

PINE MEADOW RANCH OWNERS ASSOCIATION  
MONTHLY BOARD MEETING  
RANCH MANAGER'S OFFICE  
PINE MEADOW RANCH  
AUGUST 16, 2016

In Attendance: Tony Tyler - President; Dan Heath - Vice President; Patricia Kreis, Treasurer; Matt Brown (Area 1), Jeremy Jespersen (Area 2); Tom Deaver (Area 4); Bruce Hutchinson (Area 5); Mike Gonzales (Area 6); Tom LeCheminant (Area 7).

Excused: Alan Powell (Area 3), Honey Parker, Jody Robinson

Guests: John Baker, Lot PI-D-10; Roy Parker, Lot G-85; Carolyn Strathearn, Lot F-50; Robyn Dysard, Lot 128 Forest Meadow; Jody Taylor, Lot A-2; Ted Bonnitt, Lot E-56

The meeting was called to order at 6:32 p.m.

### **Owner/Visitor Open Forum**

The owner for Lot FM-D-128 came to the Board for an amendment to the previously approved colors. The original color was green and he presented several colors for the Board to consider.

It was noted that there was email correspondence with Architectural Committee members Tom Deaver and Tom LeCheminant to talk about the colors. They decided that red and blue were not natural colors and would not be approved. Mr. Deaver indicated three colors that the Architectural Committee would accept. The accepted colors were Cool Slate Gray, Cool Chestnut Brown, and Charcoal. The owner chose Cool Chestnut Brown.

On behalf of the Architectural Committee, Tom Deaver recommended that the Board approve Color #4, Cool Chestnut Brown.

The owner presented the picture of the stain color and asked that it be included in the approval as well. Mr. Tyler suggested that the Board revert to the three acceptable color options so the owner would have some flexibility to make changes to coordinate with the roof color. The choice for the siding color was Pewter.

The Architectural Committee recommended that the Board give positive recommendation to the Pewter color.

MOTION: Tony Tyler moved to Amend the exterior material colors on Forest Meadow Lot D-FM-128. Tom LeCheminant seconded the motion.

VOTE: The motion passed unanimously.

## **Signs**

### Directional Map

Dan Heath presented the directional map of the Ranch that Honey Parker had given him for the Board to review. She wanted to make sure that it incorporated everything the Board had talked about before the map was finalized.

Mr. Deaver referred to the Forest Meadow side and suggested that it say I-80 with an arrow pointing down to show that it can be accessed from that direction. Mr. Tyler thought it was a good suggestion. Mr. Tyler noted that Lewis Ranch and LDS Church properties were identified. He thought it was also worth recognizing the Aspen Ridge subdivision.

Mr. Tyler liked the map. It was clear and easy to read, and it would help people understand the Ranch. He suggested that they add the emergency only exit off of Crow Loop.

Mr. Deaver stated that in addition to placing the map at the bottom, it would be helpful to have another map at Bobcat by the pump house because people are always lost in that area. Mr. Tyler was not opposed to another map at Bobcat.

Mr. Brown noted that Bear Tooth Ridge goes into Blue Sky property, and all of those roads are well-maintained. He thought they should consider asking to crash their gate in the event of an emergency. Mr. Tyler stated that he had already spoken with Blue Sky and they would not grant an easement. If there is an actual emergency, the fire department has the ability to open any private gate and provide access across private property for egress.

The suggestion was made to add a note on the map stating that it is an HOA and specific rules need to be met. Mr. Tyler stated that the Board previously discussed putting a separate sign at the entrances to the Ranch, both on Tollgate Canyon Road and on Forest Meadow, tell people that they were entering the Pine Meadow Ranch HOA, a covenant controlled community. He recalled that the discussion came up during the hunting season because of the shooting restrictions. Mr. Tyler was comfortable with the entrance signs, but he cautioned against having too many signs on the Ranch. Mr. Heath thought they should also indicate that all of Tollgate Canyon is private property and CC&Rs would be enforced. Mr. Tyler agreed.

The suggestion was made to add a compass that points north. Mr. Tyler noted that there was already a compass on the map pointing north, but it should be larger.

