

PINE MEADOW RANCH OWNERS ASSOCIATION
MONTHLY BOARD MEETING
VIA ZOOM VIDEO CONFERENCE
OCTOBER 20, 2020

In Attendance: George Sears, President; Nick Jackson, Vice President; Michelle Sutor, Secretary; Andrew Pagel, Treasurer; Tom Brace (Area 1); Bennett Wetch (Area 2) Nicole Irving (Area 4); Bruce Hutchinson (Area 5); Paul Sutor (Area 6); Scott Boyle (Area 7).

Ex Officio: Jody Robinson, Ranch Manager; Robert Rosing, HOA Legal Counsel

Excused: Joe Pagel (Area 3)

Guests: Denny Smith, Lot PI-I-38; Randy Huntress, Lot PI-F-46 ; Lynne Kerr, FM-C-41; Nolan Mitchell, PI-F-17; Rocky and Gianni Donati, FM-D-87-B; Amy and Jason Smith, Lot FM-C-57; Tom LeCheminant, Lot PI-D-29.

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

Approval of Minutes

September 15, 2020

George Sears referred to page 2, third paragraph, which states that Mr. Sears identified Scott Boyle as the person who submitted his name for consideration as the interim president. Mr. sears corrected that statement to correctly reflect that he said Scott Boyle had submitted his name for consideration for the **interim Area 7 Representative**.

MOTION: Michelle Sutor moved to approve the Minutes of September 15, 2020 as written. Tom Brace seconded the motion.

VOTE: The motion passed. Bennett Wetch abstained from the vote since he was absent on September 15th.

George Sears welcomed Scott Boyle as the Area 7 Rep. Mr. Boyle will be serving out the remainder of the Area 7 term through the end of this year. He asked if Mr. Boyle had submitted his name as a candidate for the upcoming Board elections to run for the Area 7 Rep position. Mr. Boyle replied that he had not submitted his name yet.

Ranch Manager Report

Jody reported that the month has been hectic. The HOA lost one employee and gained a new one. They completed the asphalt repairs and crack seal. They had started grading roads again after the snowstorm a week ago. They were cleaning culverts and getting ready for the snow. Jody stated that he was also doing repair work on the snow removal equipment.

Jody stated that the new Assistant Manager is Porter Hellander. Mr. Sears thought Mr.

Hellander appeared to be a good fit and he appreciated that he was able to take over as quickly as he did.

Mr. Suitor suggested that they might need a culvert at the end of Uintah View on the Alexander Canyon. That area has always been wet from a spring, but the road seems to be deteriorating more and more. It was especially bad this summer.

Jody stated that he noticed the same thing and thought the bar ditch needed to be cleaned out. He pointed out that there is already a culvert near it. He will ditch the water down into the culvert.

Mr. Suitor noticed that the crack seal was done near the cattle guard, but it was not done further up. A crack that goes all the way up the road was never filled. Jody replied that a Non-HOA landowner does not want them to work on her piece of ground. He noted that she had called the police. Mr. Suitor thought the HOA had exclusive rights to maintain the road. Jody stated that the landowner will not allow them to do any maintenance on that roadway. It was noted that years ago Pine Meadow Ranch agreed with Summit County to take responsibility for Tollgate Canyon. Jody noted that the property in question is directly across the road from the HOA property at the bottom of the Canyon. *Paul Suitor asked Jody if the lot in question was Kim Klopp's? Jody said "Yes".*

Mr. Suitor noted that the HOA has legal rights to maintain that road, and if they do not maintain it, they will lose their investment. Mr. Sears stated that there are issues that the Board will need to address. The landowner contacted the police and claims that this is her property. She also sent the HOA a cease and desist and a trespassing notice. Mr. Sears remarked that Jody proceeded to do as much as he could without creating any more angst in the process. Mr. Sears remarked that the HOA needs to have a dialogue with the landowner at some point.

Scott Boyle reported that when the Special Service District was disbanded, part of that dissolution was that the HOA would take responsibility and ownership of maintaining Tollgate Canyon, as well as the Oil Well Road. The HOA has the responsibility to maintain those two roads as agreed upon with Summit County.

Mr. Suitor ask what occurred when the police were called out. Jody replied that the police said it was a civil matter. It is a private road, and they have no jurisdiction.

