

Approved
February 18, 2020,
as written

PINE MEADOW RANCH OWNERS ASSOCIATION
MONTHLY BOARD MEETING
RANCH MANAGER'S OFFICE
JANUARY 21, 2020

In Attendance: Pamela Middleton - President; Nick Jackson – Vice President; Michelle Suitor, Secretary; Tom Brace (Area 1); Bennett Wetch (Area 2) Nicole Irving (Area 4); Bruce Hutchinson (Area 5); Paul Suitor (Area 6); George Sears (Area 7). Bruce Hutchinson (Area 5) participated via telephone.

Ex Officio: Jody Robinson, Ranch Manager; Randy Larsen, Assistant Ranch Manager; Robert Rosing, HOA Counsel

Excused: Andrew Pagel, Treasurer; Joe Pagel (Area 3); Ted Bonnitt (CCRs Committee).

Guests: Karen Post and David Post Lot PI-G-67,68; Roy Parker, Lot PI-G-84; Ginger Larsen, Lot 2655 Iroquois Loop; Lee Merryweather, Lot PI-63; Kim and Dave Klopp, As Non-HOA (SS-156-B) members and residents at the bottom of Tollgate, they thanked the Board for inviting them and for the great work they do for the HOA.

Pamela Middleton called the meeting to order at 6:34 p.m.

Approval of Minutes

December 17, 2019

MOTION: Michelle Suitor moved to Approve the Minutes of the December 17, 2019 Regular Meeting as written. Paul Suitor seconded the motion.

VOTE: The motion passed. Pamela Middleton and Bennett Wetch abstained.

Ranch Manager Report

Jody stated that he and Randy had been doing snow removal.

Jody reported that the Ford dump truck was having motor problems. He had ordered the necessary parts and thought it would be repaired by Thursday. He had asked Bill Alderman to come to the Ranch and fix the truck at the shop. The rest of the equipment was running well.

Jody stated that they were nearly out of sand. He needed a small dump truck to haul sand up from the freeway safely.

Ms. Middleton assumed they would see invoices for the dump truck at the next meeting.

Jody stated that they would be working the grader the next three days. Ms. Suitor

stated that she starts work at 6:00 a.m. and if Jody would text her the night before, she could send it out before people begin their commute. Randy Larsen commented on the importance of people being prepared because they can be on one side of the road or the other at any time.

Water Company Board Meeting

Mr. Hutchinson reported on the Water Company Board meeting.

He noted that a frost plate blew out on Bull Moose on Christmas Day near Matt Brown's place. Brody and Trevor were able to repair it; however, the Water Company had to rely on Mountain Regional to re-supply the water in the tanks. The tanks are filled, and everything was working well at that point.

Mr. Hutchinson stated that the Water Board indicated that the tests for the cellular meters looked good. For the benefit of the new Board members, Mr. Hutchinson explained that the Water Company was testing a new system on a few water meters to see whether they want to upgrade to that cellular system in the future. So far, the test is working well but the Water Company will not make any decision until this summer.

Ms. Middleton had heard that Eric Cylvick had suggested putting in a parking lot at the bottom. Mr. Hutchinson replied that he was unaware of it and nothing was mentioned during the meeting.

Ms. Middleton thanked Mr. Hutchinson for representing the HOA at the Water Board meetings.

New Board Members

Ms. Middleton welcomed the new Board members. She noted that the Board held a short meeting a few weeks ago to get acquainted with the new members and to assign committees and committee positions. Ms. Middleton clarified that it was an informational meeting only and no votes were taken. The intent was to avoid taking up time during a regular Board meeting.

Parking at the Bottom of Tollgate

Ms. Middleton reported on a call she received from Deputy Maynard with the Summit County Sheriff a week ago. Deputy Maynard told her that the Sheriff's Department does not want to enforce parking at the bottom of Tollgate Road on the County Line by the mailboxes and the Interstate. Deputy Maynard recommended that the HOA reach out

to the Summit County Attorney and request approval for the HOA to enforce parking. Ms. Middleton stated that after this weekend, she believed that was something the HOA wanted to do because it was dangerous. The mail carrier was complaining. The dumpsters were blocked and the garbage could not be picked up. People were parking all over the road.

