

Approved
June 16, 2020,
as corrected

PINE MEADOW RANCH OWNERS ASSOCIATION
MONTHLY BOARD MEETING
VIA ZOOM VIDEO CONFERENCE
MAY 19, 2020

In Attendance: Pamela Middleton - President; Nick Jackson – Vice President; Michelle Suitor, Secretary; Andrew Pagel, Treasurer; Tom Brace (Area 1); Joe Pagel (Area 3); Bruce Hutchinson (Area 5); Paul Suitor (Area 6); George Sears (Area 7).

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

Excused: Bennett Wetch (Area 2); Nicole Irving (Area 4)

Pamela Middleton called the virtual meeting to order at 6:30 p.m.

Approval of Minutes

April 21, 2020

Pamela Middleton referred to page 4, first paragraph under the easement proposal, and noted that the sentence “However, per the 2020 requirements, a 20’ easement is required and pullouts every 200-feet” was inaccurate. She clarified that it is a 20’ easement **or** 16’ feet, and pullouts every 200’. Ms. Middleton wanted that sentence corrected to be accurate.

Ms. Middleton referred to page 7 and the sentence, “She noted that there are several pinion trees and it is quite sloping”. She noted that pinion was misspelled but the trees are actually oak trees. She corrected the Minutes to correctly read **oak trees**.

MOTION: Michelle Suitor moved to approve the Minutes of April 21, 2020 as corrected. Nick Jackson seconded the motion.

VOTE: The motion passed unanimously.

Ranch Manager Report

Jody Robinson stated that they were preparing for another busy summer. They started grading the main canyon today. It was a little early to get in the gravel because the roads were still soft. He and Randy were working on all the roads because they were dry enough for what they are doing. They were spraying weeds and working on signs. Jody had leased a roller again for the summer.

Roads

The Board discussed roads and road conditions. Jody reported that the cost of gravel had increased significantly from last year and they would not be able to do as much roadwork as they had planned. He was looking at other suppliers to get the best price.

Jody noted that the price had increased at least 25-30%. There is only one gravel pit in the area and they really hiked the price. Ms. Middleton stated that they would do as much as possible with the road budget.

Ms. Middleton asked Jody if he needed any equipment. Jody stated that the tractor needed to be repaired. The transmission is popping out of gear and he would like to repair it before the transmission is completely gone. He would need to take it to Salt Lake to be repaired. Jody would research repair costs. Ms. Middleton asked if the tractor was worth repairing, or whether they should look into purchasing another tractor. Jody thought it was worth repairing because the tractor is only 6 years old. The problem is that it keeps popping out of third and fourth gear, but it could be fixed. The repair person told him it was a common problem. Jody wanted to catch up on roadwork for a week or two before he hauls the tractor to Salt Lake.

Mr. Hutchinson asked if all the roads were open at this point. Jody replied that the only road that is not open is Uintah View from Alexander up as far as the end of the plow route. It is the last road to open each year, but it should be open within the next week.

Ms. Middleton asked Jody for his list of priority roads. Jody stated that to lay gravel on the two main roads so they will hold the mag water, is the first priority. Jody did Tollgate Canyon earlier today as far as *Navajo* Road. His next priority is the east end of Deep Forest and the north side of Porcupine Loop. Ms. Middleton asked if Jody could do Porcupine Loop later in the summer because the moose have babies in that area sometime in June. Jody replied that he would postpone Porcupine Loop until July. He would grade it to make it drivable until he can lay the gravel.

Mr. Hutchinson stated that the moose have babies on the opposite end of Pine Loop. The area Jody was talking about was not near the moose. Jody clarified that he was talking about Porcupine Loop where the bottom corner slid out 15 years ago. Ms. Middleton informed Mr. Hutchinson that the moose have babies on that side as well. Jody stated that he would like to do the entire loop, but they do not have the budget for it.

Jody noted that he also needs to place gravel on some of the roads where the gravel is gone. Mr. Hutchinson remarked that Alexander Canyon is always a problem. Jody replied that there was still enough gravel to work with on that road; however, he would like to put gravel on the top end of Alexander.

Ms. Middleton asked each of the Area Reps if they had been contacted by anyone in their area regarding road issues.

Tom Brace, Area 1, stated that a neighbor asked about road base in front of Hamilton's on Bull Moose. Jody agreed that it needed road base.

Paul Suitor, Area 6, had not heard from anyone in his area.

Nick Jackson had heard comments about Forgotten Lane. Jody had not yet assessed Forgotten Lane and he asked Mr. Jackson if it needed gravel or just grading. Mr. Jackson thought it only needed grading.