Mr. Heath summarized the revisions or additions to the direction map. In the Tollgate Canyon area indicated in light green, they would add "private property, no public lands, Covenants and Restrictions are enforced." Mr. Tyler thought the wording should also identify the Pine Meadow Ranch Homeowners Association, because there needs to be an enforcement entity for the CC&Rs. The existing compass at the bottom should be larger. The speed limit is 25 miles per hour on all roads. They would add an emergency exit only on the west end. Pat Kreis suggested adding a "you are here" reference point. Mr. Tyler stated that they were also going to add the Forest Meadow exit to I-80, and identify the Aspen Ridge subdivision.

### Speed Limit Signs

Mr. LeCheminant requested that the Board discuss speed limits. He had found signs for \$20 to \$25 each. The posts were an additional \$40, but he was confident that they could find a better price for posts. Mr. LeCheminant believed speed was more of an issue going down the hill.

Mr. Heath offered to obtain pricing for speed signs. Mr. Tyler thought they could double-side the signs and place them in a few locations. Mr. Deaver recommended three double-sided signs. One should be placed at the bottom on the side where you would typically look for a sign going uphill. A second sign should be placed at Oil Well on the right-hand side going downhill. The third sign should be placed halfway between Oil Well and the bottom. Mr. Tyler noted that speed is a factor on the blind curve just past the well house. He suggested placing the second sign at the edge of the well house coming down the hill. Mr. LeCheminant thought they needed more than three signs. Mr. Tyler suggested that they could start with three signs and add more later if necessary.

Mr. Tyler stated that he and Mr. LeCheminant had discussed the problem. The current speed limit is 15 miles per hour and people ignore it because it is impractical. He thought 25 miles per hour was a fair speed.

Mr. Gonzales remarked that the problem is lack of enforcement. Signs are ineffective if the speed limit is not enforced.

Jody Taylor, Lot A-2, noted that five full-time children live in the Bobcat area, and there

are always kids at Bobcat. She asked about adding a sign indicating that children are playing. Mr. Tyler thought they could put a speed limit sign in that area and add language about children in the area. Mr. Heath suggested posting a "Children Playing" sign.

The Board discussed whether the speed limit should be 25 miles per hour on paved roads and 20 miles per hour on dirt roads. Mr. Tyler noted that some communities have signs stating that if a speed limit is not otherwise posted, the speed limit is 20 miles per hour. He suggested placing that type of sign at the entrances of Tollgate and Forest Meadow. Mr. Gonzales thought 25 miles per hour was sufficient and reasonably safe. Mr. Tyler believed 20 miles per hour was probably too slow for roads that have mag water. He noted that by law all residential neighborhoods are 25 miles per hour.

Mr. Deaver noted that when he passes pedestrians he tries to lower his speed to minimize the dust. Carolyn Strathearn, Lot F-50, stated that in addition to dust, the tires flip gravel. Mr. Gonzales thought it would be great if people would reduce to a dustless speed, but it would be difficult to get people to actually do it. The suggestion was made to remind people to, "slow down for pedestrians". Mr. Tyler thought that could be part of the sign at Bobcat.

### Road Signs

Mr. Heath reported that the road signs were finished and should be delivered within the next two days. Mr. Gonzales asked if a sign was ordered for Aspen Circle. Mr. Heath was unsure because Jody placed the order. Mr. Deaver recalled that some signs were misspelled and needed to be redone. Mr. Heath stated that some were misspelled and other were wrong. He was advised that the replacement order was completed and the signs were shipped.

Mr. Tyler noted that Jody installs the signs whenever he has time. A few signs still needed to be installed. Mr. Gonzales wanted to make sure they finish that sign project before they move on to another sign project.

### **Approval of Minutes – July 21, 2016**

Mr. Deaver referred to the first page of the Approval of Minutes of June 21<sup>st</sup>. The second paragraph, "Tom Deaver referred to the list of road projects and changed Navaho Road to Pine Meadow to correctly read Navaho Drive to Pine Meadow". He corrected the word changed to **clarified**. He explained that they were on the list for Navaho Road at Pine Meadow, but two years ago the people on Navaho Drive were

told it would be taken care of this year. He noted that Honey Parker had added it to the list.

Mr. Deaver referred to page 8 of the Minutes, second paragraph, "Mr. Deaver changed his opinion to agree with Mr. Heath." Mr. Deaver clarified that he had not change his opinion, and corrected the minutes to reflect that **Mr. Deaver reaffirmed his opinion to agree with Mr. Heath.** Mr. Deaver noted that the discussion was about delaying the collection agency on the fire penalty.

