

PINE MEADOW RANCH OWNERS ASSOCIATION
MONTHLY BOARD MEETING
IN PERSON & VIA ZOOM VIDEO CONFERENCE
SEPTEMBER 20, 2022

In Attendance: George Sears, President; John Adams, Vice-President; Michelle Sutor, Secretary; Andrew Pagel, Treasurer; Dwaine Anderson (Area 1); Marty Hansen (Area 2); Sam Vincent (Area 3); Katie Winters (Area 4); Shaun Baker (Area 5); Paul Sutor (Area 6); Aja Martin (Area 7)

Ex Officio: Jody Robinson, Ranch Manager

Excused: Andrew Pagel

Guests: Ken Atkinson, 1766 Tollgate; John and Stephanie Kleba, Lot PI-G-44; Glade Wall, Denali Construction

George Sears called the meeting to order at 6:32 p.m.

Minutes

August 16, 2022

Michelle Sutor referred to the last page of the Minutes, fourth paragraph from the bottom, which read, "Someone stated the culvert at the bottom of their driveway was crushed". She clarified that the person making the statement was Adrian Crowley, Lot PI-68A.

Paul Sutor referred to the last paragraph under the Committee Reports, which read, "Mr. Sears reached out to the LDS Church to let them know that the HOA had a plan." Mr. Sears clarified that he was referring to the HOA fire plan. Mr. Sutor corrected the Minutes to include **fire plan**.

Mr. Sutor referred to the Area 6 report, third sentence, which read, "The culvert was not installed in the middle of winter". He corrected the sentence to correctly read, **The culvert was not installed before winter**.

John Adams referred to page 5, the section that states, "Mr. Adams read the amendment". Mr. Adams corrected the second line which reads "The exception shall terminate..." to correctly read, **The exemption shall terminate....**

MOTION: George Sears moved to approve the Minutes of August 16, 2022, as corrected. Paul Sutor seconded the motion.

VOTE: The motion passed unanimously.

Ranch Manager Report

Jody reported that they were wrapping up everything for the summer. The gravel was finished. They were currently focusing on culverts and bar ditching in hopes of completing everything by October.

Jody noted that the roller will be returned on Friday. All the equipment was running well. He used the mower the other day and it worked well. Jody stated that he had to order tractor wheel weights.

Mr. Sears recalled a previous discussion regarding challenges with one of the spreaders. Jody replied that it was the old sander and spreader. He explained his plan to fix it well enough to get through the winter.

Water Board Report

Mr. Sears had attended the Water Company Board meeting. The primary discussion was placement of hydrants and whether the Water Company should be focusing on hydrants or encouraging individuals to get 5,000-gallon storage containers. Mr. Sears remarked that there was some discussion about the current 600-foot limitation from the hydrant to the cabin.

Mr. Suitor asked how many homes are not within 600 feet from a hydrant. Mr. Sears replied that two homeowners are willing to pay for a hydrant and would like the Water Company to install it. Other than those two, they do not know how many others actually exist within the criteria.

Mr. Sears remarked that a question for the Fire District is whether the 600 feet applies to existing homes or just new construction going forward. Paul Suitor stated that at the last fire meeting with North Summit, the Fire Chief did not believe there were any fire hydrants on upper Tollgate. Mr. Sears stated that when he and John Adams met with the Fire Chief he told them there were not enough fire hydrants and the ones he was most concerned with were on the Forest Meadow side.

Michelle Suitor asked if the Water Company had done any flushing or testing of the fire hydrants to make sure they are operational. Mr. Sears replied that they do not test all the fire hydrants every year, but they do flush them. Ms. Suitor asked if Mr. Sears had a schedule of which ones are done each year. He offered to ask that question.

Monthly Budget Review.

Mr. Sears reviewed the unpaid bills.

Michelle Sutor stated that she had the profit and loss and the balance sheet, but she had not seen the unpaid bills detail. Usually there are copies of receipts. Mr. Sears noted that Carol had sent an email with a link to the dropbox that had the paperwork for each individual bill.

Mr. Sears noted that gravel was the largest expense. The Board had authorized additional funds last month to give Jody the ability to do some additional roads that were not covered under the normal budget process.

MOTION: George Sears moved to approve the unpaid bills as presented. John Adams seconded the motion.

VOTE: The motion passed. Michelle Sutor abstained because she did not find the detail.

