

Approved  
August 17, 2021  
as written

PINE MEADOW RANCH OWNERS' ASSOCIATION  
MONTHLY BOARD MEETING  
IN PERSON & VIA ZOOM VIDEO CONFERENCE  
JULY 20, 2021

In Attendance: George Sears, President; John Adams, Vice-President; Michelle Suito, Secretary; Andrew Pagel, Treasurer, Dwaine Anderson (Area 1); Nicole Irving (Area 4); Bruce Hutchinson (Area 5); Paul Suito (Area 6)

Ex Officio: Porter Hellander, Assistant Ranch Manager; Robert Rosing, Legal Counsel; Fire Safety Coordinator, Nolan Mitchell; Andi Harris, ARC Committee

Excused: Scott Boyle (Area 7); Jill Wilson (Area 3); Marty Hansen (Area 2); Scott Boyle (Area 7)

Guests: Uwe Mayer and Jennifer Souders, Lot PI-G-5

George Sears called the meeting to order at 6:33 p.m.

### **Approval of Minutes**

June 15, 2021

Mr. Sears referred to page 7, under Roads Committee and changed Mr. Sears was excused to correctly read **Mr. Boyle was excused**. He noted that Scott Boyle is the chairman of the roads committee.

Mr. Hutchinson referred to the Architectural Committee Report for PI-G-55 and changed slope on the lot to correctly read **slope on the roof**. It was a 3:12 pitch versus a 4:12 pitch.

Mr. Suito referred to the Water Company report regarding the SS lots and changed Mr. Suito reported that the Water Company Board was open to the possibility to correctly read, **reported that Mountain Regional was open to the possibility...**

MOTION: George Sears moved to approve the Minutes of June 15, 2021, as corrected. Bruce Hutchinson seconded the motion.

VOTE: The motion passed unanimously.

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

Porter Hellander reported that the equipment was in good condition.

They had graveled Bull Moose, Forest Meadow, and the intersections that needed to be raised. They were currently getting ready for mag water on Thursday, July 27th. The road will be closed from Bobcat Springs to the switchback. Hillcrest, across Valley View down to Arapaho needs some

work.

Porter stated that he and Jody will post signs around 7:30 a.m. Thursday and taken down by 7:30 p.m.

Duaine Anderson commented that he spoke with Jody and was assured that Forgotten Lane would not be forgotten this year. Jody had allocated gravel with grading for Forgotten Lane.

Ms. Suitor asked Porter to find out which road was next on the priority list after mag water and text her that information so she could update the website with exact details. Carol also needs to send out the mag water information in an email, so people know which roads are closed.

Porter reported that Jody ordered a cutting edge for the grader. They also had to get a trackhoe key for the main trackhoe. They needed a tank of oxygen for the equipment to put the cutting blade back on the grader.

### **Water Company Report**

Paul Suitor had attended the Water Company Board Meeting.

Mr. Suitor reported that there is a Mountain Regional water agreement for Pine Meadow to sign. Mr. Suitor had emailed it to the HOA Board. Mr. Suitor thought it was straightforward, but he had sent it also to Robert Rosing for his opinion.

The Water Company received the endpoints for the meters. As of the last meeting, 40 have been installed.

The Board was still discussing options for the water line at Zimmerman's that froze over the winter. The owner is opposed to touching the driveway and wants the water line bypassed. They were still working on an agreeable solution.

Mr. Sears commented that two fees were included in the water agreement. One was an infrastructure fee and the second was an administrative fee. Mr. Suitor remarked that it was capped at \$350,000. He explained that Pine Meadow would agree to pay for all the testing, legal fees, administrative costs, etc. for Mountain Regional to analyze the water system as it exists today. Mr. Suitor stated that the Water Company is confident that the water system is in decent shape, and it should be easy for Mountain Regional to come in and take over without much additional cost to the Water Company. Mr. Suitor pointed out that if the cost reaches \$350,000, anything higher would require a second approval.

Mr. Sears encouraged all the Board members to read the agreement and become familiar with it to understand Pine Meadow's involvement. He remarked that as the ownership changes to Mountain Regional, it will change how the HOA interacts with the water company.

Mr. Suitor clarified that this was only a contract saying that they will be looking at other contracts. Mr. Rosing agreed. This is a contract to agree to think about a contract in the future, and to pay for the right to do that. He anticipated several more contracts because this was just for the initial evaluation and investigation. It also talks about applying some of that cost to lots that are annexed in later. Mr. Suitor thought the annexing in the contract was different from annexing lots. He understood that it was about Pine Meadow annexing into Mountain Regional. Mr. Rosing stated that from his reading, there is no way to escape paying those costs. Mr. Suitor believed the HOA has no choice in this.

Mr. Hutchinson asked which attorney wrote the document and whether Mountain Regional had signed off on this document. Mr. Suitor explained that it was the final document for this portion of the process. It was written by Mountain Regional's attorney; however, Ted Barnes, the Water Company attorney was heavily involved. Mr. Suitor pointed out that this was not a draft. It was the final edition. Mountain Regional had agreed to the contract and signed the document.

Mr. Anderson had serious concerns about the contract because Mountain Regional's attorney wrote the contract. He understood that Pine Meadow would be giving Mountain Regional all their water rights, all infrastructure, and all their assets. Mountain Regional is a profit company that will control non-profit clients. Mr. Sears clarified that Mountain Regional is a special service district and not a for-profit entity. Mr. Anderson respected that position and appreciated the clarification.