Ms. Middleton asked if they planned to do mag water right after the Fourth of July. Jody replied that he would try to have it done. Ms. Middleton explained mag water for the new Board members. It is a magnesium chloride solution that is applied to the roads to help prevent dust. It is always applied to the main roads, and if mag water is left over, Jody spreads it out to other more frequently used dirt spots.

Mr. Hutchinson noted that in the past Jody has had difficulty getting on the mag water schedule. He asked if they were on the schedule or if he still needed to schedule it. Jody replied that he needed to call and schedule it. Mr. Hutchinson asked if Jody would make that call this week. Jody answered yes.

Paul Suitor asked Jody how he chooses the other areas for mag water. He knows of a spot where people tend to drive their ATVs right up Aspen Ridge. Jody replied that he puts mag water on the heavy traffic routes and on the hills.

Ms. Middleton and Jody had compiled a list. If anyone has additional information, they should contact Ms. Middleton or Jody before the list is typed up next month.

Someone had just received an email from Roy Parker asking the Board to consider grading Uintah View between Elk and Aspen Ridge because it has not been maintained for years. Jody stated that it was part of the upper part of Alexander where he would like to place gravel. He agreed that the road needed some work.

Ms. Middleton reported that she saw Randy last week and he is doing well. It was good to have him back.

Parking

Nick Jackson commented on the parking at the bottom. He had received the agreement from Summit County that was drafted and proposed to Pine Meadow. He thought it looked good. Mr. Rosing was going to redraft a couple of provisions, primarily to clarify

the liabilities and obligations. Mr. Jackson would work with Jody to make sure everything is doable in terms of the obligations the HOA would agree to undertake, including dust control, snow removal, etc. Mr. Jackson hoped to have more progression by the next meeting.

Mr. Jackson noted that the signs were on the Ranch, and he asked Jody if the dumpster signs had been installed. Jody replied that he had put the signs up the other day. He wanted to make sure they were placed where the Board intended them. Ms. Middleton stated that she had not been down to the dumpster to see for herself, but she had not heard otherwise.

Mr. Suitor noted that the last couple weekends all the dumpsters have been completely full by Sunday. He asked if it was possible to contact the company to bring in another dumpster. Ms. Middleton stated that generally if the dumpster gets too full, they can call the dumpster company to empty them sooner than the scheduled date. She noted that it was typical for Spring and Summer when people first come up to clean out their cabins. Mr. Suitor did not recall having the dumpsters full this soon in the season. Jody believed it was due to the Coronavirus. People have nothing else to do and more have been coming to the Ranch earlier. Mr. Suitor offered to contact the dumpster company if Ms. Middleton or Jody sends him the phone number.

Ms. Middleton reported that she and Ms. Irving had not yet updated the protocols for handling the stickers.

Jody disconnected from the meeting.

CC&Rs Update

Ms. Middleton asked if Mr. Sears had anything to add to the email he sent regarding the votes. Mr. Sears stated that since people were coming to the Ranch for the summer, he thought it would be appropriate to send out a reminder that voting is still an available option. They have not sent a reminder for three months. Mr. Sears noted that spreadsheets were sent to each of the Area Reps. He was going through his more diligently and actually met with four people in his area last weekend to see if they had voted. One had not voted but the other three had. Mr. Sears remarked that the original plan was for each Area Rep to reach out to individuals identified on the spreadsheet who had not voted. He thought it was appropriate to encourage that process. Mr. Sears believed the opportunity exists because there are more owners on the Ranch, and it is easier to reach out to people. Mr. Sears offered to draft a message and have Carol send it only to those individuals who have not voted. He would email the message to all the Board Members, so they know what is being sent.

Ms. Middleton stated that she intended to develop a “lessons learned” document so if the CC&Rs do not pass this time, the next process will be more effective. Mr. Sears stated that it was apparent that they need to find 560+ individuals who are willing to vote, regardless of how they vote. They will never get a two-thirds majority until they identify the individuals who are willing to step up and vote. Ms. Middleton thought it would be better to extend the process and have a full year to engage with the owners and get their feedback. It is important to create the conversation, so people have it in their minds for a while before they actually propose changes. Ms. Middleton recommended a more involved process where the owners can share their vision and become more involved so they will vote for what they want.

Ms. Middleton agreed with Mr. Sears that the Area Reps should reach out to people in their area to at least get the critical mass votes that are needed for a yes or no on changing the CC&Rs.

Architectural Committee and New Construction

PI-G-44 – 2214 S ASPEN RIDGE DR

Mr. Jackson reported that this item was for a cabin on Lot PI-G-44.