Mr. Suitor asked Mr. Rosing if it would be best for the HOA to proceed and maintain the road, and let the landowner pursue whatever she wants from there. Mr. Rosing was not prepared to give an opinion without looking at the background or underlying real estate documents. Mr. Rosing pointed out that an agreement with Summit County may not hold if she owns the land. It might require an easement, but he needed to do some research without offering any suggestions.

Mr. Sutor clarified that they were talking about the main road up Tollgate Canyon. Mr. Sears stated that in looking at the GIS Map, she may not own land in that area. It is County owned land. Mr. Sears noted that in spite of the issues, Jody was able to finish the majority of the road. Mr. Rosing was unsure if the landowner had a legal right to stop the HOA from maintaining that road.

The Board tabled further discussion until the Closed Session.

Scott Boyle asked about grading Oil Well Road. Jody replied that he graded Oil Well Road this past week when they were doing the crack seal so they could divert the traffic around it. Mr. Sears noted that often they hear requests not to grade that road. Mr. Boyle stated that it is also an emergency exit and it needs to be kept passable.

Bruce Hutchinson noted that Jody previously indicated that he needed to purchase blades for the plows. He asked if that had been done and whether they were ready for the snow. Jody replied that he already has chains, and one plow truck was ready. The Ford Truck was scheduled to have the new plow put on this next week. The sanders were ready, and he has chains for them. The sand shed is full.

Winter Parking Lot Discussion

Nick Jackson stated that removal of vehicles in the winter parking lot has been frustrating. Park City Towing was not willing to come up past Oil Well to remove unauthorized vehicles the same as they would for businesses. Mr. Jackson thought the Board should look at other solutions such as having a wrecker or a junkyard person come up to remove the last two vehicles that have been abandoned for a long time, so they can deal with the burn pile.

Mr. Jackson asked if the Board members knew of anyone who might be interested in removing an abandoned, but possibly usable, RV and a once stolen SUV. Mr. Jackson was unsure whether they were able to identify the owner of the RV. The black SUV was apparently stolen years ago, which was confirmed by the Sheriff, and it was left in the winter parking lot. He understood that the RV belonged to someone who moved off the Mountain years ago. Mr. Boyle thought the Sheriff would have the responsibility to tow the stolen vehicle to their impound lot. Mr. Jackson believed that was tried without success when the vehicle was originally ditched in the parking lot, but he was willing to try again to convince the Sheriff to tow it to the impound lot.

Mr. LeCheminant, Lot PI-D-29, questioned Mr. Jackson's comment that the black SUV was ditched years ago. He noted that the SUV was not there when he was on the Board eight or nine months ago. Mr. Jackson stated that it may have been stolen more recently than what he was informed. Mr. LeCheminant asked if the truck that was parked next to the RV was still in the lot. Jody replied that the truck was still there, and

he asked if Mr. LeCheminant had any idea of the owner. Mr. LeCheminant believed it was owned by Nate and Kristy James. Mr. Sears understood the truck had a valid tag. Jody confirmed that the tag is valid.

Handicap parking

Mr. Sears noted that Mr. Boyle added this item to the agenda to talk about a track vehicle that needs to be in the lower parking lot, as well as handicap parking.

Mr. Boyle stated that Carol Scott, Lot PI-I-29, asked him to speak about this to the Board. Mr. Boyle disagreed, but Ms. Scott believes it prevents her from accessing her cabin. He tried to tell her that no matter where she parks, the HOA is not preventing her from being able to access her cabin.

Mr. Boyle had done some research with ADA and looked at their website to determine what needs to be provided. He also looked up the Utah Code Ms. Scott provided in her email, which basically says a vehicle needs to have a handicap placard in order to park in a handicap stall. The Code does address a requirement to have handicap parking available. Mr. Boyle remarked that the ADA website states that for every 25 cars in a lot, one stall must be a handicap stall. A lot with 50 cars requires two handicap stalls, and one of the two stalls must be van accessible. Mr. Boyle found nothing that indicated a requirement to provide handicap parking. He was still looking into it, but Ms. Scott's claim that the HOA was preventing her from reaching her cabin was not accurate based on his research. However, he thought the Board should try to work with Ms. Scott. Mr. Boyle commented on others who park their track vehicles in the lower parking lot. When he looked at the parking lot the other day, he noticed an area by the upper parking lot where the water truck is parked that is a flat area. He suggested the possibility of designating that area as a handicap area. It is not the lower parking lot like Ms. Scott requested, but the space was deep enough to accommodate Ms. Scott's needs. Mr. Boyle stated that if they designate that area for handicap parking, he was concerned that Ms. Scott's biggest complaint would be having to walk through 5' of snow for 25' to uncover her snow cat. He asked Jody if it would be possible to keep the snow plowed a little better for people who needed to use that area.