Snowplowing RFP

Mr. Sears stated that the Board needed to make a decision regarding snowplowing the connector the section between Pine Meadow and Forest Meadow for emergency exit. Mr. Adams noted that the Executive Committee talked about posting the RFP with the Salt Lake Tribune, Summit County News, and the Wasatch Wave, which was used in the past, the Park Record, KSL, and KPCW radio. Mr. Adams remarked that last year they only posted the RFP in the Summit County News and they had very little response. Mr. Adams stated that from a fiduciary standpoint, the question is what they should do to make sure they were reaching out to the right potential audience for the snowplow RFP.

Mr. Adams stated that respondents need to be familiar with mountain terrain. It is difficult to find the best person, but the Board has an obligation to try. Mr. Adams noted that the RFP went out on September 24th last year.

Jody thought all the media choices Mr. Adams mentioned would reach the broader audience. Michelle Sutor remarked that cost might be a consideration if they have to run an ad in each one. Mr. Sears noted that KSL.com is free. Getting quotes from Coalville and Heber was also suggested. There was agreement among the Board to advertise in more than one place.

In the interest of time, Mr. Sears suggested that they discuss it further offline and stressed the importance of making a decision this week.

Mr. Adams asked if any changes regarding the plow route needed to be considered. The current route is Forest Meadow between Junction Court and Arapaho, and then Arapaho between Forest Meadow and the parking lot. Ms. Sutor had not heard any complaints from the owners and thought the route was sufficient. The Board agreed.

Mr. Adams asked if the selected plower should be asked to do snow blowing as well as plowing.

He noted that the person they hired last year has said that if the HOA enters into a longer-term agreement with him, he will purchase a snow blower. Paul Suitor did not think they should contract with anyone who does not have a blower.

Mr. Sears reiterated that the Executive Committee would discuss it offline and identify at least three places to advertise at a reasonable cost. Mr. Suitor suggested asking respondents to submit two bids. One bid would be what they have been doing and plow every time it snows, and a second bid that includes snow blowing at a lower amount.

Mr. Suitor pointed out that the HOA spends a lot of money plowing that connector. If the HOA had purchased equipment to plow it themselves a few years ago it would have paid for itself. Mr. Sears noted that the Board discussed that idea in the past and there were valid reasons for deciding against purchasing equipment. He stated that people are now saying it is a required road and not just an emergency exit. Mr. Adams thought they may need to revisit that issue at some point. Mr. Sears suggested that if it is revisited, they need to address how they are creating the road as a road all the way through the Ranch and not just an emergency exit.

Ratification – Amendment of Language to Guideline 4.4

Mr. Sears reported that the Board needed to Ratify the Amendment of the language that was added to Guideline 4.4 in the documentation last month. The Board voted to add the language following the last meeting.

MOTION: George Sears moved to Ratify the amendment that the Board agreed to for Guideline 4.4 to be adopted into the Architectural Guidelines. Michelle Suitor seconded the motion.

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

Mr. Adams clarified that Guideline 4.4 was approved and ratified. However, he corrected a simple typo in the sentence for bullet E, which read, “Class A and Class B”. He corrected the language to read, “Class A **or** B”.

Area Rep/Executive Committee Items

Mr. Sears announced that the Annual Meeting was scheduled for November 15th.

The Executive Committee was starting to work on the 2023 Budget. He would like to have the budget ready for the meeting next month so the Board members can review it before the Annual Meeting.

Mr. Sears noted that four Board positions were open for election this year: Treasurer, Area 2

Rep, Area 6 Rep, and Area 7 Rep.

Mr. Sears stated that they needed to form an election committee with at least three people. Anyone running for election cannot be on the committee. Katie Winters volunteered for the committee. Mr. Adams asked if they wanted to pursue electronic voting this year. The Board agreed with electronic voting. Mr. Sears pointed out that people need to be present at the Annual Meeting to vote on budget and other items, but all property owners can vote on Board elections for Area Reps and Executive members.

Sam Vincent wanted to know the correct time and place to make a request for a permanent budget item for fire safety. Mr. Sears noted that last year they added a fire mitigation one-time assessment. Rather than doing another one-time assessment, he suggested pulling the amount of the fire mitigation assessment into the budget process for next year. Mr. Vincent agreed that it should be a reliable, predictable budget item. He noted that they missed a chance this year to apply for another grant; however, they can apply for it next year. It will not be the last one they apply for because there is a lot of money in the west going to communities to help with wildfire prevention. He pointed out that it always requires matching funds, which is the justification for having solid money in the budget for fire.

