

PINE MEADOW RANCH OWNERS ASSOCIATION
MONTHLY BOARD MEETING
RANCH MANAGER'S OFFICE
ARAPAHOE DRIVE
PINE MEADOW RANCH
SEPTEMBER 28, 2010

In Attendance: Hutch Foster, Bob Burdette, Dan Heath, Suzanne Larsen, Scot Erickson, Tom Deaver

Duane Yamashiro and Scott Clausen were expected to arrive late.

Alan Powell and Bruce Hutchinson were excused.

Hutch Foster called the meeting to order at 6:54 p.m.

Approval of Minutes

MOTION: Dan Heath moved to APPROVE the minutes of August 24, 2010. Scot Erickson seconded the motion.

Mr. Foster referred to page 2, paragraph 1, the discussion about removing fuels and wood from lots. He corrected "load" to read "road" in paragraph 1.

Mr. Foster referred to page 16 and noted that he was quoted as, "Driving by a lot on Elk Road that was reported with a trash problem and he did not see it as trashy." He did not want his comment to imply that he looked at a specific lot and did not think it was trashy. His comment should reflect that he drove the road and did not notice a trash problem.

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

VOTE: The motion passed unanimously.

Owner/Visitor Open Forum and Owner Communications

Bob Burdette read a thank you note from Melvin and Diane Wilke, Lot PI-G-35, thanking the Board for the road base on Aspen Ridge Drive.

Mr. Foster reported on an email he received from Leo Moshier on Elk Road, Lot PI-D-75. Mr. Moshier has an issue with how current minutes are posted on the website. Mr. Foster clarified that the minutes are posted after the Board approves them and after Carol has an opportunity to make any corrections to the approved minutes. The approved minutes are then posted. Mr. Foster pointed out that at a minimum, the minutes could not be posted sooner than six weeks or more after a meeting. He noted that posting the minutes also depends on the volunteer webmaster. When the volunteer

webmaster is busy, there is lag time in posting the minutes. Mr. Foster reminds everyone that three years ago it was not even possible for people to obtain the minutes.

Mr. Foster stated that Mr. Moshier also inquired about the plowing plans for Elk Road this year. Because the Owners Association does not plow and it is too early in the year to hear from private plowers, he was not able to give Mr. Moshier an answer. Mr. Foster noted that the Board typically begins requesting information from plowers this time of year. The Pine Meadow Emergency Evacuation Fund, PMEEF, who plows in that area, usually lets them know their intent before the annual meeting. He could see no reason for being on a different schedule this year.

Mr. Foster reported on an email he received from an owner on Deep Forest, who was upset about a tree that someone cut down along the roadside in front of their house, presumably for firewood. The owner was upset about the theft of this tree. Mr. Foster was unsure whether the tree was alive or dead or presented a problem on the road. Mr. Foster remarked that it was an angry email that contained a long list of suggestions and/or demands for the Board to address the issue. The email also made accusations about an owner on the Ranch stealing firewood. He suggested that people look around and monitor their areas to see if something devious is occurring. Mr. Burdette suggested that the owners contact the police and report it as a theft. Mr. Foster agreed that if it is considered a theft, the police would be the appropriate solution.

Mr. Burdette reported on a phone call he received from someone named Laura trying to get the electricity turned on for Alexander Canyon Road. Rocky Mountain Power was not responding to their calls and she wanted to know what the Board would do about it. Mr. Burdette contacted Laura and apparently she does not have an address for the property. She also asked if there was a power meter on the property. Mr. Burdette stated that the property is at 1661 West Alexander Canyon Road. Mr. Foster wanted to know who owned the property.

Suzanne Larsen noted that Laura had also called her and left a voicemail message that the power company does not recognize the address that was given, and she wanted to know how to get the correct address to get the power turned on. Suzanne stated that she returned the call and left a voice message. Mr. Foster remarked that a street address should be obtained through the GIS Department at Summit County. He pointed out that Rocky Mountain Power knows most of the lots on the Ranch by the lot number rather than the street address. Mr. Burdette informed Laura that once she found the meter, the meter would have a number on it. Rocky Mountain Power should know exactly where the meter is located and that it was an issue between her and the power company, since the Owners Association does not get involved in electrical matters.