Ms. Klopp stated that she was told that drawings were done of parking lots that would be accessed through the HOA easements. Another person stated that he could expand on that during the Open Forum.

Ms. Middleton thought the situation had been building up and it exploded this weekend. She contacted Mr. Rosing and asked him to contact Summit County to set up some type of arrangement to get a legal agreement with the County to allow the HOA to enforce parking through signs and towing. Mr. Rosing was told that Alan Powell previously started that process with Helen, a civil attorney with Summit County. Mr. Rosing stated that when he contacted Summit County, he did not have the benefit of the background on all the safety issues Ms. Middleton outlined. Tonight's information was helpful and might aid in pushing the issue with Summit County.

Ms. Klopp stated that the problems Pine Meadow Ranch experienced over the weekend has been a problem they have dealt with for four or five years. They have spoken with Derrick Radke at the County and they tried to buy the land at one point. However, for safety reasons no one wanted to control it, but she plowed it until someone told her she was not doing a good job.

Ms. Middleton recommended that Robert Rosing work out an agreement with Helen or someone else at Summit County. Once that agreement is in place, they can order signs and take appropriate steps. Mr. Rosing asked if part of the area in question was UDOT land. He was told that approximately 70% of the area where people park is owned by UDOT. Mr. Rosing asked if it was worth reaching out to UDOT. Ms. Middleton asked who owns the area with the mailboxes. She was told that it was owned by Summit County. Ms. Middleton thought that area was more dangerous when people were parked there over the weekend.

Someone understood that HOA legal fees have been increasing over the years and he suggested that a Board member try to work with Summit County first before turning it over to Mr. Rosing. Ms. Middleton explained that she had asked Mr. Rosing to look into it because the Board will need to deal with legal documents at some point. She believed Mr. Rosing would be the best person to contact Helen in the County Attorney's Office. However, she was not opposed to the idea of a Board member volunteering to contact UDOT on that issue. Nick Jackson volunteered to contact UDOT.

Ms. Middleton stated that if they need to get signs for other things, she asked if they should wait and purchase all the signs at once, or whether they should get signs around the dumpster area immediately.

Ms. Irving noted that signs cost the same regardless of the number purchased at one time. Ms. Irving stated that stickers can be purchased to place on car windows to warn people that they will be towed if the car is not removed. The cost for a book of 50 stickers is approximately \$62.

The Board discussed signs for the dumpster. The idea is to have two signs stating that "parking between these signs with permit only". On the east side of the lot between the dumpsters and near the recycle bin there is a safe area to park where cars will not be hit by the garbage trucks. Ms. Irving offered to look into signage and stickers.

Mr. Rosing asked if the Board intended to tow or boot cars. Mr. Irving remarked that another financial issue is that no one tows for free. Park City Towing charges \$300. Heber Valley Towing charges \$200. Dan Schow no longer tows cars. If someone comes up and parks for the weekend, there is no way for the HOA to recoup the money if the car is towed. Mr. Sears noted that there is an impound lot and the impound lot will reimburse the HOA once they are paid. The problem is that people tend to abandon towed cars and they just sit in the lot.

Mr. Rosing asked if booting would be effective. Someone thought booting would exacerbate the issue because the car cannot be moved. Mr. Rosing emphasized that specific language would need to be posted before the HOA could boot or tow. Ms. Irving noted that there would be signage as well as a sticker on the car window informing the owner that they will be booted on a specific date.

Mr. Brace noted that the Board was talking solutions and ideas, but they needed to put them together and find the best solution going forward. Signs and towing might be the best solution, but there could be other alternatives as well. Mr. Jackson volunteered to work with UDOT and Ms. Irving was looking into signage. Mr. Brace thought at least two or more Board members needed to volunteer to consider all the ideas and determine which one is best. He assumed members in the public had their own ideas to contribute this evening.