The cabin is new construction that lists approximately 4,100 square feet of total improvements. The owner had provided material and color samples, the signed Lot Improvement Plan, and had paid all the fees. They had also marked the site plan.

Mr. Jackson felt the plan as proposed met all the Architectural Requirements.

The Board had questions regarding the size. Mr. Jackson noted that the 4,100 square feet should include the basement and the garage, because it asks for the entire total square footage of improvements. Mr. Pagel did not think the plan looked like it did include the garage, and he suggested that they ask the owner for a breakdown.

Mr. Jackson referred to a document provided showing that the lower level is 1,170 square feet, the garage is 1,170 square feet, the main level is 1,150 square feet, and the upper level is 615 square feet. He noted that the living space square footage was slightly under 3,000 square feet.

Mr. Hutchinson noted that this plan also had a breezeway connection and he asked if that was considered living space as a hallway. Mr. Jackson was unsure, but if it is considered it would only add an additional 100 square feet.

Mr. Hutchinson recalled that the Board recently approved an identical structure from the same contractor in another location. He did not think the Board had any other option but to approve this plan if it meets all the criteria.

MOTION: Bruce Hutchinson moved to approve the plans for construction of a new cabin on Lot PI-G-44 as presented. Joe Pagel seconded the motion.

VOTE: The motion passed. Tom Brace and Paul Suitor abstained.

PI-B-6 – 1508 W NAVAJO RD

Mr. Jackson noted that the owner was Vlad Turchenko. Mr. Turchenko was on the call. Lot PI-B-6 is on Navajo Road.

Mr. Jackson presented plans for a 3,000 square foot cabin with decks. It is a classic log cabin with a detached garage. The exterior will be wood logs and boards with a burgundy metal roof.

Mr. Hutchinson did not think red roofs were allowed. Mr. Jackson stated that Lee Merryweather, the honorary building committee member, had also pointed out the burgundy color roof. Ms. Middleton concurred that red is not an acceptable color. It was noted that the roof metal and color was left blank on the Lot Improvement Plan. Mr. Sears clarified that the PDF submitted by the owner identifies a metal roof in a burgundy color. Mr. Pagel noted that green, gray, or brown are the acceptable colors.

Vlad Turchenko stated that he was willing to change the color to brown. He chose the burgundy because he thought it looked brown. Mr. Jackson stated that Mr. Turchenko could provide the Board with a sample to justify the burgundy color, unless he wanted to make it easy and change to a brown color. Mr. Turchenko stated that he would choose a brown color. Mr. Jackson asked Mr. Turchenko to revise the Lot Improvement Plan to reflect a brown metal roof. Ms. Middleton requested that Mr. Turchenko also send a color sample. She pointed out that the Board typically requires a color sample for every new build.

Once they receive the color sample and the revised Lot Improvement Plan, the Board could vote by email. Mr. Sears noted that the owner had emailed a complete set of plans on May 5th with all the PDFs. He did not believe those were in the dropbox. Mr. Sears thought the plans looked good, with the exception, of the burgundy roof.

Mr. Suitor noted that he still could not find the plans in the dropbox. Ms. Middleton stated that plans are only sent to the Architectural Committee. Mr. Suitor wanted to

know how the Board members are expected to vote if they cannot see the plans. Ms. Middleton replied that when the plans are put in the dropbox, every Board member can access them. She acknowledged that the plans for this project were not in the dropbox.

Ms. Middleton pointed out that the process is that the Architectural Committee reviews the plans and makes a recommendation to the Board prior to voting. She thought they were making great strides in putting everything online so every member could have access, but when it is not available to everyone, they need to trust the Architectural Committee.

Mr. Suitor understood the process; however, he would like to see the materials. He drove by another place that is currently under construction with a red roof. Mr. Pagel invited Mr. Suitor to join the Architectural Committee if he was interested.

Ms. Middleton clarified that the Board would do an online vote once they see the updated plans and a color sample for Lot PI-B-6.

Andrea Lambert – Easement Proposal – SS-143 - 1695 W ARAPAHO DR

Ms. Middleton reported that she and Mr. Jackson met with Andrea Lambert and her husband. They walked the road easement, walked the lot, looked at where the original easement was and where they were proposing to move it. She and Mr. Jackson both agreed that dropping it down a little further at the top and then go across the top lines of the hillside made sense in terms of excavation and gradient. Ms. Middleton pointed out that the top of the lot is very steep, and they would need to cut in several switchbacks to get the driveway down to their house. The adjustment as proposed would eliminate the switchbacks. The driveway will drop into the property near the house.