Tom Deaver asked if Mr. Foster had information on ground leveling activity below the two rentals. Mr. Foster replied that he did not have any information. If some type of construction starts to occur, the Board would immediately look into it. He noted that every owner has the right to level ground on their property. Mr. Deaver explained that the concern was raised because the property has been Blue Staked. Mr. Burdette agreed that Blue Stakes would indicate digging for a foundation or a septic tank. Mr. Foster stated that Alan Powell is the area rep and he should track the activity and keep the Board informed. He also suggested contacting the property owner for an explanation.

ECC Plan Review

There were no reports or discussion.

Water Board Update

Mr. Foster had attended the Water Board meeting and the issues were primarily the same as last month. A number of large projects are slowly moving along and being discussed for the future. The re-connection to I-plat was tabled for next year. Additional exploratory drilling will probably occur, but not in the immediate future. The meters have all been read and the water company is getting ready for Fall events and planning for Winter.

Mr. Foster noted that the section of water line above Catarina's house on Pine Meadow, Lot FM-D-94, was excavated, graveled, insulated with rigid foam, graveled again and backfilled. The plan was to create a thermal break for the frost that penetrates in that area. The line was 6 feet deep and the Water Company was unsure why it froze. Scot Erickson stated that this particular area gets cold early and stays cold really late. Mr. Foster reported that the same spot on the water line is on a loop and one of the valves on the loop was turned off. Therefore, in addition to the cold, that part of the line only moved when Catarina used it. By opening the valve and insulating the line, they hope this will no longer be an issue. Mr. Foster noted that Catarina is on the corner of Forest Meadow and Forgotten Lane.

Mr. Heath asked about the large pipe down at the entrance. Mr. Foster was not certain, but he thought the Water Company may be stocking materials for the I-plat connection. The plan was to pre-purchase as much material and equipment as possible and include it in the low interest federal loan, which is about to expire.

Manager Report

Jody Robinson was unable to attend this evening and he had submitted a written report.

The grader is running great with a 90% cutting edge. The roller is operational but still has an overheating issue on hot days and steep hills. Mr. Foster noted that this has been the case since they purchased the roller and Jody intends to spend time this winter tearing it down in the shop. He suspects that because it is an older machine, there is a lot of buildup in the radiator core and it may require a new radiator. The dump truck is running great and Jody has been using it to run gravel on some of the smaller projects around the Ranch.

Pine Loop has been graveled. Forest Meadow and Willow Way were asphalted. Washouts were re-graded, including on Windy Ridge, as requested at the last meeting. Jody has also been cleaning culverts in preparation for the wet season.

Mr. Foster stated that Jody had recalled seeing a culvert map and asked if anyone knew where it was. Mr. Yamashiro replied that he could recall seeing a map at one point. Mr. Heath remarked that it would be an old map if it still exists. Jody requested that the Board help him try to locate the map if they have any idea where to look.

Projects in progress include regrading Ranch-wide, culverts and sign repairs. Anticipated projects include regrading and some equipment repair.

Mr. Burdette commented on the work Jody does in making everything work. He stated that they wanted to use the new roller in laying the asphalt, however, the asphalt sticks to the roller. In order to prevent that from happening, water is put on the drum to keep the asphalt from sticking. Mr. Burdette noted that Jody built and rigged up a water tank with a pump system to provide water to that roller. Mr. Burdette and Mr. Foster commented on Jody's creativity and how often he uses his "farm boy" techniques to make things work for the Ranch.

Mr. Deaver suggested a "thank you" for Jody. Mr. Foster replied that this is close to the time of year where they consider thanking Jody in a monetary way. He suggested having that discussion when they talk about the budget this evening. Mr. Burdette felt the Board members should individually thank Jody every time they see him. The Owners Association is a better organization because of his efforts. Mr. Foster agreed that Jody has been their best asset in recent years.

Old Business

Pine Meadow Private Snow Plowing Requirements

Mr. Foster presented the current version and a proposed version of the plowing

document. For more than eight years there has been an arrangement where the Ranch maintains the road to the major parking lots for all users of the Ranch. With carefully regulated and detailed requirements, private groups have the option to plow other roadways. The original document specified that for private plowing, 50% of the cabin owners on that specific roadway must be in favor of plowing. Mr. Foster referred to the new version of the document and noted that he added a paragraph at the top which explains that philosophy. He believed it was a central vision of what they do on the Ranch.

