

PINE MEADOW RANCH OWNERS ASSOCIATION  
MONTHLY BOARD MEETING  
MILLCREEK LIBRARY  
2266 EAST EVERGREEN AVENUE  
SALT LAKE CITY, UTAH  
DECEMBER 17, 2013

In Attendance: Tony Tyler, Dan Heath, Bob Burdette, Honey Parker, Matt Brown (Area 1); Jeff Hubbard (Area 2); Alan Powell (Area 3); Tom Deaver (Area 4); Mark Hodgson (Area 5); Nick Boyle (Area 7)

Excused: Mike Gonzales (Area 6)

Jody Robinson, Ranch Manager.

Guests: Patricia Kreis, Lot F-23; Greg Pack, FM-D-87-B-AM; Mike and Janine Bowen, Lot FM-C-48; Mike and Diana Olson, Lot D-17.

Tony Tyler called the meeting to order at 6:33.

### **Approval of Minutes**

The minutes of November 29, 2013 were tabled to the next meeting since the Board had not received a digital copy to review. Mr. Tyler asked Carol to send him a digital copy prior to the next meeting.

The minutes from the Special Budget meeting on November 5, 2013 were tabled to the next meeting to give the Board the opportunity to review it.

MOTION: Bob Burdette moved to table the approval of the minutes of November 5, 2013 and November 29, 2013 until the next meeting. Mark Hodgson seconded the motion.

VOTE: The motion passed unanimously.

### **Owner/Visitor Open Forum**

#### Winter Burn Policy Violation

Mike Bowen, Lot FM-C-48, noted that the annual Owners Association meeting was held on November 19<sup>th</sup>, and the following night on November 20<sup>th</sup> his wife noticed a rather large fire at FM-D-169, log home of Brian Hobbs at the east end of Porcupine Circle. It was pitch black and they were unsure whether or not it was the house. They reported it to Matt Brown, the area rep, and he went out and told the people that burning was prohibited. Mr. Brown later told Mr. Bowen that the same people had burned previously. Mr. Bowen stated that it was still pitch black and the flames through the binoculars were

approximately 4 to 6 feet high. After Mr. Brown left they threw more burning material on to the fire and both vehicles left. There was no other sign of vehicles or lights and the fire burned until it burned itself out.

Mr. Bowen still had concerns and contacted Jody Robinson. When he told Jody about the fire, Jody told him that there were no *Summit County* fire restrictions in place at this time. Mr. Bowen believed there were fire restrictions within Forest Meadow. He also told Jody that he was raised to never leave a fire unattended, especially in the mountains. Jody offered to pass it on to Bryce of the *Wildland Fire*. Mr. Bowen did not believe that was a sufficient response or proper action.

Mr. Bowen passed around photos showing the debris in the immediate area of the fire. He noted that the pictures were taken the morning after the fire on November 21<sup>st</sup>. Mr. Bowen did not hold the homeowner responsible because he lives in California, but he thought the homeowner should be made aware of what his contractors are allowing their subcontractors to do.

Mr. Brown stated that he had spoken with Mr. Hobbs who said he would tell the contractors not to burn again. Mr. Brown asked if Mr. Bowen had seen burning since that time. Mr. Bowen replied that Mr. Brown was there in the dark and he thought he might be surprised by the last three pictures he had to show. One was a picture of a five gallon gas can by the fire that was half full. The second was a picture of a tape measure laid across the fire to show that the diameter of the fire was 8 feet across. The picture also showed the materials they were burning. The last photo verified the size of the fire. Mr. Bowen remarked that the issue affects the entire mountain range; not just Forest Meadow and Pine Meadow.

