

**APPROVED**  
September 19, 2023  
as written

PINE MEADOW RANCH OWNERS' ASSOCIATION  
MONTHLY BOARD MEETING  
IN PERSON & VIA ZOOM VIDEO CONFERENCE  
AUGUST 15, 2023

In Attendance: George Sears, President; John Adams, Vice-President; Chris Moore, Secretary; Andrew Pagel, Treasurer; Dwaine Anderson (Area 1); Joe Pagel (Area 3); Shaun Baker (Area 5); John Kleba (Area 6); Taissa Folden (Area 7)

Ex Officio – Jody Robinson, Ranch Manager; Robert Rosing, Legal Counsel; Peggy Simeone, representing the Fire Committee

Excused: Katie Winters (Area 4); Marty Hansen (Area 2)

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

**Minutes**

John Adams had not read the minutes. If anything needs to be corrected when he reads them, he will send the corrections to Carol.

MOTION: George Sears moved to approve the minutes as written on July 18, 2023. Chris Moore seconded the motion.

VOTE: The motion passed unanimously.

**Ranch Manager's Report**

Jody stated that they were very busy. They were ditching to help with drainage and trying to regrade the roads after the last washout.

Jody understood that work on the lower canyon was coming up. A fire sign was also coming. He asked if John Adams and George Sears received the text message he sent them regarding the fire station quotes. Mr. Sears saw the text but had not yet read it.

Mr. Adams asked if they needed to discuss the timeline for doing that work. He was looking at the information and noted that the cost for a 30x50 pad, concrete, and labor was \$16,500. The rebar was another \$1800. Gravel, grading prep, and forms were another \$2400. It would be a six-inch slab. If they install a drain, it will be a time and material process. Mr. Adams asked Jody how soon he thought the work could be done if they wanted it ready for the winter. Jody will call the contractor about a timeline and how soon they can start. He will let the Board know when he has that information.

Mr. Adams asked Andrew Pagel how they should approach the cost and whether they had time to wait until the next Board meeting to discuss it. Mr. Sears emphasized the need for a timeline to make sure they have enough time to get Board authorization on the overall work. Jody will find out as soon as possible. Mr. Sears pointed out that the cost of the concrete floor was slightly under \$22,000, which did not include labor.

Jody stated that they still needed to do the Perma-Zyme. Mr. Adams remarked that the goal is to do a trial by the end of this month, which means they will need to line up several loads of crushed limestone. The trial section will be the small rocky section between Catarina's place on Forest Meadow and Artist Point. Jody agreed. Mr. Adams asked if they should also try to do it on Lower Forest Meadow. Jody stated that they would need to contact those individual owners for permission.

Mr. Sears moved the new equipment discussion under Roads and Parking on the agenda to this point in the meeting while Jody was still available.

Mr. Sears stated that several people were trying to find a used front-end loader in good condition to purchase. They were also looking at access to a snow blower which would give them much better capacity for clearing the primary roads.

John Adams stated that he, Jody, Chris Moore, and others have been scouting for different loaders; however, every time they find one it is gone quickly. They came across a John Deere 624, a 2018 model with just under 3,000 hours. It has a T4 188 horsepower engine. The machine is 34,000 pounds. A 3-1/2-yard bucket is included. The loader and tires appear to be in good condition. The machine was recently serviced. Mr. Adams noted that this particular machine was located in Denver which could be purchased locally here in Salt Lake.

Jody stated that the loader had everything he was looking for. It has a differential lock and it is four-wheel all the way around, which is a key item on the steep hills.

Mr. Adams believed this was a good choice. However, if they purchase this machine, which is approximately \$201,000, they would be committing the HOA to another capital expenditure within less than a year. It would cost the same amount of money or possibly more to have a self-contained 100-110-inch snowblower built with it. They spoke with other manufacturers, including Kodiak.

Mr. Adams stated that from the Ranch's standpoint, they need a machine like the one he presented. He personally was prepared to move forward on this particular machine. Andrew Pagel stated that if they move forward with this machine, he asked if Jody would feel comfortable saying they could also handle snow blowing the Forest Meadow connector instead of contracting it out. If

they spend that much money, the owners will want to know what they can expect from it. Mr. Pagel asked Jody if it was a fair assessment to expect he could snow blow the Ingress/Egress access routes on the Forest Meadow side and Tollgate Canyon. Mr. Pagel stated that plowing the Forest Meadow connection was the underlying premise for purchasing the machine. Jody was willing to try it.

Mr. Sears did not disagree with Mr. Pagel. However, the fundamental question is whether they have the resources to run multiple machines simultaneously. They will not be able to answer that question until Jody and Trent try it.

Alex Falkenstein stated that having operated the same machine himself, he thought it would be quite a stretch to guarantee the quality of access everyone wants without adding a third operator. The issue is slower ground speed and time. Mr. Sears thought the real question was whether the machine would give them the capacity to handle what happens on the Ranch for five or ten years. Mr. Pagel thought it was also important to know whether purchasing the machine would enable them to replace the subcontractors. Mr. Sears remarked that there was no guarantee.

Jody pointed out that seven years ago they tried to plow the connector and they could not keep up. At that time, they were using the trucks and the blower. Mr. Pagel asked Jody if having the new equipment would change that. Jody could not definitively say yes or no.

Mr. Falkenstein thought it was a piece of a bigger puzzle. They could use the money spent on the contractor and hire an additional person. He noted that the machine does not work by itself. They can use the trucks to plow to the edge of the road and use this machine to clear further back. The best way to utilize the machine is to have two people if they are trying to plow the connector and do what the HOA already plows.

