

Approved  
January 15, 2019  
as corrected

PINE MEADOW RANCH OWNERS ASSOCIATION  
MONTHLY BOARD MEETING  
SHELDON D RICHINS BUILDING  
KIMBALL JUNCTION  
DECEMBER 18, 2018

In Attendance: Pamela Middleton – President; Tom LeCheminant, Vice President; Jan LeVitre, Secretary; Andrew Pagel, Treasurer; Jonathan Hoffman (Area 1); Jeremy Jespersen (Area 2); Joe Pagel (Area 3) via telephone; Ted Bonnitt (Area 6) via telephone.

Ex Officio: Jody Robinson, Ranch Manager; Randy Larsen, Assistant Ranch Manager

Excused: Jonathan Hoffman (Area 1); Jeremy Jespersen (Area 2); Robert Walthall (Area 4); Bruce Hutchinson (Area 5); Byron Harvison (Area 7)

Guest: Katie, with Creative Energies came to support Marcie and Eric Adams; Marcie and Eric Adams, Lot PI-D-14, 2043 Pine Meadow Drive; Nicole Irving, E-86 on Heather Lane; Scott Jones with Creative Energies, a full-service solar contractor, who came to support Marcy and Eric Adams and to see what requirements they need to follow to get their project approved; Marty Jemison, Lot PI-C-66, 1359 West Arapaho; Karen Dunton; Lot PI-B-1; Josh Lag, Lot PI-G-14; Joe Workman, Lot PI-C-54, 2285 Yellow Moon Circle; David Klco, Lot PI-C-70, 1313 Arapaho; Gary Birch, Lot PI-61; Debbie LeCheminant, Lot PI-B-29; Susy Burton, Lot PI-B-13; Carolyn Strathearn, Lot PI-F-50; Andria Harris, Lot FM-B-29; Stephen Beekman, Lot FM-D-181.

Pamela Middleton called the meeting to order at 6:45 p.m.

## **Approval of Minutes**

October 16, 2018

Jan LeVitre referred to the third paragraph on page 2 of the Minutes in the CC&R Review Section. She read, “He and Mr. Rosing had talked about how to layout the process that could lead to a random vote next summer”. She was unsure why it said “random vote”.

Mr. Bonnitt clarified that it should say “Ranch-wide vote”. Ms. LeVitre requested that Carol change random vote to correctly read, **Ranch-wide vote**.

Pamela Middleton referred to page 7, first paragraph and changed Mr. Hutchings to correctly read **Mr. Hutchinson**.

Ms. Middleton referred to the motion on page 8, and noted that the Minutes state that the vote passed. Tom LeCheminant abstained from the vote. Ms. Middleton removed

the word **Unanimous** that was randomly at the end of the sentence citing the abstention.

MOTION: Jan LeVitre moved to Approve the Minutes of the Regular Board Meeting on October 16, 2018 as corrected. Tom LeCheminant seconded the motion.

VOTE: The motion passed unanimously.

#### November 13, 2018

MOTION: Tom LeCheminant moved to Approve the Minutes of the Regular Meeting on November 13, 2018. Ted Bonnitt seconded the motion.

VOTE: The motion passed unanimously.

#### **Fine Schedule**

Ms. Middleton explained the process for approving the Fine Schedule and the Architectural Guidelines. The Board is required to send out a notice to the entire membership 15 days prior to the meeting where the Board will vote on the Fine Schedule and the Architectural Guidelines. That meeting was tentatively scheduled for January 8<sup>th</sup>. It would be a short closed session meeting to vote on the Fine Schedule and Guidelines. Ms. Middleton suggested meeting at the Ranch Manager's Office for those who could attend in person. The rest of the Board Members could participate via telephone. Ms. Middleton stated that after the Board votes, they have 15 days after the documents are approved to send them out. Ms. Middleton thought Carol planned to send out a postcard the following week to all the owners notifying them of the meeting and what the Board would be voting on. She would send another mailing with the documents within 15 days after the vote.

Someone asked if the membership would have the opportunity to make comments or suggestions before the Board votes. Mr. LeCheminant believed the members were given that opportunity at the Annual Meeting. Another person thought the members should be able to review the Rules and makes comment before they are voted on.

Carolyn Strathearn stated that in most circumstances the membership does have that opportunity; however, for financial matters the Board members have the authority to vote for their area. Property owners should contact their Area Rep for additional information and to provide input before the votes. Someone pointed out that the property owners might not know how they feel about it if they have not had the opportunity to see the Fine Schedule or the Architectural Rules.