Jody stated that the area is blocked off with the grader because that is where he needs to push snow from in front of the shops and the firehouse. Mr. Boyle asked if there was another area that could be cleared a little more to accomplish handicap parking and to make it easier for people who would need to park their track vehicles up there, similar to what they do in the lower parking lot. Jody understood the situation and offered to see if he could find a suitable area. Mr. Boyle asked Jody to look at the backside of the fire station as a possibility.

Bruce Hutchinson thought Mr. Boyle was creating a problem with his suggestion. He understood why Ms. Scott had a desire for convenience; however, many other people

on the Ranch could use a handicap sticker to make the same request.

Mr. Rosing stated that if a property owner was claiming disability and asking for an accommodation, he recommended that the Board have that discussion in closed session.

Mr. Hutchinson stated that he had done his own investigation and under ADA Title III Section 36.302, it says that public accommodations may refer an individual with a disability to another accommodation if that individual is seeking it. If they are not in a position to provide it, they can recommend they go somewhere else.

Bennett Wetch noted that Mr. Rosing had recommended moving this discussion to closed session and he suggested that they heed the legal advice and stop the conversation.

Mr. Sears moved the topic to the closed session items. He asked Jody to explore potential areas, subject to a Board decision.

Michelle Sutor left the meeting.

Parking Enforcement

Nick Jackson reported that nothing had changed at the dumpster lot and the mailbox lot. The parking rules are being enforced at the dumpster lot. They have not started enforcing anything at the mailbox lot. That would be a longer conversation as they approach winter now that they have more enforcement capabilities.

Mr. Sears stated that he spoke with Carol this week and she has had significantly more requests for vehicle stickers than in recent years. That was a good sign because the email that was sent out said that vehicles without stickers would be towed if the owners could not be identified, and people took it seriously.

Plowing the Pine Meadow/Forest Meadow Connector

Mr. Sears reported that they had received three bids for plowing the connector. The bids were similar in nature. Jason Smith submitted a bid. Brian Myers, the person who plowed it the last two years, submitted a bid. The third bid was submitted by someone who does snow removal in the Park City area. Mr. Sears noted that all three bids were within \$1,000 of each other.

Mr. Sears noted that the Executive Committee reviewed the bids, but he wanted to hear thoughts from the other Board members.

Paul Suitor could see himself plowing that connector in 10 or 15 years. He believed he would do a good job being part of the community and knowing what people expect. However, he could see pluses and minuses for both using someone on the Ranch or someone who does not live on the Ranch. Mr. Suitor suggested that the Board have that discussion. He was comfortable with having someone in the Ranch community plowing the connector, but he was concerned about the long-term jeopardy of damaging a relationship with the community.

Bennett Wetch asked Mr. Suitor to identify what he sees as the negatives for choosing a Ranch resident. In his opinion, proximity is paramount, and he believed they needed someone who is close to the neighborhood and able to do the plowing in a timely manner. Mr. Suitor agreed that it was one of the positives. In terms of the negatives, Mr. Suitor was most concerned about damaging a relationship with a homeowner. Dealing with property owners is a balancing act, and he could see situations where it could become a problem.

Mr. Wetch stated that from his perspective, if anyone enters into a business relationship with the HOA, they take on the potential for whatever might manifest itself as a result. He thought it was a similar relationship to those who join the Board. He understood Mr. Suitor's concern, but he thought it was something the potential winner of the bid needs to understand as a potential consequence of accepting the position versus what the HOA should consider as their own liability.

Tom LeCheminant, PI-D-29, personally felt that someone on the Ranch would do a better job because they have personal experience and understand the roads versus someone who lives in Evanston or Park City and just shows up to plow. Mr. Suitor agreed. He also thought Evanston was too far.

Tom Brace recalled that Mr. Wetch had comments last year regarding the plowing. Mr. Wetch stated that the complaints were generally that the plowing was being done at a time of day that made it untenable for people. There were also complaints about the quality of plowing.