Mr. Sears stated that the immediate question is whether the Board would like Jody to go to Colorado and evaluate this machine to determine whether to purchase it, or whether the Board was ready to say the HOA will definitely purchase a machine and it is just a matter of which one. He understood from previous conversations that they were looking to purchase a machine. Mr. Pagel was not opposed to purchasing a machine. However, if they purchase it, in November they will be asking the owners to pay additional money to cover the cost. He estimated that the cost of the machine and the blower would be approximately \$500 per owner. They need to make sure they can convince the owners that it is a benefit to the Ranch.

The Board discussed the benefits versus the risks. Jody thought the machine was worth purchasing because it can be used year-round and not just for snow removal.

MOTION: John Adams moved to allocate up to \$210,000 for the purchase of a loader that is either the John Deere 624, or something equivalent, for Jody to use on the Ranch. George Sears seconded the motion.

VOTE: The motion passed 8-1. Taissa Folden voted against the motion.

Ms. Folden explained that she voted against the motion because she was not comfortable telling all the owners they needed to pay \$500 with no guarantee that it could handle anything better than what they do already. She thought they should take it to the owners before approving the purchase of a \$200,000 machine. Joe Pagel agreed with Ms. Folden; however, he thought having the larger equipment would put less wear and tear on the smaller existing equipment, which is a markable positive benefit.

### **Water Company Report**

Mr. Sears reported that the Water Company is starting work on Forgotten Lane to extend the water line to one of the last places without water. Two approved builds have not started building yet, but they have paid for their water connection and water service letter.

### **Monthly Budget Review**

Andrew Pagel reviewed the detailed unpaid bills. Mr. Pagel asked Jody for a quick overview of Wheeler Machine and White's Auto Parts. Jody replied that Wheeler Machinery was for the cutting edge, slide parts, and hydraulic parts for the grader. White's Auto was brakes for the Chevy truck. Jody noted that the Chev will need more extensive work and he will no more later.

MOTION: Andrew Pagel moved to pay the unpaid bills as presented. John Adams seconded the motion.

VOTE: The motion passed unanimously.

### **Ratifications**

Mr. Sears noted that the Board voted electronically on certain motions, and they needed to ratify their vote for the record. All the electronic approvals being ratified this evening were approved by the Board by email.

Mr. Adams stated that on July 23, 2023, the Board members passed a motion to approve the culvert contract amount with Rykestone because of the unavailability of free 24" concrete culverts.

Pine Meadow Ranch Owners Association  
Monthly Board Meeting  
August 15, 2023  
Page 5

The revised amount came to \$81,763.18 versus the original \$79,020. John Kleba, Shaun Baker, George Sears, Chris Moore, John Adams, Marty Hansen, and Andrew Pagel voted in favor of the motion. No one was opposed and no one abstained.

MOTION: John Adams moved to ratify the previously approved electronic motion on July 23, 2023, to approve the culvert contract with Rykestone for \$81,763.18.  
George Sears seconded the motion.

VOTE: The motion passed. Dwaine Anderson abstained from the vote.

Mr. Anderson explained that he was comfortable with the motion; however, he was not familiar with the circumstances enough to vote.

Mr. Adams reported that on August 4, 2023, the Board members passed a motion to approve a contract with Gordon Geo-Tech for \$14,400 to provide a geotechnical study along four miles of roadway covering Tollgate Canyon and part of Arapaho to help the community better understand what is happening with the roads and how to better repair and either build or rebuild them as needed. George Sears, Shaun Baker, Chris Moore, John Adams, John Kleba, and Katie Winters voted in favor of the motion. Dwaine Anderson voted against the motion. No one abstained.

MOTION: John Adams moved to ratify the previously approved electronic motion to approve a contract with Gordon Geo-Tech for \$14,400. George Sears seconded the motion.

VOTE: The motion passed. Dwaine Anderson voted against the motion.

Mr. Adams reported that on August 4, 2023, the Board members approved an electronic motion to approve spending up to \$24,000 for 120 linear feet of 18" culverts on Oak, Arapaho, and Porcupine. He noted that there are several places around the Ranch where culverts are crushed or missing. They are trying a different type of culvert which is corrugated on the outside and smooth on the inside. If they hold up well in those areas, they will use them in more places on the Ranch. Marty Hansen, George Sears, John Adams, John Kleba, Chris Moore, Dwaine Anderson voted in favor of the motion. No one was opposed and no one abstained.

MOTION: John Adams moved to ratify the previously approved electronic motion to approve spending up to \$24,000 for 120 linear feet of 18" culverts on Oak, Arapaho, and Porcupine. George Sears seconded the motion.

VOTE: The motion passed unanimously.

Mr. Adams reported that on August 4, 2023, the Board passed a motion to approve \$23,693.25 for an agreement with BDG Contractors to install 120 linear feet of 18" culverts on Oak, Arapaho, and Porcupine. Marty Hansen, George Sears, Shawn Baker, Katie Winters, John Adams, John Kleba, and Dwaine Anderson voted in favor of the motion. No one was opposed and no one abstained.

MOTION: John Adams moved to ratify the previously approved electronic motion to approve a \$23,693.25 agreement with BDG Contractors to install 120 linear feet of 18" culverts. George Sears seconded the motion.

VOTE: The motion passed unanimously.

