

Approved
January 18, 2022
as written

PINE MEADOW RANCH OWNERS' ASSOCIATION
MONTHLY BOARD MEETING
IN PERSON & VIA ZOOM VIDEO CONFERENCE
NOVEMBER 9, 2021

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

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

The Board held a short Regular Meeting following the Annual Meeting.

George Sears called the meeting to order at 8:45 p.m.

NOTE: The first part of the Regular meeting was inadvertently not recorded. The recording begins with the Board discussing construction plans.

FM-D-109

Robert Rosing recommended that the Board members look at 4.2 rule to refresh their memory on the Architectural language. Dwaine Anderson stated that he was looking at 4.2, and he thought they needed to look at the overall project being presented and not strictly at the part of the lot that is flat. He read from 4.2 (d) "Flat roof structures are acceptable only under finished areas". Mr. Anderson remarked that if it becomes a deck and there is a finished area under the deck, flat roofs are allowed. He thought the architectural should be more flexible and they should look at the project as a composite.

Paul Sutor agreed. He recalled making that variance on another project. That project looked like two buildings and one section fit in, even though it was quite flat. Since it was not the entire roof, the flat portion did not appear to be drastic. Mr. Sutor thought the garage in the project they were discussing this evening looked out of place and drastic. He would be comfortable with a 4:12 pitch on the back of the garage; however, the slope off the A-frame would be 1-1/2 pitch. Mr. Sutor was not comfortable with 1-1/2 pitch on the garage because it needs more pitch.

Marty Hansen thought there was some merit in protecting the objective guidelines to eliminate the Board debating subjectively.

Monthly Budget Review

Andrew Pagel had reviewed the unpaid bills detail and found no outstanding issues.

Bruce Hutchinson noticed they were over budget on aggregate and asked about the \$30,000 increase. Mr. Pagel explained that the \$30,000 came from the \$107,000 in construction assessment

fees that were collected over the budgeted \$42,000.

Mr. Sears noted that the Board discussed an increase for aggregate and looked at the different budgets. They found money in different budget areas that could be allocated. Mr. Suitor recalled that four roads still needed to be done when Jody ran out of the money that was budgeted. Those roads had been put off for several years and the Board voted to increase the budget to do the work. Mr. Suitor noted that Mr. Hutchinson was not present at that meeting.

Mr. Pagel was still waiting on an invoice from Robert Rosing. Mr. Rosing replied that they had not sent out the bill for October. He expected the bill to come soon.

MOTION: Andrew Pagel moved to approve the unpaid bills in the amount of \$18,109.13. Bruce Hutchinson seconded the motion.

VOTE: The motion passed unanimously.

Miscellaneous

Michelle Suitor stated that Carol had informed Paul that the Board needed to vote on fining an owner for a violation on Lot PI-G-44. Mr. Suitor explained that the building has been in progress for a couple of years. The previous owner, the Johnstons, had a driveway that came out and onto the road, but it never had a culvert. Lot G-44 is two lots down from his lot. The lot between his lot and Lot G-44 also does not have a culvert, but the driveway slopes so water drains down a ravine down the side of the road. Mr. Suitor stated that every summer either he or Jody cleans out the ditch to keep water flowing down it. The new owner of Lot G-44 changed the pitch of the driveway to match with Code because the entire driveway cannot slope down. However, now the driveway slopes into the road and everything that comes down their driveway washes into the road. It also washed out the driveway of the lot across street last winter. Mr. Suitor remarked that this Fall, before the owners left for Mesquite, they brought in three truckloads of gravel and redid their driveway, but never mentioned it to the people across the street. Since then, the people doing the construction have torn up the driveway across the street, used it for construction parking, and plowed the road down to dirt. They are storing gravel in the HOA meadow. Mr. Suitor clarified that he tried to keep his distance from the situation because they are HOA friends, but the owners have no intent to rectify the problem they created.

