

PINE MEADOW RANCH OWNERS' ASSOCIATION  
MONTHLY BOARD MEETING  
IN PERSON & VIA ZOOM VIDEO CONFERENCE  
OCTOBER 19, 2021

In Attendance: George Sears, President; John Adams, Vice-President; Michelle Suitor, Secretary; Andrew Pagel, Treasurer; Dwaine Anderson (Area 1); Marty Hansen (Area 2); Sam Vincent (Area 3); Nicole Irving (Area 4); Bruce Hutchinson (Area 5); Paul Suitor (Area 6); Scott Boyle (Area 7)

Ex Officio: Jody Robinson, Nolan Mitchell, Fire Safety Coordinator; Robert Rosing, Legal Counsel

Excused: Bruce Hutchinson (Area 5); Marty Hansen (Area 2); Scott Boyle (Area 7)

Guests: Debbie and Tom LeCheminant, PI-D-29. George Sears read the names of the public who were online; Courtney Palmer, Ethan Lamiman; Andi Harris, Sue Smith, Chris Bell, Alex Falkenstein, A-67; Lindsey Mattison, Eric Leonard, Brian Thompson, Michael Dibiasio, Brad Gannon, Sarah Rothenstein, Lyn Kerr. Mr. Sears was not able to identify others on the line who were only identified by their phone number.

George Sears called the meeting to order at 6:34 p.m.

### **Approval of Minutes**

#### September 21, 2021

Paul Suitor referred to page 3, second paragraph from the bottom, and the sentence, "Mr. Suitor stated that Eric accused him of saying that the Water Board has taken bribes". Mr. Suitor noted that the next part of the sentence says, "which he emphatically denies". Mr. Suitor thought the wording should be changed for clarification and correctly read, "**which Paul Suitor emphatically denies.**"

Mr. Suitor referred to page 4, second paragraph and changed \$110,000 to correctly read **\$120,000**.

MOTION: Dwaine Anderson moved to approve the Minutes of September 21, 2021, as corrected. Michelle Suitor seconded the motion.

VOTE: The motion passed unanimously.

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

Jody stated that they were trying to wrap things up for the year and get ready for winter. He did not have much to report this evening, other than they were getting ready for the snow and doing some snow removal.

Paul Suitor asked whether Jody had taken care of the culvert with the cement piping that Mr. Suitor and Mr. Sears had talked about. Jody stated that weather prohibited him from doing anything with the culvert, and he was hoping to take care of it by the end of this week.

Mr. Suitor stated that he spoke with the owner, and the owner is less concerned about the cement piping

and more concerned about the culvert under the road at the corner of Alexander. The owner dug it out the best he could, but it is plugged and needs water to run through it.

Mr. Suitor asked if Jody had looked at the crushed culvert on Uintah View that Mr. Suitor mentioned at the last meeting. Jody had looked at it and believed they could get through the winter without that culvert. The culvert will definitely need to be replaced.

### **Water Company Report**

George Sears reported that he represented the HOA this month at the Water Company Annual Meeting. Only five owners, plus the owners on the Board, attended the meeting. In addition to being a snowy night, many people chose to participate in the Fire Meeting at Summit County the same night.

Mr. Sears stated that the Water Company reviewed their budget year-to-date. They are within budget and expect to finish the year on track. The Water Company presented the budget for 2022, which was voted on by the members and approved.

Mr. Sears stated that the Water Company provided an update on Mountain Regional. The review process had started and at this point the Water Company was primarily answering questions from individuals at Mountain Regional. They have not yet delved deeply into the actual water system. It appears they are preparing for the process as they go more in-depth.

Paul Suitor remarked that the Zimmerman lot has been an ongoing issue for the Water Company where the water line froze and affected three lots. At the last meeting he specifically asked Brody about it and Brody said that Zimmerman had not contacted them, and it was past the October 1<sup>st</sup> deadline. Therefore, nothing would be done this winter and the line would likely freeze again.

Mr. Sears reported that the Water Company plans to upgrade and expand the tab on their website to provide more information on the actual annexation process for the owners. He suggested highlighting on the HOA website that there is a link, and the tab will be available to owners to access the updates. Ms. Suitor asked Mr. Sears to let her know when the Water Company website is updated so she can link the HOA website to something that is available.

### **Area Rep Reports**

Area 1 – Dwaine Anderson had nothing to report.

Area 2 – Sam Vincent reported that the owner of Lot E-36, on Arapaho, reported culvert damage from construction. Mr. Vincent asked if Jody was aware of it. Jody was unaware of it. Mr. Sears asked Mr. Vincent to send Jody an email with the details and the exact location of the culvert.

Mr. Vincent referred to the No Trespassing signs on Canyon Road where it hits Willow Way and turns into a

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jeep track. The owner, Joseph Pence, still has the No Trespassing signs up even though the road is HOA. Mr. Vincent stated that he was approached by owners in his Area, and he spoke with Carol about it. He understood that in September 2020 Nick Jackson sent a letter to Joseph Pence. Mr. Sears clarified that the property is in Morgan County right below Windy Ridge.

