

PINE MEADOW RANCH OWNERS ASSOCIATION  
MONTHLY BOARD MEETING  
TRAILSIDE PARK CONFERENCE ROOM  
5705 TRAILSIDE DRIVE  
APRIL 27, 2010

In Attendance: Bob Burdette, Dan Heath, Suzanne Larsen, Scot Erickson, Scott Clausen, Tom Deaver, Alan Powell

Excused: Hutch Foster was excused. Dan Heath was expected to arrive later in the meeting.

Ex Officio: Jody Robinson was excused.

Guest: Andrew Burton and Catarina Blais.

Bob Burdette called the meeting to order at 6:34 p.m.

### **Approval of Minutes**

Bob Burdette recalled that the Board had approved the changes to the impact fee, however, the minutes did not reflect a vote.

Suzanne Larsen stated that the matter was deferred to this meeting for further discussion.

MOTION: Bruce Hutchinson moved to APPROVE the minutes of March 23, 2010 as written. Suzanne Larson seconded the motion.

VOTE: The motion passed unanimously.

### **Update**

Mr. Burdette reported that the Owners Association had purchased a roller to complete their equipment goal. The roller will be used in deploying mag water throughout the summer to shed rain water. Whenever aggregate is laid on the roads, Jody can follow up with rolling to create a harder surface. Mr. Burdette noted that \$30,000 was budgeted to purchase a roller, and they were able to acquire one in Idaho for \$18,500 plus an additional \$2,000 to transport it to the Ranch.

### **Owner/Visitor Open Forum and Owner Communications**

Andrew Burton stated his intention to build a 1,000 square foot house on his property and expressed his interest to be part of the HOA. Mr. Burdette pointed out that the property is not inside Pine Meadow Ranch, but other properties have been successfully annexed into the Ranch in the past.

Mr. Deaver asked if the property line was adjacent to the Ranch. He was told that it was. It is at the corner of the Ranch below Forest Meadows.

Mr. Burdette informed Mr. Burton that Scot Erickson would be working with him on the annexation process. He noted that Mr. Burton would be asked to sign a standard contract that explains the conditions of building on the Ranch and the impact fees.

Mr. Burton reviewed his building plans with the Board. He currently has a grading permit to excavate and the building permit has been approved with the exception of water. The exterior material would be stucco walls and asphalt shingles. Colors had not been decided. Mr. Burton stated that he could substitute hardy board for stucco. The Board members recommended hardy board to maintain a mountain look.

Mr. Burdette suggested that Mr. Burton check the building guidelines on the website that indicate acceptable color schemes, materials, etc. Mr. Burton replied that he had a copy of the guidelines. Mr. Burdette remarked that if Scot Erickson works with Mr. Burton and he is comfortable that the conditions of the building meet all the standards currently set, Mr. Erickson could sign the contract. If any of the items proposed do not meet the standards, Mr. Burton could return to the board to address the issue.

Mr. Burdette suggested that Mr. Burton stay for the Board discussion regarding the impact fee.

### **Dan Heath arrived.**

Catarina Blais requested consideration for a new evaluation of how they rate the Ranch, based on her past experiences in other places. She stated that currently there are two designations; full-time and part-time. She was told that there was a third designation of land owner. Ms. Blais proposed that the Board consider size of property as a different way of looking at evaluations.

Ms. Blais believed there was conflict between full-time residents and part-time residents and thought the Ranch would operate more cohesively if status was eliminated. She remarked that in HOAs throughout most of Utah, dues are evaluated by how much you own and not full-time versus part-time residency. Ms. Blais pointed out that part-time residents who bring up snowmobiles or recreation vehicles every weekend create

greater impacts than those created by her car on a full-time basis.

Mr. Hutchinson stated that the Board determined that roads were the primary problem. Therefore, 99% of Ranch funds go for maintenance of the roads. He pointed out that it is a known fact that those who live on the Ranch full-time use the roads considerably more than those who own property and visit during the summer. Mr. Hutchinson appreciated Ms. Blais's position, but he did not think it had any bearing on the Ranch. Someone pointed out use and road problems that go beyond full-time and part-time residents.