#### **PI-D-86**

Mr. Adams stated that all the ARC approvals and Board approvals of homes typically occur during Board meetings. However, an owner started the process of building on their lot with a contractor. The contractor was supposed to take care of all the Summit County permitting and HOA approvals. After the building had started, the owner discovered that there were no permits or approvals by the HOA. Mr. Adams stated that the contractor had taken a large amount of money from this particular homeowner, dug the hole, and left. They are currently under a DOPL investigation.

Mr. Adams explained that the owner was out a lot of money and also had a loan that required certain milestones. Due to the unusual circumstance, the Board reviewed the Improvement Plan and architectural drawings from Lance Wynn for the construction of a 4,554 square-foot new home on PI-D-86, which is a 0.56-acre lot located at 1751 Elk. He pointed out that this property was exempt from the size restriction guidelines due to the length of ownership. John Kleba, Dwaine Anderson, Chris Moore, John Adams, Taissa Folden, George Sears, Shaun Baker, Katie Winters, and Marty Hansen voted in favor of the motion. No one was opposed and no one abstained.

MOTION: George Sears moved to ratify the previous electronic motion to approve the Lot Improvement Plan and architectural drawings from Lance Wynn for the construction of a 4,554-square-foot new home on PI-D-86, 1751 Elk. Shaun Baker seconded the motion.

VOTE: The motion passed unanimously.

#### **Roads**

##### **Tollgate Canyon Repairs**

##### **Rykstone**

John Adams reported that the 36" concrete culvert was installed underneath Hillcrest. The Board originally approved 110'. Rykstone needed to do two more sections and Mr. Adams anticipated seeing a change order. They acquired another four loads of material to cover the culvert. They also

had some boulders delivered, as well as a membrane to be used upfront. Mr. Adams explained that to navigate the water pipe the culvert had to be extended further and raised up approximately 3' to go over the water line. In doing all that there is a deep hole for the water to drain into. The process of extending it forward and making it the equivalent of a boulder headwall required more material. The engineers agreed that it would help control it better by having a solid surface that would contain the water and funnel it into the culvert.

Mr. Adams stated that five addresses along Tollgate Canyon Road will soon begin receiving the 24" culverts. Approximately 208' of culvert will be installed. They still need to contact some owners to make sure everyone is aware of the work.

#### **Gordon Geo-Tech**

Mr. Adams reported that Gordon Geo-Tech started their work today. They started on Upper Tollgate Canyon Road and will be drilling a total of 32 holes over the next two to three days. Those samples will be used to evaluate the road underneath, and it will tell them how to design those roads. If they need to work on the roads it will tell them how much sub-base needs to be replaced, what type, and if asphalt should be used in any of the locations where it exists. If they decide to go all the way up Bobcat with asphalt, it will tell them how much to use. Mr. Adams expected to have the results by the end of the month.

Andrew Pagel noted that spending money now on Gordon Geo-Tech will save a lot of money in the future when they can actually make big road improvements to the main sections. He explained that the Board decided to spend the \$14,000 because if they find that a lot of sections of roads have good sub-base and a good foundation underneath, they can resurface those roads versus tearing them up and repaving.

Mr. Adams stated that in the meantime they have been reaching out to different entities in other areas. They have obtained several bids on rebuilding the road, some bids on patching the road, and they started the process of asking for bids on very specific areas. Mr. Adams remarked that they have also been speaking with Civil Engineers. They met with one particular civil engineer, Gary Horton, a week ago and they all came away from that meeting talking about the benefits of working with Mr. Horton. He can help the HOA organize, find resources, and help to keep moving forward in finding the areas that need to be addressed. Mr. Adams stated that they also have a bid from Meridian Engineers on design work. The bid was approximately \$47,000. From Hillcrest to Bobcat was in the \$20,000 range.

Mr. Adams noted that they still have a lot of warm weather left and they can do a lot of repairs from Hillcrest down to Moss' pond, possibly all the way up to the hairpin turn. Anything else will depend on time and weather.

Dwaine Anderson asked if John Adams was the HOA person interacting with the engineers and contractors. Mr. Adams answered yes. Mr. Anderson thanked him for his time and effort. Mr. Anderson stated that he is a civil engineer with a lot of experience, and he would like to volunteer to help Mr. Adams. Mr. Adams appreciated the offer to help.

Mr. Pagel explained that they were currently waiting on the core samples. Once they have the core sample data, they can step back and assess the current condition of the roads. They will then present proposals to the entire neighborhood on what the HOA can do to improve the roads based on the data. Mr. Pagel stated that in the immediate future, they were working on getting contractors to put down the 4-6" rock and the road base on top of the shoulders to get the shoulders shored up where the pavement is fracturing. Mr. Adams emphasized that they also need to stay focused on drainage.

Mr. Sears stated that Jody and Trent will be starting to clean up the smaller pieces from Moss' down next week. Andrew Pagel remarked that culverts were a first priority because they are beneath the road. It does not make sense to fix the road and then dig it up to install a culvert.

Mr. Adams commented on funding all the work. He noted that they will need to dip into the reserve account at some point. Mr. Pagel stated that once they have the data, they will send out a survey with different options and associated costs and ask the community for their feedback. He wanted everyone to be aware that the costs would be significant. Mr. Sears stated that currently, they were using an emergency fund that is separate from the capital fund. He noted that Mr. Pagel has done a good job with the savings process and most of the money currently contracted is not coming out of the reserve.

