

PINE MEADOW RANCH OWNERS ASSOCIATION  
MONTHLY BOARD MEETING  
VIA ZOOM VIDEO CONFERENCE  
JULY 21, 2020

In Attendance: Pamela Middleton, President; Nick Jackson, Vice President; Michelle Suitor, Secretary; Bennett Wetch (Area 2); Bruce Hutchinson (Area 5); Paul Suitor (Area 6); George Sears (Area 7).

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

Excused: Andrew Pagel; Tom Brace (Area 1); Joe Pagel (Area 3); Nicole Irving (Area 4)

Guests: Matt Tyler, Lot PI-C-25; Denny Smith, Lot PI-I-38

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

### **Approval of Minutes**

June 16, 2020

Michelle Suitor referred to page 2, second paragraph, which reads "In the event of a fire, Alan Powell will be available". She corrected the sentence to accurately read, "...Alan Powell **will not** be available".

MOTION: Nick Jackson moved to approve the Minutes of June 16, 2020 as corrected. Bruce Hutchinson seconded the motion.

VOTE: The motion passed. Pamela Middleton abstained from the vote.

### **Ranch Manager Report**

Jody reported that a lot of mag water was done this month.

Jody requested funding to purchase asphalt to fix some of the edges on the main Tollgate Canyon Road, per a request by Paul Suitor at the last meeting. He needed Board approval to spend approximately \$2,000 on asphalt. Ms. Middleton asked if \$2,000 was a cap. Jody answered yes.

Ms. Middleton noted that there was money in the budget for road repairs. Jody remarked that there was a \$50,000 budget for gravel, but he was unaware if there was money for asphalt. Mr. Hutchinson thought it would be wise to keep track of what money is spent on asphalt versus other materials. Ms. Middleton thought it fell within the general practice of Jody needing Board approval if he intends to spend more than \$1,000.

Mr. Jackson recalled a previous discussion about how the cable company did some damage down by the sign and said they would assume responsibility. He asked if Jody was talking about fixing that section as well; and if so, would they get reimbursed from the cable company.

Mr. Rosing had looked into the matter and found that the cable company signed an agreement with the HOA stating that the cable company should fix any damages. He had not yet reached out to the cable company. If Jody was looking at repairing that same area, he would contact the cable company. Mr. Rosing asked Jody to call him so he could be better informed with more information before he contacts the company. Jody stated that it is one of the places that needs to be fixed. Mr. Rosing suggested that the HOA do the repairs and ask the cable company to reimburse for the materials. That would allow Jody to be in charge of the repairs rather than having the cable company do it. Jody was comfortable with that approach. He intends to use the small dump truck to haul the material so there will not be a trucking cost. Mr. Rosing stated that if the cable company refuses to reimburse for materials, he would hold them to the contract, and they will be responsible for labor and material.

MOTION: Paul Suitor moved to approve purchasing asphalt with a \$2,000 cap, and to have Mr. Rosing work with the cable company on reimbursement for that specific area of damage. Pamela Middleton seconded the motion.

VOTE: The motion passed unanimously.

Jody reported that he and Randy have been spraying weeds and fixing signs. They still have culvert work and bar ditching to do for the summer.

Mr. Sears commented on the two roads that go down to the Church camps and noted that the weeds are getting quite prolific. He asked if they ever sprayed weeds on those roads. Jody answered no, because it is private property. They only do the main roads. Jody stated that the roads go into church property and the church sprays their own roads.

Ms. Middleton suggested that Carol send the church a letter to let them know that the HOA is concerned that the weeds are overgrown. Mr. Sears stated that once the thistle blooms it eventually comes up into the Ranch. He thought it was a good idea to have Carol call or send a letter. Jody stated that he had spray leftover. If the church approves, he could try to make a pass up and down with spray to control the thistle. Jody asked to have Carol call him after she contacts the church. Ms. Middleton thought it was better to first ask the church to do the spraying. If it is not done within a week or two, Carol could ask the church if Jody could spray.

Jody stated that he would be placing gravel on the remaining roads the rest of the summer.

Mr. Jackson stated that people have asked him if Bull Moose from Artist Point down the hill towards Bear Tooth would be worked on this summer. Jody stated that Bull Moose will be graded but he had no plans to lay gravel.

Mr. Hutchinson noted that in years past they no longer needed to grade because of the fire issues later in the season. He asked if that would occur again this year. Jody stated that it was possible because it is so dry. He still plans to grade as much as possible using the water truck to spray it down before grading.

Ms. Middleton asked Jody about the winter parking lot and whether he has noticed other people clearing to make roads. Jody replied that the Lambert's were doing clearing off the end of the point. Ms. Middleton noted that the HOA had not given them approval. Jody stated that he gave them approval to make a trail so the trailer would not tip over and told them it would need to be reclaimed so no one else uses it. Ms. Middleton remarked that the HOA had specifically told them no previously.