Ms. Middleton stated that the Fee Assessment Schedule and the Architectural Guidelines were posted on the website for everyone to review. She noted that the primary changes were revisions to the Architectural Guidelines. Ms. LeVitre noted that most of the changes were clarifications. There is very little difference in the substance. Someone asked if the documents posted on the website were correct and whether they still needed to be voted on. Ms. Middleton replied that the Fee Assessment Schedule and the Architectural Guidelines on the website are the currently approved documents that were updated based on the discussion at the Annual Meeting.

Ms. Middleton noted that the Architectural Guidelines are not required to go through this procedure; however, the Board decided to combine them with the Fine Schedule process since minor changes were made regarding winter roads. She clarified that the members could still provide feedback after the documents are approved and the comments will be considered. Ms. Middleton was unsure whether the Board could send the documents with the initial notice prior to the meeting. She offered to ask the HOA Attorney, Robert Rosing, if it was possible for people to review the documents before the vote. Ms. Middleton stated that since she had only been the HOA President for a month, she was unfamiliar with the actual process and suggested that it may require a membership vote of approval after the Board votes in January. She would seek advice on that procedure as well.

### **CC&R Review Timeframe**

Mr. Bonnitt provided an update. He reported that the committee had reviewed one draft of the CC&Rs and sent it back with comments and revisions. It was presented to the full Board for review and three or four Board members submitted comments and suggestions. Those comments had all been incorporated into the Draft. Mr. Bonnitt stated that the larger share of the work, which was the articulation of ill-defined CC&Rs, was not controversial. The problem is that the language was unclear and the Board could not enforce anything without risking liability. Mr. Bonnitt pointed out that clarification was the main thrust for starting this process. He thought that portions of the CC&R rewrite were progressing well.

Mr. Bonnitt had spoken with their attorney, Robert Rosing, and he agrees with him that they were ready to sit down with the full board and committee to hash out the remaining points and to create a full document for the full membership to review. They need to get the full membership engaged in the process so they can find out what people want to vote on. Mr. Bonnitt stated that they have tried to lay the groundwork and the foundation.

Mr. Bonnitt reported on a special meeting scheduled at Mr. Rosing's office with the full Board and the CC&R committee to go over the fine points and to give Mr. Rosing everything he needs to create a membership presentation draft. Mr. Bonnitt stated that the potential meeting dates were January 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup>. His personal preference would be to schedule the meeting on either January 2<sup>nd</sup> or January 3<sup>rd</sup> while he was still in town. Mr. Bonnitt stated that any Board member who had not submitted comments on the draft they were given to review should send their comments to Mr. Rosing prior to the meeting. Mr. Bonnitt believed there was consensus on the updates and revisions that Mr. Rosing had proposed. He emphasized that the primary revisions were mostly clarification of the existing rules. After the meeting and giving Mr. Rosing what he needs to prepare a presentation draft, the next step would be to schedule a minimum of three membership input meetings where members are encouraged to meet with the committee and talk about what they would like to see in the CC&Rs. Mr. Bonnitt pointed out that revising the CC&Rs requires a vote of approval by two-thirds of the membership. Members who do not vote will be counted as a no vote. They have good community engagement and it is important to keep moving forward as quickly as possible to keep the momentum. Mr. Bonnitt stated that they were considering a membership vote on the CC&Rs in July because more people will be on the Mountain to vote. Mr. Bonnitt remarked that the public meetings would be staggered between January and July. He anticipated the meetings to occur the end of January, the end of March and the end of May. If necessary, a fourth meeting could be schedule in June prior to voting in July. Mr. Bonnitt looked forward to starting the public input phase.

Mr. Bonnitt had spoken with Ms. Middleton and Mr. LeCheminant, and they all agreed that it was important for him to attend all three public input meetings since he was spearheading this project. Mr. Bonnitt would ask the Board to reimburse his expenses to attend those meetings. He would purchase his airfare in advance to keep the costs low and reasonable, and he would present his budget to the Board.

Andria Harris, FM-B-29, asked if the fines the Board was voting on were the fines set within the already approved CC&Rs; that they were not arbitrary rules. Ms. Middleton replied that the Board has been working with Legal Counsel to make sure everything is consistent. Ms. Harris clarified that she only wanted to clarify that the Board was not setting fines for things that were not already approved in the CC&Rs. She was satisfied with Ms. Middleton's answer.