Mr. Sears thought the fire mitigation assessment money was used positively and it was very successful. He could see no reason why they should not pull it into the HOA Dues budget, so it is consistently available. Michelle Suitor stated that in the past when they have needed additional money for gravel or other items, it was taken from other line items. If money is rolled into the budget, she asked if it would hinder them from applying for grants. Mr. Sears replied that currently they have a separate fire mitigation assessment and the additional \$15,000 from Dues that was allocated. He understood that it was not clear to everyone that all the money was focused on fire. Mr. Sears remarked that they can identify money that needs to be reserved.

Mr. Adams suggested that they ask Jessica Kirby with Summit County if there is a procedure that the HOA needs to follow to make sure the funds are clearly segregated. For example, whether a line item is sufficient to designate the funds or whether they need to set up a separate account in order to apply for federal grants. Mr. Vincent stated that Ms. Kirby asked for Minutes from the 2021 Annual Meeting as evidence that the community voted on the Fire Mitigation Assessment. The Minutes were enough to vouch for the availability of those funds. Mr. Vincent believed a line item on the budget was even more concrete than Minutes as evidence of funds.

Katie Winters and Aja Martin talked about concerns with the plow map and thought it was quite confusing. They asked if there was a better way to make it clear as to who is in charge of what roads. Mr. Suitor explained that once the HOA plays a role in those owner/operated routes, it creates liability. The HOA's position has been that the liability is on the private plower and the HOA keeps its distance. It was noted that the list of contacts is outdated, and the

problem exists everywhere on the Ranch.

Mr. Sears stated that he shared that same concern. He thought all the different plow routes should have a contact person who can identify what routes are actually being plowed so an accurate map could be produced. It would require coordination. Mr. Sears was unsure of the number of plow routes. He suggested that they contact Tom Deaver. Mr. Deaver knew everyone, but he is soon leaving the Ranch.

Katie Winters stated that she spoke with Tom Deaver earlier that day. She asked if she could take over the books and the administrative role from Tom Deaver for Area 4 completely separate from her role as a Board member, or if it would cause a conflict. Ms. Suitor replied that is separate from the Board responsibilities and would not create a conflict. Ms. Winters stated that she was meeting with Mr. Deaver in the next few days to obtain all the information. She would also work with Aja Martin and between the two of them try to identify the administrator for the other areas. Ms. Martin believed everything will work together better if they have an organized system.

Sam Vincent suggested that Katie and Aja contact Betsy Bothe, who is the main organizer of the plow route in Area 3. Ms. Bothe does a great job and he thought it would be beneficial to speak with her and possibly the other organizers of the different plow routes.

Open Public Forum

Stephanie Kleba, Lot PI-G-44 in Area 6, regretted not attending the last meeting, where the Board levied a \$500 fine against them for the culvert not being installed in time. If they had attended the last meeting, they could have told the Board about the problems they encountered and that the culvert was in process. The culvert was installed within two weeks of the last meeting. She outlined the different issues which included pipes, supply issues, and other problems. Their excavator had spoken with Jody about some of the problems. Another part that was missing from the last discussion is that she had contacted John Adams before that meeting to let him know that the culvert was being installed. However, the excavator and his crew got Covid and did not show up when he was scheduled to install the culvert. They have been at the mercy of their excavator. John Kleba further explained that three legs of power lines run under the ground in that location, and when they finally had it blue staked, they asked the excavator to install a metal culvert. It took some time and the excavator claimed he was waiting for the culvert to come in. When it came time to install it the excavator got Covid.

Paul Suitor pointed out that the fine typically increases every month, but the HOA put a stop on continuing the fine through the winter and allow the owners to install the culvert in the spring. Michelle Suitor remarked that it was a line item on the Lot Improvement Plan that was signed by the owner. The issue was raised before that it had washed out driveways on other properties.

The owners asked to have the fine reversed since the culvert was put in two weeks of the last meeting when the fine was imposed.