Mr. Tyler read from the winter fire policy which states that as long as there was no County burn restriction the owners have to go through a specific process for a winter fire that is not within an approved fire pit. The landowner must notify their area representative or an executive member of the HOA and submit an application to burn a minimum of 24 hours prior to burning. The area rep shall have the opportunity to inspect the proposed burn within 24 hours assuming that it is piled and ready to go. Regarding weather conditions, there must be a minimum of four inches of snow on the ground for at least 50 yards in any direction. Eye level winds must be less than 5 miles an hour with no forecast for change within the next 12 hours. Burn piles shall be no larger than 10-feet in diameter and six feet tall. The burn pile shall be constructed of natural materials, no garbage or construction materials obtained from within the boundaries of the Ranch. The burn piles can be located no closer than 50 feet from any evergreen over 6-feet tall and any manmade structure; and located no closer than 20 feet from any property line or other burn pile. The landowner or his adult designee shall remain in the immediate vicinity of the fire until all burning material is extinguished and cool to the touch with hand tools capable of moving dirt down to mineral soil, a water source for the hose capable of reaching all sides of the burn pile that can deliver water equal to or greater than a standard three-quarter inch garden hose.

Mr. Tyler pointed out that the burning Mr. Bowen reported violated the policy by not

reporting the proposed burn to the area rep and submitting an application. If construction materials were burned that is not allowed at any time. The supervision requirement was also not followed. Mr. Tyler appreciated that Mr. Bowen brought this to the attention of the Board. He believed it was a clear violation of the winter fire policy and the Board needed to determine the best way to handle the situation.

Mr. Tyler stated that the Opportunity and Notice for Non-Compliance was listed on the policy and gives the Board the power to levy fines in the event of non-compliance with the provisions per Protective Covenants #15. The fine for a first offense of non-compliance was \$500. Additional offenses would cause legal action against the offender and a \$1,000 fine per offense. If the fire is left unattended, a \$1500 fine applies for the first offense. Additional fines would be determined in the event of repeat offenses.

Mr. Bowen hoped that Brian Hobbs would charge his primary contractor for any fines the Board may impose. Mr. Brown informed Mr. Tyler that the property was actually in Area 2. He is not the area rep but he has a relationship with Brian Hobbs and he had gone to the fire and told the contractors not to burn again. He also contacted Mr. Hobbs that same evening.

Mr. Tyler asked the Board how the violation of the winter fire burn policy should be handled. Mr. Burdette noted that this was the same property that the Board has had to address parking problems the past few months. Mr. Powell thought the situation was obvious and the violations were cut and dry. The fire was within the size limits but it was left unattended. Mr. Tyler agreed that the rules were straightforward and the policy was available on the website. He thought they needed to follow the guidelines stating that an unattended fire on the first offense was a \$1500 fine. Mr. Burdette concurred.

MOTION: Tony Tyler made a motion to impose a \$1500 fine for an unattended fire on Brian Hobbs' property, Lot FM-D-169, per the Winter Fire Burn Policy. Bob Burdette seconded the motion.

VOTE: The motion passed unanimously.

Mr. Heath thought the contractors were liable for more than one fine because there were other violations in addition to leaving the fire unattended. Mr. Tyler replied that the document reads that the fine for a first offense of non-compliance was \$500. Additional offenses would cause legal action against the offender and a \$1,000 fine per offense. If a fire is left unattended, a \$1500 fine applies for the first offense. His interpretation was that the first offense was \$1500 instead of the \$500 fine. Mr. Heath was not opposed to fining more than the \$1500. Mr. Tyler stated that it was open to interpretation and Board discussion.

Mr. Deaver asked if there was a precedent of a fire incident with multiple violations. If this was the only time there was evidence of a fire on that same property in violation of the regulations, he questioned whether they should fine for leaving a fire unattended and for additional violations of the policy such as not having a garden hose attached to

a water source. He asked if that would be a second fine or if it was part of the same incident that substantiates the occurrence for the first fine. Mr. Tyler thought the language, "In the event of a non-compliance with these provisions..." included all the violations. He assumed that violating one provision was a one instance fine rather than a per violation on the individual line items. Mr. Tyler stated that when he sends the non-compliance letter and the fine, he would specifically outline which provisions were violated.

Mr. Brown asked if the contractor gets educated on the fire rules. Mr. Tyler replied that the contractor is required to sign the Lot Development Improvement Plan and Agreement, which specifically states that all rules and regulations must be followed. Mr. Brown was not opposed to the fine, but he thought Mr. Hobbs and his contractor had no mis-intent. Mr. Tyler agreed. However, he would have felt better about the situation if they had not left the fire unattended. In his opinion, leaving a fire unattended a few months after the Rockport Fire was irresponsible and went beyond ignorance. Ms. Parker remarked that regardless of whether or not the contractors were aware of the policy, fire can be dangerous and they should be fined to avoid future problems. The fire issue in addition to the parking problems shows that the contractor has no regard for the rules and regulations.

