooperation or whether Utah Broadband would lease the spot. He was told that currently the talks were about mutual cooperation because it would be a mutual benefit.

Mr. Heath stated that if anyone knows of an owner with a very high lot that might be used as a slave station to beam down into some of the inaccessible areas, he would be willing to speak with those owners. He explained the permitting process for being a slave station. Ms. Parker asked if there was any benefit for the person who would offer up their space. Mr. Powell replied that it would depend on whether or not Utah Broadband would offer a benefit such as free internet, etc.

Ranch Manager Report

Jody Robinson reported that Pine Meadow Drive was finished last month. He planned on putting mag water and gravel on the corner down by Trickett's, Lot SS-145-A-1, on Forest Meadow. Pine Loop was as complete as it could be for now. Jody stated that he had enough budget left for two loads of mag water, which should take care of Forest Meadow and Pine Meadow Drive, which are the main arteries, in an effort to save the new gravel.

Mr. Heath stated that he and Jody walked the section that they would be doing on Keith Trickett's land. There is a rumor going around that Mr. Trickett intends to sue the HOA if they touch it, and Mr. Heath thought that was absurd. Mr. Heath wanted to stop that rumor because Mr. Trickett walked with he and Jody and he was very cordial. Mr. Trickett has concerns about a couple of water and power lines that go across the road. After discussing his concerns Mr. Heath believed they were in agreement. They had used fluorescent paint to mark everything. Mr. Trickett was supposed to contact Mr. Heath if there were any problems and he had not heard from him. However, Mr. Heath would follow up with Mr. Trickett before starting any work.

Jody stated that other projects included signs, weed spraying, culverts, and the usual routine road grading.

All the equipment was in good condition and running well.

Mr. Deaver asked for the status of the steep area from Navajo Drive down to the Z turn on to Pine Meadow. Jody replied that it was a second priority depending on available funding once the main roads are completed. Mr. Deaver believed that if they just add road base it would wash out immediately.

Ms. Parker recalled that the Board had discussed Navajo Drive last year and put it off until this year. Those owners have been waiting a while and she asked Jody if there was any way to resolve it this year. Mr. Deaver clarified that Ms. Parker was talking about Navajo Drive up to Driggs. Jody stated that he would like to take care of that portion this year if possible. Ms. Parker added it to the road list as a possible priority.

Mr. Deaver noted that the Board previously talked about Balsam Circle and he asked for an update. Jody replied that it would be a big job to rebuild that circle and very expensive. It would have to be resurveyed. Mr. Deaver asked if they were being pushed by the property owner of E-82 to since that is the only access to their property. He recalled that the owners had wanted to build this year, but they had not submitted building plans. Jody stated that the Balsam Circle project was low on his priority list. Mr. Deaver asked if the owners did submit building plans, whether they could still use the supposed location of Balsam Circle as access. Jody replied that there is already a road to their property.

Ongoing Business

Big Map Status

Ms. Parker reported that she sent in the changes and it took approximately 3-1/2 weeks to get the changes back. She asked for the file in a format that the Board could work with because she was willing to make the changes. Ms. Parker had not heard back, but she would follow-up with Summit County to get the file and make the changes. She would notify the Board via email as soon as everything is finalized. Mr. Heath stated that if everyone agreed, he could see no reason why they could not start obtaining bids. Ms. Parker had talked to Jody about not only doing a big map sign at the bottom, but also having one at Bobcat. She asked if that was something the Board wanted to consider. The Board thought it was a good idea. Mr. Heath asked if anyone recalled whether they had budgeted for that or whether they needed to vote on an amount this evening. Ms. Parker was unsure how much was left for that line item and she would check with Pat Kreis to see if adding a map sign at Bobcat would still be within budget. Mr. Heath believed it was an issue the Board could handle via email.

Monthly Budget Review

The Board reviewed the unpaid bills.

Jody had a list of missing signs or misspelled signs that needed to be reordered.

Ms. Parker noted that the paid assessments were over 97%. The HOA has never been close to that number in the past at this time of year.

MOTION: Tom Deaver moved to APPROVE the unpaid bill detail as presented. Alan Powell seconded the motion.