MOTION: Tom LeCheminant moved to APPROVE the minutes of July 21, 2016 as corrected. Bruce Hutchinson seconded the motion.

VOTE: The motion passed. Tony Tyler, Pat Kreis, and Mike Gonzales abstained since they were absent on July 21<sup>st</sup>.

#### **Questions on Lot with cabin built on HOA property.**

Mr. Tyler noted that this item referred to Lot SS-BDY-15-1. This was appealed to the Summit County Assessor last year. Mr. Tyler explained that the home itself was billed separately as personal property rather than real property. He had forwarded it to their attorney, Ted Barnes, to find out whether the HOA needed to pursue it. It still shows up as being the same assessment as last year, and Mr. Tyler assumed they would have to re-appeal.

Pat Kreis presented a copy of the formal appeal from last year. It is due by Mid-September and Carol wanted the Board to address it this evening because it will likely show up as a tax assessment against the HOA for the improvement on that property. Carol had provided attachments to show that in 2014 the HOA paid \$164 in tax. In 2015 it increased to \$1,800. It was clear that Summit County was assessing the HOA for this improvement that the HOA does not own. The projected tax assessment for 2016 was \$1,200. Mr. Tyler reiterated his assumption that the HOA would have to refile the appeal, and he would work on it with Mr. Barnes. Mr. Tyler stated that the homeowner owes the HOA a decision on how he would like to handle it. He would ask Mr. Barnes to follow up with the homeowner directly.

Mr. Gonzales asked about disposition of the properties. Mr. Tyler did not believe they could not address anything until they have a proposal from the person who owns the cabin. Mr. Powell has been working on it, and when Mr. Tyler talked to him about it two months ago, Mr. Powell was waiting on the cabin owner to submit a proposal to the Board. Mr. Gonzales pointed out that once they have a proposal to sell common

property, they would still need a two-thirds vote by the HOA membership to approve it. It cannot be approved by the Board. Mr. Tyler stated that membership approval is not required for an individual property. The provision for a two-thirds vote applies if the Board was suggesting to dispose all commonly owned property. Mr. Gonzales referred to Article 2 in the CC&Rs. Mr. Tyler stated that he would ask Mr. Barnes to look into it, but that has not been the guidance in the past.

Mr. Heath noted that the appraisals came back on the property. Mr. Powell was out of town and Mr. Heath had spoken with him this evening. He and Mr. Powell both agreed that there was more for the Board to discuss. Mr. Heath suggested that the Board wait until the next meeting when Mr. Powell was present to address it. Mr. Tyler stated that until the Board has something to act on, there was really nothing to talk about.

Mr. Hutchinson asked if the HOA assessed the owner last year for the taxes. Mr. Tyler replied that they did not as an HOA, but during the appeal Summit County agreed to remove the improvement from the HOA's tax bill, and instead bill the cabin owner as personal property. He clarified that the HOA did not pay the improvement portion of the tax bill.

Ms. Kreis pointed out that the tax was removed after they filed the formal appeal. If they miss the window for re-filing a formal appeal, the HOA would be liable.

MOTION: Tom Deaver made a motion to re-file the appeal with Summit County. Mr. Heath seconded the motion.

VOTE: The motion passed unanimously.

### **Burn Policy**

Mr. Tyler understood that there was significant discussion by the Board at the last meeting regarding the fire and the fines. He asked someone to summarize what took place at the last meeting.

Mr. Deaver stated that Mr. Merrill came to the Board meeting and explained that it was his renter who had the fire. The Board informed Mr. Merrill that as the property owner it was his responsibility to educate his renters of the CC&Rs and the Rules and Regulations. Mr. Deaver noted that Mr. Merrill accepted that responsibility.

Mr. Deaver noted that Mr. Merrill had requested that the fine be reduced. The renter had paid \$500 of the \$1500 fine. Mr. Deaver pointed out that the fire was in an

unapproved fire pit. They thought they had put out the fire and went to bed. Mr. Powell lives next door and noticed the fire as he was driving by. The fire was not put out completely and it was flaming out of the fire pit towards a wood pile that was stacked next to the house.