Mr. Adams summarized that basic repairs may be in the \$300,000 to \$400,000 range. Rebuilds of the road could be \$800,000 to \$900,000. If they go all the way to Bobcat it could be \$1.5 million. If they rebuild further up the road the cost of the total rebuild could be \$2 million or more. Mr. Pagel stated that for every \$400,000 spent, the cost to each owner is \$500.

### **Open Public Forum**

Ted Bonnitt, Lot PI-E-55, was pleased to see such a well-functioning Board. Climate change is clearly upon them and what occurred on Tollgate was shocking. He noted that it was preceded by his insurance being canceled three weeks ago. The owners have real issues coming at them in terms of insurance cancellations. Wildfire risk is the reason he was given for canceling his insurance. He did some research and found that Pine Meadow Ranch is rated 5 out of 10. The determination was based on a third-party assessment that used a credit rating from New Jersey. The insurance company did not take into account all of the fire mitigation that has been done over the years. He



asked about a previous discussion regarding a fire building. Mr. Adams explained the history of the fire building and how they were currently sharing it with North Summit Fire. The Fire Department is looking at using the structure for military-grade equipment, and at the same time, Jody needs to use the shed.

Mr. Bonnitt believed the primary reason his insurance was canceled was lack of proximity to firefighters. They have more people on the Ranch than in Wanship and he did not think putting the new fire station in Wanship made a lot of sense. Things are changing on the Ranch and more development keeps coming. He questioned whether their investments were being properly protected with all the increased development. Mr. Adams explained that there used to be a Special Service District. The Special Service District was disbanded around the year 2000 because the part-time owners did not want any improvements to the roads. Summit County dissolved the Service District. Requesting that the Special Service District be reinstated is the only way they can garner more funds. In discussions with Summit County, the County has said they will help but the Pine Meadow community would need to foot the bill initially to get the work done. Mr. Bonnitt asked if there was any application of the tax increases to bring fire safety and roads up to standard. Mr. Adams answered no. He stated that the Fire District had too much equipment that was not useful and they had to start replacing it. They also turned the force from volunteer to full-time. Mr. Sears explained that there were no tax increases for years. A new person came in and did an overall assessment and increased the tax levy to the maximum because they could not function under the current tax levy.

Mr. Bonnitt stated that in his research he was told that eventually fire will be detached from the main insurance policy and become an additional rider.

Andrew Pagel reported that the HOA received the \$250,000 FEMA grant. The HOA contributes \$70,000 per year for fire mitigation. The community is very devoted to fire safety and finding the best use for the funds. Mr. Pagel stated that if any owners receive rejection of coverage from their insurance company, they should provide the HOA with the reasons for rejection because it would be extremely beneficial in helping the HOA understand where they should allocate the funds

Lauren Laviter, Lot PI-E-30, asked about a one-time assessment on roads for everyone in the HOA to cover the cost of all the improvements. They could pave the road for the fire station because it needs to be paved. Mr. Pagel stated that once they get the analysis on the core samples to know the road conditions, they can present that as one of the options to present to the owners. Ms. Laviter remarked that someone who works with the Summit County Fire Department said the Fire District would put a fire station on the Mountain if they can meet certain requirements. Part of that is having a paved road with a runoff area on that lot. She also thought they could eventually do a lot more, but they needed the funds to do it to make the roads safe for everyone.

Mr. Adams remarked that Carol had set up a special account where owners can make contributions in addition to the assessment. A contribution does not guarantee the owner will get credit against any assessment. It only means that if the community wants to spend \$1 million plus to improve the roads, a mechanism is already in place. Contributions go straight into the special account and any money in that account goes towards roads. Mr. Sears stated that in November they will propose some type of special assessment. The question right now is the size of the assessment. They need to look at a plan for the next three to five years. Mr. Sears remarked that people in his area are not opposed to an assessment. However, they only want a one-time assessment and the ability to pay it over time. They prefer the one-time assessment to be as large as what the HOA needs to accomplish the work rather than having to come back every year asking for another assessment. Mr. Sears emphasized that the Board needs to come up with a plan because they will be expected to present a plan in November at the Annual Meeting.

Tim Menez, Lot PI-74, thanked the Board, and Mr. Adams in particular, for the work they have done. It was very insightful and helpful. He also thanked Andrew Pagel for his explanations this evening. He found it very helpful.

Mr. Menez commented on all the repairs, culverts, and core samples. He asked if once the repairs are completed, that would be an opportune time to approach Summit County and restart conversations regarding their involvement in helping with road projects. Mr. Adams stated that part of it relates to how far out of compliance the roads are relative to County standards. If the roads were close to Summit County standards, the County would be willing to be more involved. Mr. Sears emphasized the importance of having a longer-term plan. For the first time, they were actually getting good data and looking at what the data could do to help them move forward.

Mr. Menez thought Mr. Pagel made good points about the data and how it all falls between full-time residents, part-time, and landowners. He liked the fact that the Board was talking about the long term because if the roads get improved, he expects the demographics will change and there will be more full-time residents.

Mr. Sears stated that open forum discussions are important. There is much more the Board and the owners can learn if they share the information and if the owners participate.

Mr. Adams noted that there was currently \$3,015 in the road fund. Mr. Sears stated that the fund was a combination of contributions from the LDS Church and one other contribution.

