

PINE MEADOW RANCH OWNERS ASSOCIATION
MONTHLY BOARD MEETING
RANCH MANAGER'S OFFICE
AUGUST 23, 2011

In Attendance: Hutch Foster, Bob Burdette, Suzanne Larson, Bruce Hutchinson (Area 5), Alan Powell (Area 3), Mike Gonzales (Area 6) Tom Deaver (Area 4)

Dan Heath, Scot Erickson (Area 1) and Jeff Hubbard (Area 2), Amy Jackson (Area 7) arrived later in the meeting.

Ex Officio: Jody Robinson

Guests: New Owners – Lot PI-D-33, Beaver Circle.

Hutch Foster called the meeting to order at 6:35 p.m.

Approval of Minutes

MOTION: Alan Powell moved to APPROVE the minutes of July 26, 2011. Suzanne Larson seconded the motion.

Mike Gonzales referred to page 8 of the minutes and the reference to a commercial garage at the Gonzales residence. He clarified that the building would not be commercial and he questioned whether \$2.00 per square foot was applicable since there is no living space.

Mr. Foster stated that the question regarding square footage would be discussed later in the meeting. For the purpose of correcting the minutes, Mr. Foster believed commercial grade were his words and he was comfortable changing the wording to **heavy duty**. Mr. Foster remarked that the garage is for personal use and he never intended to imply commercial use.

Mr. Foster called for a vote on the minutes as corrected.

VOTE: The motion passed 4-0-2. Bruce Hutchinson and Mike Gonzales abstained since they were not present for that meeting.

Owner/Visitor Open Forum and Owner Communications

Tom Deaver reported that in addition to ATVs, they were now experiencing problems with four-wheel flat track racers. He noted that over the weekend three teenage boys rode them the entire afternoon tearing up the roads. Mr. Deaver was able to speak with them but nothing changed and they continued.

Mr. Foster intended to address that issue later in the meeting.

Dan Heath arrived.

Mr. Hutchinson stated that he was called by a neighbor complaining about suspicious vehicles on the Ranch. The people, who claimed to be Jehovah's Witness, had a map and appeared to be casing the area. Mr. Foster stated that he found a Watch Tower pamphlet on his door. Mr. Deaver noted that when he stopped and talked to them they had maps of all the areas on the front seat, but he did not see any Watch Towers. Mr. Hutchinson and Mr. Deaver made sure they left the Ranch.

Mr. Gonzales commented on unruly ATVs. Mr. Gonzales contacted the County Sheriff and reported that most of the troublemakers were underage drivers. Mr. Foster asked if anyone knew the laws for operating ATVs on private roads. Mr. Burdette stated that on private land the State of Utah has authorized that any licensed driver can drive an off road vehicle. Anyone under the age of 16 years must have a State of Utah off-highway operator's permit. Those under 16 years old are required to take a course in order to qualify for that permit. Mr. Foster noted that the Sheriff does not enforce ATV regulations. However the Department of Natural Resources provides that enforcement and they have responded to ATV incidents on the Ranch in the past. Mr. Foster asked Mr. Gonzales to research the matter further with the Department of Natural Resources.

Mr. Gonzales stated that the Sheriff was straightforward in saying that ATV operators must be licensed drivers because these are public access roads. Mr. Foster replied that the Sheriff's Office has been confused in the past regarding the status of Pine Meadow Roads. It is a private road with a public right-of-way, which is an important distinction from a County Road with different rules and regulations.

Mr. Foster reported on his ATV experience over the weekend. Every night was loud, but he was unsuccessful in catching the offenders when he drove around late at night. One particular night he went out looking for four-wheelers and a dirt bike but he was unable to find the source of the noise. He had received texts and phone calls from people on the Ranch. He was eventually given a name and visited the house to confirm that they were the correct party involved. Their excuse was that they were out trying to teach their neighborhood a lesson for being so loud. Mr. Foster informed the owner that it was inappropriate to affect the entire Ranch to teach one neighbor a lesson, and they would be receiving a letter of non-compliance for loud vehicle traffic late at night.

