

PINE MEADOW RANCH OWNERS ASSOCIATION
MONTHLY BOARD MEETING
IN PERSON & VIA ZOOM VIDEO CONFERENCE
DECEMBER 20, 2022

In Attendance: George Sears, President; John Adams, Vice-President; Michelle Sutor, Secretary; Andrew Pagel, Treasurer; Marty Hansen (Area 2); Katie Winters (Area 4); Shaun Baker (Area 5); Paul Sutor (Area 6)

Ex Officio – Jody Robinson, Ranch Manager; Peggy Simione, representing the Fire Committee; Robert Rosing, HOA Counsel

Excused: Dwaine Anderson (Area 1); Taissa Martin (Area 7)

Guests: Eric Leonard, PI-E-13; Chris Bell, PI-D-35; Chase Nuttall, PI-F-53; Donna Leighton, FM-D-114; Nolan Mitchell, PI-F-17

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

Minutes

November 15, 2022

MOTION: George Sears moved to approve the Minutes of November 15, 2022, as written. Michelle Sutor seconded the motion.

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

Ranch Manager's Report

Jody reported that the engine went out in one of the trucks and they needed to purchase a new truck. He also needed to purchase a plow frame kit and a wiring kit to make the plow fit on the new truck.

Jody stated that the rest of the equipment was running well. He was short on sand. They were currently hauling sand up with the little truck trying to have enough sand in the shed for the holiday week.

They were also pushing snow and sanding.

Jody stated that the new truck is a 2016 F-350 dually with a dump pad. He installed the plow on it earlier in the day. Jody noted that he needed to do more work in the bed in order to put the sander in it. There is no place to attach the sander and he needs to weld in some D-rings. Jody stated that the truck is not a luxury truck, but it is very nice. It has low miles of 81,000 miles.

Mr. Sears noted that the truck was purchased from capital reserve funds. They knew the truck would eventually need to be replaced but they were uncertain of the timing. He believed it was the last unexpected expense. Mr. Sears stated that Jody looked at different options and different trucks before deciding on the one they purchased.

Paul Suitor noticed that a lot of sand was dumped a month ago and he sent an email at that time because he was concerned with how much sand was dumped. Mr. Suitor remarked that Jody normally knows how much sand he needs to get through the winter, and he was unsure why they were unprepared and ran out of sand. Jody replied that they had to sand a lot more this year due to the number of crashes in the canyon. The goal is to keep the roads as safe as possible.

Mr. Adams commented on the amount of sand that was used to dig out construction trucks that slid off the road. Mr. Suitor believed they used a lot of sand to help other people besides the owners and he asked if there was a way to recoup that cost. He was not in favor of having the owners pay to use two months' worth of sand in one storm because of negligence involving a cement truck. Mr. Sears asked who the cement truck was going up to serve. Michelle Suitor believed they knew who it was; however, the owner is outside of the HOA and is not required to pay construction impact fees. Mr. Sears asked about the pump truck. Mr. Adams replied that the property owner was also outside of the HOA.

Mr. Suitor understood that the HOA has the responsibility to sand for owners inside the HOA. He questioned whether they were responsible for using sand for people outside of the HOA. Mr. Sears believed the question is whether they must sand for trucks going to properties outside of the HOA if it blocks the roads for the HOA owners.

Mr. Sears pointed out that the HOA has no authority to fine people who live outside the Ranch and use Tollgate and Forest Meadow. Robert Rosing stated that the HOA assists them if they are stuck on the roads, and they accept that assistance. For example, if a tow truck pulls someone out of the ditch on the side of the road, they are paid for that service. He suggested that the HOA could bill those individuals and see how they respond.

Mr. Suitor remarked that sand does not cost much initially, but replacing the sand costs a lot more because Jody needs to haul individual truckloads to replenish what was used. Inconvenience is another issue because Jody could be doing other things instead of hauling sand. Mr. Rosing offered to look into it further.

Andrew Pagel stated that if the HOA cannot provide a fine schedule, a standard billing process might be the best approach. When Jody pulls someone out, the HOA can hand them a bill to recoup

the cost. Mr. Sears thought Mr. Suitor made a good point. There have been more situations of that nature already this year and there should be something they can do. He liked the idea of informing people upfront that they will be billed for HOA assistance.