Mr. Jackson concurred with Ms. Middleton. He noted that the new proposed easement down the hill will be less visible from the winter parking lot, from Arapaho and from across Tollgate, making it less disruptive both on the ground and visually to everyone. Mr. Jackson thought adjusting the easement was a benefit to the HOA and it was a good idea to move forward. In terms of next steps, Mr. Jackson stated that the owners did not have the engineer report telling them that the new proposed easement is feasible. The plan was to continue moving forward based on hearing what Mr. Jackson and Ms. Middleton thought about it. If the Board was willing to be flexible and will wait to hear what the engineer has to say about feasibility, the owners will move forward with the engineer report before getting final approval.

Mr. Hutchinson asked how moving the easement affects the HOA property. He wanted to know if the Board would be able to see where the new proposed easement will be

located and whether it has been platted. Mr. Jackson replied that it was not platted. However, if anyone visits the property, they will see the proposed easement in pink flags. He noted that the easement goes across the HOA parcel. The original easement as it exists goes across almost to the high point of that parcel. The new proposed easement brings it down to the very edge of where it is not too steep to use. Mr. Jackson felt the proposed adjustment would open up more of the parcel to further use by the HOA than the current easement.

Mr. Hutchinson asked if the owners needed an answer before the end of this month, as they originally proposed. Mr. Jackson answered no. He assumed the owners are on a due diligence timeline, but they were moving forward on a preliminary basis. They put the flags in, and if the Board is generally comfortable with the direction it is going, they will take the next step and pay for the civil engineer drawing. Mr. Jackson clarified that the owners were not expecting a decision by the Board until they submit the actual civil engineer approved plans for review.

Ms. Middleton explained that the owners did not want to go through the work and expense only to be told no. They would like a good faith agreement that the Board is willing to work with them on moving the easement before they move forward.

Mr. Hutchinson stated that since the Ranch is now primarily open, he proposed that they take advantage of walking the site within the next 30 days and postpone a decision until then. Ms. Middleton clarified that she was not asking the Board to make an official decision. The request is to let the owners know that the Board is agreeable to what she and Mr. Jackson have said, before they move forward with the expense of hiring a civil engineer to draw it up.

Mr. Sears thought the Board had already agreed to that in principle. He recalled telling the owners that they were not interested in granting other easements, but they already have the existing easement and they were requesting to move that existing easement. Mr. Sears noted that Mr. Jackson and Ms. Middleton had already walked the site and he thought it would be easy for the other Board members to do the same. Mr. Sears personally felt that cutting into the mountain to keep with the existing easement was more damaging than allowing them to move it further south.

Mr. Brace stated that he had already walked the property and he was in favor of the proposed adjustment. Michelle Suitor noted that she and Nicole Irving had walked it on Sunday and saw the pink flags. She thought it looked like an acceptable location, but she did not know how it compared to the original location. Ms. Suitor did not have an issue with where the pink flags were located.

FM-D-115 –FENCE - 818 W ARAPAHO DR

This item was a fence proposal on the east and lower end of Arapaho. Joe Pagel had looked at the plans and his opinion was not to approve these plans because the Board has not approved these types of fences in the past. He thought it was more like a perimeter fence and it was important to be consistent. Mr. Pagel noted that the CC&Rs specifically states that wildlife should not be impeded.

The owner had submitted fence samples showing post driven fences with two or three lateral unfinished pieces of pine or oak. The owner also proposed to add additional metal fencing for his dogs. Mr. Sears pointed out that it would be the biggest fence on the mountain. Mr. Pagel thought it would definitely impede travel of wildlife.

Ms. Suitor recalled a previous fence that the Board approved due to the safety hazard of kids on a cliff. Ms. Middleton replied that it was not a perimeter fence. The fence proposed for FM-D-115 would be an entire enclosure. Mr. Sears clarified that this was not a safety issue. The intent is to contain three dogs. Ms. Suitor was not inclined to approve the fence. Andrew Pagel was also not inclined to approve the fence. Fences should be limited to safety reasons. Mr. Hutchinson concurred. He thought the Board would be opening a can of worms if they start allowing fences. Andrew Pagel thought it was a simple no. The Board could promote an invisible fence. Ms. Middleton noted that several people use invisible fences to keep their dogs contained. Mr. Sears agreed that the proposed fence is inconsistent with the direction of the Architectural Guidelines and what they were trying to create on the mountain.

MOTION: Michelle Suitor made a motion to deny approval of the perimeter fence proposed for Lot FM-D-115. Nick Jackson seconded the motion.