Mr. Vincent explained that Mr. Pence is worried about vandalism because his property was vandalized over a year ago. He replied to Nick Jackson's letter a year ago indicating that he wanted to sit down and talk about it; however, no one had followed up. Mr. Vincent wanted to bring it to the attention of the Board because the signs are up, and people are unsure whether they can walk on that road. He pointed out that emergency vehicles would not know whether they could use that road.

Michelle Sutor stated that she has asked Carol three times, as recently as this week, to send another letter to Mr. Pence. Carol responded yesterday stating that she wants the Board to call Mr. Pence. Ms. Sutor did not think it was appropriate for anyone on the Board to contact Mr. Pence.

Ms. Sears stated that he, John Adams, and Sam Vincent would work together to find the best way to reach out to Joseph Pence.

Ms. Sutor believed it was a different issue, which is why Mr. Jackson addressed it with a letter last year. If Mr. Pence continues to try to close his road and they do nothing about it, the HOA could lose its right-of-way. She noted that Mr. Jackson sent a letter so there would be documentation that the Board was addressing the issue and not letting it slide.

Paul Sutor clarified that the no trespassing signs are placed on the platted road. Mr. Sears stated that the property is in another county, and they need to understand Morgan County's rules and regulations. Ms. Sutor pointed out that the road Mr. Pence is blocking is in Summit County and it is in the HOA. His property that the road leads to is in Morgan County. Mr. Sears was under the impression that both the road and the property were in Morgan County. If the road is in Summit County, the issue will be easier to address.

Robert Rosing stated that once they speak with Mr. Pence, if there is no resolution and the signs do not come down, they should send another letter. He pointed out that a letter acknowledges that they know what he is doing is wrong. At that point, the HOA would need to take further steps to protect their property rights.

Mr. Sears thought they could use the GIS map to determine which parts are Morgan County and which parts are Summit County. Mr. Sears offered to contact the property owner. He would also pull the GIS map and do an actual analysis.

Area 6 – Paul Sutor reported on a concern regarding plowing the connector. He understood they had only received one bid on the contract that went out. The bid was from BTM and owners in his area have contacted him with concerns because they previously had a negative relationship with that particular company. The owners he spoke with preferred that BTM not be considered for the contract. He noted that

the owners were still having issues with the company and wanted to remain anonymous.

Mr. Sears pointed out that it is difficult for the Board to take action without more specific information. Mr. Suitor understood that this company has done plowing in the past, but he was not comfortable with only getting one response. He questioned where the contract was sent and why they only had one candidate. In the past at least three bids have come back. Mr. Sears explained that Jason moved off the mountain and the person from Park City needs additional equipment and he was not ready to do it. Next year they should have a broader bidding process to allow others to bid. Mr. Sears noted that someone had approached Jody about plowing the connector; however, the HOA was already having overall challenges with that particular individual. Hiring him would not be a good idea at this time.

Mr. Rosing asked if the contract has been signed. Mr. Sears replied that it was the same contract as last year but with new names and dates. Mr. Rosing stated that if the contract has been signed, the HOA was locked in with that bidder.

Mr. Suitor expressed his desire for plowing the connector to be in-house in the future. The board discussed equipment and manpower. Mr. Adams thought it would cost between \$70,000 to \$100,000 to purchase the equipment and they would still need to hire someone to run the equipment. Mr. Sears emphasized that the Board needs to begin the bidding process much earlier next year.

Mr. Pagel thought manpower was the biggest issue. He stated that in previous discussions, even if they can justify the return on investment over time if they purchase the equipment, the limitation is making sure they can find temporary help at a reasonable price and that the machine, plus the cost of the individual, will stay within the budget. The other issue is making sure that the individual who agrees to plow will not abandon them. Mr. Pagel stated that if the Board decides to purchase the equipment and do the plowing in-house, his recommendation would be to hire a third employee. Mr. Suitor agreed that the HOA has other needs where they could utilize a third employee.

## **2022 Budget**

Andrew Pagel stated that he and John Adams went through each line item. They had questions for Carol, and they were waiting on additional information.

Mr. Pagel walked through the ten-year projection he had prepared in order to estimate future expected expenses. In addition to questions for Carol, they still needed to determine employment and additional services. Mr. Pagel stated that Mr. Adams met with Jody to determine the upcoming expenses over the next few years that will happen on the reserve side, in contrast with the reserve study that Mr. Sears had issued in 2020. The current information was included on the sheet.

Mr. Pagel stated that the intention for this upcoming year and the next few years going forward is to fix two areas in the budget that have been lacking. He pointed out that every year they capture as much or more of the necessary amount of money to cover all the expenses. Historically, the excess has either gone into the

reserve or used to purchase new equipment.