Mr. Anderson recognized that this was not the time to address his many concerns. However, he wanted to know when the latest study was done by an engineering firm assessing problems and concerns in terms of improving the water system. Mr. Suitor replied that the Water Company obtained a loan several years ago and a lot of well work was done. Part of the cost to the owners will be to pay off the loan. The initial loan was obtained to upgrade the water system. Someone asked for the current balance on the loan. Mr. Suitor was unsure of the exact number, but he recalled that it was over \$4 million.

Mr. Sears stated that if Mr. Anderson has issues as an owner, he should attend a Water Board meeting to express his concerns and ask questions. He thought it was important for anyone who has concerns or questions to address them directly to the Water Company. Mr. Sears understood that early in the process the Water Company used Horrock's Engineering to assess and make recommendations on how to design a full-time water system. He pointed out that the water system was brought up to a full-time basis much faster than what was originally scheduled. Mr. Sears emphasized that the Water Company has a high-quality engineering firm. If anyone was interested

in seeing those engineering reports, they should contact the Water Company.

Mr. Suitor noted that the Minutes from the Water Board meetings are posted on the Water Company website. He encouraged Mr. Anderson to visit the website and read the Minutes from the last four meetings. Mr. Suitor pointed out that the main issue is that there is no new source for water on the mountain.

### **Monthly Budget Review**

The Board reviewed the unpaid bills.

MOTION: Michelle Suitor moved to approve the unpaid bills as presented. George Sears seconded the motion.

VOTE: The motion passed unanimously.

The Board reviewed the Profit and Loss. Mr. Sears stated that they were within the parameters of the budget for the year. He pointed out expected revenue that would be coming in. Some had already paid their 2022 assessment.

### **Garbage Dumpsters**

Paul Suitor stated that an ongoing issue is that people illegally dump materials in the dumpsters. The homeowners have been taking care of it for the most part and he understood that someone installed a hidden camera. Mr. Suitor noted that in the last five years, Tom Deaver has hauled at least 50 loads to the dump and pays the cost himself. Mr. Deaver made two trips to the dump just today to haul six mattresses. The first trip totaled \$108. A second trip to a different dump with the remaining green waste material cost him \$10. Mr. Suitor thought Mr. Deaver should be reimbursed for what he has paid out-of-pocket. Mr. Deaver had the receipts. Mr. Suitor stated that if Mr. Deaver continues to take it upon himself to haul illegally dumped items, he should be reimbursed as long as he has receipts.

Michelle Suitor stated that the lot is HOA owned. She recalled that the Board previously talked about putting in a gate that is wide enough for a side-by-side (SXS) or for seniors and disabled people to access, but it would keep construction vehicles and big trucks from getting into the lot and dumping construction materials.

Mr. Sears was not opposed to a gate, but it would require some discussion. He confronted someone a month ago who was illegally dumping construction materials and even though they were mad, they picked up their stuff and left. Mr. Suitor stated that if people see someone illegally

dumping, they should take a picture of the license plate and call the Sheriff. The Sheriff's Office will issue a significant fine for littering if they can find the individual. Mr. Hutchinson suggested posting a sign stating that the area is monitored and a fine will be imposed. Mr. Suitor stated that there is already a sign saying that the area is monitored with cameras, but the sign has been laying on the ground for at least a year. The sign should be cleaned up and re-posted.

Mr. Sears asked if any of the Board members were opposed to reimbursing Tom Deaver for the costs he personally incurred if he produces the receipts and submits the expenses associated with hauling. Mr. Suitor stated that Mr. Deaver would be giving him the receipts. Mr. Sears suggested that Mr. Deaver submit the receipts for approval at the next Board meeting.

Mr. Suitor asked if it was possible to reach out to the waste management company and ask if the dumpsters could have smaller openings similar to campground dumpsters that have bear doors. The openings are small enough to only fit one bag at a time.

Mr. Sears emphasized that the Board needs to take some action because people are not compliant and dump all sorts of items. Mr. Anderson suggested a solar motion sensor light with a sign stating that there is a camera. He was told that people are dumping in the middle of the day so a light would not make a difference. Mr. Sears pointed out that a camera would need to be similar to a wildlife camera that is self-sufficient. He agreed that signage was an issue that needs to be addressed. If the Sheriff has a fine schedule, the Board needs to understand what it is.

Mr. Anderson asked if it was possible to bring in more dumpsters. Mr. Sears replied that additional dumpsters were recently brought in due to the increase in full-time residents. The dumpsters are being emptied more frequently than in the past.

Mr. Sears explained that the homeowners pay Summit County, and the County taxes and Republic Service is part of that. Republic Service has an obligation to provide waste management facilities.

**Nicole Irving joined the meeting.**

### **Area Items or Issues**

#### Area 1

Dwaine Anderson asked if a propane pit and fire pit were prohibited because of the drought. Mr. Suitor replied that propane was acceptable. Mr. Sears stated that the State came out with new fire restrictions yesterday. He had not yet had the opportunity to review them, but they need to figure out if it impacts the HOA rules. Nolan Mitchell stated that Summit County was already under the restrictions that the State put in place so nothing should change.

Area 3

Jill Wilson had sent Michelle Suitor her area report. The first item was someone had submitted plans for a shed to the Architectural Committee for approval. She assumed that would be discussed under new construction. A second item was a request from an owner in Area 3 to have signs telling people to drive slower in Lower Tollgate Canyon. Ms. Suitor pointed out that the HOA already has speed limit signs in Lower Tollgate.

Area 4

Nicole Irving had nothing to report.

Area 5

Bruce Hutchinson had nothing to report from Area 5.