Rules and Regulations

Rental Rules and Regulations

Mr. Sears stated that the Board received 21 pages of feedback from the community regarding rentals. Out of 205 responses, the majority want some kind of rental rules. Another 20% would be happy to tweak the existing rules. Mr. Sears noted that the Board voted for the rules as outlined. He stated that some of the comments were constructive, and from other comments, it was clear that the owners had not read the rules or understood how it applies to them. Mr. Adams reviewed the breakdown of responses based on full-time, part-time, or land-only owners. In response to a question asking how many rentals each owner has on the Ranch, 89% of the owners had no rentals. That number indicates that there are approximately 40 rentals on the Ranch.

Mr. Sears pointed out that the number of rentals is increasing, which means the number of complaints is increasing. That is a reason for needing rules. Mr. Sears remarked that several people said the Board has no right to control rentals. He clarified that per the CC&Rs, the HOA cannot stop people from renting their property. However, the State and Summit County both allow the HOA to put rules in place to make sure those who have rentals are doing what they should be doing in controlling their renters. Mr. Sears commented on complaints he received recently regarding renters violating the rental requirements. He emphasized that the HOA is not trying to be the police. However, they want the owners to be responsible for the people they rent to by educating their renters on the rules they should be obeying on the Ranch. The HOA has no authority over the renters. The owners of a rental property are the responsible party.

Mr. Sears emphasized that per Summit County law anyone who rents their property on a short-term basis is required to have a business license. This does not apply to an owner who lets their family use their property. Mr. Sears highlighted the most frequent comments and concerns.

Mr. Sears stated that the rules will be put in place in September. The Board will make adjustments to the rules to clarify some of the concerns that were highlighted. He reiterated that the owners of the rental units need to inform the renters that they must follow certain rules.

Mr. Sears referred to a comment that fines should be incurred for violations. Mr. Sears stated that the HOA will do the best it can, but it is up to the rental owner to enforce the rules and inform the Board when there is a violation.

Mr. Sears stated that the Board needed to allow 15 days following public input. In the first part of September, they will make minor adjustments and implement the rules. Andrew Pagel pointed out that none of the rules are radical. It is simply an effort to develop a coordinated relationship between the Board and the rental unit owners. Mr. Sears noted that the owners were concerned

that the Board wanted a copy of every lease they signed with every renter. He stated that they were only asking for a copy of the general lease the owner uses, not individual lease agreements. That will be clarified when they make the minor modifications.

MOTION: John Adams moved to approve the Rental Rules as presented to the community on July 15, 2023, based on community feedback. George Sears seconded the motion.

VOTE: The motion passed unanimously.

Robert Rosing asked Mr. Adams if his motion and the vote were to adopt the rules or to move forward on continuing to work on them. Mr. Adams replied that his motion was to approve the rental rules as presented to the community. In his mind, if they make additional changes based on community feedback, they could come back with another 15-day notice of the proposed rule change, the amendment to the rules.

Mr. Rosing stated that if the Board adopted them as presented, they should send a copy of the adopted rules out to every owner within 15 days. Mr. Adams asked if after that time the Board should ratify the document. Mr. Rosing stated that this was the confusion. If they adopted the rules in the motion and vote, then it is an operative rule. He was unsure if that was what they did with the vote, or whether they voted to move forward at the next meeting with this rule. Mr. Rosing clarified that if the Board adopted the rules, the requirement is that the rules go out to all owners within 15 days of adoption.

Mr. Sears confirmed that the Rules will be sent to every owner at the appropriate time.

### **Architectural Review Committee** **Shipping Containers**

Mr. Adams stated that the Architectural Committee talked about the proliferation of shipping containers on the Ranch, which continues to grow and multiply. The ARC keeps reiterating to people that shipping containers are considered a temporary structure, which means they can only be on the Ranch for the season and then must be removed in October just like a trailer or any RV. Mr. Adams remarked that because some of the containers remain no matter what they do, the ARC talked about taking the approach of drafting guidelines for what these containers should look like if they remain on the Ranch. If they do not follow the guidelines, the HOA can start fining the owner per day. If the shipping container is not moved or changed to look more mountain vernacular, and the fee is not paid, Carol will put a lien on the property. Andrew Pagel noted that the 180-day temporary structure language was copied from Summit County. Guidelines for the shipping containers will also be modeled after the Summit County rule. Mr. Adams clarified that under

Summit County rules, the container cannot be a home. The most it could be is a shed on the property as a permanent structure. Mr. Pagel answered yes.

Mr. Adams stated that if the HOA allows a shipping container as a permanent structure, it will fall outside of the Summit County rule. However, the container must emulate the same design as a home or a log cabin.

Mr. Adams asked if the Board was interested in continuing this discussion and whether they should present the idea to the community for feedback. He was looking for a way to resolve the shipping container problem on the Ranch. The Board members were comfortable reaching out to the community on this issue. Shaun Baker thought it was a good idea; however, he thought burying the containers into the side of the hill was a better solution than a facade.

#### **PI-C-43**

Mr. Adams reviewed plans for PI-C-43, 2334 Pine Meadow Drive. The lot is just under one acre. The owners, Jeff and Nicole Freeman, have three small dogs. They would like to enclose the existing boulder wall around the house on the northwest side wrapping around to the northeast side with three pieces of fencing. Mr. Adams noted that this was similar to a fence that the Board previously approved on Arapaho. The owners were requesting to create a dog run with the three pieces of fencing. This request would result in a 1,040-square-foot enclosed area next to the home.

Mr. Pagel noted that in the past when owners have requested dog runs, the Board has not allowed the metal grating. Mr. Sears pointed out that similar fencing was approved by the Board last year. Mr. Pagel clarified that he was not opposed and preferred metal grating. He stated that the Architectural Guidelines were purposely set up where fencing needs to meet the mountain vernacular and be approved by the Board. He recognized that as the Board changes, approvals also change.