VOTE: The motion passed unanimously.

MOTION: Alan Powell made a motion to authorize Carol to be the second signature on the checks to pay the bills in Mr. Tyler's absence. Honey Parker seconded the motion.

VOTE: The motion passed unanimously.

Jody noted that they needed to order 25 signs. They also need emergency exit signs. Mr. Heath believed there was enough money in the approved sign budget to pay for the additional signs.

Owner/Visitor Open Forum

Mr. Heath opened the public forum to anyone who wanted to speak. However, he requested that all public comments be directed to the Board and not to each other. Mr. Heath also requested that they keep the comments civilized. He pointed out that the Board members do what they can to address problems, but they are more constrained than what most people think.

Bob Merrill, Lot PI-27, stated that he built a home on the Ranch in 1995 and he has been an active part of the community. He pays his dues and he does his due diligence. His home is on Crow Loop and two and a half years ago he rented his home. He had nice tenants who eventually moved out and the next tenants were less than satisfactory. He commented on an incident regarding an unauthorized fire pit violation and a \$1500 fine was levied. Mr. Merrill thought it was an unfortunate situation. He had researched the HOA and the rules and regulations because the burden became his to take care of the tenant's responsibility. Through his research of the summer fire policy, he found that there is a punishable misdemeanor of \$1,000. There is also Protective Covenant #15 for a first offense of \$500. There was also an unattended fire violation of \$1500.

Mr. Merrill realized that as the owner he is ultimately responsible; he respectfully asked the Board to reduce the fine to a level of a first offense. If that was done, he could pay the fine of \$500 the next day and take care of it fully. Mr. Merrill understood from Carol that the fine was about to be sent to collection, which would double the amount.

Mr. Merrill understood that fire suppression and fire management was paramount to the safety and livelihood on the Ranch, and he was not taking this matter lightly.

Mr. Heath asked when the fire violation occurred. Mr. Powell replied that it was late fall. He had observed the fire and the tenant put it out while he was still there.

Mr. Deaver asked if this was the fire that they thought was put out but it flared back up during the night and was found early in the morning. Mr. Powell answered yes. He explained that the fire was still within the fire pit, but the fire was built around timbers that were under the ground.

Mr. Heath asked if the Board would consider asking Carol to hold this fine from going to collection for 30 days to give the Board members time to review Mr. Merrill's request. Ms. Parker wanted to hear from Mr. Powell since he was the one who saw the fire firsthand. Mr. Powell stated that when the Board originally discussed this matter there were two violations; an unapproved fire pit and an unattended fire. The tenant was asleep and he had to pound on the door to wake him up. Mr. Powell stated that after speaking with the tenant he thought \$500 as a first offense was appropriate for what he had done. Mr. Powell noted that he was not at the meeting when the Board discussed the fine, but because it was an unattended fire, which is much worse than having a fire in a non-approved pit. Therefore, the Board made the decision to levy the \$1500 fine. Mr. Powell stated that he personally felt that \$500 was fair considering that the tenant was very apologetic that morning. He also understood that the tenant had tried to pay the fine but for whatever reason he was not able to pay the full \$1500.

Mr. Deaver asked if the Board was in danger of setting precedent if they lowered the fine. Mr. Powell replied that the danger for precedent is that another person could challenge why they were given a \$1500 fine and this person was only fined \$500. He believed the Board could give specific reasons for why they were fined \$1500. Mr. Deaver and Mr. Powell discussed fines that could have been incurred if Summit County had been notified. Mr. Powell clarified that he made the judgement call not to contact Summit County because the tenant had thought he had put out the fire the night before and it was in contained in a fire pit.

Mr. Deaver stated that his personal opinion is that it was a first offense and the landlord

has the responsibility to make sure the tenants know the rules, without exception. However, since it was a first offense and the fire was contained, he thought a \$500 fine was sufficient.

Mr. Hutchinson asked if there was statutory or regulatory administrative language that speaks to Board discretion in these types of situations. Mr. Powell noted that within the fire policy there is no latitude as far as the fine amounts. However, the Board has the authority to assess fines.