Mr. Rosing remarked that the Board could move forward on the dumpster area while they consider solutions for the other area. Mr. Brace noted that there are other areas on the Mountain that can be transformed into additional parking to help resolve the problem. He believed there were many ideas and solutions that need to be brought

together and presented for a final solution. Mr. Rosing advised that if the Board chooses to create new parking areas, they should contact their insurance agent with that information. Ms. Sutor believed that new parking areas should be a long-term solution that they address after summer because it needs to be accessible, plowable, level, and other issues that cannot be determined in the winter. Ms. Middleton pointed out that new parking areas also need to be budgeted.

Lee Merryweather offered to work with Ms. Irving and Mr. Jackson on parking. Ms. Middleton noted that Scott Murray was currently leading the volunteer parking committee and they should include Mr. Murray as well.

Mr. Rosing stated that once Ms. Irving has all the information and a proposal, the Board could vote on a solution for the dumpster area via email since it was discussed this evening.

MOTION: Pamela Middleton made a motion to appoint Lee Merryweather as an owner member of the parking committee. Michelle Sutor seconded the motion.

VOTE: The motion passed unanimously.

Ms. Middleton clarified that Mr. Rosing would continue his conversations with Helen at the Summit County Attorney's Office.

Committee Members

Ms. Middleton called out the new committees and the committee members based on the meeting they had earlier this month.

Ms. Sutor though it was important to post each committee on the website once there is agreement among the Board on the committees and committee members. Ms. Middleton was comfortable with that idea. However, they will not post phone numbers or email addresses for non-Board committee members.

Architectural Committee: Andrew Pagel, Joe Pagel, Nick Jackson, Bruce Hutchinson, George Sears.

Ms. Middleton noted that Lee Merryweather is an experienced builder and she thought he would be a valuable addition to the committee. Ms. Irving remarked that each committee could have a subcommittee of professional consultants. Mr. Sears stated that the consultant would not vote but he is the person the committee consults on architectural matters. Mr. Rosing thought that was better than adding a sixth committee

member.

MOTION: Nicole Irving made a motion for Lee Merryweather to be a consultant to the Architectural Committee. George Sears seconded the motion.

VOTE: The motion passed unanimously.

Mr. Hutchinson welcomes the idea of consultants; however, he pointed out that most of the structural aspects of a building are outside the purview of the Architectural Committee. Pine Meadow Ranch follows the Summit County Regulations. The Committee focuses on outside appearance and fitting in with the Mountain vernacular.

Election Committee: Michelle Suitor and Tom Brace.

Road Committee: TBA.

Parking Committee: Scott Murray, Nicole Irving, Nick Jackson, and Lee Merryweather.

Fire Committee: Alan Powell and Joe Pagel.

Technology Committee: Jann LeVitre, Nick Jackson, Bennett Wetch, George Sears, and Nicole Irving.

CC&Rs Committee: Andrew Pagel, Joe Pagel, Pamela Middleton, Ted Bonnitt, George Sears, Karen Post, and Roy Parker.

Michelle Suitor noted that all the committees have at least one new Board member except the CC&Rs committee. Ms. Middleton noted that there were six members on the committee. She was never fully on the CC&Rs committee, but she read everything and participated so she would know and understand what was occurring. If a new Board member wanted to volunteer, she would officially remove her name from the list but still participate as she has been. Ms. Middleton informed the new Board members that the full Board reviews everything that goes out from the CC&Rs committee to keep everyone in the loop.

Mr. Hutchinson noted that his name was not mentioned in the list, but he is also a member of the CC&Rs Committee. Mr. Sears acknowledged that everyone on the Board who wanted to sit on the CC&Rs committee ended up participating. It was a major undertaking and it was helpful to have a lot of people involved.

Nick Jackson also volunteered to be on the CC&Rs committee.

Mr. Rosing remarked that the Architectural Committee was usually limited to 3 people per the Architectural Rules, but there were no restrictions on the other committees.

Playground Committee: Nicole Irving and Michelle Suitor, and Johanna Brace.