Mr. Wetch asked if it was a one-time use or for ongoing access. Jody clarified that it is not an ongoing access point and he had made that very clear when he said they could cut the trail. Mr. Hutchinson stated that the concern is that the Board specifically told the Lambert's that they could not cut into it and they did it anyway. Mr. Sears did not want the Lambert's to think that it would be an open line of access to their property. Mr. Jackson recalled that the Board had decided to rely on Jody to make the decision on the temporary access. Jody stated that he made it very clear that it would be reclaimed, and the vegetation would be grown back.

Ms. Suitor understood that the road was cut in because of a trailer. She wanted to know how they will get the trailer out if it grows back in. Mr. Sears thought they should have their own road put in by then. Jody agreed. Mr. Sears noted that the road needs to go in before the owner can obtain Summit County approvals.

Ms. Middleton asked if they were actively parking in the HOA parking lot to get to their trailer. Jody answered no. The road has been cut to get the trailer in only. Mr. Hutchinson asked if they were accessing the trailer through HOA property. Jody answered no.

Mr. Wetch stated that even though the Lambert's went against what the HOA had prohibited, it was a one-time access and they would not be coming out the same way.

He thought the HOA should remind them of that. He encouraged Jody to put most of the burn pile wood in front of that access point to keep it from being used. Jody replied that he already planned to block it off.

Mr. Jackson noted that the other road easement would be finalized soon, and a lawyer was drawing up the language for the alternate easement. He will make sure they accurately get the boundary of the easement in the agreement.

Ms. Middleton commented on the email they received asking about the road that comes off of Canyon Road and West of Willow. She understood that it was not an HOA road. Jody replied that it is not an HOA road and it is in Morgan County. Ms. Middleton asked whether the road was needed to access any HOA properties or lots. Jody answered no. The road is not drivable by car. Jody emphasized that the road is not in the Ranch boundaries or in Summit County, and the HOA has never maintained it.

### **Water Board Report**

Mr. Hutchinson stated that the Water Company Board meeting was short.

*Cheryl Groot*, Lot PI-E-70A, attended the meeting with a proposal to place new signage on the Water Company's pump house at Bobcat Springs. The Water Board approved her request.

Mr. Hutchinson reported that Brody and Trevor had located a leak on Arapaho which they planned to repair this month.

Mr. Hutchinson had nothing else to report.

Ms. Middleton noted that she encountered Brody and Trevor when they were looking for the leak, but they still had not found it. Mr. Hutchinson stated that the leak has been puzzling for the Water Company. It was continuously leaking but they have not been to locate it. They were continuing to search for it.

Mr. Wetch still had issues with one person having the ability to make the decision that the Water Company does not offer meetings remotely. He found that to be problematic. He wanted his concern on the record, and he intends to continue sending messages to both Carol and the Water Board regarding this issue. Mr. Wetch thought there was an intentional lack of transparency and that was concerning.

Mr. Hutchinson agreed. He could see no reason why remote participation could not occur. The Water Board does not have the equipment, but they do have internet and it

would be easy to set up a Zoom meeting. Mr. Hutchinson remarked that Water Board President, Eric Cylvick, does not believe it is needed at this point. He thought emails would be beneficial in getting Mr. Cylvick to change his mind.

Mr. Wetch did not believe the meeting needed to be on video as long as people could listen in. He would be happy to contribute towards a Bluetooth speaker if the HOA feels the need to donate one to have the meetings accessible. Mr. Wetch stated that he would encourage residents in his area to send emails to the Water Board requesting remote access to their meetings.

Mr. Sears noted that the Water Company sent out an email stating that they would be closing down a portion of the road this week for some type of work. He asked if that involved the leak. Mr. Hutchinson was unsure. He was told at the last meeting that the leak had been identified and they would attempt to resolve it. Mr. Sears remarked that the email said Navajo Road would be closed on July 21<sup>st</sup>, approximately 200 yards east of the intersection of Navajo Drive and Navajo Road. The *broadcast* email the Water Company had sent out Sunday evening at 9:30 p.m. did not specify if it was to repair a leak. It just said people should plan accordingly.

Mr. Jackson thought the warning email was for new construction that the HOA approved a few months ago. He believed they were attaching a new water line for a new cabin.

## **Parking**

Ms. Middleton stated that she was still working on drafting protocol. It is important for the HOA to have a protocol in place for enforcement of vehicles that are parked in prohibited areas.

Mr. Sears stated that as he went through his area to look at signs, he had the opportunity to speak with several of the owners. Not one person he spoke with had a parking sticker on their vehicles and no one knew they needed a parking sticker. Mr. Sears asked whether the Board should make an effort to renew the sticker policy and inform the property owners that stickers are required. Ms. Middleton thought that should be included as part of the protocol posted on the website. She pointed out that people will need a parking permit if they park down by the dumpster.