Mr. Bowen stated that in his 42 years on the Ranch he has never seen a fire extinguisher on a construction site, including Mr. Hobbs. He suggested that the Board consider that as a provision for the future.

### Election Results

Mr. Tyler reported that Pat Kreis, Lot F-23, was the new Treasurer-elect with 55 total votes. Jeff Hubbard, Area 2, was re-elected by a 12-6 vote. Mr. Hubbard stated that he would turn his position over to Jeremy for the three year term. He spoke with Jeremy in November and told him to plan on it. Mr. Tyler stated that the property Jeremy owns is in a Trust and the Association needs a letter from the Trustee saying that he is a beneficiary of the trust, which gives him the ability to be a Board member. Mr. Hubbard stated that he would fulfill the three year term if necessary. He would miss the Board but he has personal issues that would limit his time and ability as a Board member.

Mr. Tyler reported that Bob Burdette received three write-in votes for Treasurer. He noted that Area 6 did not have a candidate and there were two write-in votes for Mike Gonzales and one write-in vote for Rod Thompson. Mr. Gonzales was absent this evening and Mr. Tyler would let him know that he won the Board position for Area 6.

Mr. Tyler congratulated the new electees and he expressed gratitude to those stepping down from their position.

### Signs

Mr. Tyler presented the design for notice signs to be placed on vehicles parked on the roads. He noted that the signs were somewhat orange in color. He asked the Board to

come up with a quick but not onerous process for putting the signs on cars. He suggested that the person placing the sign on the car should also snap a picture of the car with their phone as documentation that the car was parked on the road and a notice was left. This would support their actions in the event that a car is towed. Mr. Tyler noted that only the Board members would have the signs and people should contact their area reps if they have an issue with a car parked on the road. If the area rep cannot be reached they should contact Mr. Tyler, Dan Heath or Honey Parker.

Ms. Parker stated that she would post on the Facebook page the fact that the signs exist and who people should contact if they see a car parked on the road. Mr. Heath suggested that the area rep write the license number on the sign so the offender knows they are registered as being parked illegally. Mr. Powell noted that the sign states that repeat offenders may be towed without further notice. Mr. Powell stated that he also intended to add his phone number on the sign so people could call him rather than the office. Mr. Tyler noted that the notice says "within 24 hours." However, if the vehicle is blocking the road entirely or it is a safety hazard, the 24 hour time period does not apply and the vehicle can be towed immediately.

Mr. Tyler asked each Board member to take signs with them this evening and Jody should keep some at the office.

### **Ranch Manager's Report**

Jody Robinson reported that the grader was back from being overhauled. The plow truck and sander were in good running condition. Jody stated that a rear-windshield wiper was needed for the tractor since they were blowing the connector route. He had obtained an estimate on the entire assembly and it is quite expensive. Mr. Heath asked Jody to contact him because he may have one that would work on the tractor.

Jody reported that he had burned a brush pile in the parking lot. Mr. Tyler stated that he was notified prior to the burn and he had checked out the pile. Since Jody is the Assistant Fire Chief he was confident that the burn was well supervised.

Jody noted that Cody was hired as a back-up plower. So far he has only worked six hours to train. Jody has been pushing snow and sanding. Everything else was going well.

Mr. Burdette reported that the final cost on the grader was \$57,009.99. Mr. Tyler recalled that \$60,000 was budgeted and approved for the grader. They originally thought the overhaul would be closer to \$50,000 but once they started working on it they found more things that needed to be replaced. He and Jody discussed it and concluded that based on the approved budget it made sense to fix everything that needed to be fixed while the grader was torn apart. Mr. Burdette asked if Jody recalled the additional items. Jody stated that one was a flam that was scarred, another was in the exhaust. There were electrical issues and some gauges needed to be replaced. Jody stated that there were also internal issues with the back axles.