Architectural Committee

Mr. Hutchinson stated that he has responded to several inquiries. He also copied Carol and the Architectural Committee on everything. Yesterday he sent out a response to an inquiry. Since he is on the Architectural Committee it should go back to him as well, but he had not received anything. He contacted Carol and she was going to look into why he was not receiving the correspondence. Mr. Hutchinson asked if the other Architectural Committee members were getting those communications. He stated that anyone who responds to these inquiries should copy Carol because she is the liaison and she keeps a file on all the communications. Every committee member should also be copied to keep everyone in the loop.

Ms. Middleton stated that if the Architectural Committee is communicating internally, she suggested using individual emails rather than the building email would be better while they continue working through these technical problems. Ms. Middleton reported that she was contacted about a building. Other Architectural Committee members were contacted as well and some responded. Mr. Merryweather stated that if they were talking about the Horse Sanctuary it was a big issue and they need to respond within 30 days.

Ms. Middleton stated that the Architectural Committee usually responds quickly. Bruce Hutchinson and Andrew Pagel are the lead people on the committee. Mr. Sears had seen four or five responses on that one issue. Mr. Hutchinson asked if they were referring to the Joe Dunbar matter. Mr. Sears answered yes. Mr. Hutchinson stated that Mr. Dunbar should be getting the information; but he had not seen a direct response from Mr. Dunbar because it all goes through Carol to the committee. Mr. Hutchinson noted that he had not seen any responses from other Architectural committee members either.

Ms. Middleton suggested that the Architectural Committee have a separate meeting to organize a structure. They did not have time to figure it out this evening. Mr. Sears did not believe every committee member needed to respond. They should designate one committee member to respond. Mr. Hutchinson stated that many times the first response comes from Carol when she directs people to the website. The information on the website answers some of their questions. Mr. Hutchinson suggested that for all the

committees, each committee should work independently and have a point person that can report their discussion and opinions to the entire Board. The actual decisions are made by the Board and not the committee. Mr. Hutchinson recommended corresponding with each other through email rather than phone calls so there is a thread to follow. One central person needs to collect all the information to be filed and he thought Carol was the best person to have that responsibility. All correspondence should be copied to office@pinemeadowranch.org and Carol can pick it up from there and add it to the file.

Mr. Wetch recommended that every committee that needs to resolve owner issues should have a clear process map from inquiry to resolution that everyone can refer to avoid having to debate which emails go to which person.

Mr. Hutchinson asked if anything had been resolved on previous issues such as the fence, the yurt, and the easement by the gravel pit. Ms. Irving stated that Carol should have assessed a fine on Lot FM-A-7.

Mr. Hutchinson stated that he had written a letter regarding the prefab home on Lot FM-D-116. The property owner was requesting the HOA cut down trees in order to move her prefab home into place. Mr. Hutchinson had written a letter to the owner asking that she not move forward on anything until she communicates with the Board. He also copied Carol so the letter would be in the file. The owner had not responded to either him or Carol.

Fund Reserve Fund Analysis

Mr. Sears noted that the Board decided at the last meeting to defer the Analysis until Spring. The Analysis needs to be completed and available before the next budget process in the Fall.

Noah Levine – PI-D-8

Mr. Rosing had spoken with Mr. Levine. The costs came in higher than expected and Mr. Levine had put the project on hold. Mr. Rosing will continue to follow up with Mr. Levine.

CC&Rs Update

Karen Post, Lot PM-G-67,68, provided an update on the CC&Rs. She asked if the Board was privy to the vote count. Ms. Middleton stated that she had not seen a count in a while. Ms. Post remarked that she did not have a recent count either so her

comments would be very general.

Ms. Post reported that the current vote response was in the low 40%. It was nowhere close to what is needed to adopt the CC&Rs. At this point there was no major direction to show where this was headed. Ms. Post commented on the amendment, which clearly states “in favor of now allowing nightly rentals”, and the vote was leaning in that direction. However, the amendment was very confusing and the way people voted was confusing, so it is difficult to say whether the result is valid.