Mr. Gonzales questioned why this item was on the agenda because the Board agreed a long time ago on a zero tolerance policy for fires. Mr. Deaver replied that Mr. Merrill had appealed for a reduction in the fine. Mr. Merrill came to the Board because the fine was going to be sent to collections that week, which would double the amount. At that time the Board asked Carol to hold on sending the fine to collections until the Board had the opportunity to meet again. Mr. Merrill had stated that if he was given a reduction he would pay it immediately. Mr. Merrill was unaware of the fine until he received a certified letter saying that it would be sent to collections.

Mr. Deaver noted that the fine was based on an unapproved pit, which was \$500, as well as a fine for an unattended fire. The total fine amount was \$1500.

Mr. Tyler understood Mr. Merrill's position, but it was also the reason why this policy was in place. There is no reason to have the rule if it is not enforced. Mr. Tyler stated that he personally has no tolerance because the fire relit the next morning, which was the reason for the additional \$1,000 fine. Those situations put the rest of the Mountain at risk.

Mr. Deaver clarified, that he was not recounting the event on behalf of Mr. Merrill. He was merely summarizing the discussion that took place. Mr. Tyler asked if the Board members had any desire to discuss a reduction, or whether the fine should remain at \$1500.

Mr. Brown recalled that Mr. Merrill made his case to the Board, and the Board agreed to discuss it at this meeting. Mr. Deaver noted that Mr. Powell had stipulated in the minutes that he was willing to reduce the fine to \$500 for an unapproved fire pit. Mr. Tyler disagreed. Mr. Gonzales thought the fine should remain at \$1500. Mr. Heath stated that the Board discussed this at length at the last meeting and he thought it was time to vote on it. Mr. Gonzales pointed out that the Board had already voted to fine \$1500, and it was approved by the entire Board. Mr. Heath suggested that the Board should have a vote in case anyone thought a reduction was appropriate. Mr. Deaver suggested a motion to deny Mr. Merrill's appeal and that the \$1500 fine that was imposed remains.

Mr. Tyler did not believe a motion was necessary. The answer for Mr. Merrill is that the

Board was not willing to re-open the previous motion for a \$1500 fine. The previous discussion and motion remained in place.

### **Roads**

Mr. Tyler had received a text from Jody indicating that he had to leave and could not attend this meeting. He provided Mr. Tyler with an update.

Mr. Tyler had asked Jody to look at the shoring of the wall down Tollgate where the blocks at collapsed. Jody was waiting until after Labor Day to fix it because that is when the Church traffic subsides. Less traffic makes it a safer working environment. Mr. Tyler stated that he also asked Jody to obtain a quote for resealing the asphalt. If it is not resealed this year, he was concerned that they might start losing pieces of asphalt. It is a project that could be done later in the season. Mr. Heath asked if Mr. Tyler remember how much they spent on resealing the last time. Mr. Tyler recalled that it was approximately \$45,000. He anticipated bids in a similar range.

Mr. Tyler reported that there was a week and a half period where Jody did not grade the roads because the roads were dry and the fire restriction was high. He was worried about sparking a fire. The recent rain helped and Jody has done additional work since then.

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

Mr. Tyler stated that Jody needed tires for the Side by Side. The cost was approximately \$350 and he authorized Jody to purchase the tires.

There were no other issues or problems.

### **Water Company Board Meeting**

Mr. Tyler had attended the Water Company Board meeting. He reported that the State has decided to crack-down on the water system for non-compliance with the requirement that every tank and connection be tested. Seven or eight property owners did not have it done by the State required deadline.

Ms. Strathearn and some of the Board members understood that they had until October 1<sup>st</sup>. Mr. Gonzales understood that they were all supposed to be tested by last October and compliant by October of this year. Mr. Tyler recalled that he was correct.



Mr. Tyler stated that because some of the properties were outstanding, the State added points on the water system. If they reach a certain number of points the State takes away the Community Water System status. Mr. Tyler explained that because that group was not in compliance, the State was questioning all of the certifications. The Water Company hired an engineer to certify that the inspections actually did occur and that they do comply with State Code. The Water Company is doing whatever they can to get the points removed.

Mr. Tyler noted that the Water Company fined those seven or eight property owners on a monthly basis for not having their connections checked, but it still was not an incentive to have their connections checked.

Mr. Tyler reported that the water system was running well and there were no major leaks. There were some reroutes to improve pumping issues. One pump house was pumping downhill to another one, and then that one was pumping up to the 500,000 gallon tank. They removed the intermediate pump and it is now gravity flowing and pumping from the lower one. It is more efficient and saves time and money. A new line was put in at Bobcat for the purpose.