Mr. Pagel noted that there are two different types of expenses: fixed expenses and variable expenses. They also have fixed income and variable income. The variable income comes from the construction assessment fees, which is \$6,000 per lot for a new build. He stated that the number has continually stayed at \$42,000; however, over the last five years it has averaged between \$70,000 to \$90,000. The problem is that the income is a function of the overall economic state and the cost to build a house and they cannot count on it.

Mr. Pagel stated that the fixed income comes from dues and the income captured from the SS lots, and it is the broad majority of the overall income and expenses. He remarked that the primary intention going forward is to have the annual assessment and the fixed income from the SS funds cover all the fixed and variable expenses, so they do not need to rely on the economic state and construction assessment fees to cover the remainder of the budget. Mr. Pagel stated that the goal is to set aside the \$42,000 allocation from the variable income and put it towards reserves in order to have additional money for future projects and to cover the cost of potential equipment purchases in the future.

Mr. Pagel stated that currently the one-time per year dues is \$450. In order to have all of the income cover the fixed expenses, he was proposing to increase the dues by \$50 to \$500 per year. Mr. Pagel remarked that he never intends to raise the dues a large amount in a single year. The \$50 increase being proposed is the largest threshold. He noted that half of the 807 lots are land only. The other half are built upon, but only half of those are full-time residents. All the lot owners pay the same dues regardless of land only or a full-time resident. He pointed out that the majority of owners subsidize the amenities and lifestyle of the minority. Mr. Pagel thought it was important to be conscious of that fact when talking about increasing the dues. He emphasized that the increase from \$450 to \$500 will cover all the expenses from the annual assessment and the SS lots.

Mr. Sears remarked that the challenge in the long term is how to achieve the appropriate reserve, and the Board needs to collectively determine what that number should be. Mr. Pagel stated that once they build up the reserve, they can eventually reduce the amount set aside for the reserve and use the additional amount captured every year for more aggregate, additional machines, etc. Mr. Sears stated that in past discussion, if they have a circumstance where they need to have additional money for aggregate, which they did this year, they could draw from the reserve, but it would be drawing from something other than the normal budget.

Mr. Rosing stated that anything that has a useful life of more than three years is a reserve item. He noted that roads have a longer life, but they require maintenance every year. Mr. Rosing remarked that if the goal is to have a savings account they can draw from when needed, some of that money should go into a saving account rather than the reserve. Mr. Pagel thought Mr. Rosing made a good point. He noted that the HOA keeps an extra \$150,000 in the checking account to serve the same purpose. He explained that every year they designate an amount for the reserve, and money is only pulled from the actual reserve towards the pre-designated reserve items. Mr. Pagel stated that they only fund the reserve once a year. Money from

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construction assessment fees goes into the checking account and can be spent on other things if necessary. At the end of the year, any money left over from the construction fees is put into the reserve account.

Mr. Adams stated that they also need to plan for items coming up in the next three to five years, such as the grader or one of the trucks.

Tom LeCheminant, PI-D-29, asked about increasing the construction assessment. Mr. Pagel replied that currently there were no plans to increase the \$6,000 fee. However, since his time on the Board, they have raised that amount of the additional square footage fee to \$2.40. Those funds are becoming valuable because people are wanting to expand their current development or add a garage. Mr. Pagel stated that they do not want to overburden the person who wants to build an 1800 square foot cabin on their lot.

Mr. Sears noted that there is a lot of detail and breakdown relative to the 2022 Budget that they will be presenting to the owners at the Annual Meeting on November 9<sup>th</sup>. He summarized that they were basically proposing a \$50/year increase in the annual assessment and allocating those funds appropriately.

Mr. Suitor asked if the increase to \$500 covered the initial \$15,000 designated to the fire committee. Mr. Pagel answered yes. Mr. Suitor clarified that the proposal from the fire committee was to raise a separate line item of \$120 to cover \$95,000. He would like to see the \$120 increase as a separate line item to sell it to the owners. Mr. Pagel stated that the \$120 would be voluntary. He explained that they can only propose one budget and they cannot propose separate line items. In the presentation they will give a breakdown of the amount budgeted and the amount actually spent on each line item. They will then show what they project to spend next year and how much the dues need to be increased to account for the expenses. Mr. Pagel noted that increasing the dues is a yes or no question. If the majority vote no, the dues will remain at \$450. If they vote yes, the dues will be increased to \$500.

Mr. Suitor did not believe it would do anything to help with fire. Mr. Pagel stated that historically no money was allocated to fire. Mr. Suitor agreed, noting that money for fire has been behind for decades. Mr. Pagel stated that they cannot go from zero dollars to \$100,000 in a year because it implies a burden on the majority to subsidize the minority. Mr. Vincent pointed out that part-time and land only owners also benefit from fire mitigation. Mr. Suitor remarked that everyone on the Mountain benefits from fire mitigation. Mr. Pagel replied that they were also in the process of understanding how efficiently the budget is used. He thought the fire proposal was a little gray on the quantity of services they could provide within the restrictions of the areas. He questioned whether they would spend \$100,000 every year on clearing. Mr. Suitor stated that they would easily spend that amount each year on clearing.