Ms. Post stated that the real concern is that very few people are responding. It is disappointing that people do not recognize this as a pivotal point. Ms. Post remarked that the Board needs to know whether the final vote is yes or no so they can make the appropriate decisions moving forward. Ms. Post noted that the Board represents a variety of people on the Ranch and a variety of interests, but if people do not vote, they have no way of knowing what the majority wants for the Ranch and what direction to take.

Ms. Middleton asked about the next steps. Mr. Sears replied that the next step would be to send out another communication in the next two weeks. The communication will be less about issues and more a reminder to vote. In speaking with Carol, Mr. Sears understood that only four new votes were received in the last week. There was an uptick in voting between Christmas and New Year’s, but it had started to fall off in the last two weeks. Mr. Sears noted that the original plan was to send a communication every month to remind people that they have an opportunity to provide their vote on what direction they would like for the Ranch. He hoped each owner feels an obligation to vote.

Mr. Wetch thought it was reasonable to have an updated vote count at every monthly Board meeting and requested a standing agenda item to share the updated count. Mr. Sears recalled that the Board previously decided not to publish the count on the website until the final results.

Mr. Wetch stated that several people in his area have expressed concern about the context of the communications going out in terms of a reminder to vote. He was curious as to who approves the messaging and if there is a way to insure some sense of neutrality. Mr. Sears cautioned against neutrality because the Board approved to have the owners vote on those issues. The communications ask the owners to vote and the Board would like to see the revised CC&Rs approved, but the property owners have that choice through their vote.

Ms. Nicole thought the communication should be worded that way because that is not

how it was being perceived. Mr. Sears clarified that the communication asks the owners to vote and to approve, because the CC&Rs rewrite was approved by the Board at that time as the direction they wanted to go.

Ms. Post had emailed the Board members with what she had written for the committee. It had not been approved or sent to anyone other than the Board members. Ms. Post stated that her personal concern is making sure that what they send out is accurate and honest. It needs to be defensible and backed by laws.

Mr. Wetch clarified that he shared the same concerns that had been shared with him and he agreed that nothing should be left to interpretation. The shared concern is for a reminder to vote with no other context beyond that. Mr. Sears stated that some of the owners are misrepresenting what the CC&Rs actually say. If the Board or the committee does not counter those misrepresentations, they are not being honest to the owners. He believed they have an obligation to correctly state what the CC&Rs actually say.

Mr. Wetch referred to his earlier comment regarding process mapping. He thought it would be helpful to know the decision matrix for every communication that goes out because they do not have a communications committee. He was unsure of the process and whether the Board votes on communication and whether they are responsible or accountable. Mr. Sears stated that the members of the CC&Rs committee are responsible to create the basic initial communication and then send it.

Ms. Post thought she would be the one creating the communication, and she would appreciate Board input. She wants to know if something she says is not accurate. Her job is to make sure the owners are getting, accurate, true, and trustworthy information. Ms. Post noted that the committee talked about putting together a calling committee. If that becomes necessary, it would be a few months out. She was concerned with the number of property owners of undeveloped property who do not care to vote because they think it does not affect them. Ms. Post commented on the challenge of reaching 67%.

Ms. Middleton stated that Ms. Post should send her written communication to the committee for their review and input. Once it is finalized and ready to go out, she should send it to the entire Board for review and feedback.

Monthly Budget Review

Ms. Middleton reviewed the unpaid bills details.

The Board approved Nick Jackson as a second signer for the checks. He would contact Carol to make arrangements to add his name.

MOTION: Pamela Middleton moved to Approve paying the unpaid bills as presented for a total of \$30,772.38. Nick Jackson seconded the motion.

VOTE: the motion passed unanimously.

Ms. Middleton provided an update on the D&O insurance. Mr. Rosing had sent the information to her, Carol, and Andrew Pagel. Ms. Middleton felt that Carol knew the answers to the questions, and she asked Carol to fill out the form. She would follow up with Carol.

Based on their earlier discussion, Ms. Irving had checked the proposal that Noah Levine had presented to the Board. Mr. Levine proposed an \$11,000 contribution to the HOA. Both parties are responsible for the legal costs, and Mr. Levine would pay for the surveyor and all surveys. Document preparation and application costs would be split between both parties.