### **Monthly Budget Review**

Ms. Kreis reported that the revenue collection has been very positive and breaking records. They have collected 100% of what was forecast for the the annual assessments of 2016. Ms. Kreis commented on the work Revenue Recovery has been doing to collect past due accounts, and noted that they had budgeted \$2,000 that Revenue Recovery could collect. Ms. Kreis reported that Revenue Recovery recovered almost \$11,000 on the old accounts. She pointed out that the total gross profit was 110%.

Ms. Kreis stated that in terms of what has been spent versus the budget, they were about 55%, taking into account the bills being presented for payment tonight.

The Board reviewed the unpaid bills detail.

MOTION: Pat Kreis moved to Approve paying the unpaid bills as outlined. Tony Tyler seconded the motion to approve the bills as outlined.

VOTE: The motion passed unanimously.

Mr. Tyler pointed out that the construction impact fees were \$12,000 over the budgeted

income. They had budgeted \$21,000 and the actual collected was \$33,000. Ms. Kreis noted that Carol had attached the names of those who paid impact fees. Mr. Tyler found that to be very helpful and he appreciated that Carol had provided those names. Mr. Tyler referred to the balance sheet and noted that the total accounts, including the capital reserves and operating account was currently \$470,411.

Ms. Kreis stated that Carol wanted the Board to be aware of the status of the Board member terms. Mr. Heath noted that it used to be posted on the website. Mr. Tyler asked Carol to email that information to Honey Parker so she could update the contact page with the term expiration.

### **Short Term Rentals**

Mr. Tyler responded to a question regarding commercial activity for nightly rentals on the Ranch. He explained that their attorney, Ted Barnes, thought it was a gray area; however, if the activity requires a business license the HOA would have the authority to govern access on the roads. It is the same argument the HOA had provided to CWMU. He noted that the CWMU backed down immediately after they were given notice by Pine Meadow Ranch and Lewis Peak Ranches. Mr. Tyler pointed out that the situation was a little different because CWMU had legal access through Morgan County. Mr. Tyler explained that for a property owner in Tollgate Canyon the prescriptive right-of-way on the road exists for public use. In the case of commercial activity, Mr. Barnes thought the HOA could possibly have a case, but it would be difficult to litigate. Mr. Barnes recommended that the HOA not pursue it because there is an avenue for restriction already set up by the State within the context of the CC&Rs. In terms of someone promoting recreation opportunities on the Ranch and liability to the HOA if an accident occurred on the roads, Mr. Tyler stated that the liability already exists because there is a prescriptive right for the public to use the roads. Mr. Barnes believed that if the HOA litigated the case and lost, the HOA would have more liability than they do now because someone had advertised it.

Mr. Brown had a property owner in his area that wanted to participate in the short-term rental discussion. He asked Mr. Brown to call him when the Board was ready to have that discussion. Mr. Brown contacted Ryan, Lot 52, and he participated via phone.

**NOTE: The remainder of the discussion was difficult to hear due to interference caused by the cell phone. Parts of the discussion were inaudible.**

Mr. Deaver asked if short-term rental was a business operation that required a business license. Mr. Tyler replied that anyone who rents short-term is required to have a

business license under Summit County Code. He noted that one of the Stakeholders, such as Fire, Water, Sewer, Emergency Access has to physically say there is an issue in order for the County to deny a business license.

Mr. Deaver asked if there was as legal definition of a Bed and Breakfast. Mr. Tyler stated that a Bed and Breakfast was a good example because occupancy does not drive the conditional use. Other characteristics for being a Bed and Breakfast have to be in place.

Mr. Gonzales thought that health and safety issues limited the number of people living in a house based on the number of bedrooms and bathrooms. Other issues such as noise complaints, general safety and welfare complaints were other reasons for not licensing a nightly rental.

Mr. Tyler noted that Summit County has been in several lawsuits over the last few years specifically dealing with nightly rentals.