Mr. Adams stated that the owners were going to let the metal rust, but they could also paint it black. It was noted that a chemical can be purchased that rusts the metal right away.

The Board discussed fencing on the Ranch. Mr. Pagel stated that the HOA does not allow permanent fencing for lots, and they discourage fences in general. However, they purposely have rules set in place for child safety or dog runs. Taissa Folden stated that she has personally been attacked by dogs on the Ranch. The boulders already provide a natural barrier, and she supported enclosing the area to make it safe for their dogs and people. Mr. Sears commented on the increased number of dogs on the Ranch. The HOA cannot police the dogs. He would rather have them contained than running wild. Mr. Sears would like more people to come to them before

putting up fences so the Board can look at it from the context of managing wildlife. He understands that some people would like a fence around their entire property, but that would not be allowed.

MOTION: John Adams moved to approve the fencing proposal presented by Jeff and Nicole Freeman for PI-C-43, 2334 Pine Meadow Drive. George Sears seconded the motion.

VOTE: The motion passed unanimously.

### **PI-F-53**

John Adams reviewed plans for a new home located at PI-F-53, 2280 South Uinta View. The owners, Chase Meadow and Leah Bradley were proposing a 2,225-square-foot new home on 2 acres. The Lot Improvement Plan was completed, and all fees were paid.

Mr. Adams stated that the ARC discussed this project at their meeting. In reviewing all the materials and the design as presented, he wanted the Board to know that the metal siding proposed on two dominant sides of the home is the same metal structure and metal material being used on the roof. The actual metal siding is a flat, smooth surface which they have only allowed on sheds up until now based on changes to the Architectural Guidelines that were made last summer.

Mr. Adams stated that in terms of the whole house, the owners have proposed natural cedar plank as the siding material. He provided a sample on the screen. They would be sealed and polyurethaned, ship lap Hardie Board planks, 9" in width. The color is gray with cedar mill grain. The Hardie Board Planks would only be around the windows in the back unless they decide to use Hardie Board Planks in gray as the siding. Mr. Adams noted that the owner would also like to use Tresiba Red Cedar Laminate, which is a high-density laminate compressed under extreme pressure with wood and fiber material and injected with resin. It has a Class A rating for fire.

Mr. Adams stated that the issue is the mountain vernacular aspect of the design and whether it works under the guidelines. He asked the Board if they were willing to approve the same material on the roof as siding.

Andrew Pagel asked for the height of the tallest retaining wall. Mr. Adams replied that it was four feet. Mr. Pagel stated that this is one of the first homes with metal siding; however, he believed one of the Guideline revisions last year said for any primary or living residence the ratio is 80-20. Mr. Adams read the Guideline language. "Siding allowed is wood grain stamped or textured metal panels subject to limits." Under surface area limits it reads, "Metal panels shall have a formed and finished look up to 80% for primary structures and accessory dwellings, and up to 100% for secondary structures". Mr. Adams asked the Board if the plan presented was representative of the

mountain and whether they were ready to approve the same material on the roof as siding material. He pointed out that the proposed metal has never been approved for siding.

Andrew Pagel was not opposed to the metal siding proposed; however, he would like to see an actual sample because on the screen it looked more black than gray. Mr. Sears remarked that the lot is high on the hill without many trees to hide it. He did not think it looked like any of the other properties. Mr. Adams stated that if this was a truly A-frame design it would make sense, but it is part of that architecture. The proposed structure is distinctly a house with four sides and the metal will wrap around the other two sides.

Ms. Folden understood from the discussion that this met all the guidelines except for color. Mr. Pagel explained that it meets the metal siding guidelines; however, the rule in the Guidelines has language regarding mountain vernacular. Mountain vernacular is what the Board at the time sees as the vernacular of the mountain, but also whether it conforms to the essence or the look of the surrounding houses.

After further discussion, Mr. Page stated that if the HOA does not feel comfortable with the fully wrapped metal, he proposed wrapping the front of the house in cedar or Hardi Plank and allowing the metal in the back. Mr. Sears encouraged the Board members to drive to the lot and look at the visibility of the property.

Mr. Adams noted that the owners want to start building and they would like approval fairly soon. He asked if the Board had enough information to vote on this electronically very soon. Mr. Sears stated that the issue of the four-foot roofing material along the siding concerns him. Mr. Adams asked if they would like the owners to come back with a metal option in a natural finish and/or a metal option in a different color. Mr. Sears wanted something that was more in keeping with the mountain vernacular. Mr. Pagel reiterated his suggestion for a wood finish on the front side.

The approval was tabled. Mr. Adams would reach out to the owners with the Board's comments and suggestions.

#### **PI-G-55**

Mr. Adams reviewed a change in material request for PI-G-55, 2088 South Uinta View. The Board approved the building plans in June 2021. The owner is building a 2,765-square-foot home. The materials originally proposed in the plan included Hardi Planks, a cedar mill surface, horizontal lap siding in a khaki color, and a black metal roof. They also proposed stone along the bottom of the house.

Mr. Adams explained that the owners would like to change the materials to Hardie Planks with cedar mill finish, board and batten panels, and an iron gray color instead of khaki. They would like to change the roof from metal to Timberline protective shingles in charcoal. Instead of the stone, the Hardie Plank siding will go all the way to the bottom. Mr. Adams pointed out that the proposed changes were within the Architectural Guidelines.