Michelle Suitor pointed out that the assistance was only putting down sand and not using HOA equipment to help pull someone out. She asked if billing would be an estimate of the cost of sand and Jody's time. Mr. Pagel replied that it would be the cost of utilizing HOA resources as well as materials. They were out of sand in December, and a large dump truck cannot come up with more sand. Therefore, the time to recoup the sand is tremendous. Billing should be a balance between the actual cost and the reality of what someone would willingly pay.

Mr. Sears identified this issue as an action item for another meeting. He believed that if Jody is being called out to help someone outside the Ranch, there should be a mechanism to provide a reasonable bill or at least give an indication that they should expect to be billed for the expense to the HOA.

Mr. Pagel asked Jody about the bill from Morris Tire Service. Jody replied that it was to replace a tire on the old dump truck that blew out. Michelle Suitor asked about White's Auto. Jody replied that it was parts for the old dump truck. The parts for the new dump truck will be included in the detail of the unpaid bill in January.

Water Board Report

Shaun Baker reported that the Water Board meeting was very short.

Two cabins had frozen lines that Brody was able to resolve quickly. Both cabins are typically not open during the winter. The people trying to use them were unprepared for winter conditions. Brody offered some advice to help the owners be better prepared. The lines were frozen near the house. Brody informed the Water Board that more and more people were coming up to use cabins that are not designed to be winter cabins.

Mr. Baker had nothing else to report from the Water Company.

Ratify final payment for Alpine

Mr. Sears stated that the Board needed to ratify the final payment that was approved online and paid to Alpine for \$3,000.

MOTION: George Sears moved to Ratify the motion that was approved by the Board earlier this month to pay the final payment to Alpine for \$3,000.

Michelle Suitor noted that Sam Vincent sent an email earlier asking if the final payment included the invoice from John Hollender for managing the burn pile.

Mr. Sears was unsure. He stated that the SVO was the Hellander invoices. Paul Suitor stated that if the amount was \$6,000 it did not include Hellander. Mr. Sears replied that it was part of the \$6,000. However, the SVO invoice for approval this evening was for Hellander. Ms. Suitor asked if it was for the original contractor or for the amendment that was added. Mr. Adams explained that the amendment was from donations that Marianna helped collect. It was entered into a line item and subsequently paid. That amount should not be reflected on the invoice. Mr. Adams stated that anything associated with Alpine should only relate to the final payment on the burn pile. He remarked that the \$6,000 fire mitigation expenditure and the fire mitigation donation fund should cancel out each other.

Restated motion: Mr. Sears called for a second on his motion to Ratify the \$3,000 final payment to Alpine. John Adams seconded the motion.

VOTE: The motion passed unanimously.

Monthly Budget Review

Andrew Pagel reviewed the unpaid bills. Jody had answered his question regarding the \$302 expense from Moore's. Everything else was straightforward.

MOTION: Andrew Pagel moved to approve the unpaid bills as presented in the amount of \$5,984.86. John Adams seconded the motion.

VOTE: The motion passed unanimously.

Voting Results and Annual Meeting Summary

Mr. Adams reported that there were 169 total votes, of which 95 came in electronically and 74 of the votes were mailed in. Andrew Pagel received 98 votes. Eric Leonard received 69 votes. Chris Moore received 165 votes. Marty Hansen received 25 votes from Area 2. John Kleba received 20 votes from Area 6. Taissa Folden received 21 votes from Area 7.

Mr. Adams thanked Eric Leonard for his interest and for taking the time to run. He pointed out that Mr. Leonard received a significant number of votes for being new on the mountain. Mr. Pagel encouraged Mr. Leonard to attend the meetings and to email Mr. Pagel any suggestions.

Mr. Adams reported that the 2021 Annual Meeting Minutes were approved, the 2023 Budget was approved, the new Fee Assessment Schedule was approved, and the new assessment was approved.

Mr. Adams presented the new Assessment Schedule going into 2023. He noted that the primary difference is that the second line item – Construction Building Lot Improvement Assessments - will increase to \$8,000. Mr. Adams did not believe the other fees had changed. He pointed to a new line item - the Utility Installation Bond – which is \$2,000. If anyone building discovers they need to trench across one of the HOA roads, they will need to put down a \$2,000 deposit and go through a process of trenching properly, getting approval, and making sure that everything is marked. Once completed, Jody and the Water Company will make sure everything is put back appropriately.