Mr. Sears thought all the comments were good and valid. A decision needs to be made fairly quickly before the snow, and they need to move forward and do the right thing for the Ranch collectively.

Nicole Irving stated that her preference was to choose either someone who lives on the Mountain or someone who has previously plowed the connector.

Mr. Sears appreciated the feedback. The comments are helpful as they go through the final review. Mr. Sears thought it was important for the Board to have the opportunity to voice their opinions because they are the ones answering to owners in the different areas.

Mr. Sears stated that the Executive Committee would finalize their review and send it out to the Board in the next day or so for an email vote.

Ms. Irving asked if the Board wanted to hear from the bidders. Mr. Sears noted that Jason Smith was the only one on the call, and he was welcome to comment. Mr. Smith stated that he has plowed this route multiple times in the past with the exception of the two years that were bid out to someone else. Amy Smith stated that when they plowed that stretch of the road a couple of years ago, they never had any problems with neighbor relationships. If anything, it made the relationships stronger because they were able to address what the neighbors needed. She agreed with Mr. Wetch that last year was pretty bad, and the road was not getting plowed until 10 or 11 a.m., and they were plowing a strip down the middle of the road so the neighbors could get out.

Architectural Review Committee

Mr. Sears noted that the Board members should have received the feedback and the recommendations from the Architectural Review Committee.

SS-145-D-1 2809 Forest Meadow

Mr. Jackson noted that this item is an addition for one of the SS Lots at 2908 Forest Meadow. The owner was applying to build 1250 square feet addition onto the back of their house, and 400 square feet of garage space. It will be an extension of their current home. The materials will be the same natural cedar siding and green shingles as the home and fits within the Architectural Guidelines. The application meets all the requirements. The owners paid the impact fee, and the application meets the Guidelines.

The Architectural Committee recommended approving the application.

MOTION: Nick Jackson moved to approve the application for a 1250 square feet addition and 400 square feet of garage space at Lot SS-145-D-1, 2809 Forest Meadow, Jessica Ederer. Bruce Hutchinson seconded the motion.

VOTE: The motion passed unanimously.

PI-I-38 1042 Oak Road

Mr. Jackson stated that the owner, Dennis Smith, Lot PI-I-38, was applying to build a new cabin on their lot, slightly under 4500 square feet. The design and materials have a log cabin look. The materials are log siding, dark brown metal roof. The application as proposed meets the Architectural Guidelines.

Mr. Jackson stated that the only issue is that the retaining wall on the west side of the lot is a couple feet inside the side setback, and Summit County will likely raise that as an issue. Mr. Jackson mentioned it to the owner and there is a potential alternative plan where it would be moved 4-feet over. The owner requested that Mr. Jackson submit the plans as presented, and let the Board decide whether to request the alternative plan approve the plan as presented.

Mr. Smith stated that he spoke with the Engineer and he would like to submit it to Summit County. If other changes need to be made, he could make all the changes at one time.

Mr. Sears clarified that the Board was being asked to approve the plan for the basic structure as currently submitted without those adjustments. Mr. Smith will need to come back to the Board with an update on any other changes that need to be made.

Andrew Pagel was not comfortable approving this application with the retaining wall being within the setbacks. Mr. Pagel did not believe the driveway is within the legal setbacks. In addition, the overall driveway size is 30% of the buildable land area.

Mr. Smith stated that he put in a horseshoe driveway. He was not aware of any guidelines on size for driveways. He pointed out that the driveway is gravel. There will be no concrete or asphalt. Mr. Pagel reiterated that he was not comfortable with the retaining wall being within the side setback. They have a commitment to the landowners to make sure that any site maps submitted are within the property owner's legal setbacks.

Mr. Wetch asked the Board needed to vote this evening. He thought it would be better for Mr. Smith to take his plans to Summit County for their feedback and come back with all the updates before the Board votes. Mr. Jackson asked if Mr. Smith needed structural approval before Summit County would review his plans. Mr. Pagel noted that Summit County requires a water letter and an HOA approval before an owner can submit for a building permit.

Mr. Smith stated that if the Board wanted the site plan changed, he would have the engineer make the change. Mr. Pagel clarified that he liked the plan and the looks of the cabin. If they change the placement of the retaining wall, then he would approve it.