Mr. Vincent remarked that voting procedurally on a separate budget item is fundamental to the rest of the conversation. He asked if not being able to vote on separate budget items was an absolute rule. Mr. Pagel answered yes. Mr. Rosing thought they could do it by voting on the budget and then voting on a special assessment. Mr. Suitor pointed out that a special assessment is a one-time assessment that does not occur every year. The fire committee was talking about needing \$120 per lot for an indefinite period of time. Under that circumstance, Mr. Rosing thought they would sell it as a \$620 Annual Assessment, adding \$120

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to the \$500 assessment Mr. Pagel was proposing. Mr. Rosing would look up the HOA documents to see what they are allowed to do while the Board continued their discussion.

Mr. Pagel stated that they were proposing to allocate \$15,000 next year to fire mitigation. At the Annual Meeting the fire committee will give their presentation and state that the owners are able to voluntarily donate towards the \$15,000. As the fire committee demonstrates how effective they can be, they will be able to allocate a greater amount of funds towards fire mitigation.

Mr. Suitor pointed out that some Ranch owners are in danger of losing their homeowners insurance if Pine Meadow does not do more towards fire mitigation. Mr. Pagel asked if there was verification from the insurance companies that insurance will be cancelled without more fire-wise measures.

John Adams stated that after the meeting he gave Mr. Nolan feedback from the executive committee. Part of that was whether Mr. Nolan would be willing to go back to the community with the survey and evaluate if there is broad based support from landowners, full-time residents, and part-time residents. Mr. Adams pointed out that the original survey had that support level and showed the distribution of what people were willing to do. He stated that the number came up to the level they were trying to achieve; however, it could be argued that the survey had sampling bias. Mr. Adams remarked that if all the people who represent the three categories tell the Fire Committee they are willing to pay \$120 regardless of whether they only have land or live there full-time, it would support their argument.

Mr. Vincent stated that the fire committee wanted the opportunity to let all the owners vote because they were unaware that they could not have a separate budget item for fire. If they had known that they would have pushed a massive information campaign to let everyone know why, how, and how much and let every owner vote.

Mr. Suitor asked if they could put a vote out to the owners for \$500 or \$620 and see how the owners vote. Mr. Pagel stated that they can only propose one number and the vote is either yes or no to accept the increase in dues. That was his understanding from reading the Bylaws. Mr. Sears stated that it was his understanding as well.

Mr. Pagel stated that if they intend to raise the dues to include fire, they need to make sure the owners all understand it and are on the same page. He thought it was important at the Annual Meeting to let people know that the HOA is allocating \$1500 and individual owners can voluntarily contribute. If enough owners voluntarily contribute and significant funds are raised, it validates the pertinence of the actual owners. Based on how this is received, next year they could potentially increase the dues again in order to fund fire mitigation. Over the next year, the fire committee could push a large campaign asking if people would be receptive to increasing the dues a large amount for fire. Mr. Pagel did not believe they could bring it to the owners only one month in advance when the majority of the owners are not full-time residents. He pointed out that the majority of owners do not attend the Annual Meeting.

After further discussion, Mr. Rosing suggested that they could vote and approve a budget with an increase

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to \$500 for the annual assessment, and then vote separately to approve a special assessment for \$120. He recognized that a special assessment is not a permanent addition to the budget, but if it passes, they will have a year to see how it works and how people respond and then determine whether it could be permanently added to the budget next year. Mr. Rosing clarified that the special assessment would be a separate vote and require the majority of those present at the Annual Meeting to approve.

Mr. Rosing disagreed with Mr. Pagel regarding the argument that increases only benefit those who live on the Ranch. He pointed out that the value of the lot, regardless of whether someone lives there part-time, full-time or not at all, is dependent on the proper function of the HOA and the ability to provide fire safety. Mr. Rosing stated that everyone receives the benefit in terms of the value of their lot, which is based on the Mountain not being turned into a giant burn scar.

Mr. Sears noted that last year the meeting was conducted by Zoom due to Covid, and only 100 owners participated. Those 100 people made decisions for 800 owners. Mr. Pagel thought it would be more palatable to potentially approach the members with a \$120 fee increase next year after a mass campaign to make people understand why the increase is necessary.

Mr. Suitor preferred that the Board vote on presenting a special assessment of \$120 at the Annual Meeting this year for a vote by the members. They would have 12 months to plan for another \$120 towards fire safety next year.

MOTION: Paul Suitor moved to increase the annual dues to \$500 and an additional \$120 special assessment with the idea that the following year they will continue the \$120 assessment if it goes well.