Utility Installation Bond and Winter Construction Rules

Mr. Adams shared his screen to show the items he was talking about.

Mr. Adams stated that now they have a Utility Installation Bond, they need to come up with the final wording. He suggested reviewing it one more time with the ARC; however, there was preliminary wording at the bottom of the screen. Mr. Adam thought it was straightforward and similar to what the Water Company does.

Mr. Adams stated that the last time the ARC met they discussed all the construction issues and drafted general wording. The wording they decided on was shown in the lower right-hand corner of the screen, under November 1st to May 1st, Winter Construction Rules, and Pine Meadow Ranch HOA. “Only 4 x 4 pickup trucks allowed, chains required when snow covered, no box trucks, gravel trucks, construction trailers, cement trucks, or tractor-trailers”. The wording was taken from Guideline 7.0.

Mr. Adams stated that they discussed whether to put up a black and white sign shown in the lower right corner, whether it should look similar to what is currently on the website shown in the upper right corner, whether it should be something completely different with more color that stands out, or whether there were other ideas for what a sign should look like at the bottom of Tollgate Canyon Road.

Ms. Suitor was under the impression that box trucks are allowed if they have chains, as stated in the January 2019 rules. The ones currently on the website were updated in August, but she could not recall the Board ever discussing a change for box trucks. Mr. Adams stated that Guideline 7.0 states specifically, “prohibited vehicles include but are not limited to box trucks, trailers of any

kind, cement trucks, semis, gravel trucks, or other large delivery trucks. Vehicles may be asked to leave the Ranch if not properly equipped for winter conditions.” Mr. Adams read the language on the website stating, “Box trucks are permitted only with chains on all four wheels. Vehicles may be asked to leave the Ranch if not properly equipped”. Mr. Adams was not sure why that language was on the website. Ms. Suitor remarked that box trucks were always allowed if they had chains, as stated in the Rules and Regulations that were approved in 2019.

Mr. Sears stressed the importance of being consistent regardless of which language they choose. Mr. Pagel asked if the Architectural Guidelines supersede the Rules and Regulations that were approved in 2019. Mr. Sears stated that the Board can modify the Rules and Regulations. Mr. Baker remarked that the box trucks create the biggest problem and chains on a box truck do not help at all.

Mr. Pagel stated that statements in the Rules and Regulations and the Architectural Guidelines conflict, they need to decide which one supersedes the other. Once that decision is made, they need to update the winter driving advisory on the website accordingly. Mr. Rosing asked where the winter advisory language on the website came from. He pointed out that if someone arbitrarily put it on the website there is no conflict because it is not a rule. Ms. Suitor stated that she thought it was from the HOA Rules and Regulations, however, it may be on the Lot Improvement Plan. She recalled that the language on the website is in one of the documents and she thought the Rules approved in 2019 state that box trucks are allowed with chains. Mr. Rosing stated that if this was the case, the Board needs to decide on which one and amend the Rules so it is the only operative rule.

Michelle Suitor suggested that someone make a motion and second it, and between now and January go through all the documents posted to make sure they are consistent. Mr. Pagel favored prohibiting box trucks. Box trucks are primarily delivery trucks and if an owner has a delivery, they should meet the truck at the bottom and load the item into their vehicle to bring it up.

MOTION: John Adams moved to make all documents consistent with the current Architectural Guideline 7.0 which prohibits box trucks. George Sears seconded the motion.

VOTE: The motion passed unanimously.

Mr. Adams called for a discussion regarding a sign. He had contacted two sign companies to see if they were interested in designing a sign for the HOA. Katie Winters thought the sign shown on the top right of the screen was more effective. She also believed signs with fewer words are more likely to be read. Ms. Winters also thought the graphics on the sign would easily catch someone’s eye.

Mr. Sears suggested that whichever sign they choose it should say, “consider this your first warning”. That would enable the HOA to fine people for violating the winter rules. Michelle Suitor thought Carol should send an email to everyone reminding them of the winter construction rules and that the email was their warning. Mr. Sears favored that suggestion. Shaun Baker recalled a previous discussion that a bright yellow background would be more visible than a white background.