VOTE: The motion passed unanimously.

PI-C-64 – NUISANCE COMPLAINT - 1404 W ARAPAHO DR

Ms. Middleton reported that a complaint was submitted regarding a lot of stuff sitting in the driveway being an eyesore. Ms. Middleton got a phone call from the owner of Lot PI-C-64 who received the nuisance complaint. She and the owner talked about it and he explained the situation. The owner got a special delivery of additional equipment he did not order. He had to move things out of his garage in order to deal with the unexpected equipment. In addition, his family is in town and fixing their cars, which is why there were so many vehicles in the driveway. Ms. Middleton stated that the owner was in the process of clearing out the driveway. She went by there and it was already starting to look better.

FM-D-89 – ROAD & DRIVEWAY - 620 W ARTIST POINT DR

Ms. Middleton noted that this was a new build. She had added it to the agenda because she had a question for the Architectural Committee. Ms. Middleton had searched for culverts in the Architectural Guidelines. It said “culverts” but it did not describe whether culverts are required on driveways when they are built. She asked if the HOA could make that requirement or if it was a county issue.

Joe Pagel understood that culverts are drawn in by the Summit County Engineering Department. Ms. Middleton asked whether the engineering department would require a culvert on a hill as steep as the one on FM-D-89 with a cut-in driveway that switchbacks up a steep mountain slope. Mr. Pagel was unsure and offered to look into it. Mr. Jackson thought they could request that the owner have a plan in place at the Lot Improvement Plan stage to allow for water flow underneath.

Ms. Suitor stated that when she and Paul recently built, they had to show where the culvert was located, where the gravel would be, and where the porta-potty would be located on-site during construction. She was certain Summit County requires it, and she also thought the HOA regulations require a culvert at the end of driveways. Ms. Middleton reiterated that she had looked but was unable to find it.

Andrew Pagel explained that people submit their plans to the Summit County Engineering Department. The engineering department oversees the layout, which includes setbacks, driveway grade, etc. The owner stakes the driveway per the survey and someone from the engineering department will come out and look at where the proposed driveway is staked on the property. They will then tell you whether a swell or a culvert is required. Mr. Pagel clarified that the engineering department does not use the site map to make that designation. It is during the very first pre-inspection.

Joe Pagel pointed out that the plan submitted did not have a culvert drawn into the site plan. It only showed a washout area along the perimeter.

Mr. Jackson stated that the building regulations do not have details about when culverts are required; however, Number 4 on the Lot Improvement Plan states that all driveways must have the appropriate size culvert installed and grading such that all runoff water does not drain on to the adjacent roadway. He noted that the Lot FM-D-89 is definitely not in compliance with the Lot Improvement Plan the owner had signed.

Mr. Rosing noted that the version of the construction checklist he had states that applications must include a site plan showing cabin location, driveway access, culvert, utility access, meter pedestal, septic tank, propane tank, and drain field. From that

reading, Mr. Jackson thought the owner should have designated their culvert site but did not; and one was not installed at all. Ms. Middleton noted that driveway culverts have been overlooked in the past. She thought it was important for the Board to pay attention to that issue in the future and make sure it is designated on the plans. The HOA is responsible for the roads and taking care of them saves money for the owners.

Mr. Hutchinson thought the Board needed to write a letter soon and send it to the owners saying that they need to put in a culvert. Ms. Middleton suggested that Carol should draft the letter and email it to the Board for review before sending it to the property owner. Mr. Jackson offered to work with Carol on drafting the letter.

Annual Assessments

Ms. Middleton noted that she and Mr. Jackson had volunteered to work together on a payment plan for annual assessment due to the Covid-19 situation, but they had not done it. She had a list of everyone who had not fully paid their annual assessments and they needed to look through it because some people were already on payment plans. However, they still need to do an outreach to those who have not paid the annual assessment and give them the opportunity to spread out their payments or make a payment prior to October 15th.

Rule Changes

Ms. Middleton stated that they were still collecting a list of potential rule changes. As the Board members go through the Architectural Guidelines or the Rules and they see things missing that would help the Board do a better job managing the Ranch, the roads, safety issues, construction, etc., they should send those to Mr. Jackson and Mr. Wetch to add to the list. Whenever the Board is ready to make changes, they will have a list of items to consider at one time.

Water Company Board Meeting

The Water Company Board had postponed their meeting and there was nothing to report this evening.

Plowing Map

Ms. Middleton believed the plow map was updated with a few necessary changes and ready to post on the website.