Carolyn Strathearn, Lot F-150, asked if the committee should have one more meeting before meeting with the full Board. She finally had time to review her draft and she had several comments. Mr. Bonnitt stated that he would be on the Ranch for a couple of weeks. He hoped to be able to meet with the committee and individual Board members prior to the meeting with Mr. Rosing. He wanted to have all the issues addressed and

everyone in agreement so the meeting with Mr. Rosing will be productive. Mr. Bonnitt encouraged all the Board members to contact him if they wanted to have a discussion before meeting with Mr. Rosing.

Ms. Middleton stated that she was available to meet on either of the days suggested, but she preferred an afternoon meeting. Mr. Bonnitt stated that he would offer the dates of January 2<sup>nd</sup> or 3<sup>rd</sup> to the committee and Board members who were not present this evening. He would choose the date that works best for most people and schedule an afternoon meeting at Mr. Rosing's Office.

Scott Jones with Creative Energies asked if the CC&Rs specifically address solar structures. Ms. LeVitre thought the new version addresses solar. Mr. LeCheminant informed Mr. Jones that any structure built on the Ranch must be approved by the HOA. Ms. Middleton agreed that the draft language talks about solar panels. She personally favors solar and people should have it, but not in a way that disturbs other people. Mr. LeCheminant assumed solar panels would be acceptable if they are attached to the roof or building. Free standing panels would require Board approval. He pointed out that solar only applies to residential. Commercial is not encouraged on the Ranch and the CC&R language was written to specifically state that solar panels are not for commercial purposes.

Mr. Bonnitt noted that in addition to making clarification changes to the CC&Rs, it was also updated to address issues that were not envisioned 50 years ago. The intent is to make sure the HOA can govern itself effectively through the CC&Rs. It would be foolish to ignore contemporary issues and it would leave them open to lawsuits.

### **Communications Update**

Ms. Levitre reported that in the last month the HOA created an emergency text system. People who signed up received the first text to let them know they were on the list. They also created an info list, which was sent to the Board members yesterday, with information about the meeting today and a link to the agenda. The system was available for all members to join and information was on the website.

Ms. Strathearn asked if people who did not receive a text should contact Ms. LeVitre. She had not received her text. Ms. LeVitre offered to check the list to make sure it had Ms. Strathearn's phone number.

Ms. LeVitre requested that if the Board or anyone else on the Mountain see something, such as a blocked road, that would cause a major issue they should text her and she will send out the pertinent information. Ms. Middleton encouraged people to also

contact Jody Robinson if they see something that needs attention, because he is the most aware of what happens on the Ranch. Her reason for previously suggesting that they only communicate through the HOA Facebook page was to prevent mass chaos and confusion and gossip. She noted that Ms. LeVitre manages the HOA Facebook page and people should check there for the most accurate information. Ms. Middleton remarked that information is not posted on the Facebook page until they check with Jody or Randy. Ms. LeVitre stated that if someone observes a Ranch issue, they could contact her and she would check with Jody or Randy. If there is information that will help people avoid the situation, she would send it out to the Tollgate Info List. The emergency list will only be used in the event of an emergency, and a test text will be sent out once a year to let people know they are still on the list. Ms. LeVitre noted that her information was listed on the website and she would consider adding her phone number so people can contact her. Ms. Middleton noted that Ms. LeVitre is quick to respond to email and she suggested that people communicate with Ms. LeVitre through email. Her email address is on the website.

Ms. LeVitre still needed phones numbers for some of the Board members and she would get those after the meeting. Ms. LeVitre wanted to find a way for the Board to have access to shared documents such as the phone list and addresses in case it could be necessary to contact people personally. She outlined options to consider for sharing documents. Ms. LeVitre was interested in hearing other suggestions.

Ms. Middleton noted that she had inherited Tony Tyler's Google drive through the Google docs site. She suggested that someone check to see if there was a way to share it, or whether it would be easier to set up a new one. Andie Harris stated that she has used Google docs and Dropbox extensively, and Dropbox is a lot easier because they can store any type of document. Someone pointed out that Dropbox is a paid service. Ms. LeVitre would look into Dropbox as an option. If the cost is reasonable she would consider using Dropbox.

Someone asked if the Board had ever considered a log-in site so people could pay their bills online. They could have an admin log-in and access to files and things that are only supposed to be for the HOA. Ms. Middleton stated that the HOA could set up a committee if people would like to volunteer to do some of the high tech work. The Board members volunteer their time already and there is a limit to how much they can do. Ms. LeVitre was willing to work with anyone who was interested in volunteering.

Ms. Middleton pointed out that as they become more technical it will cost more money, and the additional cost will result in assessment increases.