Mr. Adams summarized that he should get a final mockup on the sign in the upper right corner of the screen or something similar and then bring it back to the Board. In the meantime, they will add “consider this your first warning” and ask Carol to email it to everyone. He would also look into a bright yellow background.

Blind Curve

Mr. Adams commented on the blind curve situation at the retaining wall on Lower Tollgate Canyon road and the number of accidents that occurred in that area. One resident had suggested signage until they can find a better solution, and Mr. Adams liked the idea. He asked the Board members for their opinion on putting up reflective signs. Michelle Suitor stated that the yellow sign on the left of the screen would stand out. The white sign would blend in with the snow.

Ms. Suitor pointed out that the HOA has rules about putting up signs, and the Board has talked about putting up two signs already this evening. Ms. Suitor was unsure whether signs would even help. She remarked that two people went off the road recently but someone also went off the road during the summer. S did not believe the blind corner was the issue. Ms. Suitor stated that people drive too far off to the right and their tire catches the lip and pulls them off the edge. She indicated the area where people go off the edge and it was not at the corner.

Mr. Sears thought the signs were worthwhile appropriately, but he would change the sign to read “slow blind corner” and add “oncoming traffic”. Mr. Sears stated that in addition to the corner, they also needed to look at the small piece of road in the area that goes up Forest Meadow. He suggested looking into whether the road in that area could be widened. Ms. Suitor stated that Jess Burgess, PI-G-53, is in construction. She drove up and down the Canyon with him and he put three pin drops in the areas where he identified issues. She will no longer be on the Board but suggested that other Board members might want to follow up with Mr. Burgess to hear his suggestions. Ms. Suitor noted that Jonathan Pease builds roads for a living and she thought it would be beneficial to get his opinion on whether this area should be widened, or whether they should reinforce the south wall.

Mr. Adams asked Ms. Suitor to reach out to Mr. Burgess and Mr. Pease to see if they were available

as early as the next day at 10:00. Ms. Suitor offered to reach out, but she questioned whether they would be available at 10:00 the next day. Mr. Adams stated that a brainstorming meeting was already set up and it would be helpful if one or both of them could attend. He also invited any Board members who wanted to participate. Mr. Adams noted that the meeting was scheduled yesterday and Eric Cylvick and Scott Smith with the Water Board, Mike Kendall with Summit County, and Mike Moran with Evergreen Engineering, the engineer who helped design and build Tollgate Road were trying to be available for the meeting. Ms. Suitor reiterated that she would reach out to Mr. Burgess and Mr. Pease to see if they were available on short notice.

Katie Winters asked if the meeting is in person or online. Mr. Adams was unsure, but he would find out the details and forward the information to the Board.

Mr. Adams asked if he should obtain signs in the meantime. Mr. Sears stated that from personal experience the problem occurs more with people coming down because they take the corner very fast. The biggest issue is that people need to slow down going both ways. Katie Winters suggested wording such as “dangerous curve” as opposed to “blind corner”. Mr. Adams stated that it is a blind corner and a dangerous shoulder. Ms. Suitor remarked that the shoulder is the issue, not the corner.

Mr. Pagel believed the problem is both ways with people coming up and going down. Paul Suitor stated that the problem continually gets worse every time it rains. The pavement gets undermined, and the road keeps getting narrower. The people on the right, head more toward the center and the people on the left, are toward the center because the edges are narrow and no longer safe. Mr. Suitor stated that they need to have large rocks on the side and culverts in place and fix the asphalt where it keeps crumbling away.

Mr. Sears summarized that people were in favor of the signs, but it may not be the only answer. He also understood that “blind corner” and also “dangerous curve” was preferred. Mr. Adams and Ms. Suitor thought it should say “dangerous shoulder”. Mr. Sears remarked that “blind corner” is not as effective as seeing the word “dangerous”. Mr. Baker suggested looking into bright-colored sand-filled barriers.

Parking at Lower Tollgate Canyon

Ms. Suitor commented on the sign that went up. She noted that the Board did not ask for any input and some of the owners were unhappy about the sign. It is unclear whether the fine is for being in the same lot for 72 hours or the same spot for 72 hours. Mr. Suitor pointed out that a Prius has been there for over a month, and no one has done anything about it. If they put up a sign, they need to enforce it.