Mr. Foster reviewed the changes on the proposed document. The third bullet point was the major revision. In the past, the person desiring to plow had been responsible for obtaining written permission from 50% of the cabin owners on the section of road to be plowed. He found that to be unfair because it assumed those who did not vote were against plowing. Mr. Foster stated that in order to have a simple voting majority, people need to vote to be counted. If someone does not vote, there is no reason to assume that their vote would be negative. Mr. Foster explained that he changed the language to read, "A majority of responding owners."

Mr. Foster stated that another change is that the list of responders should not come from those desiring to plow. He thought the Board should be responsible for the voting process and the responses, rather than an interested or biased individual. Mr. Foster liked the suggestion given at the last meeting to send a postcard letting people know that a party would like to plow their stretch of road, and ask if people are in favor of plowing, against plowing or indifferent to plowing. The Board would only tally votes that come back "in favor" or "against". After tallying the votes, the Board would make a judgment on whether a group or individual should plow the road based on numbers.

Mr. Foster added language indicating that a vote would only occur if an owner on that roadway requests a vote. He was not interested in sending a postcard to every Ranch owner every year to find out their opinion on the road. That would be an expensive and unnecessary process. Mr. Foster noted that a map is posted every Fall of roads planned to be plowed. The map is published before the snow season. If a road is shown to be plowed and an owner on that road objects, they can request a vote and the Board will honor their request. Mr. Foster had left original language stating, "...if a cabin owner on the roadway in question requests it and at the discretion of the Owner's Association". That is the same with all the Rules and Regulations. He believed the Board should have the opportunity to use common sense when necessary.

Mr. Foster had amended another bullet point by replacing the word "allowed" with "preferred". The new language would read, "Snowpack conditions are **preferred**." He pointed out that this was a minor verbiage change but it is important because they want snowpack conditions.

Mr. Foster recalled a suggestion at the last meeting for adding language about widening the roads to provide visibility. He believed the original language, "Push snow from roadways to beyond existing drainage" and "To provide visibility for oncoming vehicles and snowmobiles in the winter" and "To provide for drainage in the Spring runoff", addressed the visibility issue.

Mr. Foster read existing language, "Conspicuously mark fire hydrants, culverts, power boxes and other obstacles". He added another line to that language to read, "Hydrant markers should be identifiable as such" Mr. Foster did not care what people use to distinguish a hydrant marker, but it should be obvious to anyone that it is a hydrant. As an example, he personally uses a reflective tab with H's when he puts them on hydrants.

Mr. Heath asked if the Water Company has shown a preference for marking the hydrants, since they own them. Mr. Foster stated that he asked Trevor Townsend to find out if there is a fixed hydrant marker that would last and be tall enough for the snowpack. He would follow up with Trevor. Mr. Foster had added new language stating that, "Markers must be removed in the Spring after the thaw". Additional language was added, "Plow routes that dead end on a roadway that continues must be maintained with an appropriate slope for continued snow machine access".

Mr. Foster remarked that the remainder of the document was the same as the original, including the fines and the note that the Owners Association could charge for damages. He had revised one sentence under Fines to read, "A fine of \$50 per plowing occurrence will be assessed to the plowing individual or contracting Pine Meadow Ranch owner". They may not always know the plowing individual, but the contracting owner can be identified because the plowing ends at their driveway. Mr. Foster pointed out that the language regarding what the poll would look like is also new language.

Mr. Foster remarked that the document was exactly in the spirit of the original document. It simply clarifies how they could enact the document more fairly and enforce it more rigorously.

Mr. Erickson liked the revised document because it clarifies a lot of the language and keeps with the intent of the original document. The Board concurred. Mr. Burdette felt the document works for those who are going to plow and for those who do not favor plowing. Mr. Foster recognized that people on the Ranch have different desires for their cabins and the only way to address them fairly is to allow them to decide their own fate as neighbors.