Mr. Suitor showed the two different types of parking permits. One is clear and goes on the window. The other one is not clear and could easily stick to a piece of cardboard and be transferred from one vehicle to another. Ms. Middleton understood that when Carol sells the stickers, she assigns them to the specific owner and logs the license number and vehicle. However, that is not correct. The stickers are tied to an owner

and a lot, not a specific trailer or vehicle.

Mr. Jackson stated that the HOA was ready to enforce towing at the dumpster lot. He noted that the Volvo was gone; however, if it comes back without a parking sticker, he encouraged everyone to call Park City Towing immediately. Mr. Jackson remarked that Park City Towing is willing to tow cars from the dumpster lot that do not have a sticker, or cars that are parked outside of the clearly marked signs. He thought towing would help get the word out about parking rules.

Ms. Middleton asked if there was an update on parking by the mailbox area. Mr. Rosing stated that Summit County was getting "cold feet" about their legal authority to have someone other than the Sheriff's Department tow on county owned land. He has been communicating with the Summit County Attorney to convince them that they can legally delegate that authority. Mr. Rosing stated that he had not received a response to the email he sent Summit County outlining all the reasons why they could delegate authority to the HOA to tow illegally parked cars. Mr. Rosing pointed out that at this point the process and any agreement has been delayed. Ms. Middleton hoped the issue could be resolved before winter so they can avoid unsafe conditions.

Mr. Wetch asked if Mr. Rosing thought there was a feasible path forward towards resolving this matter before snowfall. Mr. Rosing stated that if he can convince Summit County that leasing the land to the HOA includes the right to tow, there is a good chance it will happen before winter. If Summit County does not agree, they might still do it, but only if the County Council amends the current ordinance that governs towing by the sheriff.

Ms. Middleton remarked that cars parking in that location is problematic for mail and package delivery because the mailperson and delivery vehicles cannot park close to the mailboxes. It is important to keep that area clear.

Mr. Rosing clarified that he did not want to push the issue too hard that Summit County faces a liability. He was concerned that if the county faces a liability and cannot reach an agreement with the HOA because they believe they are legally unable to do so, the county might block off the whole area with concrete barriers. Mr. Sears understood Mr. Rosing's position.

Ms. Middleton remarked that parking was fairly well defined in the Rules. They just need to outline the specifics on how to alert, notify, and tow, and to have a policy in place before winter so everyone follows it consistently.

Mr. Hutchinson addressed winter parking. He asked how they can get the lower parking

of the area cleaned out before the snow falls. Mr. Hutchinson noted that someone has been storing logs in the upper parking lot, and he assumed that Jody had talked to that individual about removing the logs before the snow. Mr. Hutchinson remarked that the upper parking lot had been cleaned out, but the lower parking lot still has junk and garbage, and people use it for overflow for their cabin lot. He emphasized that the lot needs to be cleared out so it can be used to avoid parking issues this winter.

Ms. Middleton recalled that in the past they have done a postcard blitz and a posting on the website and on Facebook telling people that the winter parking lot will be cleared on a specific date, and anything that is not claimed will be taken to the landfill or towed. Mr. Hutchinson asked about enforcement. It is a HOA lot for short-term parking, and it should not be used as a personal storage area.

Mr. Jackson reiterated that the Board has the ability to tow anyone at any time on HOA property. Providing notice, requiring parking permits, and calling Park City Towing when necessary should help resolve the problem. Ms. Middleton asked for two or three volunteers to work on an announcement, determine a date for the final cleanup, and to coordinate with Park City Towing. Mr. Hutchinson requested that Jody be included to make sure he is aware of what is being considered so it can be enforced. Ms. Middleton agreed. Sometimes people ask Jody directly whether they can do something, and Jody needs to know what the Board determines or decides so he can follow the policy.

Mr. Hutchinson and Mr. Sears volunteered. Ms. Middleton asked them to work on it and circulate whatever they decide to the Board for their review and feedback before it is posted. Mr. Hutchinson suggested that Ms. Middleton add it to the next agenda. Mr. Suitor pointed out that Mr. Hutchinson and Mr. Sears will need access to the sticker list. At the last meeting they talked about asking Carol to put the list on the dropbox for all the Board members to access. Mr. Sears would ask Carol to make the list accessible in the dropbox.

Mr. Wetch stated that for better communication the Area Reps should send the notification to people in their areas, or Carol should send it carte blanche to all the owners. He thought it was better to notify the owners via email rather than just posting it on Facebook and the website. Ms. Middleton and Mr. Sears concurred.

Mr. Hutchinson remarked that any communication sent out by Carol should be copied to the Area Rep so he or she is aware of what is occurring in their area. Ms. Middleton thought that was a good idea.