Mr. Pagel was unwilling to vote in favor of a special assessment because it does not change the conversation of forcing a broad majority of people to pay a sum based on the decision by a minority of members. He reiterated his support to allocate funds from the HOA and ask for voluntary contributions.

Mr. Adams suggested that the fire committee could spend time between now and the Annual Meeting on November 9<sup>th</sup> to let people know what is coming and why it is being proposed. If there is broad distribution of the information, each owner has the ability and opportunity to decide whether to come to the Annual Meeting and cast their vote.

Mr. Pagel suggested following Mr. Adam's suggestion but reducing the special assessment this year to \$60. Mr. Suitor stated that \$60 was not enough. Mr. Pagel remarked that it should not be all or nothing. Mr. Suitor pointed out that people responded to surveys and the majority are willing to spend the money for fire safety. Mr. Pagel thought the surveys may have been biased. Mr. Suitor remarked that people who want to be involved respond and there is nothing they can do about people who do not respond. People need to respond if they want to have a voice.

Mr. Suitor reiterated the motion on the table and requested a vote.

MOTION: Paul Suitor moved to increase the annual dues to \$500 and an additional \$120 special assessment

with the idea that the following year they will continue the \$120 assessment if it goes well. John Adams seconded the motion.

Nicole Irving liked the idea of a special assessment, but she also like the idea of it being voluntary. Mr. Pagel stated that his suggestion for a \$60 special assessment and a request for voluntary contributions allows the enforcement of half the amount and captures the other half through voluntary contributions. Mr. Pagel clarified that he would vote in favor of a special assessment of \$60.

Mr. Adams thought it was still important to inform the owners that a special assessment is being proposed and why, even if the amount is reduced. Ms. Irving believed a \$60 special assessment would be sufficient. She thought the lower amount would be more accepted by the community. Mr. Suitor did not believe \$60 would generate enough funds for what they need to do for fire prevention. Ms. Irving pointed out that something is better than nothing. Mr. Pagel noted that \$60 would generate approximately \$50,000. Added to the \$15,000 allocated in the budget, they would have \$65,000 for fire before any voluntary contributions.

The Board did not vote on the motion by Paul Suitor.

MOTION: Andrew Pagel moved to do a \$60 special assessment to put towards the fire committee upon a mass campaign of information to promote and help owners understand what the special assessment would be used for between now and the Annual Meeting on November 9<sup>th</sup>. Sam Vincent seconded the motion.

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

Nolan Mitchell did not believe \$60 was enough and he thought it was extremely important to understand that the fire hazard affects everyone. Mr. Mitchell wanted to see some definition of the requirement. He asked if the insurance companies were demanding fire mitigation. If they are, he thought it was a given that they need the money now. If they are not requiring it, then they have some time. Mr. Suitor stated that the insurance companies just walk away. He noted that two different companies have dropped insurance and will not insure Pine Meadow Ranch. Mr. Mitchell clarified that he was trying to define the problem. Mr. Suitor stated that the problem is that the HOA has not managed their forest at all. Up until this year, nothing has been done to prevent fires.

MOTION: Andrew Pagel moved to approve a proposed budget of an Annual Assessment Fee of \$500 to the owners at the Annual Meeting on November 9, 2021. George Sears seconded the motion.

VOTE: The motion passed unanimously.

Mr. Pagel stated that by next year he would like to see what the money is used for, as well as validation from the insurance companies to make sure they are spending the money where it counts and that the insurance companies agree with it.

### **Monthly Budget Review**

Andrew Pagel reviewed the unpaid bills details.

Michelle Sutor referred to an invoice from BTM for plowing. She noted that when they contracted with Jason last year there were three installments spread out between January, March and May. Ms. Sutor wanted to know why they were paying an invoice when no work has been done.

Mr. Sears stated that the first invoice was paid last year at the beginning of the contract. The second was paid at midpoint. The third was paid at the end of the season. Ms. Sutor questioned why they were paying BTM already. Mr. Pagel replied that the first installment is paid upon signing the contract.

Mr. Pagel thought Ms. Sutor had a good point. He was unsure who had reviewed the contract and asked if the other Board members were comfortable paying the invoice at this point. Ms. Sutor did not believe anyone had reviewed the contract. Mr. Sutor thought the contract was signed before anyone voted on it. Mr. Sears pointed out that this was the same billing milestone as previous years.

Mr. Pagel thought the remaining bills were straightforward. He asked for clarification of the primary expense on Mr. Rosing's invoice. Mr. Sears believed it was partly for time spent on the easement issue and partly on the information Mr. Pagel had requested. Mr. Pagel thanked Mr. Rosing for staying within the limit previously discussed.

MOTION: Andrew Pagel moved to approve the unpaid bills in the amount of \$17,611.20 as presented. John Adams seconded the motion.