Mr. Deaver pointed out that they were still able to stay within budget. Mr. Tyler stated that he was hoping to keep the cost closer to \$50,000 and not have to spend the extra money; however, the grader was practically brand new and they were able to stay under budget. Mr. Deaver suggested that they allow Jody to use the rest of the \$60,000 allocated for the grader to purchase a wiper for the tractor.

### **New Construction/Additions**

#### PI-A-73 New Construction follow up.

Mr. Tyler noted that the Board had requested to see samples of the roofing material to address questions regarding the proposed copper color. Alan Powell, the area rep, had obtained samples and presented them to the Board. Mr. Tyler recalled that the issue was whether the roofing material met the design guidelines for a natural and non-reflective color. Mr. Powell stated that he also had photos of the copper roof across from the gravel pit.

Mr. Tyler read from the Architectural Guidelines, "Roof coverings may be asphalt shingle composites, painted or rusted steel, or painted aluminum. All roof colors should be earth tone and visually non-reflective. Roof colors should be brown, black, dark green or dark gray. White, red, blue or other bright or reflective roofs will not be approved by the ECC. Wood shakes, treated or not, pose a fire hazard and will not be approved." Mr. Tyler stated that the question for the Board was whether or not the copper color meets the definition of earth tone and visually non-reflective.

Ms. Parker asked if the photo Mr. Powell had was exactly what the owner of Lot PI-73 was proposing to do. Mr. Powell answered yes. Mr. Boyle stated that he was always under the impression that the two cabins by the gravel pit were not in compliance with the roof color. Mr. Burdette concurred. He noted that the contractor on those structures was called before the Board asked to justify why he was putting on a roof that was not in compliance. His answer at that time was that he thought it was in compliance and there was no written agreement that specified roof colors. Mr. Burdette stated that the situation led to writing and approving the current written policy. At that time, the Board asked the contractor to remove the roof and replace it with a different color; however, the contractor replied that it was the approved color. The Board was opposed to the roof color at that time but there was nothing in writing to support their opinion or to enforce it.

Mr. Tyler asked if that particular Board was opposed to the copper material and the red color, or just the color. Mr. Burdette stated that it was both the material and the color.

Ms. Parker stated that before she heard the explanation from Mr. Burdette, she was not opposed to the color because it was a natural brownish color and from the photo it did not look reflective. Without knowing of the previous problems and the Board's decision, she would have thought it complied. Mr. Boyle stated that he would agree with Ms. Parker; however, from the particular photo shown it did not look bad, but he has driven by there numerous times and those two roofs always stand out. He personally did not think the proposed roof complied with the design guidelines. Mr. Boyle understood from past history that it has always been an issue. He stated that the rules they set standards for would fall apart unless they start enforcing them.

Mr. Tyler stated that this situation was the reason he wanted the Board to review the Architectural Guidelines this year to make them clearer from both the standpoint of the Board and clarification for the owner.

Mr. Deaver thought there appeared to be two different finishes on the three samples. One seemed to have a high-gloss reflective finish. The other was more of a matte finish. He asked which one the owner was proposing to use. Mr. Tyler thought the samples were the same when the plastic cover was removed from the one. Mr. Powell pointed out that the color would be the same because they had the same label on the back. Mr. Tyler noted that one sample had the same color label but it was from a different manufacturer. Mr. Boyle thought it would be hard for the Board to define earth tone because it was a vague term. Ms. Parker thought the question was more about whether it was a reflective material. If it was a matte finish the color would be less of an issue.

Mr. Tyler thought the blue roofs and red roofs were more problematic and annoying. He personally was comfortable with the copper color and he did not believe the material was more reflective than any other metal roof. He felt it was a matter of opinion, which is why it was before the Board. He was willing to support the Board's decision.

MOTION: Bob Burdette moved to reject the roof color and ask the owner to follow the Architectural Guidelines. Nick Boyle seconded the motion.

VOTE: The motion failed 4-3. Tom Deaver and Honey Parker abstained.

MOTION: Alan Powell moved to approve the roof color because it is a natural earth tone color; and he personally would like to see more than just black and green color roofs and to allow for individual character without standing out too much. Based on his interpretation of the rules, he did not believe there was enough to reject the proposed roof.