Mr. Burdette felt there was still the issue that if nine people oppose plowing and one wants to plow and is willing to pay the entire cost, he did not think the Board had the

ability to stop it. Mr. Foster replied that if that day ever comes, the Board could find themselves in the position of trying to mediate owners based on the poll, but they would lose if they try to legally enforce the rule. He preferred to be a mediator amongst the neighbors as opposed to ending up in a court battle. Mr. Foster recalled that at the last meeting, Amy Jackson said that the Board would lose either way if they ever tried to enforce this. Mr. Foster believed the document was a step forward towards fairness by allowing groups of people to decide what they want for their street. Mr. Burdette felt the Board should offer suggestions to help neighbors come to a resolution on the plowing issue.

MOTION: Tom Deaver made a motion to accept the snow plowing requirements as drafted. Duane Yamashiro seconded the motion.

Scott Clausen joined the meeting.

Scott Clausen questioned why they had not changed the language from a majority of responding lot owners. Mr. Foster clarified that the original language said "cabin owners". He explained that plowing is an annual occurrence and no year is permanent. If a different neighbor or group of neighbors questions it, a new vote would be taken. Mr. Foster stated that because it is a maintenance issue and not a natural change of road issue, he left it to those who have the most vested interest in what happens on that road. He had carefully considered the discussion from the last meeting and spoke with other Board members before deciding against making the change. He assured Mr. Clausen that he had not overlooked his suggestion.

Mr. Clausen remarked that if owners are not interested they will not respond. He was still unsure why they would cut out "lot owners". Mr. Foster replied that it was for the reason he stated.

Mr. Clausen suggested that if they omitted the year on the plowing requirements, they could use it from year to year and not have to revise it. Mr. Foster stated that he usually changes the date when he posts it on the website. He felt that dating it helps people recognize that it is the current standard.

Mr. Foster called for a vote on the motion to adopt the new requirements for snow plowing for this season.

VOTE: The motion passed unanimously.

Proposed Tollgate Canyon entrance landscaping project

Scot Erickson reported that the landscape architect has encountered a number of

procedural issues that they are working on resolving. They would like to move the mailboxes from the lower area up to an area next to the bulletin boards. He requested that the Board discuss the matter and take official action if necessary. Mr. Foster thought it was appropriate to make a motion that the Board would approve of should someone else move them. If moving the mailboxes would result in a cost to the Owners Association, it would need to be discussed at that point. Mr. Foster thought the Board could discuss the matter and possibly choose to authorize that piece of ground for mailbox installation.

Mr. Yamashiro asked if there were any post office requirements. Mr. Foster believed the post office would require some type of authorization. However, the mail carrier who delivers the mail likes the idea of moving the mailboxes for safety reasons. Mr. Deaver stated that his neighbor is a former postmaster and he has implied that permission to move the boxes would not be an easy process. Mr. Foster thought it may be easier if the mail carrier likes the idea and the Owners Association authorizes the piece of ground. Mr. Erickson agreed that the mail carrier's concern would weigh heavily in that regard.

Mr. Erickson stated that if the mailboxes are moved, they would like to put the dumpsters on the lower spot and fence them in. He explained that instead of presenting one large project to the County, they are splicing it into pieces to do what they can. Mr. Heath noted that the mail carrier is concerned about having to do a three-point turn into Tollgate, so they would have to move some soil back. Mr. Burdette thought there was a regulation that prohibits the carrier from leaving the dedicated public road to enter private areas. Mr. Foster requested that the Board limit their discussion to opinions on moving the mailboxes, since the legal obstacles for moving them were beyond their scope.

Mr. Heath explained what needed to be done in order to move the mailboxes to the new location. He noted that Rick was willing to asphalt that area. Mr. Burdette asked if the Association owned that property. Mr. Foster answered yes. Mr. Erickson stated that it was part of the parking lot parcel. Mr. Heath had spoken with the County and he believes the process may be as simple as obtaining a grading permit.

MOTION: Scot Erickson made a motion to authorize the use of that space for the purpose of beginning the procedure for moving the mailboxes. Once there is a firm commitment, the Board would be updated with specific dimensions.

Mr. Foster amended the motion to specify that no dirt work would begin until they have confirmed approval from the Post Office. Mr. Erickson accepted the amendment to his motion.