Mr. Brace asked if setbacks were within the Architectural Guidelines. Mr. Hutchinson replied that setbacks were not in the Guidelines; however, Summit County looked at several lots this last summer and said they were within the HOA setback area and suggested that the HOA give a variance. Mr. Hutchinson explained that the county will look at the plans and if it is within their guidelines. However, in speaking with the rep for that area, the neighbor will not be building close to the wall because the land is quite steep. Mr. Hutchinson stated that he did not have an issue with the variance, and he

would approve the plan as presented.

Mr. Rosing wanted to know who sets the setback. Mr. Smith replied that Summit County gave him the setback and said no structures within 12'. A driveway cannot be within 10'. They view the rock wall as a structure, which is why it would be 12' instead of 10'.

Mr. Smith stated that he would ask the engineer to make the change and submit it via email. He asked if the Board would wait until the next meeting to approve, or whether it could be approved prior to the next meeting. Mr. Jackson stated that since the Board had a chance to look at the plans and the materials, they would be able to do an email vote once Mr. Smith submits the change.

Report on Open Meeting

Mr. Sears reported on the community open meeting that was held in September as an effort to reach out to the property owners. He noted that the biggest issues raised were the dumpster down below and parking in the winter. People would like to see a synopsis of the minutes sooner than having the actual Minutes posted on the website. There was also a discussion about snowplowing. Mr. Sears thought the meeting was reasonably attended. People were very open and asked good questions. He thought the Board should continue to look for ways to better communicate with the owners.

Nolan Mitchell stated that he helped facilitate that meeting. He noted that he and the Board members who were there promised to schedule more open meetings. Mr. Mitchell thought there would be trouble if they had this meeting and no others. He wanted to make sure the opportunity continues because it will be beneficial to the Board and everyone on the Ranch to have that open forum. Mr. Sears concurred. He suggested the possibility of Zoom meetings during the winter, or possibly find other places to hold these meetings, subject to Covid-19 restrictions.

Water Company Report

Bruce Hutchinson was not able to attend the Water Board meeting and he thanked Paul Suitor for attending.

Mr. Suitor stated that he was told by two Board members that they need an HOA representative who can vote. They had concerns as to whether Mr. Hutchinson would be able to attend, especially during the winter. Mr. Hutchinson noted that in other meetings he has voted by phone, which is acceptable. Mr. Suitor agreed. He was unsure why they expressed that concern, but he wanted to pass it on. Mr. Hutchinson stated that he would speak with Eric Cylvick regarding the concern.

Andrew Pagel thought a good point to emphasize is that some people would like to call

into a Water Board meeting. Mr. Suitor stated that the Water Board was not willing to allow remote participation. Mr. Pagel thought they should start emailing the Area Reps stating that as of right now the Annual Water Company meeting is requiring in-person attendance. He remarked that they need to keep bringing it up because it is ludicrous not to allow it. Mr. Boyle noted that the Water Company has a seating limit of 50 people, which is the Covid limit. Mr. Pagel pointed out that a seating limit of 50 people and being unwilling to increase participation remotely was another reason to push for it. Mr. Sears stated that it has been communicated to the Water Company several times, but the Water Board has made the decision not to broadcast the meeting. The only recourse is to show up at the Annual Meeting and express their displeasure. The Water Board will also read emails if they email them on the issue.

Mr. Wetch thought the Board should proactively let the HOA members know about this situation. They owe it to the members of the Ranch to operate on their behalf, and he believed many people were unaware of how difficult it is to participate in Water Company meetings. The fact that he cannot get responses and he cannot attend the meetings in person makes it difficult to bring it up to anyone in the Water Company. He has no idea what to do next.

Mr. Pagel stated that there is an upcoming Annual HOA Meeting and an Annual Water Company Meeting that everyone on the Ranch needs to be made aware of, and the Area Reps need to do their best to inform them. Mr. Sears noted that the Board already had this discussion, and he did not think there was any disagreement in general. He stated that the Area Rep should have email contacts for the owners in their particular areas; however, he thought use of the email list was a topic for the closed session. Mr. Sears pointed out that using emails needs to be done very carefully because of how they promised the owners it would be used if they provided their information. Mr. Pagel clarified that in any other year he is for privacy and making sure the emails are not utilized for the wrong purpose. However, Covid has made knocking on doors a major health hazard and they might need to make exceptions this year and communicate through emails.