Mr. Pagel thought 72 hours pertained to the lot and not the spot. He agreed with Paul about enforcement if they are going to post a sign. Mr. Pagel stated that they need to figure out the signs and the enforcement before they expand the existing territory. Mr. Adams stated that everything down there is becoming a convoluted mess. There is not a good chain-up area and people are looking for holiday parking spots. He expects the situation to only get worse. Mr. Adams noted that Eric Cylvick and the Water Company previously came up with a plan that was opposed by Promontory. Mr. Cylvick thought it might be worth revisiting that plan with Summit County and offered to get involved again if the HOA pursues it. Mr. Rosing did not recall being impressed with Promontory's claims at the time.

Mr. Sears stated that if this plan is a potential option, the HOA should explore other options before deciding that this is the only solution. Ms. Suitor noted that Summit County has put out proposals on what to do with the Rail Trail Corridor. The County suggested putting in parking as access to the trailhead. She thought the HOA could work with Summit County on that project and the County might help fund it. It would give them a lot of extra parking.

Mr. Baker recalled that Mr. Cylvick's design had 45 parking spaces on each side for even and odd days so the snow could be cleared from each side. Mr. Sears stated that since he spoke with Mr. Cylvick about this plan three years ago, the number of full-time owners on the mountain has increased significantly, and the need for parking has continued to increase.

Mr. Adams thought this should be a priority issue. Ms. Winters agreed. She liked the idea of the odd and even day parking to keep the lot cleared of snow. Ms. Winters offered to assist with this project and in looking at other options. Shaun Baker suggested that Eric Cylvick would be their biggest help. Mr. Adams offered to speak with Eric Cylvick and set up meetings with Summit County to see where it goes.

Off Road Destination

Mr. Adams stated that a couple of weeks ago the Diesel Brothers came to the mountain and they had their monster truck on a trailer. They almost made it to Hillcrest Oil Well Road before they headed into the ditch. They had to unload the Bro Dozer. Mr. Adams came up behind them and took pictures. One of the residents pulled them out. They were very apologetic and said it would never happen again; however, they came back later. Mr. Adams stated that there is a YouTube segment showing them ripping up parts of the HOA road, but he was unsure whether it was a road or someone's land.

Mr. Adams understood that this occurs often and asked how the Board wanted to handle these

situations. Ms. Suitor agreed that it happens often. Michelle Suitor pointed out that they make it difficult for snowmobiles to drive on the section that is normally not plowed. Paul Suitor explained that the Diesel Brothers had come up to help a vehicle that was stuck. It was a contractor that was looking at a lot on Pine Loop and he was legitimately stuck. At first, the #1 Diesel brother got stuck, which is the one Mr. Adams witnessed. He got off the mountain and paged a resident to remove some of the snow to make it easier to extract the vehicle. Ms. Suitor believed the second day was more of an issue when they came back with a Jeep and decided it was easy to pull out the truck and wanted to pull it around the Pine Loop. They did not tear up the road then, but they did tear up the two feet of snow that made it difficult for snowmobiles to access.

Mr. Adams pointed out that the brothers had a video camera and a drone filming it for YouTube. After their segment was completed they started selling the tow straps they had used. Mr. Adams emphasized that this was a for-profit YouTube event. It was not about helping someone, but rather a staged situation to drive their profit. Mr. Adams wanted to know why the HOA should allow that. Paul Suitor reiterated his belief that the first day was to pull out a stuck vehicle. The second day was the issue that led to the YouTube video. On the first day, one of the brothers wanted to get his friend out. The other brother showed up the second day and he is the one who decided to make the video and tear up Pine Loop.

Mr. Pagel referred to the photos on the shared screen and noted the Bro Dozer in the first attempt has the capability of doing the same damage to the roads as the Jeep Hellcat. Mr. Pagel stated that from looking at the other pictures, it was more than just an inconvenience for a snowmobiler. It was damaging the road.

Michelle Suitor noted that it is a private road with public access, which is why they cannot have a gate. She wanted to know how they could fine someone in that circumstance. Mr. Rosing stated that fining is punitive. If the road is damaged they can tell the offender that they need to pay the cost to fix the road they damaged and send them a bill.