Mr. Sears had listened to the audio conversations between the owners of Lot G-44 and Summit County and the County said they did not need a culvert. Ms. Suitor remarked that the culvert is on the Lot Improvement plan the owners signed. Mr. Sears explained that the builder is using Summit County as the justification for not installing a culvert. However, an HOA road is being damaged,

and the owners do not have a culvert or an alternate solution to the problem. The owners have done nothing, and the washout is still ruining the road and another owner's driveway. Mr. Sears believed the Board should vote to fine the owners of Lot G-44. He noted that the owner was given two warnings and the violations have been documented in writing. Carol had sent two letters.

Robert Rosing stated that the Board should definitely fine the owners. He asked if there was a way to put a dollar value on the cost of road damage. Ms. Suitor thought they could ask Jody to estimate the cost of repairing the road. Mr. Rosing stated that they could also bill the owner for repair costs as well.

Mr. Suitor pointed out that the Water Company now gets a bond from property owners to cover the cost of any potential damage when water meters are installed. He suggested that the Architectural Committee discuss the idea of requiring a bond for building.

Mr. Pagel suggested that the Board obtain pictures of the driveway and send them to the Summit County Engineering Department. Mr. Suitor noted that Carol had already sent pictures to Summit County. Mr. Pagel stated that once the Engineering Department has the site plan, they will look at the grade and designate either a culvert or swale drainage on the driveway. At a minimum, the owner needs erosion control on the roadway during the build. If the problem continues every year, the HOA should fine the owner each year and bill for any road repairs. Mr. Pagel believed recurring expenses would be an incentive to fix the problem.

Carol stated that the Board needed to approve moving forward with the fine. Ms. Suitor wanted to know when it became necessary for the Board to vote to approve a fine. She recalled that they fined someone last year without a formal vote by the Board. Mr. Sears thought in the past there has been a clear fine on some violations.

Mr. Pagel asked for the amount of the fine. Carol replied \$250. Mr. Pagel thought whatever the Board decides after talking to Jody, the fine letter should state that unless the situation is resolved, they would be issued a fine and repair costs every year. Carol clarified that the letter is ready to be sent. She was just waiting for the Board to vote.

Mr. Sears did not believe a formal vote was necessary. He asked if any Board member was against sending the letter and fining the owner. There were no objections. Mr. Sears directed Carol to send the fine letter to the owner of Lot G-44.

Michelle Suitor commented on an issue with the Joseph Pence lot in Morgan County. She had asked Carol several times to send a letter regarding that issue. She noted that Mr. Rosing agreed that a letter needed to go out immediately, but nothing has been sent. Mr. Sears explained that

because most of the property is in Morgan County, Carol has been working with Morgan County to get an understanding of what easements exist. Mr. Sears emphasized that the HOA has not been given easements in Morgan County. Ms. Sutor stated that the road they are trying to block is in Summit County. Mr. Sears replied that only a piece is in Summit County. The majority of the property is in Morgan County. Mr. Sears stated that as recently as the end of last week, Carol had not heard back from Morgan County Recorder regarding any easements and what authority the HOA might have.

Mr. Rosing asked if the road is on the plat. Ms. Sutor answered yes. Mr. Sears clarified that the road is not platted as part of the HOA. He thought they should wait to get detailed information from Morgan County before asking Mr. Rosing for his opinion on how to move forward.

Follow up with ARC

Mr. Sears suggested that the ARC follow up quickly because they committed to doing it within a reasonable amount of time. Mr. Hutchinson did not like the idea of making variances. They either need to get approval for changing the 4:12 pitch, or they need to hold to the guideline. Mr. Sutor thought they should hold fast on the 4:12 pitch on the garage. Mr. Hutchinson stated that any time the Board has made exceptions it creates trouble. Mr. Sears was not bothered by the 1-1/2 pitch on the sides, but he thought the garage should be 4:12 pitch.

Mr. Adams asked the Board for clarification on the pitch. Mr. Sutor stated that it should be 4:12 on the back of the garage and 1-1/2 pitch on the dormers, which is in keeping with the guideline.

The meeting of the Pine Meadow Owners Association Board adjourned at 9:40 p.m.