John Adams reported that he had been communicating with the owners throughout the summer. He did not have a chance to follow up on the culvert before the board meeting. Mr. Adams pointed out that sometimes people do encounter problems with projects, and he agreed that getting this culvert installed has been a long process. He asked if the purpose of issuing a fine is to instill a penalty or to get the job done. He personally thought the purpose is to get the job done and the owners did respond immediately when the fine was imposed.

Mr. Adams was comfortable reversing the fine because the culvert was installed. However, he agreed with Paul and Michelle Sutor that people need to be held accountable.

Mr. Sears remarked that the reality is that the owners signed the Lot Improvement Plan that included the culvert. He pointed out that last month when the culvert was discussed and the fine was imposed the culvert was still not installed, and the owners had not reached out to Mr. Adams to explain the situation.

After further discussion, Mr. Adams remarked that the Board had three options. They could leave the \$500 fine in place, they could make the fine \$250, or cancel the fine completely. He did a roll call to find out where each Board member was leaning. Dwaine Anderson was unaware of the history of the culvert issue, but he was willing to cancel the fine now that the culvert is in. Marty Hansen thought the fine could be cancelled since the culvert is installed. Sam Vincent was in favor of \$250 because fines are the only tool the HOA has to enforce rules that protect other people's property rights. In this case a lot of warnings were given and there was little communication from the owners to request an exception. Katie Winters agreed with Sam Vincent. It has taken a year to get anything done and as a precedence, halving the fine is better. However, she agreed with eliminating the fine for this particular situation. Shaun Baker favored keeping half the fine because he agreed completely with Sam Vincent's comments. It is the only tool they have to get things done. Paul Sutor had mixed feelings. This has gone on for a long time and his communications with the property owner deteriorated, which is why he handed it off to John Adams. Mr. Sutor thought the best solution was to halve the fine to \$250. Aja Martin thought damage to the neighbor's driveway was a major consideration. She thought keeping half the fine was appropriate. George Sears understood some of the circumstances, but lack of communication did not help their cause. He noted that the owners paid the first fine last year, which was key for him. If they had not paid that fine, he would take a harder position. Mr. Sears agreed with canceling the fine. Michelle Sutor abstained from expressing her opinion because the owners are one of their closest neighbors and they have lost a personal relationship over this matter. She thought this should have been handled in a closed session. Mr. Adams respected all the opinions because differing opinions make them stronger. It was a difficult decision, but he believes in forgiveness and favored canceling the fine.

Mr. Adams summarized that five Board members favored canceling the fine and four Board members favored cutting the fine in half.

MOTION: John Adams moved to cancel the \$500 fine against PI-G-44 and noted their effort in installing the culvert this spring. George Sears seconded the motion.

VOTE: The motion passed unanimously.

The property owners thanked the Board for their time and expressed appreciation for canceling the fine.

Committee Reports

Roads and Parking – Mr. Adams reported that he had met with Derrick Radke, the Summit County Public Works Director, about *how the HOA could better manage* Pine Meadow roads. They talked about alternatives and what could be done to stop the aggressive draining and deterioration of the road soon after road base is laid. Mr. Adams remarked that people on the Mountain see that the HOA spends a lot of money on road base, only to watch it wash back into the ditches. Mr. Adams had taken samples of the road base when he met with Mr. Radke. After looking through some of the road base, Mr. Radke thought the material looked a bit sandy, which could act like marbles on steep slopes. He stated that because standard UDOT mixes do not have a lot of clay, it can create a very aggressive washboard situation. Mr. Radke suggested that they talk with Crandall and Wardells and ask for a road base with a higher clay content. Mr. Adams planned to have that conversation with Jody.

Mr. Adams stated that Mr. Radke also mentioned that John Angel, the incoming Director, had started a trial with a company called *Substrata* on a material that has been around for a long time. It is an enzyme soil stabilizer that interacts with the clays and the limes that are in road base. It solidifies the road base like concrete. Mr. Adams stated that a trial was done on Democrat Alley in Kamas. He went out there to look at it and the road is hard as a rock.

Mr. Suitor asked if it was an annual process. Mr. Adams replied that it is only done once, and it lasts approximately 8 years. The cost is just under \$7,000 for a 6" application for one mile. The section needs to be ripped up with a grader that goes back and forth. It requires using 15,000 gallons of water per mile, but only 15 gallons of this enzyme per mile. Mr. Adams explained the process for laying the material. Mr. Adams had emailed pictures to all the Board members prior to the meeting. He noted that it looks like loose gravel, but it is very hard. Nothing has shed into the ditches. Mr. Adams was told that 6" is for normal traffic. The company recommends 9" to 12" if they anticipate heavy construction traffic on the roads. It takes 72 hours for the material to cure, but people can drive on it after 24 hours. However, people should avoid driving on the steep slope areas before 72 hours if possible.