## **CC&Rs Update**

Mr. Sears reported that there were no new vote tallies in the last 30 days. He had spoken with a number of people in his area and some who had not voted who said they would vote.

## **Architectural Committee and New Construction**

### FM-C-51 - Nick Jackson

Ms. Middleton noted that Nick Jackson had submitted plans for a small shed to be used as a horse shelter, as well as small enclosure fencing. It is not a perimeter fence. The fence will go between the horse enclosure and the house. The purpose of the fence is to exercise the horses contained in one area.

Mr. Jackson remarked that the two spaces have separate purposes, but they are in the same overall area to keep the footprint as small as possible. The parts enclosed shown in yellow was an existing portion. The round orange section on the map was for training, exercise, and to let horses run around. Mr. Jackson explained that if the round area were a full circle it would be 45' in diameter.

Mr. Hutchinson asked if Mr. Jackson intended to keep his horse on the Ranch year-round. Mr. Jackson stated that they intend to eventually keep two horses up there year-round. Mr. Hutchinson noted that someone tried to keep horses year-round a number of years ago and it was unsuccessful because of the snow depth on the mountain. Mr. Hutchinson noted that he had sent an email to Mr. Jackson and copied all the Board members. He personally has an issue with fencing because it is incompatible with the free reign of wildlife. He acknowledged that it was unlikely that moose, elk, or deer would come on to their property if there are horses. However, he had no issues with the shelter.

Mr. Suitor pointed out that there were several properties with *fences* down by Mr. Jackson's lot. Ms. Middleton replied that one of those property owners put up a fence without getting Board approval.

Mr. Wetch questioned whether Mr. Jackson was proposing something that goes beyond the expectation of landscaping or decks and goes against the rules. Mr. Wetch thought the Architectural Committee needed to come to more of a consensus, or they need a clearer understanding of how this fence might otherwise contradict established rules.

Mr. Jackson stated that in his view as an applicant, not a Board member, he took a lot



of care to make sure they were meeting the CC&Rs and the Architectural Guidelines, as well as being as considerate as possible to the mountain and to the neighbors. Mr. Jackson pointed out that on the three-sided shack of a horse shelter, they were using their second building. He believed that overall, his proposal was less impactful than what many people do on their lots.

Mr. Hutchinson asked if Mr. Jackson could use a horse *walker* to achieve the same result they want to achieve with the fence. Mr. Jackson replied that horse *walkers* are part of a complicated issue and not what is best for horses. Mr. Jackson believed that it was better for horses to be out in the open, and it was better for everyone if the horses could be out in the open rather than in a stable. He pointed out that an indoor stable takes up a significant amount of space that would also inhibit the wildlife.

Ms. Suitor thought the issue with fences was perimeter fencing. She pointed out that they allow small fences that are up against buildings for dog runs.

Ms. Middleton explained that fences generally have not been approved. The Board can determine on a case by case basis how to handle fencing, and on occasion they have approved a fence. They only approved one dog run, and it was never built. Another fence was built without permission and the owner was fined. She recalled that another property owner put in a fence without final approval and they had to cut down the height because it was too tall. Ms. Middleton remarked that the Board needs to consider all the issues on a case by case basis. If they approve a fence, it can set a precedence and they need to decide whether they want that precedent.

Ms. Middleton had looked through Mr. Jackson's plans. She knows the lot and where it is located, and she did not believe it would be visible, other than a portion of the back of the shed. Ms. Middleton thought the exercise area was a little big, but not too large in the overall scheme of the lot. Ms. Middleton thought the fence was so close to the house that it would not block the wildlife. Ms. Middleton stated that the plans for this particular fenced in area adjacent to the house, and in an area where not much wildlife would congregate, was well-thought out.

Mr. Wetch stated that if the round area does not exceed the established expectations for footprint disruption on the lot, and knowing the location, he was comfortable with the plan as proposed. He did not think the Board should make decisions based on animal welfare or how horses should be treated. Mr. Wetch thought the Board's decision should be based on the fact of whether it exceeds footprint expectations. In his opinion, there was no reason not to approve it.

Mr. Sears believed Mr. Jackson and his wife had done a good job of trying to minimize

the impact. It is not a perimeter fence, it is not decorative, and it does not violate the regulations in any way. He remarked that the proposed plan is not perfect, but it is reasonable.

*Mr. Wetch* asked if there was anything in the Architectural Guidelines that would prevent the fence he was proposing. Mr. Sears answered no.

MOTION: Bennett Wetch moved to approve the proposed plan for FM-C-51 for a 12x 24 horse shelter and 45' enclosure fence. Pamela Middleton seconded the motion.

VOTE: The motion passed. Bruce Hutchinson voted against the motion. Nick Jackson abstained from the vote.

#### Lot FM-D-113A - Garage

Mr. Hutchinson noted that the owner of Lot FM-D-113A provided color samples for the garage. He was concerned with the roof pitch. Mr. Jackson had no concerns with the garage. He did not know the roof pitch and he would contact the property owner for that information.