MOTION: John Adams moved to approve the materials request from Joe Dunbar at PI-G-55, 2088 South Uinta view. Joe Pagel seconded the motion.

VOTE: The motion passed unanimously.

#### **PI-E-46**

Mr. Adams stated that the next item was not ready for a vote. This home location has a giant hole in the ground. The previous owners had to sell the property and the lot is now owned by Troy Nardine. Mr. Nardine is proposing to build a 3,104-square-foot new home on this one-acre lot. Mr. Adams explained that when Mr. Nardine recently purchased the lot the realtor contacted the HOA to verify what was included in the purchase. Mr. Adams stated that he had not had the opportunity to review all the plans.

Mr. Adams stated that this has been a learning curve for this new owner in terms of what he needs to do. He asked if it was possible to move the process along quickly. Mr. Adams asked the Board if they were willing to give him time to pull all the information together and vote on this plan electronically. Mr. Sears pointed out that this was a unique situation, and he was comfortable voting electronically. However, he first wanted a complete review by the ARC before it went to the Board for a vote. Mr. Adams thought it was in the best interest of the community to get the hole filled. Mr. Sears agreed.

Andrew Pagel thought it was a good opportunity to make sure they were adhering to the rules and regulations they set forth last year.

Mr. Adams stated that the owner was required to provide a stamped survey or site plan and follow up with the materials. The plans are currently in review.

#### **Fire Safety Committee**

Mr. Sears reported that the Board had a meeting before this regular meeting to discuss the FEMA grant contract. They were doing their due diligence in terms of how that contract will be bid, selections, etc. He did not intend to discuss those matters during this meeting.

Peggy Simeone reported that the Good Samaritan Program is working. When a concrete truck went off the road somebody called the hotline and both Chris and Stephanie responded. She was



pleased that the program was working correctly.

Ms. Simeone stated that the Fire Committee was actively seeking new members. The committee requires a lot of involvement and there is a lot of burnout. They need new members. If anyone is interested in mitigation and fire safety education or knows anyone who might be, they should contact her.

Mr. Simeone asked if the Board members had looked over the signs that she sent. The sign company will wait for any changes, as well as approval before they make the signs. Mr. Sears recommended that Ms. Simeone make sure she has the resources to put the signs in place. If she needs support from Jody, they need to make sure it is coordinated so she has the necessary resources available. Ms. Simeone stated that she planned to use the September 2<sup>nd</sup> cleanup day to post the signs. After paying for the signs, she believed there would be \$800 left to purchase posts and cement. The funds were coming from the grant. They already spent \$120 of the grant funds to purchase the sign for the burn pile.

Ms. Simeone pointed out that the signs are all reflective high-grade aluminum so they can be seen easily.

MOTION: John Adams moved to approve the fire safety signs as presented purchased from Smart Sign for a total of \$804. Chris Moore seconded the motion.

VOTE: The motion passed unanimously.

During the Ranch Manager Report, Ms. Simeone recalled that Jody mentioned he would be working on the fire danger sign at the bottom. Mr. Sears stated that he spoke with Jody about getting the posts. The fire danger sign is on Jody's list of things to do.

Regarding the burn pile, Ms. Simeone wanted to know what the Fire Committee was responsible for this year and going forward. Mr. Sears stated that the HOA had a contract with Dave Telian to manage the burn pile. Mr. Telian was under the direction of the Fire Committee last year. Mr. Sears explained that the Executive Committee has the responsibility to identify how to take care of the burn pile until it is burned. Mr. Sears thought they would look at how to manage green waste as it applies to the mountain. He noted that the gate was working, and the burn pile was not growing as fast as it did last year. The goal is to manage the burn pile effectively. He welcomed any insight from the Fire Committee, but how to manage the actual burn of the burn pile is the purview of the Executive Committee. Ms. Simeone remarked that Marianna had been talking with someone from Spoils to Soil. He was going to wrap up a project and then get back to her with prices for removing the waste off the mountain. Mr. Sears noted that the North Summit Fire District was not pleased

with the size of the burn pile in the last few years and would like to see the pile diminished. The HOA needs to come up with the best solution. Mr. Sears stated that the RFQs include removing all the green waste instead of dumping it like they have in the past.

### **Community Improvements**

#### **Playground location**

John Adams reported that the community was recently asked about the proposed playground as a place for people to gather and let their kids use the playground equipment. Option A was near the evacuation area on the northwest side. Option B was on the east side. Mr. Adams stated that 178 owners responded. He noted that 39% were homeowners; 44% were homeowners and landowners; and 16% were only landowners.

Out of 178 responses, 14% do not want a playground at all. However, 38% preferred the evac area on the west side, and 48% preferred the east side. Mr. Adams stated that eliminating the 14% who said no to the playground left 153 responses. Of that 153, 44% wanted the evac area and 56% wanted the area on the east side. Mr. Adams noted that some people who wanted the playground had concerns about the potential overuse of the evacuation area. From a maintenance standpoint, everyone wanted to know who would be responsible for maintaining the playground area. There were also questions about signage and how they intend to mitigate risks. Mr. Adams stated that there have been discussions regarding insurance and that the HOA will need to have some level of insurance. Questions were repeatedly asked about the responsibility for removing the swings and whether they would be removed during the winter.