Mr. Burdette asked Ms. Blais what she would propose as an alternative. Ms. Blais stated that she had some ideas but she was interested in hearing the Board's opinion. Mr. Deaver stated that regardless of any changes, the division between full-time and part-time would never go away. He lives on the Ranch full-time and he did not think the part-time owners would be willing to pay more. Ms. Blais remarked that safety is the one issue where there is agreement between part-time and full-time residents.

Mr. Clausen clarified that the Board has spent countless hours discussing the issue only to find out that they have no enforceable power toward policing the speed that people drive on the roads. Ms. Blais asked if the evaluation process was a Board decision or a decision made by the Association members. She was told that the Board could make special assessments, but a change in the dues would require approval by the Association at an annual meeting.

Mr. Heath believed the dues were too low, but he was reluctant to make any changes until a decision is made on the Special Service District. If the Special Service District comes through, the Ranch will have more money. Without the Special Service District, dues will have to be raised.

Regarding a separate issue, Ms. Blais requested that the Board consider increasing the rates for snow plowing and blowing, based on the fact that Sam Skaling was underpaid for the work he performed. Mr. Burdette pointed out that the Board had approved \$60 for plowing and \$80 for blowing; however, when the invoice was submitted, the billed rate exceeded the approved amounts.

Mr. Burdette encouraged Ms. Blais to bring this back to the Board in the Fall because there would need to be another resolution brought before the Board for approval. It would also need to be added as a budget item.

## **Water Board Update**

Dan Heath had attended the Water Board meeting, but there was nothing new to report.

Mr. Burdette asked about the owners who have not had water all winter. Ms. Blais stated that she has not had water since mid-February and she was quite upset with the situation. She was concerned that if the water lines are not fixed, she will use up all her fire fighting storage. She noted that the closest hydrant is 600 yards away, which is unacceptable for fire fighting purposes.

Mr. Burdette understood there were hydrants every 500 feet. Mr. Erickson pointed out that Ms. Blais is in an older section of the line. A previous water project came across his road on Grand View, which is just below Ms. Blais's, and fire hydrants were put in every couple hundred yards, with the exception of her section. There are no hydrants between the one up above and well below Artist Point.

### **Impact Fee Discussion**

Mr. Powell noted that at the last meeting he was assigned the task of drafting a proposal regarding impacts fees and road damage. The Board had discussed a non-refundable \$5,000 impact fee for new homes and \$2.00 per square foot for additions. If people build more than one level, he wanted to know if they should pay based on the footprint or the total square footage. The guidelines were not clear on that matter. It was also suggested that the guidelines specify what construction vehicles would be allowed or prohibited after October 31<sup>st</sup>. Anything larger than 10,000 pounds would not be allowed. That number would include the vehicle and whatever materials are being hauled. Mr. Burdette preferred to specify nothing larger than a pickup truck.

Mr. Deaver remarked that he was in favor of a flat fee without a refund, covering the roads in perpetuity, because they are using the roads that other people paid to put in and maintain. However, they still need to add a clause that addresses additional liability and responsibility if the roads are damaged. An impact fee does not give anyone the right to destroy the roads.

Mr. Powell pointed out that changing to a non-refundable impact fee eliminates the debate of who damaged the road and the Board trying to prove it. A non-refundable impact fee would give the Association money to repair the roads after construction.

MOTION: Alan Powell made a motion to offer a construction checklist, to eliminate the refundable portion of the impact fee, The dry construction season is May 1<sup>st</sup> to October 31<sup>st</sup> and add a line, construction limited to May 1<sup>st</sup> to October 31<sup>st</sup> and define that any

work requiring heavy equipment or vehicle over 10,000 pounds, the impact fee is \$5,000.