VOTE: The motion passed unanimously.

### **Annual Meeting**

Mr. Sears reported that the Annual Meeting was scheduled for November 9, 2021. The meeting will be held in person at the Sons of Utah Pioneers Building at 6:30pm and also virtually on Zoom. They were still working on the actual agenda.

John Adams reminded anyone interested in being a candidate that the October 22<sup>nd</sup> deadline was approaching. If any of the Board members intend to extend their candidacy, Carol needs that information on October 22<sup>nd</sup>. Mr. Adams pointed out that only four people have indicated an interest: Marty Hansen for Area 2; Sam Vincent for Area 3; Bruce Hutchinson and Shaun Baker for Area 5.

Mr. Adams noted that at the last meeting he mentioned the Bylaws and having the ability to begin using electronic voting. Mr. Adams had done some research on the matter. In looking at what other HOAs have done, they need to focus on two things. One is to get the Board permission to create the framework for electronic voting. The second is to mandate that electronic votes are authenticated. Mr. Adams drafted one sentence as a resolution to the Bylaws as follows: "Members may receive the option to cast their votes

electronically through procedures and deadlines determined by the Board that verify the authenticity of each vote, and if permitted by law.” He believed the language was broad and gives the Board sufficient room to create rules and regulations around electronic voting. In the process of creating the rules and regulations they need to address seven items: 1) consent to online voting; 2) opting out of electronic voting after giving consent; 3) authenticating each member’s identity; 4) validating each electronic vote to make sure it is not altered; 5) look at transmitting a receipt to each member after casting an electronic vote; 6) archiving electronic ballots so they can be available for review and inspection; 7) determine how electronic ballots contribute to the quorum. Mr. Adams was unsure of the legality of the process, but it could be argued that anyone who casts a vote electronically is part of the quorum.

Mr. Adams intended to have a discussion with Robert Rosing to see how they can move forward. He thought the goal should be to keep it simple. Mr. Sears clarified that electronic voting would not be available for this year. It would be considered for subsequent years.

Mr. Rosing stated that there are provisions in the Utah Revised Non-Profit Corporations Act that permit certain kinds of electronic transmission of proxies or written consents without adding edits to documents. He would talk about that in more detail at a later time.

## **Committee Reports**

### Architectural Committee

#### FM-D-92

John Adams announced that he would be making a motion to ratify a vote that was taken since the last meeting on Lot FM-D-92, Dwaine Anderson. The Board approved the two Lot Improvement Plans. Mr. Adams stated that the Board did not complete the vote at the last meeting because the calculation on the assessment was incorrect. He noted that once the assessment was recalculated, Mr. Anderson wrote a check to the HOA for the accurate amount. Mr. Adams noted that eight Board members participated in the vote. Seven Board members voted yes and one voted no.

MOTION: John Adams moved to ratify the vote taken by the Board to approve the two Lot Improvement Plans for Lot FM-D-92. Paul Sutor seconded the motion.

VOTE: The motion passed unanimously.

#### PI-C-14

Mr. Adams reported that the ARC met last weekend to discuss plans for PI-C-14, 2274 South Pine Meadow Drive. The owner, Scott Smith, submitted a Lot Improvement Plan to build a garage with studio living space. The garage would be a separate structure with an attached covered walkway that extends from the garage area to the existing cabin. The proposed addition is 4,319 square feet. The materials proposed are a wood veneer that resembles the logs on the existing cabin. The roof would be metal and the same color as the roof on the cabin.

Mr. Adams noted that the lot is a smaller half-acre lot. Mr. Smith also owns Lot PI-C-15, the adjacent lot to the west.

Mr. Adams stated that Scott Smith has addressed all the requirements in the Lot Improvement Plan. It is a large structure and a modern, contemporary style. The Architectural Committee had no issues with the proposed plan.

Mr. Pagel asked if Mr. Smith had provided color samples that could be directly cited in the Lot Improvement Plan Agreement. Mr. Adams answered yes.

Ms. Irving recalled that the Board previously denied "additions" because a covered walkway is not an addition and does not count as connecting the two structures. Ms. Irving stated that she would not consider this an addition. In addition, the garage is three times the size of the original cabin on half an acre. It is not connected to the adjacent lot, which makes the adjacent lot irrelevant.

Mr. Adams clarified that the garage is on the same lot as the cabin. When the ARC reviewed it there appeared to be potential easement issues to the west; however, they verified it on the GIS map. Ms. Irving wanted to know if the two lots were replatted as one lot and recorded at Summit County. Mr. Adams answered no. Ms. Irving pointed out that the owner could potentially sell Lot PI-C-15. Mr. Adams stated that the second lot does not matter in this submission. Ms. Irving agreed that the second lot has no bearing on trying to put a 6,000 square foot home on half an acre. She noted that the Board encountered this issue in the past and it created a lot of drama within the community. At that time, the Board agreed not to do that again.