Mr. Sears stated that the pitch of the roof comes into play relative to snow load. He thought the samples provided were color related. Mr. Sears did not think the actual garage was shown. The owner had not submitted actual building plans. He commented on the number of times roofs have collapsed even when the owner thought it had plenty of pitch or structural capability.

Mr. Hutchinson recommended that the Board request the engineered plans to make sure it fits the snow load requirements before giving approval. Mr. Sears suggested that the Board could conditionally approve it subject to receiving structural information.

MOTION: George Sears moved to conditionally approve the garage on Lot FM-D-113A, subject to a reasonable pitch to accommodate snow load. Bruce Hutchinson seconded the motion.

VOTE: The motion passed unanimously.

#### Lot PI-D-43

Mr. Jackson reported that the owners of Lot PI-D-43 has a three-story cabin and they were requesting to put metal siding along the front portion of the lower third of the structure. Mr. Hutchinson pointed out that from the picture that was initially submitted, if

they intend to enclose that entire area with metal siding, it appears to be considerably more than the 10% maximum allowed by the Architectural Guidelines. Mr. Sears concurred that he drives by that cabin frequently and if they enclose the entire area it will be more than 10%. Mr. Sears had not seen any plans per se, and only knew the owners wanted to enclose that area. He noted that it is not really a basement. It is only a foundation and the various things around it. He thought the owners might be trying to create storage space.

Mr. Wetch recognized that it would currently violate the Guidelines. This is the second time this has come up within a couple of months. Mr. Wetch thought the Board needed to re-evaluate this rule. He understood the previous comments regarding metal siding and the relationship to fire danger turned out to be unfounded. Mr. Wetch believed this was an arbitrary rule and an arbitrary percentage that is not based on safety. He asked if the owners needed an immediate decision, or whether the Board could first discuss a potential change to the rule.

Mr. Sears stated that it was not appropriate to change one rule at this time. He thought the Architectural Committee needed additional information because when he spoke with the owner, he understood that enclosing with metal would only be temporary.

Mr. Jackson noted that metal siding was definitely on the list of architectural items to review. Mr. Sears pointed out that changing rules does not occur one at a time because it requires a specific approval procedure.

Ms. Middleton noted that the Board needs to amend the rules months before the *Annual* meeting in order to meet the timeline and follow the process. She would like to link the rules into other mailings because of the cost. Ms. Middleton stated that there is a specific process and it needs to start well before the Annual Meeting. She noted that the Board votes on the rules change, but they have an obligation to inform the property owners what the Board is changing and that the Board is open to feedback.

Mr. Rosing clarified that rules changes are voted on by the Board, not the membership. Those who attend the Annual Meeting are entitled to comment on the rules, and the Board votes on the rules at their Board meeting directly after the Annual Meeting. Mr. Sears stated that the proposed changes should be provided to the owners before the Annual Meeting so they will have an opportunity to provide input. Ms. Middleton noted that the timeline and the process is outlined in the Bylaws.

Mr. Jackson recalled that the owners wanted the enclosure before winter. He would contact the property owner to see if they could provide a sketch. If they can show that it does not exceed 10% based on the measurements of the house, the Board could make

their decision. If it exceeds 10%, he will ask the owners about their timetable.

MOTION: Bruce Hutchinson moved to deny the request for metal siding on Lot PI-D-43 until the Board has the opportunity to resolve the issue as it relates to the current Architectural Guidelines. Nick Jackson seconded the motion.

Mr. Jackson offered to take their concerns to the owner and come back with additional information and a timeline.

The Board moved to the next item without voting on the motion.

#### Lot PI-C-25 – Matt Tyler

Mr. Jackson noted that this item was a new home application for Lot C-25. The property owner, Matt Tyler, was on the zoom line. Mr. Jackson stated that the submitted documents were complete. Mr. Jackson had asked Mr. Tyler to provide color samples and to amend the plan to show the utilities on the site plan. Mr. Tyler quickly complied with his request.

Mr. Jackson stated that overall, the structure is 3885 square feet; however, the finished space will be smaller. All construction impact fees have been paid.

Mr. Jackson commented on a concern regarding past tiny homes on the property. Lee Meriweather, a volunteer participant on the Architectural Committee looked into it and found that the tiny home was from a previous owner. Currently, there are no disqualifying structures on the property. There is only an existing small shed on the property.

Mr. Hutchinson asked if the small shed was habitable. Mr. Tyler, the property owner, replied that it is not habitable. It is a storage shed that was there when he purchased the property. He was unsure whether he would even keep the shed.