The Board discussed roof colors. Mr. Burdette pointed out that previous owners had requested a copper roof and they were rejected and made to choose a different color. Mr. Heath noted that previous owners were turned down for concrete siding as well, but the Board later changed their minds and it is now allowed. He believed the Board had the ability to change their mind and he agreed with the idea of allowing flexibility for variation.

After further discussion, Mr. Tyler thought the strict question was whether or not the proposed roof meets the terms of the Architectural Guidelines, which is visually non-reflective and earth tone. When the Board revisits the Architectural Guidelines they would have the opportunity to clarify the requirement more strictly.

Mr. Deaver stated that he abstained from voting on the first motion but after hearing further input he was prepared to vote now. He likes the proposed color and he thought it was attractive. However, because they rejected other people in the past, he felt they needed to be consistent.

Ms. Parker stated that she also abstained from voting on the first motion because in her opinion the color was acceptable because it was an earth tone. Her question was whether or not it was reflective. Ms. Parker clarified that she abstained because until she actually saw the house that Mr. Powell mentioned with the same roof, she had no way of knowing if it was reflective. Ms. Parker agreed with Mr. Heath that as a Board their opinions can evolve. Mr. Tyler stated that he would be comfortable changing course if that was the Board decision because things do evolve. He did not believe the precedent of denying copper roofs would become a legal issue because that was the interpretation of the Board at that time. This current Board could choose to follow that same interpretation or they could decide that it fits within the Architectural Guidelines as written or as they intend to modify the document.

Mr. Deaver asked if the Architectural Guidelines had been modified since the previous owners were denied. Mr. Tyler noted that the current Guidelines were dated May 2010. Without going through the records he had no way of knowing which Architectural Guidelines were in effect. Mr. Burdette believed the previous denials were prior to the creation of the current document. He recalled that the current Guidelines were written as a result of those denials. The intent was to provide more guidance as to what would be approved, which is why specific colors are listed.

Mr. Deaver stated that if the document has changed then the Board would have the ability to approve the proposed roof. However, if it was the same document, the Board would be arbitrary in their decision and that would be unwise. Mr. Heath thought it was fine to disagree and to evolve. They should tell people that the Board would be revising

the Architectural Guidelines.

Mr. Powell stated that the owners have been willing to work with the Board and he offered to tell the owners that the Board was split on whether or not to allow the roof color. He noted that the owners wanted to complete the approval process before the impact fee increase. If the Board would agree to keep their fee at \$5,000 if they delayed an approval until next year, he was certain the owners would be willing to wait.

Mr. Powell stated that he would still like a vote on his motion even if it failed.

MOTION: Mr. Powell reiterated his previous motion to approve the proposed copper roof.

The motion died for lack of a second.

Mr. Tyler asked Mr. Powell to inform the owners that there was a split vote by the Board and point out to them that the red roof and the copper roof on the Ranch were built before the Architectural Guidelines were in place; and that the Board had issues with both of those roofs, which resulted in the current Architectural Guidelines. Mr. Powell should ask if they would rather change the roof color or if they wanted the Board to revisit the issue and vote again. Regarding the impact fee, Mr. Tyler stated that as long as the owner pays the \$5,000 before the end of the year, they would be deemed as being under this year's impact fee.

#### FM-D-87-B-AM Treehouse follow up

Mr. Tyler recalled that the plans submitted did not have a floor plan and there was a question on whether or not the whole floor area was 296 square feet, or if it was larger than that on two levels. The actual square footage was important because it would change the calculation for the impact fee.

Mr. Brown reported that it was 196 square feet and the upstairs was just an attic. There were no plans for a loft. The Board reviewed the plans from the last meeting.

The owner, Greg Pack, was in attendance. Mr. Deaver asked Mr. Pack if the treehouse would have utilities and water. Mr. Pack answered yes. Mr. Deaver asked if there would be a bathroom. Mr. Pack replied that it would not have a bathroom right now but it would be plumbed for a bathroom. The heat source would be an electric radiator.