Area 6

Paul Suitor reported that most of the violations they issued fines for had been resolved. Only one was still outstanding.

Area 7

Scott Boyle was excused this evening and no report was given.

Mr. Sears had noticed another metal container in either Area 5 or Area 7. Going down Alexander Canyon the container is up on the hillside and its painted green. It is located behind pine trees. Mr. Sears would research it further. If he had not looked up at the hillside while driving, he would not have seen the container. Based on the location, Mr. Hutchinson thought it might be in his Area 5.

Michelle Suitor stated that there is a shipping container on Arapaho and the Board requested sending a letter. The letter was sent but no one had followed through. Paul Suitor noted that the owner was fined. The only truck the property owner has is in the shop and he asked the HOA to give him time to remove it.

**Committee Reports**

Architectural Committee

Mr. Hutchinson stated that when Mr. Sears gave him the assignment to work with the Architectural Committee prior to each Board meeting, he said, "don't bring me problems, bring me suggested solutions to the problem". Mr. Hutchinson has been criticized because the process is not currently streamlined, and he looked at what could be done to make it more streamlined without getting encumbered with all the changes that have been discussed.

Mr. Hutchinson stated that his first solution was to create a checklist to give to the owners who want to build on the Ranch or modify their existing structures. In looking at it further he realized they already have a checklist, but it needs to be modified. He was prepared to provide suggested modifications to the Lot Improvement Agreement that will make things much easier and much clearer.

Mr. Hutchinson thought the individual Area Reps should be more involved on the builds. He intends to communicate with the Area Reps who have an inquiry or a submission in his or her area, in addition to those who have been assigned as consultants, in advance of each meeting so they are not taking up too much time at the Board meeting. Mr. Hutchinson stated that as the submissions come in, Carol will place the information in the dropbox so it is available to everyone. The problem is that partial submissions trickle in, so nothing is complete. The ARC is not in a position to review the submissions until they are complete. Mr. Hutchinson commented on the need to push the responsibility back onto the owner to make sure the submission is complete with all requirements so the Committee can review it for approval or for additional information.

Mr. Hutchinson presented suggested modifications to the Lot Improvement Agreement. Without changes, the Lot Improvement Agreement becomes more of a contract with a signature or initial for each of the items on the checklist. Mr. Hutchinson stated that Section 3.v of the Lot Improvement Agreement states, "a copy of your water service letter from Pine Meadow Water Company". He noted that the HOA does not get that letter until after the submission is reviewed and that item should be deleted. He suggested replacing the language with something simple such as, "the impact fee is due prior to review".

Mr. Suitor wanted to know how people will know they need a water letter. Mr. Hutchinson replied that the property owner needs a water letter before going to Summit County. He was willing to add language with that explanation if necessary. Mr. Suitor thought it should still be in there because that issue has come up many times.

Mr. Sears thought Mr. Suitor made a good point. If the owners go to the Pine Meadow website to start the process, they need to understand that they will eventually need to deal with others besides the HOA. Mr. Hutchinson stated that when an inquiry comes in, Carol sends out a standard email explaining the steps that need to occur. Mr. Sears suggested including a comment in the Lot Improvement Plan. It did not need to be a signature clause. Mr. Hutchinson thought that could easily be done.

Mr. Hutchinson referred to Section 2 which states, "A construction fee is imposed by PMRHOA on all construction within the boundaries of the Ranch". He suggested changing construction to development so the HOA can begin collecting an impact fee when someone starts putting in a road

without approval on their property. Mr. Suitor agreed. It needs to be part of the Rule changes, because it is a major issue.

Mr. Suitor asked Mr. Hutchinson to email his proposed modifications to the Board. Mr. Hutchinson stated that he tried to keep the changes minimal, so it did not create any problems. He believed making small clarifications to the Lot Improvement Plan was a simple solution to a future problem.

Mr. Sears stated that development versus construction has been an issue for some time. People interpret it as being able to do anything they want as long as they are not building a structure. Mr. Hutchinson stated that prior to the next meeting he would email his proposal to the Board for their review and to get consensus from the Board that these clarifications should take place.

Mr. Hutchinson pointed out that nothing is official until it is in the Minutes and recorded. He intended to show how the Board is approving several things that were already reviewed because they were never in the Minutes. He and Carol went back through the Minutes trying to find structures that were approved or not approved, which is a source of frustration.

Ms. Suitor was concerned about pulling Area Reps back into the process because that is the reason for having consultants. Mr. Hutchinson stated that Area Rep involvement is only for information. Each Area Rep has the choice of whether or not to be involved. He personally likes to know what is going on in his area because it is easy for things to occasionally slip by. Mr. Suitor wanted to be cc'd on every construction project in his area. Ms. Suitor explained that the consultants have specific knowledge and expertise and she just wanted to make sure they were still involved. Mr. Hutchinson agreed that the consultants are key to the architectural process. In addition to the Area Reps, Mr. Hutchinson also intended to copy the entire Board so they all know what is happening on the Ranch.

Ms. Suitor noted that Mr. Hutchinson had said that Carol would put any submission she receives into the dropbox. She stated that an ongoing issue is that there is no communication with the Board when something is placed in dropbox. Mr. Hutchinson replied that the Board members should receive a notification stating that Carol has made these modifications to the dropbox. Ms. Suitor stated that it says Carol has made modifications, but there are 100 folders, and it does not point to the specific modification. Mr. Sears stated that it does not mean all 100 folders have been updated. Ms. Suitor wanted to know how they know which folder to go look at. Mr. Hutchinson remarked that his notification always has a list. Ms. Suitor pointed out that the notification says which folder, but it does not specify what is inside that folder that has been modified. Mr. Sears stated that it tells him that under Architectural Review the subfolder has been modified. Mr. Sears intended to talk about some issues with dropbox in general, and they could talk about this specific issue when they have that discussion.