Dwaine Anderson stated that he has decades of expertise on highways, and he was skeptical about this product. He offered to invest his time to research it further. Mr. Adams remarked that Mr. Radke told him that other people have used this product in Southern Utah to treat whatever they use as a road base, and then add two layers of chip seal on top of it. It periodically needs to be redone, but not every year. Mr. Anderson reiterated his offer to research the material and asked Mr. Adams to share where it can be found on the internet. Mr. Sears pointed out that Mr. Adams had already sent the Board members all the information he had on it. Mr. Anderson apologized and would read the email.

Mr. Sears thought this product might be a solution for the issues they deal with down below. Paul Sutor thought they should start with the places where they mag water. Michelle Sutor pointed out that all the roads were flat in the pictures Mr. Adams had sent. Mr. Anderson stated that he would fully support it if the claims were valid.

Mr. Vincent asked Mr. Adams how it holds up in the winter because clay can be very slippery on slopes. Mr. Adams stated that when he spoke with a resident he asked if he noticed anything different about the road. The resident told him that when it rains the road beads up and has a film because the water does not soak in. Mr. Adams was unsure whether using the product would change the traction characteristics of the roads. If it does, it could be a problem in the wintertime.

Mr. Adams was in contact with the manufacturer, and he would ask for other locations where this was used. It has been around for a long time and Utah is in their video.

Mr. Adams reported that he and Derrick Radke also talked about recycled asphalt, which requires a double layer of chip seal. It also requires maintenance work and if the maintenance is not done the asphalt will crumble. Mr. Adams asked about double chip seal over dirt. Mr. Radke had not done it, but he said it has been done successfully in Southern Utah. Mr. Radke recommended that Pine Meadow do some trials instead of doing the same thing repeatedly.

Mr. Adams had contacted Miller Paving to ask them about chip sealing and recycled asphalt. He was waiting to hear back.

Fire Committee – Mr. Vincent commented on the CWDG grant they intend to apply for next year. The grant would give them a significant amount of money to pay for equipment to help do forestry work in the future. However, they need to wait until after the Annual Meeting to know what they will have in the way of matched resources.

Paul Sutor stated that the last payment is due for Alpine Forestry and Carol should have all the invoices. Mr. Sears noted that the invoices amount to a significant amount of money and the Board needed to approve it.

Mr. Adams noted that two invoices were outstanding. Invoice MR-0040 dated August 29, 2022, in the amount of \$31,584; and Invoice MR-004 date September 20, 2022 in the amount of \$5,915.00. He recalled that the total contract was \$50,400. They have already paid \$12,500 and another \$8,000. Paul Sutor remarked that the combined invoices stayed within the \$50,400 allocated.

MOTION: John Adams moved to approve invoices from Alpine Forestry for a total amount up to the \$50,400 the Board previously approved to allocate for this project. Paul Sutor seconded the motion.

VOTE: The motion passed unanimously.

Mr. Sutor reported that the next cleanup event is the tractor day where they will try to level off the area on top of the winter lot. It was originally scheduled for October 1st but had to be changed to October 8th. The Fire Committee was still working on wood chips. He noted that the first burn pile is closed but the second burn pile is still open.

Board approved a verbatim record as a clarification of meeting record recommended by Michelle Sutor at [1:36:20]

George: anything else on the fire committee then...ok let's move along... uh playground equipment /community improvement we need to put that in there.

[1:36:23] I've seen all of the votes. Did it get enough votes for approval?

Paul: oh yeah it did...

Michelle: Nobody has voted no and everybody but one person has voted. It definitely passed.

George: so that is a ratification

Michelle: so, to recap it, [1:36:40] I made a motion to buy a playground set it's \$2600 plus a geodome climbing piece that was \$300, two picnic tables that are \$120 each. It will leave us enough money because we will probably have to buy our own culvert and probably some gravel to get to that area.

George: (inaudible comment)

Michell: I made a motion to purchase the equipment. It has been passed by everybody that has voted.

John: The swing set will not be used is that right...