Ms. Parker stated that ultimately everything was fine, and the Board was not trying to make money off of someone who thought they had put out the fire. From that point of view she was comfortable lowering the fine; however, her concern was precedent. Ms. Parker was leaning towards lowering the fine to \$1,000 rather than \$1500, to be consistent with Summit County.

Mr. Brown stated that the purpose of the fine is to curb behavior. He did not have a strong opinion on the amount of the fine, but he was concerned about precedent moving forward. He believed it was something the Board needed to figure out.

Mr. Jespersen concurred that it was more about precedent than the actual fine. In addition, the way they treat a fire on the Ranch is a serious issue for obvious reasons. However, in this case, a Board member was a responder to the situation. It was not called into Summit County and the fire was put out. The tenant had also tried to make payments on the fine. Mr. Jespersen was in favor of lowering the fine to whatever amount the Board decided.

Mr. Hutchinson could not recall whether specific language in CC&Rs stipulates the amounts for first offense, etc. Mr. Powell did not believe there was language in the CC&Rs, but there is language in the Rules and Regulations under Fire Pits. It stipulates \$500 for first offense of a fire in a non-approved HOA pit. It also stipules \$1500 for an unattended fire. Mr. Powell stated that technically there were two violations. The Board levied \$1500 for an unattended fire, rather than the \$500 for first offense.

Mr. LeCheminant noted that Mr. Merrill rents out his home, and the question is what would keep this from happening again. He recalled that it was a young guy and his wife who said he was not aware that it was an HOA and that he was not allowed to have fires. Ms. Parker agreed that it was a challenge not only for Mr. Merrill's property but for other rental properties as well.

Mr. Powell thought they needed to be cautious as a Board in terms of how they make

their decision, because it needs to be defensible.

Mr. Heath would contact Carol to stop this from going to collections this week. He thought the Board needed time to have this discussion because it is not about one owner. The issue is about fire and how the Board should deal with the greatest fear on the Ranch. Mr. Heath suggested that the Board invite Mr. Merrill to another Board meeting to continue the conversation.

Mr. Deaver *re-affirmed* his opinion and agreed with Mr. Heath. The majority of the Board agreed with stopping the collection process for further discussion.

Mr. Merrill commented on the need for an educational process for every property owner on the Ranch. He remarked that it was more than fire. The education should involve driving on the Ranch, chains, being a responsible owner, and being part of the HOA. Ms. Parker agreed. She updates the website and suggested that she could add reminders seasonally or quarterly on specific Rules and Regulations.

Jodi Taylor, Lot PI-2, a resident around Bobcat Springs stated that she has been on the Ranch three years. She would like to hear more from the Board about road safety and the driving conditions. In the three years she has lived here her dog was run over, and she was broadsided. Ms. Taylor sees how people drive and she keeps hearing different things. She wanted to be educated on what has been discussed and what can be done. She is concerned because she has an 18-month old baby. More people are moving to Pine Meadow Ranch because they can no longer afford Park City. The area is transforming and there are a lot of kids. She understands that kids need supervision but they cannot be watched continually and she does not want her son or any other child to be hit by a car. Ms. Taylor commented on the number of times people speed around Bobcat and she wanted to know what could be done. She asked if she could buy one of those plastic people with a flag that says, 'slow down, children playing'; or whether she could nail a sign to a tree telling people to slow down because there are children in the area. Ms. Taylor wanted to know what she and others could do to protect their families.

Ms. Parker stated that this issue comes up frequently and it was becoming more and more of a problem. The Board has talked about remedies and she suggested that maybe it was time to try some of the options. Ms. Parker noted that the HOA regulations prohibit a proliferation of signs. The challenge is that people do not pay attention.