Lot PI-G-55, Dunbar

Mr. Hutchinson stated that he communicated with all of the consultants, and they held a meeting last night to coordinate everything. It was not in the Minutes, and Mr. Hutchinson proposed to ratify approval for a project that was reviewed at the last meeting that was never officially approved.

Michelle Suitor pointed out that the Minutes from the last meeting show that Bruce Hutchinson made a recommendation to ratify PI-G-55, she seconded it, and it passed unanimously. Mr. Hutchinson was unsure why it was back on the list of submissions. Mr. Sears noted that it had already been approved and they should move on.

Lot PI- E-44, Gilfarb

Mr. Hutchinson reviewed the plans on Lot-PI-E-44 for a 3,000 square foot home. Everything looked acceptable except for one item, which is the pitch that was listed at 3:12. After he spoke with the owner and the architect, they sent him an email saying that they were willing to change the pitch to comply. Mr. Hutchinson noted that the current Guidelines require a 4:12 pitch.

Mr. Hutchinson stated that there was an original concern with the setback. If there is anything within that setback, Summit County will send it back to them unless the Board reviews it and say that they agree. Ms. Suitor understood that part of the retaining wall goes through the steep portion. Mr. Hutchinson did not think it appeared to be a problem within a small part of the setback. However, he explained the safety concern. Since it is on the downhill side, snow plowing will push the snow to the easiest part. If it is within the setback that could be a concern. Mr. Sears noted that the HOA does not have the responsibility to snow blow that area. Ms. Suitor pointed to a WM and a circle on the plans and asked if there was a water meter in the middle. Mr. Suitor believed it was on the other side.

Mr. Hutchinson stated that another concern was that the size of the structure would require a lot of room for staging. Ms. Suitor asked if the owner is aware that snow may end up in their driveway by whoever plows. She thought they should give the owners a heads-up.

Mr. Hutchinson reported that the ARC was recommending approval.

MOTION: Paul Suitor moved to approve the plans for a 2928 square foot cabin Lot PI-E-44. Bruce Hutchinson seconded the motion.

VOTE: The motion passed unanimously.

PI-C-24, Dibiasio | Rothstein

Mr. Hutchinson reviewed the plans for an addition. When the ARC initially reviewed the plans, it

looked very straightforward. It appeared the owner only wanted to add an addition to the existing structure. However, they later realized that the plans show vinyl siding. Since the house is already there, they can give the owner a variance or they can find another material. The house has vinyl siding because it was built in the late 1970s before the Guidelines. Ms. Irving thought the addition should be consistent with the existing structure. Mr. Sears stated that it would be the reason to give a variance.

In looking at the picture, Mr. Sutor noted that the vinyl on the addition is close to the ground. The vinyl on the existing house is not close to the ground. He pointed out that vinyl is not as fire retardant as metal. Mr. Sutor was fine with it because the house already has vinyl, but he thought it was better to put metal on that portion of the addition. John Adams thought they could ask the owner to consider a metal that is stained to match the vinyl.

Mr. Hutchinson stated that the ARC recommendation is to issue a variance for what was shown on the plans and allow the owner to move forward since the existing structure was built prior to the regulations and guidelines.

Andi Harris stated that she attended the ARC meeting the previous night and her recollection was different from Mr. Hutchinson's. She remembered that the committee did not want to set a precedent. They were not going to grant a variance and just hoped the owner would paint the exterior material to match the vinyl. Mr. Hutchinson questioned Ms. Harris' comment that the committee did not want to set a precedent by issuing a variance. Ms. Harris clarified that the committee did not want to set a precedent by giving a variance to allow vinyl siding, even though the house was originally built with vinyl siding. She recalled that the committee was concerned about setting a precedent by granting a variance to the Rules.

Mr. Sears understood that the only reason to consider a variance was because the house was built in the 1970s and they were trying to keep it consistent. Based on his interpretation of the discussion, the variance would not be applicable to any new builds. Mr. Sutor pointed out that whenever additions or renovations are done on a property, people are typically required to bring the rest of it up to code. Variances are generally not given for this type of situation. Mr. Sutor clarified that the original house should remain with the existing vinyl, but the addition should be a metal or another material within the Guidelines.

Mr. Sears stated that the ARC made a recommendation to approve the addition. He thought it was time to take a vote so see whether the Board members still had issues or whether the vote would be to approve.

Based on Ms. Harris' comments, Mr. Sutor thought there was disagreement among the ARC members. Mr. Adams recalled that the committee agreed to ask the owner if there was a product

on the Guidelines list that he would be willing to use. Ms. Irving recommended voting for preliminary approval with the stipulation of getting more information from the owner on a different product for the siding, to be determined at a later point. In terms of the addition itself and obtaining a water letter so the owner can move forward, she thought it should be approved. The owner could email a material sample to the ARC and the Board could separately approve the material.

Mr. Hutchinson clarified that the Board would approve the Lot Improvement Agreement signed by the HOA saying they agree with all the terms and conditions, based on the owner informing them of any modifications.

MOTION: Nicole Irving made a motion to approve the PI-C-24 Lot Improvement Plan with the stipulation of getting more information from the owner on a different product for the siding. The owner could email a sample to the ARC and the Board could separately approve the material. The motion was not seconded.

VOTE: The motion passed unanimously.