Mr. Burdette changed the language to say “any vehicle larger than a pickup”.

Scott Erickson seconded the motion.

Mr. Burdette summarized that the motion was to eliminate the refundable portion of the impact fee. And that no heavy construction vehicles are allowed after October 31<sup>st</sup>. Mr. Powell stated that the contract for building a house must be signed, a site plan attached, building plans approved, the impact fee paid, and an agreement signed by the property owner and the contractor that spells out what would happen if the road is damaged.

Mr. Burdette could not see how the proposed changes made it easier for the Board. He was told that it might not be easier, but the rules and regulations are clearer and more defined. Pictures would help identify road damage if pictures are taken before construction and after construction.

Mr. Burdette stated that a motion was on the table to approve both provisions. Mr. Powell wished to modify his motion, but the motion was seconded.

Mr. Heath wanted to make sure the non-refundable impact fee was not retroactive because he has an owner who is requesting a refund. Mr. Burdette remarked that if the measure is approved, it would move from this point forward. They cannot change conditions on impact fees that were already paid.

Mr. Powell clarified that the motion on the table was that on the pattern construction checklist supplement to remove the line, “a portion of the fee may be refundable if construction is limited to the dry season, which is May 1<sup>st</sup> to October 31<sup>st</sup> “. On the Improvement Plan of Review and Agreement, to add a bullet point line to the agreement that says, “heavy construction is limited to May 1<sup>st</sup> to October 31<sup>st</sup> defined as any work requiring heavy equipment or a vehicle over 10,000 pounds GVW”. He noted that everything else stands as updated per original document.

Mr. Heath was concerned about the 10,000 pound limit and preferred to keep to things they could enforce. He was comfortable with the rest of the changes as proposed.

Mr. Burdette asked Mr. Powell if he was willing to modify his motion and bifurcate the issue of eliminating the language regarding the refundable portion of the impact fee. The Board could vote on that one issue. Mr. Powell was willing to separate the

issues.

Mr. Powell amended his motion that would require a \$5,000 impact fee and remove the language stating that a portion of that impact fee would be refundable. Scott Clausen seconded the motion as amended.

VOTE: The motion passed 5-2.

Mr. Burdette called for discussion on describing the period for heavy construction to be May 1<sup>st</sup> through October 31, pointing out that this portion has no enforcement capability. Mr. Burdette suggested language stating that "heavy construction can only take place from May 1<sup>st</sup> through October 31<sup>st</sup>. If heavy construction is done after October 31<sup>st</sup>, there would be a provision where the property owner would be charged for damage to the roads.

Mr. Powell explained that another way to control the problem is to say that any damage caused to the road by heavy construction during the process of building, the property owner is required to pay a penalty based on Section 4.4 of the rules and regulations. Mr. Burdette felt that still presented a situation of having to prove which property owner damaged the road.

After further discussion, Mr. Powell requested time to re-write that portion of his motion.

### **Miscellaneous Business**

Mr. Heath reported that over a year ago Dane and Stephanie Proffitt, Lot FM-B-36A, built a garage. They paid \$2.00 per foot and claim they never received a refund from the Board. Mr. Heath recalled that the owners came to the Board to personally request a refund and the Board agreed to grant it. Mr. Burdette stated that he attends every meeting and he brings his checkbook each time. If the Board had approved a dollar amount to be paid, he would have written a check at that time.

Mr. Burdette asked Carol to check and see if Dane and Stephanie were refunded their impact fee. She should email the Board with the status and amount.

MOTION: Tom Deaver made a motion to authorize the Treasurer to write a check for the requested refund if Carol verifies that it is owed. Alan Powell seconded the motion.

VOTE: The motion passed unanimously.

### **Impact Fee Motion - Continued**

MOTION: Alan Powell made a motion to add to the Improvement Plan Review and Agreement, Section 4.4.3 of the damaged road section to read, "any individual or entity that damage roads during construction of their property shall be deemed liable and responsible for returning the roads directly adjacent to their construction site to its original condition following completion of construction. Suzanne Larson seconded the motion.