Michelle: It does come with..., there is a picture with the climbing gym that has a tunnel and slide. It's got like a climbing rope ... It has a swing set that we will not install.

Marty: Where is the playground equipment going... I'm not sure where the playground area is...

George: It does not exist yet, it will be...

Michelle: so, on the website there was a previous architect that had drawn up plans, this was looked at back in 2015 and it is on an SS lot adjacent to the winter lot that we are meeting in right now, where the helicopter lands, a 20-acre piece of land...the helicopter can still land

there

George: John just put up a picture on the...

Aja: a climbing wall...that's a climbing wall...

Michelle: you can climb on that I'm sure...

George: if you fall there is a liability...

Michelle: one of the past board members in the past checked with our insurance company and we are covered

Shaun: Does I come with the grass and the fence...

George: Ok so we do need to ratify...

Michelle: I make a motion to purchase the playground that was outlined in the proposal.

George: to ratify... I'll second that. All those in favor...

Aye (all)

Shaun: hey Paul that's a good place to use your wood chips Paul...

George: Any opposed? No abstentions? Then it's approved.

[1:38:57] Michelle: I had... I do want to when we get to the budget, maybe do a small special assessment one-time only ... we can figure out a dollar amount to purchase a pavilion to go with this in the future.

John: Don't we have a... Alan Powell...

Michelle: Yes, we have a bench

John: it's supposed to go with that

Paul: it's in Jody's office where there is space for it. It's been there for over a year

[1:39:26]

~~Community Improvement — Playground Equipment. Michelle Suitor stated that no one has voted no and everyone except one person has voted. There were enough yes votes to pass.~~

~~Michelle Suitor summarized that she made a motion to purchase a playground set for \$2600 plus a climbing wall for \$300, and two picnic tables at \$120 each. They will still have enough money left to purchase a culvert and gravel to access that area. Ms. Suitor stated that her motion was passed by everyone who voted. She clarified that there is a climbing gym with a tunnel and slide. It comes with a swing set that the HOA will not install.~~

~~Ms. Suitor remarked that the play equipment and picnic tables will be placed on a 20-acre SS Lot adjacent to the winter lot. She noted that a past Board member had checked with the insurance company and the HOA is covered for liability.~~

MOTION: Michelle Suitor moved to Ratify the vote to purchase the playground equipment outlined in the proposal. George Sears seconded the motion.

VOTE: The motion passed unanimously.

~~Ms. Suitor stated that when they discuss the Budget, she may ask for a small one-time~~

~~assessment to purchase a pavilion.~~

Communications – Michelle. Suitor noted that Marianna has reached out to the Executive Committee twice. She did not think it was her place to answer her question on having a separate bank account for donations. Mr. Sears remarked that the organization will need to create their own bank account. If they create a business account, one of the individuals will need to take on the liability. Mr. Sears thought the best approach is to have a simple personal account with the name of the organization. It should not be an HOA account. They can have more than one signer on a personal account but only one person will be the primary owner.

Ms. Suitor asked Mr. Sears to email Marianna with that information.

Michelle Suitor stated that a welcome packet was created for new owners to the Ranch; however, people have reached out to her because the new owners are not getting a welcome packet from Carol. Mr. Sears would look into it and noted that the welcome packet needs to be updated.

Broadband – Mr. Sears remarked that they were planning to visit Timberlakes next week. The representative from All West would like to take them to Timberlakes for an installation of fiber optics in the ground so they can show how they do the work. Mr. Adams will send out an email to see which day and time works best for the Board members

Architectural Review Committee

Impact Fee

John Adams wanted to discuss the impact fee. He asked Carol when the impact fee was last changed, and she told him it was in 2013. Carol had sent him all the material, but he had not had the opportunity to review it. Mr. Adams stated that he came to this meeting with the intent of asking the Board to increase the impact fee from \$6,000 to \$7,000. It would be a \$1,000 increase. Mr. Adams noted that the \$7,000 impact fee would cover new construction up to 3500 square feet. He stated that there is so much construction on the mountain and the price of road base, fuel and other expenses for the HOA to maintain the roads has increased.

Paul Suitor did not believe \$1,000 was a large enough increase. He suggested a minimum of \$2,000. He commented on the significant damage that is done to the roads due to construction vehicles.