Mr. Foster reported that he sent the email and received an angry response from the spouse of the owner he had spoken with. He had copied Bob Burdette and the area rep on the email in case it resulted in a contentious situation. Mr. Foster pointed out that the person was angry because she received a letter of non-compliance, but her primary issue was that she did not like what the Board was doing in general. In her

email she also informed Mr. Foster that she owned a gun. He wanted it clear that he did not believe he was being threatened, but he thought it was strange that the gun was even mentioned.

Mr. Foster reported that the next night he heard the same activity and he again drove around the Ranch. He tried to stop four vehicles on Arapaho but they drove away. He was certain it was not the same group. He finally caught up with them and determined who they were. Carol is now sending a \$100 fine to the owner because it is a repeat offense. He also told Carol to include in the letter that the two white machines need to be removed from the Ranch. If those vehicles are seen on the Ranch again it would be a violation and the owner would be issued another fine. Mr. Foster remarked that the CC&Rs specifically state that smoky or excessively loud vehicles are not to be operated on the Ranch. He defined the two white vehicles as being excessively loud.

Mr. Foster stated that his weekend was spent with little sleep and many angry emails. It was not uncommon for him to track down noisy vehicles during the night, and he would appreciate help from the other Board members.

Mr. Deaver commented on a renters issue on Arapaho. He observed cars parked up and down the road and when he confronted the renter he was told that the cars were only there for the day for a barbeque. Mr. Deaver noted that the owner had taken the appropriate action by placing notices that no parking was allowed on the road. Mr. Foster stated that it would be a cost to the Association, but any time that occurs the Board member should call Park City Towing for consistent enforcement.

Mr. Burdette suggested that the Board authorize every area rep and every Board member to call Park City Towing when they see those types of problems, with the understanding that the Association would pay the additional tow charge. Mr. Burdette thought each Board member should be proactive rather than wait for Mr. Foster to do everything. Mr. Foster stated that one volunteer would need to create a list of authorized callers, which would be the Board members, and provide the list to Park City Towing. Park City Towing could call Mr. Foster to confirm the list. Alan Powell volunteered.

Mr. Hutchinson commented on the non-compliance letter regarding lights at night. The letter was written and the owner who received it was quite indignant, thinking he was being singled out because other people also have lights. Mr. Hutchinson noted that the letter was issued but there was no fine attached, and the owner came into compliance. He stated that the letters do work, but it is important to make sure they are consistent with enforcement so no one person is targeted. Mr. Foster stated that it was not a targeting issue. He explained it as being similar to someone pulled over for speeding

on the highway. You may not be the only person speeding, but just because everyone else was not caught does not mean you can get away with it. Mr. Foster believed the same was true with compliance issues on the Ranch.

Mr. Deaver wanted to know what authorization was needed for an area rep to send a warning letter of non-compliance. Mr. Foster replied that a letter should be sent whenever they felt one was required. He recommended that the Board member copy the email to at least the Executive Committee so the Board is notified. Mr. Foster clarified that a letter of non-compliance must address a specific violation of the CC&Rs or the Roads Rules and Regulations. The observed violations should be identified in the letter with the rule that prohibits it. He pointed out that many of the issues violate County ordinance but not the CC&Rs, including noise and dog issues. For issues that are not addressed in the CC&Rs or Rules and Regulations, Mr. Foster thought it would be appropriate for an area rep to send a letter to the owner requesting that they resolve the problem. It would have to be a general letter and not a letter of non-compliance.

Environmental Control Committee Plan Review

Mr. Foster suggested that the Board review the impact fee for Mike Gonzales, based on the level of impact associated with the heavy duty construction. He stated that the Board created the \$1.00 per square foot storage building fee on the assumption that it would be fairly low impact construction for primarily barns and sheds. Mr. Foster noted that when Pete Tilton came before the Board for his garage it had a full concrete pour, full foundation and full construction, and he was assessed a \$2.00 per square foot fee at a standard construction level. Mr. Foster suggested that the level of concrete haul and excavation on Mr. Gonzales' project might warrant the standard fee.

Mr. Gonzales understood Mr. Foster's point regarding the amount of concrete. However, he did not believe the excavation should be a concern to anyone because he was not removing material from the site. All the dirt would be re-used on the land. Mr. Gonzales stated that the concrete trucks would be full loads to minimize the number of trips. Nine trucks had already been up and he hoped to see another dozen in the next week or two. He pointed out that the roads should not be a factor considering the dry conditions. Mr. Gonzales was open to comments and discussion, however, he thought the Board had previously agreed on the criteria.