VOTE: The motion passed 5-2.

### **New Business**

Mr. Heath stated that a while ago a number of people felt that the entries to Tollgate were an eyesore and they were willing to contribute a substantial amount of money to fix it up. He commented on the work that was done at that time to clean up the Ranch. Mr. Heath noted that he had been approached by some of those people again about other improvements to keep the Ranch looking nice. Mr. Burdette suggested that the Board could request private donations for a special fund, since the improvements proposed were on property the Association does not own.

Ms. Blais stated that she was asked about the cost to get an engineering plan for lower Forest Meadows. She asked if that was part of what Mr. Heath was talking about. Mr. Heath replied that what he was approached on would be before the Forest Meadow turnoff.

Mr. Deaver thought the Board should prioritize which roads should be worked on this summer. Mr. Burdette agreed. He felt this was a good time for the Board members to make a list of the projects in their area. That list could be given to Jody for his opinion on priority projects.

Mr. Powell had submitted a list for Area 3, which included a portion of Willow Way, Modoc Loop and sections on Iroquois and Canyon Rd. Mr. Deaver stated that Navaho Road needs work from Evergreen to Pine Meadow Road because the road base is 5-6" rock. Both ends of Navaho Drive also need work. Mr. Deaver remarked that a culvert is needed where Navaho Road turns off of Arapahoe. The water stands and the pot holes are getting larger.

Mr. Hutchinson suggested that snow plowing may be creating some of the road problems. Mr. Powell commented on how quickly the plowed roads dry out compared to the roads that are not plowed. He noticed that the roads that were plowed are in better shape. Mr. Hutchinson clarified that the roads Mr. Deaver were suggesting for

road work are the ends of roads that have been plowed. Mr. Deaver stated that the road base problem on Navaho Road is a year-round problem because the water company did not finish their job.

Additional road work included the corner of Grand View and Forest Meadows. Mr. Erickson pointed out that Forgotten Lane has never had road base and it should be considered. He recognized that it would be a large project. A portion of Bull Moose also needs work.

Mr. Heath stated that Forest Circle has two low spots. He thought the culverts might be filled. He noted that Jody Robinson is aware of the problem. Mr. Heath remarked that the south end where Bull Moose meets Forest Circle also has a low spot. Mr. Burdette asked Mr. Heath if there were culverts in the area by the train station. Mr. Heath replied that there was one and possibly two culverts probably not functioning.

### **Financial Report**

Mr. Burdette presented the unpaid bills in the amount of \$9,000. He noted that the auto insurance bill for \$792 was a one year policy for the Ford dump truck. The invoice from Clyde, Snow, & Sessions was a two-part invoice for legal fees. The largest part in the amount of \$1,004 was for collection work on people who have not paid dues. The second part was \$396 for other legal matters.

In addition to the bills outlined on the financials, Mr. Burdette stated that a check for \$100 needed to be cut to Snyderville Basin Parks and Recreation to be held as a deposit for the Trailside building. He writes a check every year and the check is held as collateral in case there is property damage. At the end of the year the check is destroyed and never cashed.

Mr. Burdette noted that he did not have the bill for Sam Skaling Plowing. He had calculated the payment based on the approved hourly rate, which was slightly under \$2,000. He asked the Board for authorization to pay that bill.

Based on questions regarding the timing and expense for plowing, Mr. Burdette stated that he has seen an Excel spread sheet showing the plow dates, the equipment that was used, the snow conditions on the plow date, and the number of hours. He then explained how the spread sheet is used to determine the actual cost.

**MOTION:** Bob Burdette made a motion to pay the unpaid bills presented, plus payment to Sam Skaling and the \$100 deposit. Tom Deaver seconded the motion.



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VOTE: The motion passed unanimously.

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

Approved date \_\_\_\_\_

Approved by \_\_\_\_\_