Mr. Sears stated that from a legal standpoint the Board could make that change right now and apply it to all construction next year. He noted that the impact fee must be formally approved at the Annual Meeting. The Board should publish an approved assessment schedule, which

would include the impact fee increase, at the Annual Meeting.

Several Board members favored a \$2,000 increase to help with maintenance costs. Mr. Anderson remarked that a flat fee hurts the small owner building a unit. He thought charging additional funds by square footage was more equitable. Mr. Suitor stated that impact to the roads is not affected by the size of the building. In most cases, damage is done by people bringing up rock or asphalt for a driveway or removing dirt from excavation. Those impacts apply to a 1,000 square foot home or a 10,000 square foot home. Sam Vincent agreed. there are too many variables to try to calculate an impact fee for each build.

Mr. Sears agreed to some extent that larger homes create greater impacts. He thought there could be some advantage to a two-tier model. He suggested increasing the impact fee by \$1,000 to \$2,000 and have a variable based on the amount of work being done. Paul Suitor asked if Mr. Sears was suggesting an \$8,000 impact fee up to a 5,000 square foot home, and anything above that square footage would be \$10,000. Mr. Suitor pointed out that there has not been an increase for seven years and he did not believe \$2,000 covered the increases over that time and the significant amount of damage that has been done to the asphalt.

Mr. Sears understood that everyone was comfortable moving forward with an \$8,000 impact fee.

MOTION: John Adams moved to increase the impact for new construction by \$2,000, making the total impact fee \$8,000 for a home or building with square footage up to 3,500 square feet starting in 2023. Paul Suitor seconded the motion.

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

Shaun Baker asked if the Board intended to restrict winter construction. Mr. Adams noted that the documentation for construction on the Mountain recommends that construction come to a halt and no large equipment should be on the Mountain after November 1st. Construction can begin again on May 1st. Mr. Sears pointed out that last year people were still coming up for construction after November 1st because there was no snow, but vehicles were getting stuck. Mr. Adams remarked that the most the HOA can do is fine the owner who continues construction after November 1st. They first need to issue a warning. Ms. Suitor noted that the issue is identifying the owner, which is nearly impossible. Another problem is not being able to tell the difference between a contractor coming up to fix a plumbing problem at an existing building, or the same contractor coming up to install plumbing for a new build. They cannot penalize existing owners for needing a repair.

Ms. Suitor thought the November 1st and May 1st dates should be added to the Lot Improvement Plan. Mr. Sears agreed. The dates are out there but they are not in the right place.

In the interest of time, the Board tabled this discussion.

Ratify motion for SS-143-2

John Adams stated that the Board needed to Ratify the August 26, 2022 approved motion for property SS-143-2 to remove the existing gate, to cut down the existing posts to 48" above grade, and to install plastic breakaway chain in a color that meets the architectural guidelines for roofing and/or siding colors, to allow reflective strips and to allow a wooden address sign that is up to 12" x 18". The owners of the property have completed all the work outlined in the motion.

Ms. Michelle understood that the owners were going to hang something reflective so people could see the chain. She should not see that on the picture. Mr. Adams stated that the owners were currently looking for reflectors to put on the post.

MOTION: Michelle Suitor moved to Ratify the August 26, 2022, approved motion for property SS-143-2 as outlined by Mr. Adams. George Sears seconded the motion.

VOTE: The motion passed unanimously.

Michelle Suitor left the meeting.

FM-D-171

John Adams moved to ratify the August 16, 2022, electronic vote approving a revised roof pitch for a 1:12 slope pitch over the powder room on Lot FM-D-171. He noted that the Board approved the entire build subject to conditions at the last Board meeting. Immediately following the meeting, he and Andrew Pagel realized they had approved the wrong roof pitch. The Board had approved a 1.5/12 pitch, and it was actually 1:12. The Board vote electronically and it was approved by seven votes.

MOTION: John Adams moved to ratify the August 16, 2022. electronic vote to approve the revised roof pitch of 1:12 slope. George Sears seconded the motion.

VOTE: The motion passed unanimously.

FM-D-92

John Adams reviewed plans for Lot FM-D-92. The owner, Dwaine Anderson, submitted plans in October of 2021 and the plans were approved. Since the approval, Mr. Anderson has had trouble acquiring trusses for the roof on his outbuilding. Mr. Anderson was asking to increase

the pitch from the approved 4:12 pitch to a 6:12 and 8:12 pitch and use stick frame construction.