Mr. Burdette remarked that the dumpsters were purposely moved from closer to the freeway up to the parking lot, because people would pull off the freeway, dump items in the dumpsters and continue on. Mr. Foster stated that if this plan moves forward and the dumpsters are moved to the bottom, they would be hidden behind privacy fencing and the opening would be pedestrian access. Vehicles would not be able to back up to the dumpster. Allied Waste would have a key to swing the gate open to empty the dumpsters.

Tom Deaver seconded the motion.

Mr. Foster clarified that the motion was to authorize the land, if the Post Office deems it suitable, for the purpose of moving mailboxes for safety reasons and for a possible entry beautification project.

VOTE: The motion passed unanimously.

Dan Heath stated that years ago real estate signs were placed all over the bottom and a 4 x 8 sheet was put up as a bulletin board. He believes they have outgrown the bulletin board and it is quite unsightly. He asked if it was possible to limit the size of real estate signs. To avoid miscellaneous pieces of paper, he suggested that they put up a sign and purchase boxes that people could rent for \$3.00 per month. Anything posted outside of that box would be taken down immediately. Mr. Burdette questioned why they even needed the bulletin board. Mr. Erickson stated that before they had the bulletin board, realtors would stagger papers all the way up the road. Mr. Heath felt the community needed the bulletin board to post things. Mr. Deaver asked if the realtors have a right to put signs up and down the road. Mr. Heath answered no. Mr. Burdette pointed out that it is private property. Mr. Erickson remarked that the realtors can only place a sign on the lot they are selling. However, because of the size of the Ranch, they need to place something at the bottom so people would know the lot was for sale.

Mr. Deaver suggested setting up a second board that could be rented by commercial operations. This would include propane signs, firewood signs, snow plowing, etc. Mr. Heath stated that if the signage is controlled and it pays for itself, it could be a positive experience. If they do nothing, he was certain it would revert back to where they were many years ago, with signs up and down the road. Mr. Deaver asked if it would be enforceable. Mr. Foster replied that it would be enforceable if someone accepts the responsibility to be the enforcer.

Mr. Erickson recalled that the Board previously directed the Ranch Manager to act as the enforcer. Mr. Deaver clarified that he was talking about enforcing the new rule where people would pay to purchase a box. Without enforcement, people will continue to do what they have always done. Mr. Heath mentioned garage sales. Mr. Deaver

asked if owners should have to pay for a box to advertise a garage sale. Mr. Foster remarked that two years ago the Owners Association bought a bulletin board that is mounted on a building that owners could use for non-commercial notices. He did not believe that bulletin board was very effective.

Mr. Foster stated that rules would not make a difference unless someone from the Board commits to policing it. He felt this was a regular shortfall with the Board. Jobs need to be done and until everyone steps up to do those jobs, it does not help to make new rules. Mr. Heath expressed a willingness to police the signage at the bottom because it is a major eyesore.

Road Sign Inventory

Mr. Foster asked if any of the Board members had inventoried the signs in their area. There was no response. Mr. Foster stated that he asked Jody to look into sign questions about post signs. He assumed they would be budgeting to replace missing or damaged signs.

Mr. Heath wanted to know why they could not use 4 x 4 tubular steel posts dug two feet into the ground. Mr. Foster agreed that a 4 x 4 square tube would probably work, and he would speak with Jody about it. He stressed the importance of a sign inventory and encouraged the Board members to inventory their areas.

Mr. Erickson commented on a sign issue on the lower part of Hillcrest outside of the Ranch. It is where Hillcrest branches off from the Oil Well Road. He was unsure who should be responsible for putting up a sign. Mr. Foster thought they should sign it because it benefits the Ranch to have people know what it is. Mr. Burdette was concerned about erecting a sign on someone else's land. Mr. Erickson pointed out that there is already a sign post with "Oil Well" on it. He was only suggesting that they add another sign for Hillcrest. Mr. Burdette pointed out that the sign post belongs to someone else. Mr. Foster noted that they could find the owner and send him a letter requesting permission. He preferred to discuss this issue at another meeting. Mr. Foster suggested that Mr. Erickson add that sign to his inventory list and include the name of the landowner.