Mr. Rosing stated that when this happens, the ideal situation is for someone to take pictures to support sending the bill for damages.

Mr. Adams asked if they could look at the video in more detail to estimate the damages and send them a bill. Mr. Sears thought they could. Ms. Winters agreed with sending a bill; however, she thought further discussion on how to approach it would be helpful.

Committee Reports

Mr. Sears noted that the Board had already discussed parking and roads and the ARC.

Fire Committee

Peggy Simione thanked the Board for supporting the fire safety committee and getting the money pushed through. It will help the committee continue with all the improvements.

Ms. Simione reported that they were awarded the FEMA grant for 2023, and they were still waiting to know the amount. They will meet their goal of getting the defibrillator on the Mountain through the sale of calendars and note cards. The committee also wants to offer support for securing emergency access through Red Hawk and was anxious to get it moving forward. Ms. Simione stated that it was through Jonathan's property and she understood that Jonathan and Red Hawk HOA are not on the best of terms. Jonathan is trying to sell that property and they could lose that access. Paul Suitor stated that the agreement will need to be with Red Hawk. Miss Simione agreed that Jonathan should be taken out of all negotiations. The committee was prepared to do whatever they need to do but they did not want to undo what had already been started.

Ms. Simione stated that the steering committee was formed, and all the extra subcommittees were formed with the emergency response team and the evacuation team, which is chaired by Tracy Cash. The Grant team is being led by Sam Vincent under the supervision of Marianna.

Michelle Suitor asked Ms. Simione to provide the Board with a list of members of the Fire Safety Committee and their positions.

Ms. Winters asked if they could post the next Fire Safety Committee meeting. A resident reached out to her regarding questions about the recent tax changes and it moved into several other questions that she would like to bring to the Committee meeting. Ms. Simione stated that she would add Ms. Winters to the list. The meeting was scheduled for the first week in January, but she could not recall the exact date.

Community Improvement

Mr. Sears reported that a portion of the new playground has been constructed and a portion was blown down in the last wind storm and had to be moved into the trees to avoid further damage. Mr. Sears anticipated that work on a playground would continue in the Spring.

Ms. Suitor stated that even though she was stepping away from the Board she would continue to be on the subcommittee and help out as needed. Another owner through Facebook did a GoFund Me grassroots effort for nice playground equipment that is seen in a city park. What the HOA purchased is similar to what someone would have in their personal backyard. The space is large enough for both sets of equipment. The second one purchased is being stored on the winter lot in

pieces. When the weather permits, they will look at maybe installing both together.

Communications

Mr. Sears understood that Ms. Sutor had been working with the new secretary, Chris Moore, to bring her up to speed. Michelle noted that most of the software payments are tied to her credit card, and she would like to get that changed.

Mr. Sears noted that three new members will be joining the Board. Marty Hansen and Andrew Pagel will remain on the Board. Mr. Sears thanked those leaving the Board for all their work and effort. He was certain they would continue to be involved in other committees. Michelle Sutor stated that she and Paul would be available to answer questions or help whenever needed.

Open Public Forum

Michelle Sutor referred to a question online from Donna Leighton asking what they were doing with the property that was sold to North Summit Fire Department. Mr. Adams thought the Fire District was still trying to figure out whether they can still use that land. Mr. Sears stated that where they are today, is not consistent with what was promised or the direction they were going before the Fire District had a major upheaval. The Fire District now has new management and a new approach that seems to be in play. The HOA has been discussing options and recourse for recouping that land and they will continue to have that dialogue with the fire committees and the Fire Chief. It is an issue of primary concern for everyone, and they need to figure out where everything stands and what they need to be doing. They also need to hear what the Fire District is thinking.

Mr. Sears reported that the tax increase was approved by Summit County. There is a fire station structure going forward and they will all see the increased property tax bill in 2023.

There was some discussion about the effort to restructure the Fire District. Mr. Sears stated that regardless of the outcome, the Board owes it to the owners of the HOA to keep them informed and updated on how things progress because it has a direct impact on their 800-plus lot owners, specifically both full-time and part-time.

The meeting of the Pine Meadow Owners Association Board adjourned at 8:25 p.m.