Mr. Tyler stated that the State has very specifically required Homeowner Associations to restrict the ability for homeowners to rent their property on a nightly or long term basis. He wanted it clear that the Rules and Regulations are not the CC&Rs. The Rules and Regulations are a set of documents that the HOA created to help interpret and clarify the CC&Rs. The mechanism that exists for the HOA to restrict nightly rentals is to amend the CC&Rs. Mr. Gonzales reminded the Board that the last time they had this discussion he had suggested sending a mailing to the entire membership, and his idea was rejected because of cost. Mr. Gonzales stated that the Board cannot make the change without support from the membership. Mr. Tyler thought it was important for everyone to understand the end goal. He explained that typically an HOA will have provisions within the CC&Rs that refers to the bylaws and specific things such as nightly rentals. In this particular case Pine Meadow Ranch documents do not have that provision. The State has a requirement that the CC&Rs do not have an express amendment mechanism within the context of these documents, and the super majority is required to amend the CC&Rs. Mr. Tyler pointed out that they because some of the lots are vacant and some of the owners are part-time, the challenge would be trying to reach all the members for a vote.

It was noted that the short-term rental discussion came up at the last meeting because nightly rentals is an indication of larger issues, such as ambiguous enforcement ability. They stepped back a little bit and did some discovery. They have inherited very old rules and very sketchy records. Roy, Carolyn and Jody had done great discovery work at Summit County and it shifted their focus. What they did was essentially step back

from the particulars of these surface issues and look at the bigger issues. They arrived at the realization that they were basing a crisis on a very fundamental structure and they needed to exercise their rights and protect their investments. The problem is that time does not stand still. They have increasing density issues and other issues that affect their quality of life. Ten or fifteen years ago these problems did not exist. In an effort to protect their quality of life and their investment it is time to clean house; otherwise they are probably more likely exposing themselves to liability issues. Someone proposed that they discuss how they can proactively protect themselves, and start to exercise control. They do not want to sit there as innocent bystanders and have 50 rentals surround them. Unless they take control they are inviting that to happen. Several property owners presented a pathway forward where they could address the issue proactively and find out what they have to do. They would have all the information in hand before the Annual Meeting in November so they could thoroughly address this issue. It is time to really assess what needs to be done to regain their destiny.

Roy Parker, Lot G-85, introduced himself to the Board and stated that his intent was to help them work through this problem. He offered suggestions on a process which included looking at the CC&Rs and the Rules and Regulations and discussing the conflicts for the Board to resolve. They need to clean up and clarify the documents before they can address the issues related to nightly rentals.

Mr. Tyler thought it was a good suggestion and he personally would be in favor of spending money to get this cleared up; however, he thought the cost would be much higher than what was suggested. Multiple developers over time have created different sets of CC&Rs that do not apply equally across the Ranch. It is a confusing situation and one that would be difficult to clean up.

Mr. Tyler provided the history of the CC&Rs, a former Special Service District, and what eventually led to the creation of the Pine Meadow Ranch HOA and the Pine Meadow Mutual Water Company. At one time the HOA and the Water Company were one entity and they were split. That occurred in 2000 and since that time Mr. Tyler believed they have made significant progress thanks to a Board of 11 people who volunteer their time on a regular basis. He believed they were heading in the right direction and they have been doing the right things to keep moving in that direction.

Mr. Tyler pointed out that when he moved to Pine Meadow seven years ago they were full-time residents 27 and 28. Now there are 146 full-time residents. The Ranch has exploded with people, which has exacerbated the problem people were experiencing. He appreciated the fact that some members of the community recognize that it is an issue and they were stepping up to help address it.

Mr. Tyler asked the Board if they wanted to hire an attorney to give advice on how to clear up what they currently have and to give clear direction. And if so, whether it should be Ted Barnes or someone with a new look at the documents with clear eyes. It would allow them the opportunity to amend the CC&Rs, and to create restrictions and clean up any discrepancies.

Mr. Tyler pointed out that every time the issue comes up its because there was a complaint about a rental house, and it is typically a use complaint. Prior to his tenure, the Board added the provision that prohibited short term rentals to the Rules and Regulations. When he came on the Board as President he spoke with the attorney who advised him that the provision was not enforceable because it was not explicit within the CC&Rs recorded documents. The Board collectively determined that it was difficult to amend the CC&Rs and they have been hesitant to spend money to try to explore it. Mr. Tyler asked if it was a biggest issue for the Board to spend money on a mailer to reach all of the membership to let them know an issue has been identified regarding short term rentals, and ask for their opinion. He thought a self-addressed stamped postcard would increase the return rate. Mr. Tyler personally felt it was prudent as a Board to spend a couple thousand dollars to do the mailing because it will help people against nightly rentals and those in favor to determine what the community wants. Secondly, he liked Roy's suggestion to have an attorney look at the documents in detail and provide a detailed report of what they were doing right and wrong, and what they need to focus on, particularly in the context of this nightly rental issue.