Mr. Burdette stated that the Board tried to define criteria that would differentiate between a \$1.00 per square foot and \$2.00 per square foot. One of the issues they discussed was utilities. If there were utilities in the new structure the fee would be \$2.00 per square foot. Without utilities and being nothing more than a shed or a pole barn, the fee would be \$1.00 per square foot. Mr. Gonzales stated that he would need

power for the garage door, but no plumbing or heat.

Mr. Hutchinson stated that he had a different idea of the structure when the plans were originally proposed. He had no idea it would require hauling 15 truckloads of concrete up the hill. He pointed out that very few cabins create that kind of impact on the roads. Mr. Hutchinson thought Mr. Gonzales should pay the full impact fee.

Mr. Deaver asked for the overall dimensions. Mr. Gonzales replied that it was 40' x 50' plus the walkway. Mr. Deaver recognized that it was a huge garage, but he did not think it was anything more. That was why he had quoted Mr. Gonzales the \$1.00 per square foot impact fee for an outbuilding.

Mr. Burdette remarked that one cement truck when the roads are damp could do significantly more damage than 21 trucks when the roads are good and solid. Mr. Heath did not believe the Board should go back on what Mr. Gonzales was quoted. The Board concurred.

Water Board Update

Mr. Foster had attended the Water Board meeting. He noted that the Water Board was still struggling over the final closing on the loan. The Pine Meadow Drive project would be put on hold for this year, pending completion of the I-Plat project. The I-Plat project would allow the Water Company to reduce the pressure in the PRVs on Pine Meadow Drive, which will hopefully solve most of the problems. It is a short project that should be completed before it snows.

Mr. Foster stated that loan negotiation was the primary discussion for the Water Board.

Scot Erickson arrived.

Ranch Manager's Report

Equipment Status

Jody Robinson reported that the equipment was in good condition. However, the dump truck needs new tires. He had replaced the brakes on the dump truck and was able to do the work himself.

Projects completed or in progress

Regarding the culvert on Lower Tollgate, Mr. Foster stated that he spoke with Kevin Callahan and the plan was to begin after Labor Day. They were still trying to find a way to purchase the culvert through the County. The Association had received the \$1800 bill for the temporary culvert.

Jody stated that he had been working on the bar ditches, mostly on lower Tollgate Canyon. Mr. Foster pointed out that work on the bar ditches this year meant filling them in as opposed to normally digging them out.

Jody had also been putting Rotomill in lower Tollgate Canyon and on the Forest Meadow side. He had put down 26 loads and believed 30 loads would complete the work.

New owners on Beaver Circle

The new owners stated that they had contacted Amy Jackson since she was listed on the website as their area rep, and she encouraged them to attend the Board meeting this evening. They expected to close on their property in mid-September. They were excited to be on the Ranch and volunteered to help where they were needed.

Anticipated projects

Jody reported that he would be adding gravel on Windy Ridge and parts of Beaver Circle. He would also fill the holes on lower Oil Well Road coming from the bottom of Hillcrest, since that is a truck route. Mr. Foster noted that Bob Burdette would give Jody a road budget.

Alan Powell reported on fuels reduction. He stated that the chipper crew had been up for two days. They randomly chipped some piles and drove past other piles. Mr. Powell was unsure why it was done this way.

Mr. Heath had received a request to grade Shady Lane. Jody stated that Shady Lane also needed gravel. Mr. Foster noted that the grade sweep on Elk Road still needed to occur.

Old Business

Lower Parking Lots

Mr. Foster noted that most of the vehicles had been towed from the lower parking lots and it was refreshing to see the lots cleaned up. Mr. Foster had not heard any

repercussions from their action. Mr. Burdette believed the repercussion could be delayed until the tow company notified the owners that their vehicle was towed and they owed a per day storage charge.

Amy Jackson arrived.