Park

Ms. Middleton noted that the HOA was putting together a bench in memory of Bill Benelli. Ms. Irving was leading that effort, but she was not able to participate in the meeting this evening. Ms. Middleton did not have an update.

Ms. Suitor reported that she, Joanna, and Nicole met as the playground committee on Sunday. They would like to rename the committee from “playground committee” to “the community improvement committee”. Ms. Middleton thought it was originally called the recreation committee. Ms. Suitor thought “community” should be in the name.

Ms. Suitor stated that two homeowners not in her area approached her last Tuesday and they would like a playground. However, she heard that other people do not want a playground. The three committee members discussed creating a survey on Survey Monkey and put a link to it on the website and on Facebook, to give the owners the ability to choose whether they want a playground, a pavilion, a propane only barbeque pit, a frisbee golf course, or a few other options. People could choose five options and rank them in priority to give the committee some direction and give them a feel for what people really want. Ms. Middleton noted that the HOA put out a similar survey a couple years ago. Ms. Suitor asked if there was a record of the results. Ms. Middleton assumed there was one. She could not recall who did the survey.

Ms. Suitor stated that she would look for the existing survey, but if it cannot be found, the committee would like to send out another survey. She noted that some people have probably moved off the Ranch and new people have moved in. Ms. Middleton was not opposed to an updated survey.

Ms. Middleton pointed out that moose like to rub their antlers on things, and swing sets on private lots have been torn down and dragged down the mountain on the antlers of a moose. If they end up doing a playground, she wanted to make sure they take that into consideration. Ms. Suitor remarked that the committee talked about that and if they do a playground it will be like a climb up gym with a slide that goes down. There will not be swings. Another option is to unhook one side of the chain if they do have swings. Ms. Middleton thought it would be better if they did not have swings.

Ms. Middleton asked about insurance for a community activity space. Mr. Rosing assumed they were not covered at this time but adding insurance coverage would not be difficult. Mr. Sears stated that a playground increases liability. The HOA would need to change the insurance to include it, or they would be liable. Ms. Suitor asked why the HOA is not liable for people drowning in the pond. Mr. Sears stated that the key is whether the pond is under HOA management and whether the HOA maintains it. All of

that comes into play. He has attended a number of Sandy City Council meetings and their liability for playgrounds in the insurance model is high. It depends on who owns it and who maintains it.

Mr. Rosing stated that many associations have those types of structures and it is possible to get insurance. He thought it would be simple to get a cost estimate on various insurance options.

Mr. Jackson stated that he had been working with a new insurance broker to get a quote on new Director & Officer insurance for the Board. The broker was putting together quotes for other insurance such as general liability. They have talked about the number of fire hydrants on the Ranch, the type of activities on the Ranch, and other things. Mr. Jackson offered to bring a playground or other community recreation options into the conversation. Ms. Middleton thought it would save money in the long run if they could obtain that type of liability insurance to protect the Association in the event of a lawsuit.

Ms. Suitor noted that the committee had discussed the bench for Mr. Benelli. Ms. Suitor had researched benches and she asked if the Board had a specific dollar figure or particular material in mind. She noted that Mrs. Benelli was getting the cabin ready to sell. The committee would like the bench to be installed and have a small dedication before she sells and leaves the Mountain. Ms. Suitor noted that Costco had wooden and plastic benches on sale. She pointed out that a wood bench would not hold up well during winters on the Ranch. She was willing to purchase a bench from Costco and ask Jody to help her put it together.

Ms. Middleton asked Ms. Suitor to send a list of options and prices to the Board members for a bench and a plaque to put on the bench. Ms. Suitor stated that she would compile a list and send it to the Board so they could make a decision quickly.

Ms. Middleton recalled a previous conversation about putting the bench by the pond. Ms. Suitor would also ask Mrs. Benelli if Bill had a favorite place on the Ranch where they could put the bench. Ms. Middleton stated that Mrs. Benelli had already asked her if the bench would be at Bobcat Springs. She also thought Cheryl was helping with the bench. Ms. Middleton suggested that the committee ask Cheryl to see if she had suggestions.

Fire Pit Plan

Ms. Middleton noted that Alan Powell had emailed a fire pit plan with a recommendation for the Board to approve it. Ms. Suitor trusted Mr. Powell's opinion. Mr. Hutchinson

concurring.

MOTION: Michelle Suitor made a motion to approve the fire pit plan submitted by Alan Powell for 2253 Aspen Ridge, Lot PI-G-29. Nick Jackson seconded the motion.

VOTE: The motion passed unanimously.

Ms. Middleton noted that Paul Suitor is the area rep. She informed Mr. Suitor that when the sign at the bottom states "no fires", a fire in an approved fire pit is still allowed.