## **New Construction**

### Deer Meadows – Lot 4

Mr. LeCheminant stated that the owners of Lot 4 in Deer Meadows (DMS4) decided to build a cabin without HOA approval. He pointed out that the Deer Meadow lots are part of Pine Meadow Ranch and require a Summit County Building Permit. Mr. LeCheminant noted that Summit County had already issued a Stop Work Order because the owner was building without a permit. Mr. LeCheminant noted that the structure is approximately 24' x 16' with two floors.

### Deer Meadow Sign

Ms. Middleton noted that the Board previously approved to have Jody or Randy remove the Deer Meadow sign if the sign was not removed voluntarily. The sign was still standing and the owner of the sign said the HOA could remove the sign. Ms. Middleton asked Jody or Randy to remove the sign as soon as possible.

### Josh Lane – PI-G-14

Ted Bonnitt noted that Josh Lane had resubmitted revised plans for the structure that was discussed at the last meeting. Mr. Lane reduced the size of the footprint, square footage, and the roof line and moved it off the boundary. He informed Mr. Lane that the Architectural Committee needed a few weeks to review the revised plans before the next Board meeting where the Board will review the plans and vote.

## **Ranch Manager's Report**

Mr. LeCheminant reported that the water truck was going through its second rebuild. It was finally determined what the oil squirters that squirt inside the cylinders were bent and were not working. The crank was being remanufactured in Salt Lake and Mr. LeCheminant was told that the truck should be ready as soon as they receive the part.

Jody anticipated that the dump truck would be running again very soon. Randy would remove the Deer Meadows sign as requested.

Jody stated that he and Randy were primarily pushing snow.

The rest of the equipment was in good condition and running well.

Mr. Bonnitt commented on the chatter he sees on Facebook about problems with big cement trucks. He asked if that was adversely affecting Jody and Randy. Jody replied that it was a safety issue for the traffic, but it had no effect on doing their job.

Ms. Middleton noted that text was drafted to include in the Architectural Guidelines that addresses these types of construction issues. She had sent it to Carol and Robert Rosing for their review. Mr. Bonnitt asked if there was current language that would allow the HOA to stop it if it becomes a real problem. Ms. LeVitre thought the owners agree to specific road and construction regulations when they sign the Lot Improvement Agreement. Mr. LeCheminant stated that it would depend on whether the owner had sent the signed agreement to Carol.

Mr. Bonnitt clarified that he had raised the concern from a safety perspective and liability. He preferred to address it now rather than after someone gets hurt. Ms. Middleton assured him that they were being proactive and the language will be included in the Architectural Guidelines when the Board votes.

### **Water Board Update**

Mr. LeCheminant reported that everything was running as normal. For those who were not aware, he explained that the property owners were invoiced for the 2018 water usage at the 2019 rate. Mr. Pagel had attended the meeting and raised the issue of the 2019 rate. Eric Cylvick had said it has been the policy for over 20 years to increase the assessments on the previous water usage, but he would check with the Water Company attorney to see if that was allowed or if the policy needed to be changed.

Mr. Pagel stated that once he receives an update from Mr. Cylvick he would post it on the Pine Meadow Facebook. If he has not heard anything in a week he would follow up with Mr. Cylvick.

Susy Burton, Lot PI-B-13, stated that they are part-time summer owners and they have always been very conservative in their usage. For years she has only used 9,000 gallons. Ms. Burton asked if the Water Company would ever lower the base to 10,000 gallons rather than starting at 20,000. Mr. LeCheminant informed Ms. Burton that it was a question for the Water Company, which is separate from the HOA. She was encouraged to attend one of the Water Company's monthly meetings on the second Thursday of each month. Ms. Middleton noted that there was also a link to the Water Company website on the HOA website.



## **Snowplowing**

Ms. Middleton announced that the snowplow contract was in place. The company who contracted for the job had been clearing the roads and it was going well.

## **Ongoing Business**

### Architectural Guidelines

Ms. Middleton reiterated that the Board would review the revisions and provide further updates when they vote on January 8<sup>th</sup>.

### Cabins built on HOA property

Ms. Middleton noted that the meeting was postponed and there was nothing to report.

### Evacuation Routes

Mr. LeCheminant reported that the HOA had an agreement for an additional evacuation route. He was not able to name the location. He could not find language in the agreement showing what the HOA was trading. Mr. LeCheminant wanted to review the agreement with Ms. Middleton and the attorney.