Mr. Hutchinson noticed on the GPS schedule that it appears the driveway goes into Lots PI-C-23 and PI-C-24. He asked if Mr. Tyler was aware of that. Mr. Tyler stated that the road is not where the road is meant to be. Where it goes out is the existing driveway on the existing road. Mr. Hutchinson asked if Mr. Tyler had it surveyed so he knows exactly where his road should be. Mr. Tyler understood from the neighbor that the road has been there for 20 years and it crosses a portion of the neighbor's lot. It is a nuisance for the neighbor, and he was not sure whether the road could be moved. Mr. Hutchinson clarified that he was not suggesting moving the road. However, he was concerned that it could become an issue with future owners. Mr. Hutchinson suggested

that the issue should be resolved before Mr. Tyler builds a structure on his lot. Mr. Tyler stated that he spoke with Summit County and he was told that if the road has been there a long time and is established, it would not be a problem. Mr. Tyler stated that the lot next door is more troublesome because they cannot access their property without crossing another property. Mr. Tyler noted that he could access his property by building a small road.

Mr. Hutchinson had no issues with the proposed plan and the owners had submitted everything that was required. He recommended that the Board move forward with approval.

MOTION: Bruce Hutchinson moved to approve the plans for a new 3885 square foot home on Lot PI-C-25, Matt Tyler, as presented. Nick Jackson seconded the motion.

VOTE: The motion passed unanimously.

#### Lot PI-I-38 – Dennis Smith

Mr. Jackson noted that the owner of Lot PI-I-38, Denny Smith, was on the line. Mr. Smith had asked about various improvements to his unfinished lot and Mr. Jackson told him to submit his plans to the Architectural Committee.

Mr. Jackson stated that based on the application submitted, he was unsure whether the requested improvements require Board approval. The proposal includes clearing trees from the eventual home site, putting in two small wire enclosed rock piles at the entrance, and to place a porta-potty on the lot until October. Mr. Hutchinson asked for clarification on the rock piles. Mr. Smith, the property owner, stated that the rocks would be sitting on top of the ground until the final road improvements are approved and done. After that, the rocks would be cemented in. Mr. Hutchinson stated that surveys on the Ranch can be off significantly. He recommended that Mr. Smith have it surveyed before they put up the rocks to make sure they are not placed on a neighboring property or in the HOA right-of-way. Mr. Smith noted that the previous lot owners did a survey and had an engineered plan, but for some reason decided not to build. The survey was done, and he has an engineer working on the final site plan. For that reason, the rock columns will be temporary until the final site plan is complete and they have all the necessary approvals.

Mr. Smith stated that he also planned to put up a small 2' x 3' sign attached to some 4x4s and 2x4s. It is a metal sign that his children made that says "Smith Cabin" with the property number below. Mr. Sears did not think the sign was a problem. The sign will be five feet off the ground, and he will monitor it when it snows.

Mr. Hutchinson agreed with Mr. Jackson that the improvements proposed did not require Board approval.

Mr. Smith stated that he was preparing the final submittal for construction. When he was on the Ranch last week, he noticed cattle wandering across the Deer Meadows Ranch HOA property at the top of the church camp roads below where Oak Road comes up. He asked if that was typical and whether it was something he needed to guard against. Ms. Middleton explained that Blue Sky Ranch is next to Pine Meadow and they use fencing that is easily knocked down because it is made to be taken down in the winter for wildlife passage. The fence gets knocked down occasionally by wildlife or trespassers and the cattle will get into the Ranch. If that happens, they call the *rancher* and he will come and get the cattle. Ms. Middleton preferred that Mr. Smith contact a Board member to make the call to Blue Sky Ranch if *the cattle are* on his property.

#### Lot PI-C-77

Mr. Jackson reported that an application for Lot PI-C-77 came in late. The application was complete, however, due to time constraints this evening, he proposed sending it to the Board members for an email vote the next day. Mr. Sears noted that all the documentation was on the dropbox for the Board to review.

#### **Election Committee**

Ms. Middleton understood that the Board had talked about forming an election committee at the last meeting and people had volunteered. Ms. Sutor recalled that she and Tom Brace had volunteered; however, Mr. Brace is up for election and was ineligible to be on the committee. Mr. Wetch had volunteered to take his place and work with Ms. Sutor on the committee. Ms. Middleton offered to provide assistance as well. Mr. Wetch welcomed Ms. Middleton's involvement since he and Ms. Sutor were new to the Board. It would be helpful to have direction in terms of what is expected of them on the committee, as well as what they need to do as standard procedure.

Ms. Middleton recommended that Mr. Wetch and Ms. Sutor read the election information in the Bylaws. They need to start asking for candidates and work out an effective timeline to make sure the mailing goes out on time. Mr. Sears noted that Carol follows a process. Ms. Middleton agreed that the committee should coordinate with Carol, but they needed to get started on other things first. The key is to make sure everything comes together on time.