Mr. Foster requested a discussion on how the Board wanted to manage those lots in the future. He recalled that cleaning out the lots was only the first phase. The second phase was how to make the lots usable for the owners. Mr. Foster noted that there were several trailer thefts in the lot again this year and he was concerned that the lot had been scoped out as a good source of trailers. He was unsure how to convey to the owners that it is foolish to leave their trailers in an empty lot with no lighting or security. The suggestion was made to post signs. Mr. Burdette suggested that using the website could be a way to warn the Ranch owners without alerting anyone else or inviting thieves.

Mr. Foster asked for suggestions on a management plan for the parking lots. Mr. Burdette thought they should post a sign saying, "Park at your own risk". Mr. Hutchinson felt they should stipulate the length of time parking is allowed. Mr. Foster agreed that it should be stated as "temporary" with a specific number in parenthesis. Mr. Deaver noted that a condo he rented in Prospector Square has several signs stating that every vehicle must be moved at least once every 48 hours or they will be towed. Mr. Burdette asked Mr. Deaver to photograph the sign in Prospector to see if the language could be reworded to meet their needs.

Mr. Burdette pointed out that a long weekend is three or four days. If a vehicle sits idle for longer than four days it should be moved. The Board discussed a reasonable time frame to allow cars to park. Mr. Erickson thought two weeks was a reasonable time before a vehicle becomes a fixture. Mr. Burdette preferred a shorter time frame for the rule itself, and allow the Board the latitude to relax the enforcement and wait beyond that time before the vehicle is towed. Mr. Foster suggested that the wording could address vehicles that are not moved within that time. If a vehicle is moved from one parking spot to another, it would indicate that the owner was paying attention and attending to their vehicle. Mr. Foster thought that would help define the difference between active use and storage. The question was how to police or confirm whether or not someone actually moved their car.

Mr. Foster had received an email from an owner who felt the Board should be providing security in those lots, and they requested a webcam in the lots to track license plates, illegal dumping and theft. He responded to the email and told the owner that there was no power in the parking lots. He also told them that if they would like to solve the power

problem technologically and send a proposal to the Board, the proposal would be considered.

Mr. Foster asked what the Board would like to see as a use for the parking lot and how they would propose to manage or enforce that use. Ms. Larson wanted it used as a temporary parking lot for stickered vehicles. The Board favored one week as a temporary time frame. The vehicles would need to be moved within that one week period, but not necessarily removed after one week. Stickers could be a hanging tag on the mirror.

Regarding enforcement, Ms. Jackson suggested putting some type of notice on the windshield of a car. If the notice is still there after one week, it would be a good indication that the car was not moved or attended to.

Mr. Foster summarized that the use is allowed parking for one week and the vehicle needs to be moved to indicate active parking rather than permanent parking. The vehicle must have a sticker, either affixed to the windshield or a visible hanging tag. The vehicle must also be currently registered. The suggestion was made to mark the vehicle with soap marker if it is in violation and inform the owner that it would be towed if it is not moved.

MOTION: Hutch Foster made a motion to dedicate the two lower lots to short-term parking of one week or less, and the vehicle must display a Pine Meadow Ranch Owners Association sticker. If the vehicle has not moved after one week or does not display a sticker, it would be subject to towing. Scott Erickson seconded the motion.

VOTE: The motion passed unanimously.

Tom Deaver would draft the actual wording for the signs. Mr. Deaver would also research the price of a metal sign with vinyl or painted lettering.

SSD Update

Mr. Foster reported that the SSD process had changed dramatically since the last meeting. He intended to provide a brief overview this evening and hoped to have more concrete information to discuss at the next meeting. Mr. Foster stated that he recruited two people on the Ranch with good relationships with the County to work as proxy negotiators on the type of plan they might be able to discuss. Mr. Foster determined that after being involved with the SSD process over the past three years, he was no longer the best negotiator. The County is finally motivated to move forward and he did not want his frustration to interfere with the ability to do something productive. The two

people he asked work with the County and sit on the Eastern Summit County Planning Commission. Mr. Foster stated that the process was moving forward and away from the plan that caused them concern. It had moved back towards the original vision of creating a management board with assessment authority for the lower access road.