Mr. Suitor asked Ms. Irving if there were any rules that they could point to that would prohibit this proposal. Mr. Pagel thought Ms. Irving made a good point. The Board has tried to do their best to understand the impacts of building massive homes on small lots and the implication it has on road use, water resources, and other resources the community provides. Mr. Pagel noted that Mr. Adams had mentioned GIS mapping; however, GIS mapping is not sufficient, and the homeowner must provide a stamped survey.

Ms. Irving stated that there is not a rule specifying the size of the home; however, they still need to take into account whether it matches the surrounding homes. She thought the proposed structure was too large for the small cabins surrounding this property. Ms. Irving pointed out that the combined size of the structures would be 6,000 square feet on one half-acre lot. Mr. Pagel noted that the language in the rule asks whether a structure meets the mountain vernacular. He believed the language was vague to address this exact issue. Ms. Irving reiterated her personal opinion that a covered walkway does not justify an attachment.

Mr. Anderson agreed with Ms. Irving. However, he understood that a covered walkway is an issue for Summit County. The Building Department makes the determination on whether it is an addition or an independent structure.

Mr. Pagel stated that in terms of capturing actual revenue, they do not differentiate between an addition as an additional structure, or an addition such as a deck. The Board only specifies the cost of additions as \$2.40 per square foot. The term "addition" is more for capturing revenue and not building department technical terminology. Mr. Pagel remarked that in terms of building department technical terminology, Mr. Smith has gone through the process for an accessory dwelling unit, which is why the plan shows upper-level living space as 996 square feet. Mr. Smith will submit this as an accessory dwelling unit and not as an actual addition or expansion of the pre-existing living structure. Mr. Pagel pointed out that the Board still has the ability to decide whether 6,000 square feet on half an acre meets mountain vernacular.

Mr. Pagel stated that the HOA has made a point to minimize the ability for owners to create fences on their lots due to the obstruction for wildlife to migrate, walk, or use the area. He questioned the difference between half an acre being covered in a fence or being covered on every boundary with living area. He believed both caused the same problem of obstructing the ability for wildlife to live on the mountain. For that reason, Mr. Pagel thought it was important to think about controlling the overall built size within these lots.

Mr. Sears had the sense that not everyone was pleased with this particular proposal. Mr. Adams stated that Mr. Smith indicated that he was willing to come in and speak with the Board if necessary. Mr. Vincent asked if there was a precedent for percentage of the acreage that someone can put a building on, or whether they wanted to set a precedent. Mr. Sears replied that there is no precedent other than to abide by the County rule. He stated that the HOA only has the ability to deal with the actual structure itself in terms of how it looks and how it fits in within the environment. The actual approval of such a structure is determined by Summit County, including setbacks and other requirements.

Ms. Irving did not believe the plan as presented fits within the community. Mr. Pagel emphasized that mountain vernacular is the subjective term. Mr. Sears replied that it is a subjective term, which is why the Board needs to make a collective determination. Ms. Irving stated that an addition should not be three times the size of the original structure.

Mr. Suitor asked if anyone had talked to Mr. Smith about combining the two lots into one lot. Mr. Adams answered no. Mr. Pagel thought they should ask Mr. Smith to come and talk to the Board, and the Board could then have an internal discussion to make a decision. Mr. Sears suggested that Mr. Smith meet with the ARC and if they would like any of the Board members to attend, they could be there as well. Mr. Adams recommended that Mr. Smith obtain a tentative approval from Summit County; however, he understood the County would not give tentative approval because it does not meet the standards of an addition. Mr. Sears did not believe it was an addition. In his opinion, it is a separate structure. He did not think it went against any of the current Guidelines other than possibly the mountain vernacular.

Mr. Sears pointed out that the roof may be the same color as the cabin, but it is structurally different. Mr. Adams had asked Mr. Smith about the roof pitch, and he was told that the intent was to keep snow from falling in the front of the house or onto the road. Mr. Pagel stated that half an acre, including the 25' easement along the road and the 12' easement along the adjacent sides means that 65% to 70% of the

overall legal build area is covered by structure.

#### Garbage

Mr. Sutor reported that garbage was an issue again this week. Ray Parker spent several hours on cleanup. Mr. Sutor spent time on the phone today trying to work on a solution. Mr. Sutor stated that it is useless to try to talk to Republic. He spoke with Tim at the County today and he said that other communities similar to Pine Meadow have tried gates, locks, fences and other means. The only solution is to man the area and have a person there watching it. Tim told Mr. Sutor that fining people for dumping has worked in one of the facilities. Rather than going through the Sheriff's Department Tim will follow through himself if either a Board member or Carol emails him the information with pictures, license plate number, description of materials, as well as a description of the people dumping. Mr. Sutor stated that having Tim involved also gives protection to the homeowners who see someone dumping if they snap a picture.