Election Committee

Mr. Wetch reported that very few people had submitted their names to run for board positions. He thought they needed to do more proactive outreach. Mr. Sears asked the election committee to prepare a statement that Carol could broadcast out to all the owners on the blast email list.

Annual Meeting Update

Mr. Sears noted that the Annual Meeting was still scheduled for November 11th. It is first come/first served seating. As of today, they had a limitation of 50 seats. It is a public meeting, and they may need to be more flexible with seating. Mr. Sears

explained that there will be a physical meeting with a limited number of people at the Sons of the Utah Pioneers building. They will also have people register to participate via Zoom. The HOA Annual Meeting can be declared a public meeting and they can have 50 people as long as they can socially distance all 50 seats.

Mr. Rosing stated that he has done several Zoom annual meetings. He was happy to speak with whomever was organizing this meeting regarding technical issues he encountered and possible solutions.

Private Plow Fund Discussion

Mr. Wetch stated that a variety of people have asked him about the private plow funds in different section of the neighborhood. Those areas do not match up with the area representation and he was struggling to figure out how to get that information.

Mr. Suitor stated that he gets the same questions, and he tells people to talk to their neighbors. It is not the Area Reps responsibility and he did not think they should get involved. Mr. Jackson stated that contact information for different groups, and which roads they plow is problematic for a number of reasons. He agreed that it was best for people to talk to their neighbors. Mr. Sears asked if the Board thought it would be worthwhile to have a list of the contacts who may have information.

Mr. Boyle stated there should already be a list of contacts because the HOA needs to make sure that everyone who plows has insurance. Mr. Sears remarked that it was his understanding as well, but somewhere in the process the insurance requirement has not been applied in recent years. Mr. Boyle stated that the rule was set up when they started allowing plowing. If someone wanted to plow, they needed to have a \$100,000 insurance policy and the HOA needs to be named. The rule also requires a contact person on who is doing the plowing in case there is a problem.

Mr. Rosing stated that the plow groups liability bother him more than anything else. When he first asked about them, he was told that the HOA used to require insurance and more formality. Someone eventually told him the HOA was taking on more liability because they were in charge of ensuring that the people doing the plowing were doing it right because the HOA was vetting them and giving them permission to plow. Mr. Rosing had not investigated to determine whether it was an accurate statement. He understood that was the reason the Association stopped following those requirements.

Mr. Boyle thought it was important to have something in place to make sure the plow routes are marked. And what happens if they knock out a fire hydrant or damage a culvert. The Association should be in charge of making sure the plowing is done according to the regulations set up by the HOA.

Mr. Sears agreed with Mr. Boyle and he thought those were things the Board should revisit. However, when he came on the Board a year ago, he was told that the HOA no longer manages or engages in the process. Mr. Sears added it to the list of items that

the Board needs to address.

Mr. Suitor stated that once a plower starts collecting money they need to be insured. To his knowledge, the ones collecting money from other homeowners are insured. Mr. Sears pointed out that the payments are donations, not collections.

The Board agreed to continue the conversation in closed session.

Monthly Budget Review

Andrew Pagel reviewed the unpaid bills detail. He thanked Robert Rosing for staying under the \$2,000 soft limit for legal fees. Mr. Pagel noted that they were on budget for the year and he anticipated leftover income at the end of the year.

MOTION: George Sears moved to approve the unpaid bills as presented in the amount of \$14,451. Paul Suitor seconded the motion.

VOTE: The motion passed unanimously.

Mr. Pagel reported that they spent to date \$76,720 of the total \$122,000 on overall road maintenance for the year. Road aggregate was one of the line items.

2010 Budget Projections

Mr. Pagel stated that after the meeting last week he sent out a quick summary of the 2021 Budget Proposal that will be presented at the Annual Meeting, as well as the Reserve Fund Study. The amount he was proposing to put in the Reserve Fund was

- \$50,000 from the leftover excess in income from 2020
- \$3,000 from the every three-year amount set aside for repaving Tollgate Canyon Road.
- \$20,000 for 2020

The total proposed amount for the Reserve Fund is \$73,000.

Mr. Pagel stated that \$30,000 was proposed for legal fees.

- \$24,000 per year as the Soft Limit
- \$ 6,000, plus for any unforeseen expenses.