### Donation

Ms. Middleton noted that Deer Meadows had contributed \$5,000 that the Board had earmarked for a recreation area on the Ranch. Committees in the past have tried to work on it but they have all disbanded. She asked for volunteers to work on it again.

Nicole Irving, Lot E-86, offered to spearhead a committee. Mr. LeCheminant stated that he would work with Nicole and whoever else volunteers for the committee.

### Enforcement of Rules

Mr. LeCheminant believed this related to the Fine Schedule.

### Election Results

Mr. LeCheminant did not have printed election results. Andrew Pagel announced the 2018 Election Results – There were 223 votes representing 8% of the Mountain. Mr. LeCheminant noted that the deadline had not passed for ballots to be accepted. Carol

had checked the mail today but there were no ballots.

Mr. Pagel announced the winners based on the current count. Pamela Middleton was elected President with 116 votes to 94 votes for Scott. Jan LeVitre ran unopposed and was elected Secretary with 149 votes. Joe Pagel ran unopposed and was elected as the Area 3 rep. with 9% of the vote. Nicole was elected as the Area 4 rep with 9% of the vote. Two people ran for Area 5. At this point, Bruce Hutchinson had received 18 votes to 10 votes for Carolyn Strathearn. Ted Bonnitt ran unopposed and was elected as the Area 6 representative. The final tallies will be reported at the next meeting after the ballot deadline passes and all the votes are recounted.

Ms. LeVitre would post the final numbers on Facebook and the website. Mr. Bonnitt thanked Carolyn Strathearn for running for the Board. He looked forward to continuing to work with her on the CC&Rs committee.

### **Monthly Budget Review**

Andrew Pagel reviewed the unpaid bills detail.

MOTION: Andrew Pagel moved to Approve payment of the Unpaid Bills as presented in the amount of \$10,711.45. Joe Pagel seconded the motion.

VOTE: The motion passed unanimously.

### **Open Forum**

Mr. Bonnitt thanked Ms. LeVitre for her time and efforts in setting up the OWL Video & Zoom. He understood that Mr. LeCheminant had also spent time on it and he thanked Mr. LeCheminant as well.

Mr. LeCheminant noted that the HOA rules allows the Board to address abandoned buildings. He noted that Mr. Hutchinson had commented on a cave-in trailer house near his property and some sheds. Mr. LeCheminant thought the Board needed to review the rules to see what can be done to remove those structures.

Ms. Middleton asked Carol to add Abandoned Buildings to the next agenda.

Eric Adams stated that he was present to get approval on solar panels they would like to install on their home. The panels will be placed in the center of their property and he did not believe it would be an eyesore for other property owners. Marcie Adams stated that the panels will be seen if someone is on their property, but they will not be seen

from the street or the outside perimeter.

Scott Jones with Creative Energies stated that it would be top of pole mount. Mr. LeCheminant asked about size. Mr. Jones replied that it would be nine individual pole structures. The total area is approximately 240 feet. Mr. LeCheminant stated that the Board would need to see drawn plans. Ms. Middleton requested that they submit plans for Architectural Committee review. Mr. LeCheminant asked if Mr. Jones had pictures of what they were proposing. He would like the pictures included with the plans, as well as the location where it would be placed on the property.

Ms. Adams had reached out to the Area Rep but he was not exactly sure what they needed to submit. Mr. Pagel stated that the Board would be looking for compliance with the Architectural Guidelines. They require a surveyed site plan showing the actual location to proportion of the 60 x 40 proposed solar field. Mr. Adams stated that they already have the site plan and other drawings required by Summit County. He was told to submit those documents to the HOA Architectural Committee. He was also advised to go onto the Pine Meadow Ranch website and pull the new Architectural Guidelines to make sure they have everything correct. The Board will consider it a secondary structure with the same requirements as a shed. The process was explained and how they should fill out the applications and what they needed to submit.

Mr. Pagel asked about height. He was told that it would be approximately 9' tall. Joe Pagel suggested that the owners to take the site plan to the Area Rep. before sending it to the Architectural Committee to make sure they have met all the requirements. Mr. Pagel stated that he was the Area 3 rep and they were welcome to reach out to him to look over their site plan.

Mr. Klco, PI-C-70, asked about parking on the Ranch. Mr. LeCheminant stated that the lower lot was for automobiles. Any homeowner can get a parking sticker. Between Christmas and New Year there are too many vehicles. They try to keep the lower lot cleared from snowmobiles, track vehicles, trailers, etc.

The meeting of the Pine Meadow Owners Association Board adjourned at 8:00 p.m.

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