Mr. Foster reported that currently the County was trying to help them figure out the best way to create a legally established public right-of-way. Once that is established it would be easier to create a management group for those roads. He noted that the end result could look like an SSD or a County Service Area. There was also discussion that it could become a County Area 6 Road, but that option was unlikely. Mr. Foster stated that he and Jody rode with the County Engineer to look at the roads in question because the Engineer wanted to see the road conditions and grade. He believed the County Engineer was pleasantly surprised that the roads were better than what he expected. Mr. Foster thought the idea of an SSD was more promising than it had ever been. It would be good to ultimately remove those two stretches of road from their responsibility and hand them to someone who could charge all Tollgate Canyon owners to maintain them. Mr. Foster remarked that the roads would not need to be substantially upgraded to get into that category.

Mr. Burdette reiterated that the flat fee charged to everyone accessing the Canyon would place the largest burden on the people that use the roads the least. Those who own land with no structure would pay the same fee as those who have a cabin or a full-time residence. Mr. Foster replied that this was correct. Mr. Burdette pointed out that the issue had been discussed several times but there was no apparent way around it. Mr. Foster stated that the only way around it would be to switch to a tax base assessment, in which case weekend cabin owners would pay the majority of the cost. That was the reason for choosing a flat rate assessment.

Ms. Larson asked if there was an estimate on the fee. Mr. Burdette stated that structuring the fee would be left to the Board who manages the roads. Mr. Foster stated that one possibility for management could be the County Council, with members from Tollgate Canyon sitting as advisers. Many other possibilities were being considered. Mr. Foster agreed that Mr. Burdette had a valid concern; however, in the end someone has to pay. There was no process other than an illegal tollgate at the bottom that would make people pay only if they use it. He believed that could be said for any road anywhere. Taxpayers have always paid for roads they never use.

Mr. Burdette remarked that one solution could be to change the dues within Pine Meadow Ranch to compensate for the flat fee assessed to everyone with the new road plan. He provided examples of how that could be done. Mr. Gonzales was uncomfortable crossing a County assessment with private Association dues. Mr. Foster

stated that they were still in the early stages of discussion and he preferred not to solve hypothetical issues at this time. Mr. Burdette agreed, with the understanding that as they move forward, some of the Board members would be in opposition.

Mr. Hutchinson asked if the stakeholders working with the County on behalf of the Ranch were full-time residents. Mr. Foster answered yes. Mr. Hutchinson pointed out that the full-timers are a minority and the plan should not be written around them. He thought they needed a broader representation of what the Ranch really is as it relates to an SSD. Mr. Foster clarified that the current conversations were legal discussions on what is possible to maintain roads that no one owns.

Mr. Foster stated that he was on the Board when they actually voted to differentiate the different values of lots in terms of part-time and full-time. He believed that was one of the worst decisions they made because the roads do not disappear when you leave the Ranch, and they still need to be maintained. Mr. Burdette stated that the current dues structure takes into account the fact that roads need to be maintained. Therefore, the owners who come to the Ranch infrequently still pay for it at a minimal level.

Ms. Jackson was happy with what Jody had done with the roads, and she was not looking for anything better than that. Mr. Foster stated that he and the County Engineer talked about restoring the roads to an appropriate and functional version of their current surface. Dirt roads would remain dirt and asphalt roads would be repaired with asphalt. What to do with the stretch of Forest Meadow that is deteriorating Rotomill was left undecided. The roads would not be upgraded, widened or guardrails installed. Mr. Hutchinson believed road upgrades could be dictated by the SSD management board. Mr. Heath pointed out that Pine Meadow would still have control over the Ranch roads. The SSD would only include Forest Meadow Road and Hilltop, which are roads they pay for but do not own.

Mr. Burdette remarked that they would have less control over those roads and would pay for whatever decisions were made. Mr. Foster pointed out that the positive side was that people in Tollgate Canyon who have not been paying for those roads would be paying. In addition, the State would be contributing Class B road money. Mr. Hutchinson commented on the downside and the possible loss of support.

Mr. Foster felt that roads not owned by the Ranch should not be the purview of this Board. That was his primary motivation for wanting something similar to an SSD.

New Business

Bruce Hutchinson had secured a winter meeting location at the Fire Station on 33rd

South and 19th East in Salt Lake. It was a convenient location for those coming from the Ranch and those in the Valley. Mr. Foster stated that the only caveat was that the monthly meetings would need to move to the third Tuesday of the month. The Board members did not object to the third Tuesday. Mr. Foster stated that the meetings would continue on the fourth Tuesday at the Ranch until the first winter meeting in the Valley. At that point it would change to the third Tuesday. The schedule and location would be posted on the website.