Mr. Hutchinson believed that people who are new to the community within the last five

years do not understand that Pine Meadow Ranch was developed as a seasonal use facility. It was never intended to be a full-time community, but over time it has developed into one. Mr. Hutchinson stated that choice needs to be made by the people moving to the Ranch, and whether they are willing to give a little bit to keep their families safe. He was sorry Ms. Taylor's dog was hit, but there are leash laws for dogs and her dog should have been on its own property. Ms. Taylor remarked that she had kept her dog on a leash since he was hit; but she cannot keep her son on a leash. Mr. Hutchinson understood; but the fact is that the majority of property owners are seasonal use owners, and that changes are going to continue to occur because Pine Meadow is an inexpensive place to live. He pointed out that some people want to maintain the openness and others want curb, gutter, sidewalks and fences. Mr. Hutchinson stated that the Board has to regularly deal with a broad spectrum of people and opinions. He believed there would be objections to signs. Speed is an issue and everyone needs to slow down. Mr. Powell noted that signs are already posted saying 20 miles an hour.

Ms. Parker reported on a conversation she had with Tony Tyler earlier that day. The question is how to get someone who comes to the Ranch for recreation to understand the need to drive slower on Ranch roads. Ms. Parker stated that Mr. Tyler has been talking with Summit County about a Special Service District for Lower Tollgate, Forest Meadow and Oilwell. It would not go all the way up to Bobcat, so it would not necessarily benefit Ms. Taylor's area. Ms. Parker explained that an SSD would mean that the Summit County would maintain that lower part of the road. The HOA cannot enforce a speed limit, but Summit County could enforce the speed limit from Tollgate up to Oil Well, where there is a lot of bad driving behavior. She suggested that if they can slow traffic to that point, it might encourage slower driving the rest of the way. Ms. Parker stated that under an SSD Summit County would be responsible for road maintenance, crack seal, and other road improvements, and the expense would no longer come out of the HOA budget, and Jody would not be doing the work. Jody would have more time to work on the upper part of the Ranch. If the SSD were to occur, Mr. Tyler was also working with Summit County to contract the Ranch to move snow during the winter so they would not have to wait for an outside entity to plow. Ms. Parker noted that the money to pay the Ranch for snow removal would come from taxes that are based on property value. It could potentially allow the HOA to lower the dues to offset the tax because they would not be paying to maintain the lower roads.

Mr. Hutchinson noted that the SSD topic has come up several times over the years. One of the big issues for Summit County is the cost to bring that road up to County standards. Mr. Hutchinson did not believe Summit County would agree without proper width and safety precautions. Ms. Parker acknowledged that Mr. Hutchinson may be right. She was only reporting what Mr. Tyler had told her.

Mr. Powell thought the SSD might be a possibility at some point because it has been discussed many times. However, they have to deal with the situation they have now, which is a private road that is maintained by the HOA. He believed that at this point signage was the only option for trying to slow the traffic, but the Board has no authority to enforce it. Speed bumps are another possibility, but since Pine Meadow does not own the road and they may not be able to put in speed bumps.

Mr. Deaver commented on situations that have occurred in other places in Summit County where the County has not allowed things to be done on the roads. He believed Summit County was starting to be concerned about liability, which is why Forest Meadow was redesigned at the bottom with a financial contribution from the County, and designed by Summit County engineers. Mr. Deaver gave the history of Tollgate Canyon Road and the language, "We, Summit County, hereby assign and give to Pine Meadow/Forest Meadow HOA easement and right-of-way to Tollgate Canyon Road, if we have that easement to give away." He pointed out that Summit County was unsure whether they even owned the easement. Mr. Deaver suggested that they petition in writing for the Summit County Sheriff to sit on the road with speed guns. However, the problem is the speed limit because the HOA cannot set the speed limit and Summit County claims they cannot set the speed limit. That is why the signs on Forest Meadow indicate an "advised speed limit". Mr. Deaver stated that people have tried to be proactive in trying to slow the traffic, but nothing is enforceable. He cited a personal experience he had in trying to stop someone from damaging the road. Mr. Deaver pointed out that putting in temporary speed bumps would require driving large metal stakes into the pavement, and the road would have to be repaired every time the speed bumps are removed.

Mr. Brown thought they needed to consult an expert because no one there had that expertise on the subject matter. Mr. Deaver suggested that they could contact the Summit County Legal Department to see if they could get a speed limit set, and have law enforcement enforce it. When people are fined they tend to slow down.

Mr. Powell reiterated that it is a County road, there is no speed limit, and there is nothing in the Rules and Regulations that allows them to enforce a speed limit.