## **Real Estate Signs and Sign Enforcement**

Mr. Sears noted that there are a lot of real estate signs on the Ranch. One specific person is the biggest offender and he keeps the signs up even after the property is sold. Mr. Sears stated that at the last meeting the Board talked about a 90-day notice. He thought it was important to get that process in place to let the realtors know the signs need to be moved off the Ranch.

Mr. Suitor stated that he has actively been telling people that the signs need to be removed by September 8<sup>th</sup>. Mr. Sears took pictures of every sign in his area. He suggested asking Carol to draft a letter informing everyone that the HOA will begin enforcing the policy. The problem is that Carol has no way of knowing all the realtors who have signs on the Ranch. Ms. Middleton thought they first needed a plan in writing.

Mr. Rosing asked if the idea was to send notice to everyone stating that the rules do not allow signs with a warning that the signs must be removed within 90 days, and that after that 90 day period the HOA will begin enforcing the rule.

Mr. Sears stated that real estate signs are one issue. There are many other signs on the Ranch that were not approved. Mr. Sears cited several examples.

Mr. Rosing remarked that the Area Reps needed to collect information on the signs in their area because not all the realtors are owners, and Carol would not have their contact information.

Mr. Jackson offered to draft the Facebook post and the notice to be sent to everyone. He was also willing to contact Pine Meadow Properties because they have a number of signs just in his area. Mr. Jackson noted that Tom Brace is the Area Rep but since he was not here this evening, he would handle it. Mr. Jackson would send the draft notice to all the Board members and if everyone was comfortable with it, he would post it.

Ms. Middleton noted that Mr. Jackson has volunteered for multiple things and she encouraged someone else to take this on.

Ms. Suitor stated that at the last meeting the Board said they would ask Carol to send a letter to all the owners informing them that they had 90-days to comply. She had already posted it on the website, but she was unsure whether Carol had sent the letter. She personally had not received one as an owner. Ms. Middleton thought it was better for the Board to draft something before giving it to Carol to make sure what they want gets included.

Ms. Middleton asked if someone besides Mr. Jackson was willing to volunteer to draft a letter that Carol could email to all the property owners. Ms. Rosing suggested that they could also send the same letter to the real estate agents. Ms. Middleton agreed. She noted that the real estate agents call Carol all the time for title information and other HOA information so she knows who they are.

Paul Suitor offered to draft a letter for Carol. Ms. Middleton thanked Mr. Suitor for volunteering. She asked him to email the draft to the Board members for their review before sending it to Carol.

## **Roads**

Ms. Middleton reported that someone who owns land up Valley Vista wanted to block the road to keep people from driving up there. Another owner emailed the Board requesting that they ask the owner not to block the road because it has been used for 30 years by everyone who lives on the Mountain. Ms. Middleton pointed out that it is not on Ranch property and it is not a Ranch road. She believed the owner who sent the email would like the HOA to represent him and other owners who like to use the road.

Mr. Rosing stated that if the Board decides it is in the best interest of the members, they could assert a prescriptive easement on behalf of the Association representing all of its members.

Mr. Rosing suggested that the Board continue this discussion in closed session.

Ms. Middleton clarified that she only mentioned it in open session because she wanted to know if the Board members were interested in spending time and money to help keep this route open. The road is not drivable and does not access any lots. It is fun to drive motorcycles and four-wheelers. People also ski through that area.

Mr. Suitor noted that they could turn it into a road at this point, but if it is closed off, they would lose that ability. As long as it remains open, the HOA could always get a prescriptive easement. If they choose not to defend the closure, it can never be used in any form in the future. Mr. Rosing remarked that it would depend on how long the road has been open. He reiterated his preference to explain it further in closed session.

Mr. Sears thought it would be appropriate to ask the owner why he wanted to close the road. Ms. Middleton assumed he wanted to keep people from trespassing on his private property. Mr. Wetch believed it was also a liability issue.



Mr. Wetch thought the Board needed more information in general in terms of the cost to defend it. He is a fan of increasing access to trails, but he thought it was premature to make a decision on whether to pursue it until they determine the associated costs and the likelihood of success.

The Board tabled further discussion until closed session.

### **Website**

Ms. Middleton stated that she, Ms. Suitor, and Carol would be getting together to review the website. She thought the Lot Improvement form needed to be revised to clarify how the square footage is measured.

Mr. Jackson thought the Lot Improvement form was a rule and the form would be changed when they change the rules. Mr. Rosing stated that they could treat it as a rule, but it does not have to be a rule. However, since they were amending some of the rules anyway, he recommended adding the Lot Improvement form as part of the larger rules change.

### **Benelli Bench Update**

Ms. Middleton noted that Ms. Suitor had sent out pictures of different benches. The Board members agreed on one and started to look for someone to build the bench. Ms. Middleton noted that Sue Benelli was moving off the Ranch and she wanted to move forward as quickly as possible to have the bench in place before she leaves.