Road name discussion for Hi Dri Circle

Mr. Foster noted that Hi Dri circle is not named on the plat map, however it has always been referred to as Hi Dri Circle with this spelling, or possibly hyphenated. The name was derived from family names. Mr. Foster reported that an owner living on that road had suggested changing the name of the road. The neighbors were opposed because of the history of Hi Dri. The owner sent out letters to everyone in the neighborhood

asking if they would be comfortable renaming the road High and Dry, using conventional spelling. The owner requested the change to conventional spelling to make it easier to identify the road for 911 emergencies, insurance companies or other services. Mr. Foster understood that the neighbors were amenable to the spelling change, but still wanted the old sign preserved. The requesting owner contacted Summit County and the County agreed that since the Owners Association is responsible for roadways on the Ranch and because there is no existing official name, the County would accept the Board's decision.

Mr. Foster recommended that the Board invite the property owner to a Board meeting to make sure the neighbors are comfortable with the spelling change before the Board votes on the matter. The suggestion was made to also invite opposing neighbors to the meeting. Another suggestion was to hold a special election to allow the neighbors on that road to vote on the spelling change.

New Business

Annual Meeting Plans

Mr. Foster recalled that in the past the annual meeting is held in November and the regular Board meeting that occurs the week of Thanksgiving is cancelled. Based on that schedule, the annual owners meeting would be held on Tuesday, November 16th. Bob Burdette requested a change to Wednesday, November 17th. Tom Deaver was uncertain whether he could attend on November 17th, but felt it was more important for Mr. Burdette to be in attendance. After further discussion, the annual meeting was scheduled for Monday, November 15th, since the Board members present did not have conflicts that evening. Suzanne Larson would check the availability of the Sons of Utah Pioneers building in Salt Lake for November 15th.

Winter Meeting Schedule

Mr. Erickson reported that Trailside Park is still an option for regular monthly meetings and they need to provide their meeting schedule. Mr. Foster recalled that the Board had discussed changing the schedule and meeting in the Valley on even months and in the Basin on odd months. He pointed out that if the annual meeting is held in Salt Lake, they would be meeting three consecutive times in the Valley. Mr. Burdette did not think three meetings in the Valley would be a problem. However, if they wanted to generate an odd month, even month rotation, they could meet at Trailside in October and have the annual meeting in Salt Lake. Mr. Foster remarked that in the past, the meetings were held in the Basin on even months and in the Valley on odd months. Mr. Erickson preferred to keep with the current rotation since the property owners are familiar with that schedule. Mr. Foster pointed out that the October meeting would be held at

Trailside if they keep the same rotation. The annual meeting in November would be in the Valley and the December Board meeting would be back at Trailside. That would keep them on the preferred even/odd month schedule. Mr. Foster noted that the January Board meeting would be held at the Whitmore Library.

Ms. Larsen stated that she had contacted the Whitmore Library about scheduling the September meeting, but they had the meeting room booked for that date. She would contact the Library again to see if the room was available on the fourth Tuesday of the months they needed. Ms. Larsen pointed out that the library does not like to schedule too far in advance. Mr. Foster asked Ms. Larsen to schedule the Sons of the Pioneers for the annual meeting in November and the Whitmore Library beginning with their regular Board meeting on Tuesday, January 25th and odd months thereafter. Mr. Burdette noted that the new fire station on 33rd South and 19th East has a conference room for public meetings and that could be an alternative if the Library is not available.

Mr. Foster noted that Christmas falls on a Saturday and the fourth Tuesday is December 28th. Many of the Boards members stated that they would be unavailable that week. A suggestion was made to possibly meet via email or conference call. Mr. Burdette remarked that there is very little activity that time of year and suggested that they could hold an executive session to pay the bills.

Mr. Foster preferred to leave the meeting as scheduled on the fourth Tuesday and use the executive session as a fall back plan. He requested that the Board members notify him prior to December 28th to let him know if they will attend. Depending on the response, he can determine if it will be a regular meeting with a quorum or an executive session. Mr. Erickson stated that he would book Trailside for the December meeting.

Discussion and direction for short term rental issues

Mr. Foster reported that in 2006, the Board became frustrated with one cabin on the Ranch and passed a rule against rentals shorter than 30 days. Ted Barnes, the attorney, wrote the rule and he feels strongly that the rule is based on the spirit of the CC&R's and the Rules and Regulations. Mr. Barnes also believes the rule is enforceable to an extent and that it is a justifiable and sensible rule for this community.