Mr. Adams reported that the consensus was that the majority wants this playground and the preferred location is on the east side because there is parking, it is not as visible, and even though it is near the motor trail, it is the best spot. Andrew Pagel asked if the playground would be fenced. Mr. Adams thought it would be fenced. Mr. Sears understood there were concerns, particularly regarding wildlife; however, money was donated to the HOA for a community area, and based on surveys, people want a playground. In addition to the smaller playground equipment, someone bought a second more industrial-level playground equipment. They need to try it to see how it works. If it ends up being problematic, they may need to re-think it. Mr. Sears emphasized that the HOA would set up the playground and get it where it needs to be, but it is a community benefit, and the community will be asked to step up and police the area. He noted that Jody suggested adding a few parking spaces and he was willing to level it out for parking.

Mr. Adams referred to a question about whether the playground would be mountain vernacular. He noted that the first playground set is wood and would be considered mountain vernacular. The second set is more industrial and will hold up to the weather better than the wooden set. Shaun

Baker recalled that the industrial set is a dark green metal. Mr. Sears recalled from earlier discussions that people wanted picnic tables and they eventually would develop a community area where people could congregate.

MOTION: John Adams moved to proceed and adopt Option B, which is the playground location on the far east side close to the racetrack, as the designated playground area, based on community input.

George Sears seconded the motion, adding that the HOA will help prepare the site, but it is the responsibility of the owners to help manage it over time.

Joe Pagel seconded the amendment to the motion as stated by George Sears.

VOTE: The motion passed unanimously.

Ms. Folden asked about the timeline for putting up the playground equipment. Mr. Sears stated that they could now work with all the resources. Jody originally agreed to help move the equipment to the location. He was hopeful there was still a community committee and the HOA would support their efforts. Mr. Pagel suggested that some of the Board members reach out to the playground committee, talk to Jody about a timeline for getting the ground leveled out, and set the dates for installing the playground equipment. Several Board members suggested others from the community who might be willing to help.

### **Open Public Forum**

There were no additional comments.

### **Area Rep Reports**

Area 1 – Dwaine Anderson commented on a personal issue as a resident. He hooked up to the water system in 1986 and the water line has never leaked. The Water Department said he had a leak and presented him with a \$6,000 bill. He is willing to pay it but would like to work it off by doing any job for the HOA available to pay for the bill. Mr. Sears stated that it was a Water Company issue. Mr. Anderson replied that he is a member of the HOA, and the HOA owns the Water Company. Mr. Sears informed Mr. Anderson that the Water Company is a separate private entity.

Mr. Sears explained that in 1999 Summit County split the HOA and the Water Company into separate entities. One water share was given to every lot. Mr. Sears emphasized that the HOA does

not cross the line into Water Company affairs.

Mr. Anderson stated that when he joined the HOA, he challenged giving the infrastructure to what he thought was private industry. He looked into it and concluded that it was the government, and while he disagreed with some of the fundamentals, he thought it was a good idea. Mr. Anderson emphatically stated that he did not have a leak and he did not lose 100,000+ gallons of water. He does not intend to talk to Brody and the bill is a joke because he did not have a leak.

Mr. Sears asked if the Water Company identified where the leak was. Mr. Anderson answered that Brody was on-site and there was absolutely zero evidence of a leak. Mr. Baker asked if the water meter was counting the water use. The meters are Smart Meters and owners can track their own usage.

Mr. Anderson stated that he is a member of the HOA, and he would like to know what the HOA can do to support him. Mr. Pagel stated that the first point was to find out what the meter reading was showing and whether it was accurate. Mr. Baker stated that he knows quite a bit about the Smart meters and the readout cannot be changed or altered. If the meter is showing the water use, it went through the meter somewhere.

Mr. Baker suggested that Mr. Anderson come to the next Water Board meeting and speak with the Board. Mr. Sears asked Mr. Anderson when the Water Company first identified the leak. He replied that it was in the winter and he paid Brody to try to find the meter. Mr. Anderson came up in the Spring, there was no leak or evidence of a leak. Mr. Sears asked if the Water Company continued to monitor the leak after they tried to find it. Mr. Anderson stated that it magically disappeared, all 100,000+ gallons. Mr. Sears clarified that when Mr. Anderson came up in the Spring, he could not find a leak or evidence of a leak. Mr. Anderson answered yes, there was no leak. Mr. Sears understood that the Water Company did nothing to fix the leak. Mr. Anderson reiterated that the Water Company did nothing to fix the leak. Mr. Sears believed Mr. Anderson had a case to make to the Water Board. Mr. Baker encouraged Mr. Anderson to come to the next Water Board meeting. He asked if the leak showed up on Mr. Anderson's meter app. Mr. Baker pointed out that the app shows every minute of usage when it started and when it ended. He suggested that Mr. Anderson look at that data so he can show it to the Water Board. Mr. Anderson stated that he was aware the computer app would provide the information, but he was not knowledgeable enough to know how to work it. Mr. Baker explained that he thought the app could help Mr. Anderson narrow down whether it was a weeks-long or months-long usage. Mr. Anderson appreciated Mr. Baker trying to help.

Mr. Sears stated that the next Water Board meeting is on the second Thursday of September. He and Mr. Baker will be at that meeting and Mr. Anderson should also attend.

Area 3 – No report was given.

Pine Meadow Ranch Owners Association  
Monthly Board Meeting  
August 15, 2023  
Page 21

Area 2 - Marty Hansen was not present to report on Area 2.  
Area 4 - Katie Winters was not present to report on Area 4.  
Area 5 - No report was given.  
Area 6 - No report was given.  
Area 7 - No report was given.

The meeting of the Pine Meadow Owners Association Board adjourned at 9:41 p.m.

---