Jody stated that he was approached by a gentleman who lives on the other side of Ranch property below Oil Well Road. His culvert filled up and washed away part of the road. He wanted to know if the Association would clean out his culvert since it was road asphalt that clogged it up. Mr. Foster suggested that someone call Carol to see if the owner contributes to the Ranch. The Board did not think the Association should be responsible for cleaning the culvert.

Monthly Budget Review

Mr. Burdette referred to the profit and loss report and indicated the income collected to date for 2011. He noted that the \$2,285.81 were assessments recently collected for years prior to 2007. Mr. Burdette referred to the amount of \$13,073 in finance charges that were recently collected. He noted that he would be proposing to pay Revenue Recovery their portion of the fees that were paid directly to Pine Meadow.

Mr. Burdette presented the unpaid bills in the amount of \$27,766.43. He noted that the \$730 to Clyde, Snow and Sessions was the SSD billing accumulated from April through July. Mr. Burdette explained the \$5,000 paid to Marcus Bowers. Mr. Bowers is an owner on the Ranch and last year he paid an impact fee with the intention of building on his lot. He never built and was requesting that the impact fee be refunded. The Board had agreed to refund the money; however, if he decides to build again, he would pay the impact fee in place at that time. Continuing with the bills, Mr. Burdette stated that \$985 to Revenue Recovery was the 35% fee collected from four owners. The total amount of unpaid bills included payroll and payroll taxes for Jody Robinson and Brandon.

MOTION: Bob Burdette made a motion to pay the unpaid bills presented. Amy Jackson seconded the motion.

Mr. Hutchinson suggested that Mr. Burdette hold the check for Marcus Bowers until they determine whether or not he was issued a water letter. There was some concern that if he has a water letter he would be able to obtain a building permit in the future without paying the impact fee. Mr. Hutchinson would be uncomfortable refunding the

impact fee if Mr. Bowers had a water letter and could build without notifying the Board. Mr. Gonzales shared his concern. Mr. Foster pointed out that if Mr. Bowers has a water letter and chooses to build without paying the impact fee, the Board would have legal recourse to lien the property and sue for the money. Ms. Jackson believed that would be a costly and time consuming approach. Mr. Gonzales asked if the water letter could be revoked. Mr. Heath noted that they were separate entities and the Board could not request that the water letter be impounded or revoked. Mr. Burdette pointed out that if the area rep discovered that Mr. Bowers was building without having paid the impact fee, the Board could bill him the correct amount. If he chooses not to pay, it would be sent to Revenue Recovery for collection. Mr. Heath stated that putting a lien on the property would be enough without using Revenue Recovery. Mr. Foster noted that the Board has refunded impact fees in the past for similar circumstances.

VOTE: The motion passed unanimously.

Mr. Foster asked Mr. Burdette about a budget for the roadwork. Mr. Burdette believed they had enough money to purchase material for all the roads discussed this evening. Mr. Foster asked if there was a buffer in the budget for the 60 loads hauled in August that had not yet been billed. Mr. Burdette stated that the budget could accommodate 100 loads at \$300 each, with money left to pay expenses already incurred.

Mr. Burdette outlined known expenses that would need to be paid before the end of the year. He was confident that there was enough money in the account to handle their needs and still meet his goal to end the year with a positive balance.

Assignments Review

Mr. Hutchinson would double check the dates for the Fall meeting schedule and confirm with the Fire Station. Mr. Powell would follow up with the chipper crew. Mr. Deaver and Ms. Jackson would work on wording for the parking lot signs.

Mr. Hutchinson commented on a large sign he noticed on Pine Loop. He contacted the lady and asked that she remove it, however, the sign was still up. Mr. Foster suggested that Mr. Hutchinson send her a non-compliance letter with a specific date for removal.

Mr. Erickson stated that due to a change in his school schedule, he would be unable to attend the meetings on Tuesday and was resigning from the Board. Mr. Foster asked Mr. Erickson to find someone to replace him as an area rep until the elections.

The meeting of the Pine Meadow Owners Association Board adjourned at 8:34 p.m.

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