Someone suggested that if Summit County allows building and growth and collects the tax revenue they should provide basic services. As an HOA he thought they should put pressure on the County to slow the traffic and install guardrails before a tragedy forces them to do it. He would like the Board to work with the attorney to approach Summit County on an advanced level to recognize that it has become a hazardous road.

Mr. Brown thought that being proactive would cover the HOA legally. He suggested that they invite someone from Summit County to attend an HOA meeting to have that discussion. If there was a tragic accident, the HOA would be on record as being opposed to the current situation.

Carolyn Strathearn, Lot F-50, stated that she has been in property management for 20 years and has worked with all types of HOAs. She remarked that the HOA can implement any rule they want in the CC&Rs if 75% of the membership votes. The Board members need to talk to the constituents they represent and find out what the majority wants, and then implement the rules and enforce it. She noted that she attended the meeting this evening because of her frustration with nightly rentals.

Mr. Heath stated that in 15 years as a Board member he has heard it all. In his opinion, if the property owners want to see something done they should organize a grass roots movement. It was suggested that the HOA hire a management company who would spend the time. Mr. Heath stated that he would not be opposed to it if the grass roots movement could get enough votes from the membership. He explained that the Board has spent a significant amount of time discussing this issue and many others, but there is only so much they can do because they have constraints.

Someone stated that he works at the court and he knows the County Attorney. He was willing to ask Bob Hilder if he could help them determine the legal status of the road and to get some kind of clarification.

Ms. Parker suggested that they check with Mr. Tyler to see if he has any information that would be helpful to the property owners working on this so they did not misstep or misspeak.

Mr. Hutchinson noted that Salt Lake has addressed some of its speeding problems by having electronic signs showing the speed a person is traveling. He thought it helped because people do not realize how fast they are going until they see. Ms. Taylor stated that she has considered purchasing one herself and placing in near her home. Mr. Hutchinson informed her that she would need permission. Mr. Powell did not believe it would be a problem.

Dan Kemper, Lot D-19, stated that he has been on the Ranch for five years and he appreciates the efforts of the Board because they do an outstanding job. He did not have that opinion when he first came to the Ranch, but over time he came to realize there are two competing interests. Personally, he likes that Tollgate is self-policing and

they do not need a lot of rules from the HOA or people writing tickets. However, he gets upset and offended when he gets behind someone at the bottom of Tollgate going 15 miles per hour with no clue as to where they are. If that were him, he would pull over and let the person behind pass him. Mr. Kemper did not appreciate the attitude of people who think they are in charge of controlling the speed limit by driving slow when the person behind would like to pass them. In his opinion, what makes Tollgate great is that people can drive whatever speed they want. Mr. Kemper thought the comments this evening were valid and that people should slow down. He believed a reasonable speed limit is necessary because some people drive too slow and others drive too fast. Mr. Deaver asked what Mr. Kemper thought was a reasonable speed. Mr. Kemper suggested 30 miles per hour on Tollgate and 25 miles per hour for the residential roads. Mr. Powell summarized the discussion and comments. They talked about approaching Summit County for their assistance and resources, reaching out the Sheriff, that signs and speed bumps at this point are not practical or would make a big difference. On the issue of whether they could make it an enforceable road, Mr. Powell thought it would be difficult and could be a disadvantage. He felt strongly that they should take advantage of the County resources that are available.

Ms. Strathearn noted that nightly rentals are addressed in the Rules and Regulations. Mr. Powell stated that even though nightly rentals are in the Rules and Regulations they are not in the CC&Rs and it is illegal to regulate them; especially given State legislation two years ago which ruled that unless they were already in the CC&Rs, nightly rentals cannot be regulated.

Mr. Powell noted that the HOA has spent money on getting a legal opinion on several occasions and the opinion has always been the same. Mr. Heath stated that as a Board they cannot eliminate nightly rentals because a previous Board voted to allow nightly rentals and it passed. Ms. Strathearn pointed out that the Rules and Regulations say that nightly rentals are forbidden and owners will be fined.