The Architectural Committee had no issues with the request.

MOTION: John Adams moved to approve the increased roof pitch change for Lot FM-D-92 as requested. George Sears seconded the motion.

VOTE: The motion passed.

Dwaine Anderson stated that he has an 8' x 20' patio cover that is in the back. He gets a view if he has it on the side so he would like to move it to the side and cover it. It is very small. He is 200+ feet off the road. He submitted a picture showing the slope on the covered patio. Mr. Anderson asked how he should proceed.

Mr. Adams noted that Mr. Anderson had just submitted the drawing. As head of the ARC, he would work with Mr. Anderson on this request and bring it to the Board at the next meeting.

PI-C-14

Mr. Adams reviewed plans for Lot PI-C-14. The owner, Scott Smith, was asking to amend his original plan that was approved on December 12, 2021. Mr. Smith is well into construction and would like to add a deck of 36 square feet over his garage doors. The material is still the same. The garage doors will be bigger.

Mr. Adams stated that the ARC had no issues with this request.

MOTION: John Adams moved to approve the submitted amendment for Lot PI-C-14 to add a 36 square foot deck over the garage doors. George Sears seconded the motion.

VOTE: The motion passed unanimously.

PI-C-84-AM

Mr. Adams reviewed plans for a new home on Lot PI-C-84-AM. The owners, Ken and *Cali* Atkinson were proposing to build a 6,184 square foot new home on 1.5 acres. The proposed material is a medium brown vertical cement fiber in a woodgrain plank. The roofing material will be a combination of fiberglass presidential shake in a weathered wood gray/brown color, and a standing seam metal in matt black.

Mr. Adams noted that there will be retaining walls on the property and some of the retaining walls may be as high as 8-feet with a 4' step integration. Mr. Sears pointed out that Summit

County will oversee the retaining wall; however, the County will make sure that the HOA approved it.

Mr. Adams stated that the design is a complex mountain vernacular design. It has a number of roof slopes that are all in compliance. The impact fee is paid.

Mr. Adams noted that the ARC originally looked at the plans before the site plan was complete. The owners invited the entire Board to visit the property and a number of the Board members went. Mr. Adams stated that one of the questions raised was how to preserve the natural setting. He remarked that the owners were trying to preserve some of the larger trees around where the house will be built, and they shifted the house by 10-feet to preserve those trees. Mr. Adams stated that there will be aggressive construction; however, the owners plan to install a front berm at the front of the home and plant trees to replace the trees that will be removed.

Mr. Adams stated that the ARC reviewed the current plans and there were no major issues, other than the size of the house. Mr. Sears thought it was a large footprint for 1.5 acres. Mr. Adams remarked that a question raised in the past is whether the property owners have done what they can to make this new build settle into the mountainside, or whether the structure stands out prominently and is an eyesore. Mr. Adams thought the biggest issue is that the house is large and spreads out. The garage is close to the front of the property and the balance of the house is further to the back.

Mr. Sears asked if the ARC was comfortable with the plans presented. Mr. Adams answered yes. Shaun Baker thought the trees could be saved if they are careful and spend the time to do it.

Mr. Adams stated that a major hurdle is when a house this large goes in, particularly given the location, construction parking needs to be off the road.

MOTION: John Adams moved to approve the Lot Improvement Plan for PI-C-84AM, 1756 West Tollgate Canyon Road, for a 6,184 square feet new home on 1.5 acres. George Sears seconded the motion.

VOTE: The motion passed unanimously.

Mr. Adams noted that with all the construction going on, there are not a lot of protections for new people purchasing lots and trying to find a contractor to move forward. He stated that some contractors make the owners sign an agreement and collect an upfront fee. They sub out excavation that leaves a hole and they do not come back. Their excuse is being short-staffed or too busy, but then it happens again.

Mr. Adams referred to a specific property that the Board was supposed to review plans for approval this evening, but the owners decided to sell their lot. He knew of another person on the mountain who was dealing with the same situation with the same contractor. Mr. Sears pointed out that per HOA policy, they could not refund the impact fee to the owners who were selling because the contractor excavated and left a hole on the property.

Open Public Forum on issues discussed later in the meeting.

There were no comments or questions.

The meeting of the Pine Meadow Owners Association Board adjourned at 8:53 p.m.