Open Owners Forum

David Klopp explained where the information came from regarding plans for the extra parking lots. He received an email last summer that Derrick Radke at Summit County had forwarded to him. The email was a communication between Mr. Radke and Eric Cylvick with the Pine Meadow Water Company. Mr. Cylvick did have a conversation with the Council at Promontory about building more parking lots on the County land beyond the Pine Meadow easement. Mr. Klopp called Mr. Cylvick and he told him that there were plans to do those lots. Mr. Klopp contacted Mr. Radke to see where Summit County stood on the issue and Mr. Radke told him that it is Summit County Land and they have an agreement with Promontory as part of their build out that Promontory pays the taxes to keep that land open space. Mr. Klopp remarked that the sliver of County land between DOT and the Ranch opens up to become approximately 160 acres to the east. At one time he tried to purchase that sliver of land and Summit County told him they had no plans to sell that land and it could not be developed. That was when he found out that the lot was larger than he thought. He could not afford to purchase the entire acreage and Summit County would not sell that smaller piece. Mr. Klopp later found out through the email chain between Mr. Radke, Mr. Cylvick, and Promontory that Summit County could not sell the land because it has a conservation easement and no vertical structures can be built.

Mr. Klopp stated that he followed up with Derrick Radke two months ago and Mr. Radke

told him that there were no plans for any parking lots. Ms. Klopp remarked that when she contacted the County, Mike Dowell had seen plans that showed a parking area going in over there, which caused her great concern because there are already nine parking lots that Pine Meadow can use. She felt the lots are unsightly and not maintained and they are left to deal with it. When she tries to plow it, she is threatened and accused of doing a bad job. Ms. Klopp stated that she and her husband have taken steps and they no longer need to deal with it.

Mr. Klopp remarked that the issue comes down to not wanting to see another parking lot added because it would only create another problem. He would like to see the HOA clean up the existing lots and they were willing to help. Mr. Klopp acknowledged that the HOA was already taking steps to maintain the dumpster lot.

Ms. Klopp offered suggestions for steps the Board could take to improve those lots and to eliminate some of the problems. She recommended carpool pickup, staging for construction in the summer, a chain-up area, a place to park a car for construction carpooling. She understood that cars break down or emergencies happen, and she offered a solution for allowing a car to remain overnight with steps to have it removed as soon as possible. Ms. Klopp noted that winter parking lots were designed for winter parking where a car or snowmobile can be left. She identified other lots and spaces for parking.

In the interest of time, Ms. Middleton stated that if Mr. and Mrs. Klopp had more ideas, they could participate with the parking committee because their input is valuable.

Ms. Middleton asked if everyone had received Bruce Hutchinson's proposal regarding changing the Architectural Rules so the impact fee would be assessed prior to building. Mr. Hutchinson clarified that the impact fee would be assessed as soon as an owner begins site development. Ms. Middleton favored that idea because they are seeing a lot of owners cut down trees, cut in driveways, and put in septic systems before the impact fee is paid. Mr. Hutchinson believed it would be a simple change that would solve a big problem.

Mr. Sears remarked that once an owner receives a permit of any kind from Summit County, they should pay the impact fee. Mr. Hutchinson agreed, however, under the current process the construction impact fee is not paid until they start building.

Ms. Irving understood that the proposal was to institute the impact fee upon any development on the land. Ms. Suitor agreed with the proposal. Mr. Sears remarked that some development on the land is necessary in order to make the lot usable, such as cutting in a road or a driveway.

Not all the Board members had seen the proposal Mr. Hutchinson had submitted because some were not on the Board at that time. Mr. Hutchinson suggested that Carol resubmit the proposal to all the Board members and put it on the agenda for discussion at the next meeting.

Ms. Middleton stated that if the Board agrees with the proposal and votes to change the rule, they should look at the other rules they have talked about changing and possibly do them all at one time.

The Board adjourned the Regular Meeting and moved into Closed Session.

The meeting of the Pine Meadow Owners Association Board adjourned at 8:05 p.m.