Mr. Foster stated that there has been spotty success in enforcing the rule and notices of non-compliance have been sent to cabins that have been heavily trafficked with short-term rentals. Mr. Foster explained that the Board has been unsuccessful in committing to the path they should follow. He remarked that the Board either needs to determine if implementing the rule was the right thing to do or if it needs to be considered. However, if they believe it is the right path, the Board needs to discuss enforcement and how they plan to follow through. Mr. Foster felt it was inappropriate to have a rule on the books

that they waiver on because they do not know how to enforce it. He believed it was time to choose a direction on the rental issue. Mr. Foster acknowledged that it was a complicated issue that would require extensive discussion.

Mr. Burdette commented on the importance of making an immediate decision on short-term rentals, since the issue would be raised again at the annual meeting. Mr. Foster agreed. He wanted a firm understanding of what the Board plans to do about rentals before the annual meeting because he did not want to appear "wishy-washy". Mr. Burdette stated that whatever decision is made, the Board needs to support Mr. Foster as one unified voice. Mr. Foster remarked that he would appreciate the support because he was considerably "flocked" at the last meeting.

Mr. Foster asked the Board members to briefly express their opinion on short-term rentals. Substantial discussion time would be scheduled for the next meeting.

Mr. Larsen stated that if the attorney believes the rule is enforceable, they should leave it on the books and move towards enforcement and fines. She favored trying to eliminate some of the short term renters that create problems for other property owners.

Mr. Clausen suggested that if the Board could not enforce the rule, they should be more aggressive on the symptoms, such as parking on the roads, littering, trespassing, etc.

Mr. Erickson stated that he has been on the Board a long time and in his opinion they are boxing a ghost. He believed it would be difficult to enforce what people do with their private property. He personally did not agree with short-term rentals, but because Summit County allowed a free-for-all during the Olympics for renting to Olympic participants, the short-term rental mentality still exists. Mr. Erickson stated that his reason for being on the Board is to help people and make the community work. He was not interested in policing other owners.

Mr. Yamashiro remarked that he goes back and forth on the matter. He drives by it every day and his reasons against short term rentals include multiple vehicles, cars that are backed off on to the other lot and being stuck and those types of issues. He is not bothered by the idea if someone is conducting business and they only have one or two vehicles that do not interfere with the other owners. However, if they are conducting business, the Ranch needs to look at it differently than just a homeowner. Mr. Yamashiro clarified that he did not have a, "simply can't do it" attitude if the owners are renting responsibly.

Mr. Burdette pointed out that if an owner rents their home to a football team, that is a permitted activity and there is no rule against it, regardless of the number of cars that may be there. Mr. Deaver disagreed. He stated that cars parked in the driveway

cannot interfere with the right-of-way of through traffic and they are not allowed to park on the road. That is enforceable and Jennifer has handed out tickets to people who break that rule. Mr. Burdette stated that he was planning a family gathering at his place and there could be as many as ten cars. Mr. Yamashiro pointed out that the difference is that Mr. Burdette was having his family and not renting his property. Ms. Larsen remarked that the difference is that Mr. Burdette would be supervising or monitoring the activities at his home. When property is rented, there is no supervision.

Mr. Burdette asked Mr. Heath to comment on the legal aspects of property rights and property ownership, and whether he believes there is a legal basis for enforcement. Mr. Heath explained that what differentiates a subdivision from the County are the covenants, and the covenants are recorded against the property. A person has a right and the need to read them before they purchase and the covenants remain when the property is sold. It is the law of the land to support enforcement. Mr. Heath stated that covenants are a person's guarantee of their rights. They also mandate what the Board can do. If the covenants do not specifically say that a person cannot do something, and it is not against the law, the Board cannot change it because it runs with the land. If they try to change it, they could get sued. He completely disagreed with Ted Barnes' opinion. Mr. Heath agreed that there are problems with short-term rentals; however, when Mr. Barnes wrote the rule, it was like "using a shot-gun to kill a fly", and they overstepped any ability for enforcement. Mr. Heath stated that if this is their only remedy, the only thing that will change is the name of the problem. If they expect everyone else to live by the covenants, the Board needs to do the same. He preferred to spend their money in better ways than lawsuits.