#### PI-G-5, Mayer|Souders

Mr. Hutchinson stated that the concern with this submission is that there are two potentially habitable structures. He noted that the roof slope is very flat at 1.5:12. That could be handled by structural engineering, but it does not come close to the 4:12 pitch required in the Guidelines. Mr. Hutchinson noted that the driveway is close to the setbacks because of where its located.

Ms. Suitor commented on the two potentially habitable structures. The Board relies on the ARC to review these submissions against the Guidelines. Mr. Hutchinson stated that an outbuilding does not have sewer and power. This would, which is why it fits in the category of being a habitable structure. Ms. Suitor pointed out that this was a Summit County issue. Mr. Hutchinson stated that under the HOA you can only have one habitable structure per lot. That is the problem. Ms. Irving pointed out that it is possible to also have a 1,000 square foot ADU.

Mr. Hutchinson noted that one structure is an art studio/office space. Mr. Mayer, owner, explained that they have two structures because they did not want to tear up the whole hillside. There is an existing driveway on the lot and a flat spot up high. The driveway comes around and there is a small flat spot down low. It was designed to avoid tearing up the entire lot. The house is approximately 1,000 square feet and the second structure is 600 square feet. The house is two stories combined for a total of 1,000 square feet. There is a garage area, as well as a 600 square foot garage studio. Mr. Suitor stated that it falls within the 500-1,000 square feet which makes it a moot point. The owner pointed out that the studio will not have a kitchen. There will be a

bathroom in each structure.

Mr. Hutchinson stated that the ARC was only comparing it against the HOA Rules and Regulations. Mr. Sears stated that based on the discussion the night before, the concern is that the owner could turn the smaller structure into a short-term rental. Ms. Irving pointed out that the Board cannot judge what someone will eventually do with their structure. It would need to meet Summit County zoning. The owner understood that Summit County addresses the zoning and the HOA deals with the aesthetics. They have been submitting all the required documents to the County.

Mr. Hutchinson pointed out that the ARC had to go by what was shown in the submitted documents. The owners pointed to a rendering that was in the file. Mr. Hutchinson questioned whether it was a rendering of the plan that was being proposed. Paul Sutor stated that it was the same. The only difference is that the rendering was colored.

Mr. Hutchinson asked about the roof slope. The owner stated that they actually increased the slope as it was originally designed from a 4:12 to a 5:12 pitch. The only exception is the middle at 1.5:12. The ends are 5:12.

MOTION: Bruce Hutchinson made a motion to approve the plans for PI-G-5 as submitted. Paul Sutor seconded the motion.

Ms. Irving asked if 4:12 is an interpretation of the Guidelines or whether it is written clearly to require a 4:12 pitch. Mr. Sears replied that the rules specifically state 4:12; however, there are some deviations around the Ranch. Ms. Irving thought the Board should add the roof pitch to the list of rules and regulations to modify.

Ms. Sutor suggested that they need to have a follow-up item internally to review this in the rules. Someone stated that as long as the snow load is accounted for in the deviation, he thought it could be approved.

Robert Rosing remarked that the roof pitch is not just a snow load issue. It is an aesthetic issue and aesthetics are the responsibility of the Association. If it looks good and if they want to make an exception they can do it, but the board should understand that they are making another exception to a rule that has already been weakened.

Mr. Hutchinson noted that the proposal is to allow a variance to what they currently have in the rules. If they want to give the variance, they could approve it.

Amended Motion: Ms. Irving amended the motion to approve the PI-G-5 plans as presented with the variance of the middle section being 1.5:12 for design purposes. Ms. Sutor seconded the

amended motion.

VOTE: The motion passed unanimously.

Deer Meadows –sheds

Mr. Hutchinson reported that Mr. McCallister was previously given approval on three sheds, and he was now requesting another shed. He asked if any of the Board members objected to another shed. Ms. Suitor thought there was a limit of two sheds.

MOTION: Bruce Hutchinson moved to approve the shed for Deer Meadows as requested. Nicole Irving seconded the motion.

VOTE: The motion passed. Michelle Suitor voted against the motion. Paul Suitor abstained from the vote.

PI-I-30, Schaeffer

Mr. Hutchinson reported that this item was for a large structure on Maple Place. The plans meet all the requirements, and the Lot Improvement Plan was signed by George Sears.

MOTION: Bruce Hutchinson moved to approve the plans for PI-I-30 for the 4219 sf cabin as presented. Nicole Irving seconded the motion.

VOTE: The motion passed unanimously.

PI-77, Dupre, Storage shed

Mr. Hutchinson stated that this item was informational only. He appreciated the fact that people are requesting the correct information to get a small shed approved. Mr. Hutchinson pointed out that no action was required.

Mr. Suitor asked if the Board could see the color samples. Mr. Hutchinson stated the color is within the HOA guidelines. Ms. Suitor asked if the owner had submitted a color sample. Ms. Irving noted that the shed is under 120 square feet. Mr. Sears commented that if a structure is under 120 square feet, it does not need to be reviewed and approved by the HOA. However, they still need to comply with the Guidelines in terms of color, etc. Mr. Sears stated that even though a structure under 120 square feet does not require an impact fee or Board approval, they still ask that people let them know to make sure what they want to do is possible within the rules and guidelines.

PI-G-44, Kleba Modification of plans

Mr. Hutchinson stated that this item was informational only because the owners did not give the ARC two weeks notice. The Board approved the structure in 2020; however, the plans changed because it was shifted from being an attached garage to a slightly larger independent garage. Mr. Hutchinson pointed out that the Board was not aware that it was a metal building with a facade. Mr. Sutor stated that he knows the lot and where it sits, and the building would not be visible from anywhere. It is a three-acre lot, and the structure sits off the road behind the house. Metal is also one of the rule changes that have been discussed.