Mr. Gonzales preferred to hire an outside attorney because their current attorney has voiced absolutely defeat whenever they try to make a change. He thought it was better to have fresh eyes and a fresh mind review the documents and look at the facts.

Mr. Kreis thought it was in the best interest of the property owners to obtain quotes from three or four law firms. Mr. Tyler asked a Board member to take on the task of finding another attorney. He did not believe he should do it because of his contact with Ted Barnes. He agreed with Ms. Kreis and suggested three proposals from three law firms. They would need to provide a scope of work for the firms to base their quotes.

Mr. Brown thought they needed to define the task. Mr. Gonzales stated that the task is to find a clean-cut path to amend the CC&Rs. Mr. Tyler disagreed. He stated that the path is to first identify where they are with the issues.

Roy stated that the task was to look at the current documents and identify the contradiction and define the issues of concern to the Board. Most importantly the

attorney would need to clarify the contradictory documents and figure out the two or three issues the Board wants to be addressed in the new CC&Rs and proposed to the entire membership. Matt Brown offered to take on that responsibility.

Mr. Tyler suggested that Mr. Brown and Roy work together to create a scope which should clarify exactly what Roy outlined, but also what the Board thinks. It needs to be something they can provide to anyone they speak with. Mr. Tyler suggested that Mr. Brown reach out to at least three different attorneys to solicit a proposal based on the scope of work.

Mr. Tyler agreed with the Board's decision to have an outside opinion. However, whatever attorney they end up working with would need to consult with Mr. Barnes for the historic context of what has happened with the HOA.

Mr. Deaver noted that \$21,000 was budgeted for construction impact fees. They have already collected over \$36,000. Therefore, they have approximately \$15,000 they could use. Mr. Tyler stated that once they have an actual proposal the Board could determine how to fund it.

Mr. Strathearn asked if nightly rentals are functioning without a business license whether it was something the Board should be enforcing as an HOA. Mr. Tyler did not believe the HOA could enforce it. Mr. Deaver pointed out that the HOA has no authority to enforce business licenses. Mr. Tyler suggested that Ms. Strathearn contact the Summit County Code Enforcement. Ms. Strathearn stated that she had already notified them.

Mr. Gonzales asked why they could use the same approach with rentals without a business license and issue a cease and desist letter like they did with the CWMU. Mr. Tyler reiterated his earlier comment that hunting issues are different from nightly rental issues. Mr. Gonzales pointed out that hunters were renting the cabin but they were not hunting on the property. Mr. Tyler stated that CWMU was renting the cabins on a long term basis and putting their people there. That is different than an individual coming up without a license with CWMU and renting the cabin independently. Mr. Tyler believed it was a different issue, but he was willing to listen to their opinions if the Board members felt differently.

Mr. Brown noted that Jeremy Jespersen also offered to help him and Roy.

Someone asked if the Board would consider Go To Meeting or some other internet program that would allow the members to listen in on their meetings and participate

without actually coming to the meeting. He thought it was time to start evolving and to allow people who want to participate to have that ability.

Mr. Tyler was not opposed but he had no idea how to set it up. Mr. Heath thought it was a great idea, particularly since so many owners do not live in the area.

Mr. Tyler asked Ryan if he had any questions or comments while he was still on the phone. In response to Mr. Brown's comment, Mr. Ryan stated that he was not aware of the problems related to his property. He would work with his property manager, Brian Meyers to address those concerns because he did not want parties that affect the neighbors. He does not condone it and he would see what can be done to stop it.

Mr. Brown was curious to know how many homeowners actually know the negative results of their rental property. Someone suggested that Ryan make an effort to find out what is actually going on with his renters and how it impacts people in the area. There have been many complaints about experiences with his renters and they have been unpleasant and frightening. It was not an accusation, but he thought it would be in his best interest to understand what was going on and who he rents to. Ryan did not disagree with that suggestion.

The meeting of the Pine Meadow Owners Association Board adjourned at 8:50 p.m.

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