Monthly Budget Review

Andrew Pagel reviewed the unpaid bills detail. He had no issues with any of the charges and noted that they stayed within the budget for legal fees last month.

MOTION: Andrew Pagel moved to approve the unpaid bills for mid-April through mid-May in the total amount of \$15,111.16. Ms. Middleton seconded the motion.

Public and Open Forum

Katrina, Rob Wells wife, Lot FM-D-115, noted that the Board had voted not to approve the fence recommendation that was submitted. She stated that the reasons for why they were requesting the fence were not addressed during their discussion. Katrina asked if there was an opportunity to advocate on their behalf. She clarified that they did not submit the fence proposal for the purpose of keeping their dogs in their yard.

Joe Pagel disagreed. He thought it was to keep their three dogs in their yard because they have had close encounters with other dogs. It was also to keep other dogs off their property. Katrina stated that it was to keep dogs away from the vicinity around their house because it is a safety hazard when other dogs are running on their property.

Mr. Pagel stated that fences are not recommended in Tollgate due to impeding wildlife. For that reason, the CC&Rs state that fences may be approved, but they must be short, 30' x 10' along the side of the home. In this case, the perimeter fence they were proposing is a large portion of their property, which would definitely impede the natural migrating trails of the wildlife.

Katrina stated that they were flexible on materials and size. She wanted to know what the Board does approve because the fencing information available on the website was not clear at all. She found it confusing to even know what to submit when there are no guidelines. When they went online, there were no restrictions on fences except barbed

wire and chain link fences; and that it needs to be approved by the HOA.

Mr. Pagel stated that the restrictions on fences were spelled out in the Architectural Guidelines. He noted that the Architectural Guidelines clearly defines no perimeter fencing. It specifies the height restriction. And it specifies building materials. In addition, the Architectural Guidelines state that it must be approved by the Architectural Committee. Mr. Pagel pointed out that the Board does not approve fences a majority of the time and they try to discourage fences. The only time the Board approves fences is if it is along a cliffside or there are other safety concerns, or it is a small fenced in area directly adjacent to the house where one of the four corners of the fence is the side of the house. He emphasized that the Board does not allow perimeter fencing.

Katrina wanted to know what would be defined as a perimeter fence, and where she would find the definition of a safety concern. She felt that other people's animals running into her yard and attacking her, and her dogs was a safety concern. Mr. Pagel reiterated that the Board would consider a small fence adjacent to her house. It cannot surround her entire house. Katrina asked if it is considered a perimeter fence if it goes around the entire property or around part of the property.

Mr. Sears read from Section D of the Architectural Guidelines. "Fences are allowed with only natural coloring, natural materials." "Only fences around gardens, dog runs, or other small areas may be permitted." Katrina wanted to know what would be approved as a small area.

Mr. Rosing stated that she and her husband needed to draft a proposal for the Board to review, because the baseline is that fences are not approved. Mr. Pagel recalled that the last fence the Board considered approving was 10' x 30'. Mr. Rosing pointed out that there was a lot of discussion over that fence because it was considered large.

Ms. Middleton clarified that generally the Board does not approve fences. She understood the problem with other people's dogs. If they can take pictures and identify the dogs it helps identify the owner. Another option is to call Animal Control if dogs are running loose. Ms. Middleton thought it was unlikely that they would be able to put up a fence to prevent other dogs from coming on their property.

Mr. Pagel stated that if Katrina goes to www.pinemeadowranch.org, the Architectural Guidelines could be found under Important Documents, which is where she will find all the restrictions and regulations. Katrina read where in the CC&Rs she found information that led them to believe that they could have a fence with few restrictions, subject to approval. Ms. Suitor noted that the first paragraph of the Architectural Guidelines refers to CC&Rs Section 5, which is what Katrina was referencing.

However, it also states that no building, fence, wall, or other structure would be erected or maintained without Board approval.

Katrina stated that she would read the Architectural Guidelines and try to draft a proposal.

Benjamin Gibbs, PI-B-30, 2261 S NAVAJO DR, stated that he was thinking about erecting a temporary yurt and he wanted to know if there was a cost per square foot they needed to pay.

Ms. Middleton remarked that Mr. Gibb's proposal was a special situation for a temporary structure. She understood that Mr. Jackson was looking into it.

Mr. Gibbs understood. He was curious as to whether he needed to revise the proposal and submit a payment.

Mr. Hutchinson asked Mr. Gibbs how he was proposing to handle the sanitary waste on a temporary structure like the Yurt. Mr. Gibbs replied that he would ask the Board for advice. It would be used infrequently like a tent, but he did not have a permanent solution.