Mr. Deaver asked how Mr. Barnes determined the rule was legal if short-term rentals are not addressed in the CC&R's. Mr. Burdette replied that Ted Barnes believes that short-term rentals is a commercial enterprise, and a commercial enterprise can be prohibited from operating within a residential area. However, Mr. Burdette pointed out other commercial enterprises that have been conducted on the Ranch for decades. In his opinion, they were on weak ground trying to bar short-term rentals as a commercial enterprise when they have not barred any other commercial enterprise. Mr. Heath remarked that commercial enterprise is a County issue under zoning regulations.

Mr. Burdette pointed out that when he first came on the Board, they were spending in excess of \$40,000 per year on legal fees. Since that time the legal fees have dwindled down to a couple of thousand dollars a year because the Board has taken a more reasonable approach on many issues.

Mr. Foster closed the discussion on short-term rentals and requested that the Board members come prepared for a more extensive discussion at the next meeting.

Board Terms

Mr. Burdette noted that terms for Scott Clausen, Duane Yamashiro and Bob Burdette expire this year. He noted that the website shows that Hutch Foster's term expired in 2009. Mr. Foster was re-elected last year and the website needs to be updated. Mr. Burdette believes he can still be an advantage on the Board and plans to run for re-election. Mr. Clausen was unaware that his term was expiring so he had not given much thought to re-election. Mr. Yamashiro had other individuals in mind that could run for his position and he wanted time to speak with them before making a decision on whether or not to run again.

Monthly Budget Review

Bob Burdette reviewed the unpaid bills in the total amount of \$15,002. He noted that the bill for the asphalt was not included in the detail and he expected to see those charges next month on the credit card that Jody can use to make purchases. Of the two payrolls for Jody, one was larger because it included his reimbursement for health insurance. He indicated the \$2,000 impact fee reimbursement to Morgan Peterson, noting that Mr. Peterson had provided the certificate of occupancy and notice that the construction was completed.

MOTION: Bob Burdette made a motion to pay all the bills as outlined in the amount of \$15,002. Dan Heath seconded the motion.

VOTE: The motion passed unanimously.

Mr. Burdette noted that Carol had included a copy of a bill sent to a non-Ranch owner. It was for lot SS-142-B. He read the included note, "Courts documents in 1976 said we have free access across all Pine Meadows Ranch and Forest Meadow Ranch roads forever. Would you like to refund the \$53,000 we paid in court costs for the settlement?" Carol wanted to know if anyone recalled that Court decision and whether it was valid after 1999 when the SSD was dissolved. Mr. Burdette stated that Summit East Side LLC was the owner.

Mr. Foster remarked that the statement is correct and there is a legal access across all the roads. He pointed out that it is a bill for Ranch owners and a contribution for those outside of the Ranch. He was unsure why the owner of Lot SS-142-B came back with an angry response when the invoice clearly states, "your contribution is appreciated" and "this is not a bill". Since the language was very clear that it is not a bill and specifies a "voluntary contribution", Mr. Foster recommended that Carol ignore the outrageous response.

Mr. Burdette reported on a note Carol had included from Dream Post Registration Services stating that renewal of the pinemeadowranch.org for one year has been processed. This registration expires October 12th, 2011. Carol asked if that renewal had been paid and how much it was. Mr. Foster replied that there is no charge. They pay for hosting and the dominion registration is complimentary with the hosting account. However, it does need to be renewed and he renewed it a month ago. He expected to see a hosting charge in the near future.

Mr. Deaver wanted to know the last time Jody had a salary increase and whether this was an appropriate question given the economy. Mr. Burdette stated that the Board reviews an increase annually at the end of the year when they discuss a Christmas or year-end bonus for Jody. He recalled that last year they did not increase Jody's pay, but instead paid the increased premium for his health insurance. Mr. Foster stated that the Board would discuss Jody's salary before the end of the year. He noted that there are two perspectives to consider during their discussion. One is a cost of living increase and the second is based on performance review. Both are valid reasons and should be considered together.

Assignment Reviews

Mr. Foster reiterated his request for a sign inventory of all areas. Mr. Erickson and Ms. Larsen would schedule meeting locations for future meetings.

The meeting of the Pine Meadow Owners Association Board adjourned at 8:44 p.m.