Mr. Sears stated that they need to ask the owners not to get involved per se, but to take pictures if they see a dumping situation and send the pictures to the Board. The Board will then forward the information to Summit County and the County will pursue the individual.

Mr. Vincent thought it might be worth pursuing the cost of a high-quality camera for that area. Ms. Irving had already researched cameras and offered to send the link.

Mr. Rosing stated that they need to give someone a warning before they fine them. However, if dumping inappropriate items in the dumpster costs x-amount of money for the HOA to clean it up, the person dumping can be charged for that cost immediately.

Mr. Sears expressed appreciation and a thank you to Gianni Donati for helping to clear the lots and removing snowmobiles and other vehicles. The lot is not completely cleared, but they have made tremendous progress.

Regarding the lots, Mr. Adams noted that Gianni Donati had suggested that it would be helpful if the Board could send out an email highlighting that the lower portion is off limits to keep additional vehicles from going around the barrier. It is important to keep the lower parking lot clear until they burn the two burn piles, which is scheduled for the week after Thanksgiving.

Mr. Sears stated that he would take the lead on sending an email to all the owners. He would also include an article in the next newsletter emphasizing that vehicles are prohibited from parking in the lower lot until after the burn.

#### Roads and Parking

Scott Boyle was not present this evening, but he provided an update on the roads and Mr. Sears passed it on to the Board members.

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Fire Station

Nolan Mitchell reported that 60+ people attended the County Council meeting. He will continue to make sure they get what they were promised. Mr. Mitchell stated that the County Council did not approve the requested \$75,000, but they did approve discretionary money up to \$5,000 to start moving forward. The first thing is to get a PERC test as soon as possible to make sure everything else falls into place.

Mr. Mitchell is unable to attend the November and December County Council meetings and encouraged others to continue to attend.

Mr. Pagel stated that since the Fire Department does not control forest fires, he asked if the primary responsibility of the fire station would be to respond to home fires. He was told that it is private land, and the North Summit Fire District would respond to forest fires. Mr. Suitor emphasized that the Fire District has responded to fires on the Mountain, and they will continue to do so.

Communications

Mr. Adams commented on the Summit County wired broadband evaluation. He stated that on October 8<sup>th</sup> he and Mr. Sears received an email from Ron Voyer, the Director of IT from Summit County. In the email, Mr. Voyer indicated that he would like to help the Pine Meadow Community acquire wired broadband. Ms. Adams remarked that Summit County would like to submit for a Federal Grant, which is due November 1<sup>st</sup>. One carrier is interested in looking at whether they could run wired broadband from Silver Creek to the Pine Meadow community. Mr. Adams noted that the grant may have a 25% matching component, which means the Pine Meadow community would need to decide if it was something they were interested in if Comcast is comfortable doing it and if Summit County can be convinced that there is enough interest in the community.

Mr. Adams stated that the first meeting with Summit County is scheduled for tomorrow at 11:00, and they have asked that a few Board members attend. He has had a discussion with Ron Voyer and Michelle Suitor has reached out to him as well. There have been a lot of email exchanges. Right now, they were only trying to find out what it is that can be done, and whether there is broad support for wired broadband in Tollgate.

Someone noted that they were talking about millions of dollars to run wires to each individual unit and the HOA would be required to pay 25% of the total. Mr. Sears intended to find out all the details; however, he thought they would be remiss not to explore it. Mr. Pagel planned to attend the meeting.

Mr. Pagel thought the primary question was to ask Summit County to define how the overall exploration will impact the owners, especially since the legal easements are 33' on each side of the property lines.

**Open Public Forum**

Chris Bell thanked everyone who supported and participated in the cleanup on September 25<sup>th</sup>. The cleanup was a success but showed how much work still remains to be done.

Mr. Bell commented on the Comcast opportunity. He was curious about the plan. He would like to know whether they were talking about running physical wire through some roads to put in enough repeaters or antennas to allow wireless to extend from those points versus 100% trenching through the entire property. He thought there might be a way to minimize some of the groundwork and still provide effective high-speed wireless coverage.

Tom LeCheminant, Lot PI-D-29, asked about the trenching across the upper gravel pit. Mr. Sears stated that it is an easement from Rocky Mountain Power. It is an underground easement to bring power over to the lots in that area.

Mr. LeCheminant noticed surveying being done on Tollgate Canyon and asked if that was moving forward. Mr. Sears replied that it was the one Mr. LeCheminant and Pamela Middleton looked at 2 years ago on HOA property. An easement was granted and the road was designed. Mr. Sears noted that there was a Memorandum of Understanding and now the HOA was being asked to sign an easement.

Mr. LeCheminant asked if the easement gives the HOA the right to use the road. Mr. Sears answered yes. The easement currently reads that it is jointly maintained subject to who builds and who uses it.

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

The meeting of the Pine Meadow Owners Association Board adjourned at 8:38 p.m.

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