Mr. Hutchinson thought it appeared from the proposal that Mr. Gibbs was proposing a concrete pad under the Yurt. He asked if that was still being considered. Mr. Gibbs clarified that it was a wooden deck structure. Mr. Hutchinson asked if Mr. Gibbs had contacted Summit County to see what is permitted. He noted that the county now requires full foundations on any structure. He understood this was a temporary structure, but Mr. Hutchinson was concerned about water and sanitation requirements. In addition, temporary structures are only allowed to be up no longer than 180 days, which is usually May to October.

Mr. Gibbs clarified that he would need to come back with a solution for water and sanitation. Mr. Hutchinson answered yes. He told Mr. Gibbs to go to the Summit County website where he would find the procedure for those issues. However, the Yurt is only a temporary structure, which is why he was asking the question. Mr. Hutchinson stated that what Mr. Gibbs was proposing was similar to building a deck, but he would possibly need to have a sanitary system. He questioned where Mr. Gibbs would get his water.

Mr. Sears agreed that since Mr. Gibbs intended to put a structure on the wooden deck, he needed to talk with Summit County to understand the restrictions. Anyone can use their property to camp temporarily if they collect everything and take it with them; or just

bring in water. He did that for four years before he started to build. However, the bigger issue with the Yurt is the deck, which is a permanent item. Mr. Sears recommended that Mr. Gibbs ask Summit County for guidance on that issue.

Colleen Olson, Lot PI-C-23, stated that she had contacted Nicole Irving and also had an email exchange with Nick Jackson. Someone is building a home across the street from her on Lot PI-C-26, 2170 S RUNNING DEER CIR. Her property goes up 40' from the road up the hillside and to where the neighbor's property starts. The road was initially placed in the wrong place. When she spoke with Summit County, they told her that their records show the road in between the two property lines. Ms. Olson noted that the road is not between the two property lines and instead is 40' on to her property. Ms. Olson noted that the contractor was using her property to dump a load of sand and store logs. They act like everything from the road up is the neighbor's property.

Ms. Olson was unsure how to approach this problem. She spoke with the owner and the contractor many times, but they keep telling her they are working on it. It has been a month and she felt like nothing was going to be resolved. They dumped the sand last year. They say they are working on it, but they are not paying any attention to it.

Ms. Olson noted that the pile of logs is distributed over three separate lots that are not theirs, going over 20' into the next lot on three sides.

Mr. Jackson stated that he drove by there today and what Ms. Olson was saying is correct. He noted that one of the requirements in the Lot Improvement Plan is that construction debris be kept on the lot that is under construction. The contractors had stuff in the road and on the two lots to the side.

Mr. Jackson believed there was an issue with the easement. He noted that Ms. Olson had stated in her email that she was aware of the difference between her easement and the road, as well as the construction requirements. He did not think the property owner of Lot PI-C-26 was in compliance with the Lot Improvement Agreement.

Ms. Middleton asked if anyone had taken photographs. She noted that Carol likes to have photographs for documentation. Ms. Olson stated that her request is very simple. She was willing to have the sand and the logs stay on her property because it will eventually go away. However, they came through her property when it was muddy and she asked the contractor to smooth it out because it is so rutted that she cannot park there, but that was not done.

Ms. Middleton suggested that Carol send the property owner on Lot PI-C-26 a letter requesting that they be mindful of other people's property and that they contain their

materials and waste to their lot. If the area surrounding their property has sustained any type of damage from tire ruts, that it be repaired as soon as possible.

Mr. Suitor thought Summit County Building Department would have something in place for this type of circumstance. He noted that a debris fence is required around the building site, and it is clear that they are on the wrong side and using other owner properties. Ms. Middleton pointed out that a debris fence is not always required. It depends on the lot. However, the Lot Improvement Agreement mentions a dumpster. She believed Summit County enforces the dumpster and porta-potty requirement.

Mr. Sears asked if the HOA had the ability to fine the property owner of Lot PI-C-26 for non-compliance. Ms. Middleton stated that they needed to send a warning letter first. Mr. Sears thought the letter should also indicate that the property owner was not in compliance with their commitment and outline what it is they need to do to come into compliance.

Ms. Suitor thought the Board should review the letter that Carol drafts, but it should go out as soon as possible. Ms. Middleton noted that Nicole Irving is the Area Rep and she would ask Carol to work with Ms. Irving to draft the letter and send it to the Board.

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

The meeting of the Pine Meadow Owners Association Board adjourned at 8:24 p.m.