Mr. Hutchinson noted that the Board would not be voting on this tonight because the plans were only submitted yesterday. He wanted the Board to be aware that once the ARC reviews the plans, it may need to be handled via email.

Mr. Sears pointed out that three out of four walls are all metal. Mr. Sutor stated that one of the walls is up against the hillside, which makes it totally irrelevant. There is nothing but trees around the building. Mr. Sears understood Mr. Sutor's point regarding visibility, but the amount of metal far exceeds the Guidelines. The Board would have the opportunity to discuss this further.

### Fire Safety

Nolan Mitchell gave a big thanks to all the volunteers who helped with the Lower Tollgate Canyon cleanup. People donated food, funds, and equipment. Mr. Mitchell also thanked Chris Bell for helping manage the two-day project. Mr. Sears asked if they completed everything they wanted to get done. Mr. Mitchell answered no. There is so much more to be done. He would like to do more this year, but he was still trying to figure out how to squeeze it in with everything else.

Mr. Mitchell reported that over 500 hours were donated in those two days, and they only completed a fifth of what needs to be done. There is a lot of work left for this year, next year, and many years into the future.

Mr. Sears thanked Mr. Mitchell for coordinating the cleanup effort.

Mr. Mitchell reminded everyone to make sure they report their in-kind donations online. Last year 1500 man-hours were donated, and they are already a third of the way to meet that number.

Mr. Mitchell reported that they were starting to work on the second burn pile. The buck and rail fencing will be coming soon and once they get that, he will look to get reimbursed out of the \$5,000 that was set aside. He asked Jody to clean out the shop so he could put them together in the shop with the help of volunteers. They were also working on signage to put on those buck and rail fences.

Mr. Mitchell stated that the draft evacuation plan was submitted to Summit County for review. Ms. Suitor would be posting it to the HOA website soon. He emphasized that it was still in draft form. If anyone had questions or concerns, they should send them to Mr. Mitchell so the draft could be updated. Mr. Mitchell remarked that they were also putting together a video on what the drive looks like for people going out the Crow Loop exit.

Mr. Mitchell reported that they were working on signage for the evacuation routes. He showed the basic plan. The signs would be placed on the signposts and arrows will be added to explain which route to take. Currently they have three exits off the Ranch: Tollgate Canyon, Forest Meadow, and Crow Loop. Mr. Mitchell hoped to get approval for up to 100 signs; however, they first intend to put up heavy-duty, weather-resistant temporary signs around the Ranch to determine how many signs are actually needed before ordering. Ms. Irving noted that the cost of each sign is between \$20-\$30. They want to put up temporary signs to see if all the signs are needed or if they can pare back to the funnel points in order to save on cost. However, the primary goal is for the signs to be effective in navigating the neighborhood for everyone. Mr. Mitchell pointed out that the final signs will be 12 x 12-1/2 x 18. The temporary signs will be 8-1/2 x 11.

Mr. Suitor asked if the Board members understood the format. Mr. Sears stated that he understood the format, but he was concerned about the quantity. Too many signs can become burdensome for some people. It is important to have a process where people can identify the exit points. Ms. Irving noted that a line at the bottom of the signs will say "follow designated routes". They will also add "text Tollgate Fire to: 77222 for emergency alerts". Ms. Irving hoped to be able to clarify that if there is ever an emergency, every 15 minutes they would be sending out "follow route #1, fire exit is this way". Mr. Sears provided an example of a time when he was in a hotel fire. The hotel had signs indicating which exit each floor should take in the event of a fire. Hardly anyone followed the signs with their assigned exit. He emphasized that posting a sign does not mean people will follow it. Ms. Irving clarified that she favored having signs at the funnel points and others favored a sign at the end of every road. Doing the temporary route should clarify where the signs are actually needed before they invest \$3,000 on signs.

Ms. Suitor stated that Rocky Point Preserve has hiking trails and people can download the hiking trail to their phone and it tells them how to follow the route. She suggested finding a way to put the files on the website and notify the owners that they can download the route to their phone. Paul Suitor thought it was a good idea in general, but in an emergency situation most people will not do it ahead of time. Ms. Irving thought it was a great additional step, but she believed signage was the fastest way to direct everyone because not all people know how to make an app. Ms. Suitor understood the concern. She pointed out that with Textedly, only 400 people are signed up to get those texts. Mr. Mitchell stated that in addition to Textedly, there is also reverse 911, and the Summit County fire alert system. They will all get those blasts to alert people that there is a fire

in Tollgate and which route they should take. Mr. Suitor pointed out that if there is a fire the County will be involved, and they will direct people to follow the signs to a specific exit.

Mr. Mitchell stated that they were going to begin clearing off the safety zone. A lot of cleanup needs to be done to make it a designated safe zone where they can fit everyone on the Mountain if all the exits are closed off.

Mr. Mitchell reported that Chief Nelson, Nolan Mitchell, Michelle Suitor, and John Adams are currently on the Fire Station Committee. More members will be added as they continue to move forward, but it will not be a large committee. The Committee will be touring the Mountain Green Fire Station next week to look at their footprint. Chief Nelson believes the Mountain Green fire station is a good size for the Pine Meadow Ranch fire station.