Mr. Wetch was aware of someone who was willing to build the bench. He was unsure whether the Board wanted to put it on Facebook or send an email to give more people the opportunity, or if they just want to reach out to people who might be willing to build it. Mr. Jackson saw it on Facebook just prior to this meeting. He asked Mr. Wetch to also reach out to the person he knows so they can try to get a pool of people.

Ms. Suitor noted that some people have volunteered to donate supplies. She understood that one person felled some trees that were in Tollgate and he offered to donate the logs. She asked Mr. Wetch to coordinate with Nicole Irving to see if whoever builds the bench can use the donated supplies. Mr. Wetch offered to email Ms. Irving and contact the person he knows in an effort to move forward as quickly as possible.

### **Plowing Request – Pine Meadow Road**

Ms. Middleton noted that Nicole Irving had sent in this item requesting that the Board

discuss whether the HOA could plow more of the Pine Meadow Drive route for the owners. Ms. Suitor understood that the owners were only asking to add the S-curve at the bottom of Pine Meadow Drive because it is never adequately plowed and too many people use it. The owners feel that no one besides the HOA has the equipment capable of cleaning that area because it is a tight corner and a steep hill.

Mr. Jackson understood that the person who originally emailed the request had not followed up with Ms. Irving. It is in Area 4 and he thought the owner or owners should submit a written proposal to the HOA outlining exactly what they were proposing. Without a written proposal, it is difficult for the Board to understand what they want and to analyze whether it is feasible.

Ms. Middleton stated that the community is growing, and more people are coming to the Ranch. The plowing needs will change every year. Ms. Middleton agreed with the suggestion of having a written proposal with a cost estimate. She also thought the owners who want it can present it to the membership at the Annual Meeting.

Mr. Sears reported that this is a very contentious topic with a lot of owners in terms of how far and how much the HOA should plow. When the Board reluctantly approved to have the Forest Meadow connector plowed, the decision was based on safety and having another way to exit the Ranch. He noted that people in his area were unhappy with the increase in dues the Board approved last year. Mr. Sears thought the Board should make this known long before the Annual Meeting so people understand what it is and what it will cost. He was certain it would present some real challenges.

Ms. Middleton and Mr. Sears agreed for the record that they personally did not want the HOA to plow anything more because it creates too many issues. They need to be careful in how they present this to the membership, especially if there is incremental cost and incremental liability if the HOA does the plowing.

Mr. Wetch thought it would be worthwhile this winter for the Board to better quantify what it takes to plow a mile of road, so they have a data driven argument when owners make these requests.

### **Monthly Budget Review**

The Board reviewed the unpaid bills detail.

MOTION: Nick Jackson moved to approve the unpaid bills. Bennett Wetch seconded the motion.

VOTE: The motion passed unanimously.

### **Public and Open Forum**

Troy Roper, Lot PI-C-16, asked to add an item to the list of rules change. He thought the HOA rules on square footage approvals should match the county and the state. Mr. Roper was suggesting that the Board allow anything under 250 square feet instead of under 120 square feet without a permit.

Mr. Roper understood from Tom LeCheminant that anything built requires HOA approval.

Mr. Suitor informed Mr. Roper that the Board was working on a rule that would be more restrictive and require HOA approval for almost everything.

Mr. Wetch thought this topic should be added to the upcoming set of rules changes. He was in favor of aligning with Summit County rules and not being more restrictive than the county. Ms. Middleton was willing to add it to the list for discussion.

Mr. Suitor stated that there are two lots in his area where people have started removing trees and building driveways and the HOA has no idea what the owners are doing or why. He agreed that it would be a hot topic for the rules discussion.

Mr. Roper stated that he would like to add a cold room on the front of his house that would be 7' x 8'. The square footage is minimal, but it gives enough room for four of his kids to come in the door and remove their snowy or muddy clothes before entering the house. Mr. Suitor pointed out that his proposal might not include paying an additional fee, depending on the square footage, but it would still require HOA approval.

Ms. Middleton appreciated Mr. Roper's suggestion. She stated that the Board would be discussing rules changes and Mr. Roper's input is valuable. She thought it was worth looking into Summit County rules.

Mr. Roper asked if he needed approval to put a 7' x 8' addition on the front of his house that would match his house since it is less than 100 square feet. Ms. Suitor pointed out that under the current rules, Mr. Roper needs approval for any expansion of the square footage of his house. Ms. Middleton explained that a shed less than 120 square feet does not need Board approval. However, additions and improvements to the home require a Lot Improvement Plan.

Mr. Jackson suggested that Mr. Roper email his questions to

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[building@pinemeadowranch.org](mailto:building@pinemeadowranch.org) and the Architectural Committee would take a closer look at their documents and try to give him a more definitive answer.

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

The meeting of the Pine Meadow Owners Association Board adjourned at 8:31 p.m.

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