Mr. Pagel stated that as of now, for legal expenses breakdown \$3600 of the \$30,000 was spent on Mr. Rosing attending the monthly meetings. Less than \$1,000 was spent on the CC&Rs. The remainder was spent on defensive issues.

Mr. Pagel stated that the variable income was set low. They expected \$42,000 for construction fees and topped at \$82,000 this year. There is \$1,000 deductible for roof repair.

Mr. Pagel remarked that if the Area Reps have asked questions about dues, they should tell people that the annual dues will not be increased, and they do not expect to increase the annual dues for the next couple years.

Public and Open Forum

Lynn Kerr, Lot FM-C-41, stated that she was interested in what was going on and she thought it would be helpful if the Board communicated more with the property owners. She does not like using the HOA Facebook page or the webpage. She would prefer more emails. Overall, she was pleased with what the Board was doing.

Mr. Sears stated that the Board was working on the possibility of a communication process and he will keep her informed in the future.

Tom LeCheminant, Lot PI-D-29, noted that Scott Boyle had said when the Special Service District was dissolved Summit County gave Pine Meadow the rights to all roads on the Ranch, off the Ranch, Tollgate Canyon and Oil Well. He asked if that also included Forest Meadow Road.

Mr. Boyle replied that Forest Meadow Road is included.

Mr. LeCheminant recalled a previous discussion where they mentioned a lawsuit years ago with Elizabeth Follette, Lot SS-145-A-3-A, regarding her driveway and rerouting the road on lower Forest Meadow Road. Mr. Boyle stated that there was an issue with Axel and her rerouting the road. Mr. LeCheminant recalled that the outcome was that the HOA had the right to maintain that road or go through her roadway. Mr. Boyle replied that he was correct.

Amy Smith, Lot FM-C-57 wanted to know why nothing has ever been done in front of Elizabeth's house. That part of Forest Meadow is horrible and has been in the six years she has lived there. She wanted to know the difference between that and the property owner the Board talked about this evening.

Mr. Sears stated that the HOA was in the process of trying to work with Elizabeth. He spoke with her today because they were trying to fix some of that road and ran into a problem. Mr. Sears remarked that there are two properties down there and they were looking at doing something to help maintain that road. He believed it would require more effort on both sides to resolve the issue and meet the needs and expectation of both sides. It might be next year before everything is in place, but at least they were having the dialogue.

CCR's Review

Tom Brace asked if the Board was planning to address the CC&R initiative. Mr. Sears stated that he intended to communicate that to the owners as part of the Annual

Meeting. Currently, the CC&Rs have not passed. The final voting was 395 ballots, which did not meet the threshold to pass anything. 162 total votes were in favor of the CC&Rs, 229 against the CC&Rs. The amendment, which was dealing with rentals, 149 were in favor, and 214 were against the amendment. That was the final count as of October 1st. Mr. Sears noted that a separate issue related to rentals will be addressed in the closed session.

Nolan Mitchell, Lot PI-F-17, stated that he followed up with the James' on the winter parking lot and the truck is not theirs. Following up on Lynn's comment, Mr. Mitchell agreed that more emails are better. The one thing he hears the most when he talks to people is the lack of information. Mr. Mitchell noted that people will not go to the webpage. The Board needs to find ways to better communicate with people and he thinks emails are great. The more information the better. If people do not like getting emails, they can delete them or ask to be removed from the email blast. Mr. Mitchell stated that the HOA should not wait until the Annual Meeting to update the members.

Mr. Sears stated that they were working towards a newsletter as one vehicle of communication. He did a breakdown of the 809 lots on the Ranch and noted how people opt in or opt out of communication is something that will need to be addressed. It needs to be addressed in a way that emails are not easily shared or abused.

Mr. Wetch offered to help with the process and stated that professionally he has experience with a variety of systems for opting in and opting out. He thought it would be easy to have one list for transmission for critical things that lists everyone and managing a separate list that people can opt into for more regular communication. Mr. Sears stated that he would bring Mr. Wetch into the process.

Mr. Mitchell stated that the more they can do to meet the need for transparency is better, and timely information is critical. Mr. Sears stated that he would be looking for volunteers to help with the process.

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

The meeting of the Pine Meadow Owners Association Board adjourned at 8:12 p.m.