Mr. Mitchell noted that the Committee talked about going over to Blue Sky, but at this point they do not have any permission to go onto Blue Sky property. In the event of a fire, they would hopefully get some direction at that time. Mr. Mitchell stated that the Fire Committee was working with Blue Sky and the Bates family to get access across their properties. The Bates family owns the property between Pine Meadow and Blue Sky, and they were not interested in any formal agreement to give access across their property. Ms. Irving added that the Bates family would not allow anyone to make any essential improvements to the road for accessibility to exit through their property. Mr. Mitchell stated that within the next few days he will be going with Blue Sky to look at other potential routes higher up. He noted that one of the lower routes is not a good access because the trees are close together and the ground is ruddy. It is not a good access to exit if there is a fire.

The Board discussed other potential exits but most required crossing the Bates property or, private property, or County property. Mr. Sears asked if it was worth asking Summit County to put pressure on the Bates Family. Ms. Irving would like to ask the County, but she thought it was a delicate balance. Mr. Anderson asked if Summit County could use eminent domain if necessary. Mr. Mitchell answered yes, but he first wanted to work with the Bates family and Blue Sky to see if there are options before using eminent domain. Mr. Mitchell stated that in the worst-case scenario, if there is a fire, Summit County could cut an immediate road to get people out regardless of the property situation. Mr. Mitchell thought it was better to try to come up with a solution that benefits everyone. Mr. Sears remarked that the Bates maintain that any improvements would increase their property value and that would increase their taxes.

It was noted that Mr. Mitchell is dealing with 14 subcommittees on fire, and they are equally as important. Mr. Mitchell stated that after he meets with Blue Sky, he needs to pass it off to Mr. Sears or someone else who can have more conversations with the Bates and Blue Sky. He wants to stay involved so he is aware of what is going on, but he cannot take the lead with everything else



that is going on. Mr. Mitchell remarked that he looks at himself as more than just the Pine Meadow Ranch Fire Safety Coordinator. He looks at himself as Coordinator for the greater Tollgate Canyon because they need to take care of those in the LDS Camp, the people behind the orange gate, the campers, and everyone down below on the SS lots. He stated that the HOA is the only entity that can deal with the Bates or Blue Sky, and he needs to rely on Mr. Sears and the Board to start some of those discussions. He will do the preliminary work and let them know that someone else will be contacting them. Mr. Sears asked Mr. Mitchell to provide feedback and all the necessary information once he has everything set up.

Mr. Mitchell reported that one of the committees is a PR/Education committee. One of their goals is to make sure that every newsletter has something addressing fire safety. They intend to talk about fire safety throughout the fall/winter.

Mr. Mitchell encouraged everyone to clean up their property and the roads to help with fire prevention and safety. Pine Meadow is a great community, and they should all help their neighbors so everyone can stay safe.

#### Communications Committee

Ms. Sutor reported that along with the Tollgate cleanup, they asked Carol to also send the email that goes to all the owners to people not on the Mountain. She had spoken with four people who did not receive that email communication. Mr. Sears stated that they only had emails for 50 people who are not on the Mountain. If Ms. Sutor gives him a list of names, he will make sure they are added to the list. Last week he met with three people at the bottom of Forest Meadow, and they had never shared their email with the HOA.

Mr. Sutor stated that he spoke with ten people in his area who never received the email regarding the cleanup, and their emails are on the list. He asked them to check their junk mail and it was not there either. Mr. Sears stated that he would personally make sure the email list is updated. He has spoken with Carol in the past regarding the 50 people whose emails they do have and to include those people on any communications that relate to Tollgate Canyon.

Ms. Sutor stated that she and Mr. Mitchell discussed planning an ice-cream social as a thank you for all the volunteers who participated in the cleanup. It could also be used as a way to promote a second event. The social would require funding and she asked if the Board was willing to fund it. Another option would be to ask for donations.

Mr. Sears asked where they were on the \$5,000 that was set aside for fire safety. Mr. Mitchell replied that the \$5,000 was set aside strictly for the burn pile. When they reach the point of finishing up that project, additional funds might be left over that could be rolled into something else. Mr. Sears stated that if someone could provide an estimate for the ice-cream social the Board

would address it.

#### Community Improvement

Ms. Suitor had prepared a PowerPoint with three pictures of potential ideas for the pavilion and estimates on two of the options. In the interest of time this evening, she would get an estimate on the third option and present everything at the next meeting.

Ms. Irving clarified that Ms. Suitor was talking about the community area, which would also be wrapped into a fire plan for the upper lot as a meeting point and headquarters if that area is needed for evacuation staging.

Mr. Sears asked about the memorial bench. Ms. Irving stated that Jason Smith has the bench ready to go. She spoke with Jody prior to this meeting and Jody is willing to install it once the location is approved. Ms. Irving remarked that the current bench at Bobcat Springs is in poor condition, and this could replace that bench.

MOTION: Michelle Suitor moved to approve Bobcat Springs as the location for the memorial bench. George Sears seconded the motion.

VOTE: The motion passed unanimously.

Mr. Sears noted that Nolan Mitchell will be sending him an article every month regarding fire to be included in the newsletter. If any of the Board members have topics that they would like to have covered in the monthly newsletter or if they want to write an article, they should contact Mr. Sears. He likes to publish the newsletter as early in the month as possible. Mr. Sears reported that he was hearing good feedback in terms of people feeling like the HOA was making an effort to reach out and communicate.

Mr. Sears reported that he had three personal phone calls about the night sky, Dark Sky issue. Two calls were very positive, and the third person said they would never take down the designer lights on their property. Mr. Sears noted there were two compliance issues around dark sky, and both were resolved. Mr. Sears pointed out that motion lights are unacceptable because of the Dark Sky Ordinance.