Ms. Parker was aware that this issue would be raised this evening and she had spoken with Tony Tyler prior to the meeting. She noted that the Board has discussed nightly rentals many times because the Board members do not like the behavior of renters, and as owners, they are affected as well. Ms. Parker explained that when Mr. Tyler spoke with Summit County about this issue he was told that they could not limit someone's usage of their property if that restriction was not in place when they purchased it. Ms. Parker had asked if something could be done when the owner of the rental property renews their business license. Mr. Tyler told her that individuals in the community can petition Summit County to deny renewal of the business license, but he was told by someone that the County would never do that. When Mr. Tyler asked about noise and

safety and pointed out that Pine Meadow is a residential community, he was told to contact Code Enforcement for noise issues, the Fire Department for safety issues, and nightly rentals in residential communities are allowed under County Statute.

Ms. Strathearn noted that Pine Meadow is not zoned for nightly rentals. Mr. Heath did not believe there was not a specific zoning for nightly rentals. He understood Ms. Strathearn's situation living next to nightly rentals that allow big parties that cause trouble. However, there are people like him who rent to people who do not cause problems because they feel the same way Ms. Strathearn does about people who make noise and cause trouble.

Mr. Powell stated that he is not a fan of nightly rentals and he did not think they should be allowed. However, he believes that if someone owns a home they have a right to do what they want with it. Mr. Powell pointed out that the troublemakers violate several County rules and regulations, and Summit County is the entity that can fix it. Ms. Strathearn stated that she went to the County and they told her that the HOA needs to enforce it. Mr. Powell remarked that this was the problem. Summit County tells the Board that the HOA cannot enforce it because it is under Statute, but when it comes back to the County they say it is the responsibility of the HOA, which is Summit County shirking their responsibility.

Someone stated that every time there are noise issues they should contact the Sheriff and not worry about how many times you call. He also commented on liability issues that could potentially shut down a nightly rental. They could also require the owner or the renters to carry liability insurance for casualty and damages. He asked if the HOA lawyer had said anything about liability. Ms. Parker recalled that the Board talked about it but she was unsure if the issue was discussed with the attorney.

Mr. Heath agreed that the best recourse is to call the Sheriff. If enough people continually call about noise problems, gun issues, or general recklessness, Summit County would eventually support them.

Ms. Strathearn offered to notify all the property owners about changing the CC&Rs to see if they could get approval from 75% of the membership. She asked the Board for contact information for all the members. Mr. Heath informed her that the Board was not able to provide that information; however, she could obtain it from Summit County because it is public record. Mr. Powell pointed out that most of the problems are because of the renters; not necessarily because of all nightly rentals. When the renters are families or others who are quiet and enjoy the environment, there are no problems. He pointed out that the specific rental mentioned this evening is a party house and that

was the issue.

The suggestion was made for the Board to call in the owners of the problem rentals and confront the situation. Mr. Brown stated that he would ask the owners to attend the next meeting and talk to the Board.

Mr. Powell commented on the issues Summit County will address if they are notified and the complainant can provide proof or documentation of the violation. The same applies to HOA violations. If the Board is notified with the proper documentation the Board will act upon it. Mr. Powell emphasized that the HOA does not have a legal path to prohibit nightly rentals, but they can control the actions as they impact the HOA directly.

Ms. Strathearn reiterated her original question of why nightly rentals were in the Rules and Regulations. Ms. Parker stated that she would ask Mr. Tyler if he had that answer.

The suggestion was also made to require that the volleyball court on one of the rental properties be taken down and the team sport activity stopped, because that causes the majority of the problems in that area. Mr. Powell pointed out that a volleyball court does not violate HOA rules. The Board could make the owner aware of the noise issues that are caused by the volleyball court and ask that it be removed, but they cannot force him to do it.

Mr. Heath believed there were problems with only three or four rental properties. The question is what the HOA can do about it without creating their own laws like previous Boards had done. He noted that this Board has spent a lot of time and money trying to clean up what prior Boards have done.

Mr. Deaver stated that he has had calls from people asking for a current plow route. He noted that no one is running PMEEF and that needs to be coordinated in the Fall.

The meeting of the Pine Meadow Owners Association Board adjourned at 8:45 p.m.

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