Ms. Suitor suggested that they talk about mag water in the newsletter. Mr. Sears stated that it was addressed in the current newsletter. Ms. Suitor thought that article only explained what mag water is and why they use it. Ms. Irving suggested sending a Text on Wednesday informing everyone about the mag water. Ms. Suitor stated that her problem with communicating through Textedly is that the majority of owners are not signed up for Textedly. Mr. Sears would ask Carol to send out an email regarding the mag water application. Ms. Irving suggested that the email explain what

mag water is and why people should not drive on it, and that the longer it cures the better it holds.

Mr. Sears noted that Elizabeth, on Forest Meadow Road, had done extensive research on what mag water does if it runs off into properties and it is quite invasive and damaging. He believed there were alternatives, but no one has ever looked at what the alternatives might be. Mr. Sears thought it was something to look into for the future. Mag water is used extensively throughout Utah and other states for dust control.

### Compliance Committee

Mr. Sears stated that he has been on dropbox looking through the compliance folders and everything else, and there is a lot more information than what they have had in the past. He explained that anyone who submits a compliance violation is required to go back in and look at those. They need to figure out a way to create a summary of what they are actually doing and the specific activities. Mr. Sears suggested creating a spreadsheet to look at the compliance issues in a snapshot in terms of how they do it, how they report back, and how they can see a summary; otherwise, they need to go back and look through every single violation. Ms. Suitor stated that it would be helpful to copy the Board on every violation letter that is sent out, which she has asked for in the past. Mr. Sears stated that he was trying to figure out the best way to handle that particular issue.

Mr. Sears remarked that compliance needs more work without having to drill down on every issue. Mr. Suitor suggested an idea for following up. In the compliance folder they could change the name of the file and add the date when it needs to be addressed again at the beginning of the file. As soon as a letter is sent with a follow-up date, the date at the beginning of the file could be changed to the follow-up date. Mr. Sears reiterated that they need to find a way to see a summary and know the next steps.

### **Miscellaneous**

Nicole Irving was not present for the discussion regarding the dumpsters. She asked if it was possible for the HOA to install their own cameras. She had looked at options and the cost is approximately \$500 for a nice trail cam that catches license plates and is specifically intended for surveillance. Mr. Sears thought it was worth looking into. They would need to decide who would manage it, how it would be managed, and how they would report on it. Ms. Irving offered to put together a proposal. Mr. Sears stated that his greatest concern is how they could follow up. Ms. Irving remarked that the HOA could institute its own fine. If the camera shows the license plate and they find who is illegally dumping, they can send it to Summit County and the County will send out the littering fine.

Mr. Sears recalled that the HOA has the right to look up license plates to find out who owns the vehicle. Mr. Rosing stated that he had looked at it in the past, and the DMV does not like to give out license plates. It would be better to see if the Sheriff was willing to do it if they present evidence of a violation or infraction.

Ms. Irving will come back with her research on cameras.

Ms. Irving understood that the HOA sent out an email about communities restricting construction based on the lack of water in Utah. She wanted to know what standing or grounds they would have to possibly do something similar for the Ranch. Mr. Sears stated that in order to impose a moratorium on building, the Water Company would need to let the HOA know that they have a capacity issue. In the past few years, the Water Company has said they no longer have a capacity issue because of their relationship with Mountain Regional. Mr. Sears pointed out that the issue is not as black and white as the Water Company made it sound; however, if it was not for Mountain Regional, they would probably already have a moratorium on building.

Mr. Rosing stated that as an HOA, they do not have the ability to impose a building moratorium. Ms. Irving asked if the Water Company would have that ability. Mr. Rosing thought they would. He explained that the moratorium would actually come from Summit County because they are not supposed to give a building permit unless there is water. Mr. Rosing believed that if the Water Company has a capacity problem and says there is no more water, then Summit County should not grant any building permits and the Ranch would have a de facto moratorium.

Mr. Sears emphasized that the integration of the Water Company into Mountain Regional is key to allow building on the Ranch to continue.

Mr. Rosing stated that in order to build they need to have the physical capacity to get the water in the water rights. All the water is owned by the State, but it is divided up among the users. Even if they have the physical capacity, the Water System needs to meet certain requirements as to flow, quality, etc. If those requirements are not met, the County is not legally permitted to allow someone to build if that house does not have water.

Mr. Suitor informed Ms. Irving that at the beginning of the meeting he talked about a contract that the Water Company needs to sign within the next week to make an official agreement with Mountain Regional to come in and assess what it will cost the Pine Meadow homeowners to become part of Mountain Regional. A cap was set at \$350,000 for administrative fees and that cost will be passed on to the homeowners. Mr. Suitor pointed out that annexation is the only option.

#### **Robert Rosing Update**

Mr. Rosing stated that he would send Mr. Sears his thoughts for whoever gets involved in the conversations with Blue Sky. He is having the same conversation for many Associations with many different people.

### **Open Public Forum**

Chris Bell thanked everyone for all the hard work of the many volunteers and the many hours they spent over the weekend cleanup. He also appreciated the thought of planning the ice-cream social. Mr. Bell had received an email from a volunteer couple inquiring about plans for a follow-up cleanup. He has heard from any others who have expressed interest in "round two".

Mr. Bell suggested that Mr. Mitchell let people know through email or other means how to submit volunteer or in-kind hours. He personally is not familiar with that process.

Mr. Sears offered to put that information in the newsletter. Mr. Suitor noted that it was also on the website.

The meeting of the Pine Meadow Owners Association Board adjourned at 8:46 p.m.

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