Mr. Tyler stated that the Board requires a printed set of building plans, as well as a digital set of all plans in full size pdf format. Mr. Pack offered to draw the floor plan on the drawings presented. It could be done quickly because there was only one wall

inside. Mr. Deaver pointed out that a typical treehouses do not include a flush toilet bathroom and utilities. He thought Summit County required permits for a structure under 200 square feet. Mr. Pack stated that he contacted the County several times and they were not interested in dealing with a treehouse.

Mr. Tyler clarified that the role of the Board was separate from the Summit County Building Department. The Board is responsible for determining compliance with the Architectural Guidelines and to collect the impact fee. Mr. Tyler believed the plans met the requirements. Based on Mr. Pack's testimony that the treehouse is 196 square feet with no loft, that is the number they should use to calculate the impact fee. Mr. Tyler requested that Mr. Pack come back to the Board with the increased square footage and pay the additional impact fee if he ever decides to add a loft.

MOTION: Tony Tyler moved to approve construction of the treehouse with a \$392 impact fee based on 196 square feet at \$2.00 per square foot because the building has utilities. Mark Hodgson seconded the motion.

VOTE: The motion passed. Tom Deaver abstained.

Mr. Tyler encouraged Mr. Pack to submit his impact fee prior to the end of the year; otherwise he would be subject to the increase.

Mr. Burdette asked Mr. Pack about the improvements to the other structure on his property. He asked if additional square footage was added to the structure. Mr. Pack replied that he enclosed an existing deck which slightly increased the square footage. He believed the deck was 8' x 8'. Mr. Burdette asked if enclosing the deck would be considered adding square footage to the property. Mr. Tyler believed it would. Mr. Pack stated that he did not add a foundation. He simply enclosed the open deck by the front door. Mr. Tyler noted that the Owners Association requirement was 120 square feet minimum for the impact fee. He read from the Guidelines, "...of any structure exceeding 120 gross square feet as measured from the exterior dimension. Any item consisting of less than 120 square feet shall be considered to have no impact for the purposes of impact fees and conditional allowed subject to the Architectural Guidelines." Mr. Tyler thought the question was whether the structure exceeds 120 gross square feet. Mr. Pack asked if it was the addition or the entire structure. Mr. Tyler thought that was the question for the Board. Mr. Pack noted that he had added approximately 64 square feet by enclosing the deck.

Mr. Burdette recalled that the intent was that someone putting a Tuff-Shed on their property did not have to come to the Board for approval because Summit County did not require a building permit. Mr. Tyler agreed. Mr. Burdette asked Mr. Pack if Summit

County required a building permit for his addition. Mr. Pack stated that he had pulled a building permit because he remodeled his kitchen at the same time and the plumbing and electrical work required permits. Mr. Burdette did not believe that met the shed discussion. Mr. Tyler asked Mr. Pack to provide the Board with the exact measurements of the addition. He asked if the addition had utilities. Mr. Pack replied that it had power. Mr. Tyler noted that it would be subject to the \$2.00 per square foot impact fee as well. Matt Brown is the area rep and he would get the measurements from Mr. Pack and finalize the impact fee calculation.

MOTION: Tony Tyler moved to approve the addition subject to the square footage measurements to be provided and collection of the impact fees for the addition. Matt Brown seconded the motion.

Mr. Burdette asked about siding and roofing materials. Mr. Tyler pointed out that the addition needed to meet all the requirements. He asked Mr. Brown to email him the roof and siding materials and he would write it on the Lot Improvement Agreement.

VOTE: The motion passed unanimously.

#### PI-D-17 New Construction

Mr. Tyler noted that the owner, Mike Olson, had contacted him several times with questions. Mr. *Olson* had submitted his plans and Mr. Tyler emailed them to the Board for review. Mr. Tyler believed the submittal met all the requirements. Mr. Boyle was the area rep had reviewed the submittal and he had spoken with Mr. *Olson* on the phone. Mr. Boyle asked if Mr. *Olson* had found a contractor. Mr. *Olson* replied that he intended to do the work himself with the help of a friend who has building experience. Mr. *Olson* stated that Dan Heath had also been very helpful. He remarked that they tried to follow the Guidelines to avoid any compliance problems. Mr. Tyler pointed out that Mr. *Olson* had included his impact fee and the water fee with his submittal.

MOTION: Nick Boyle moved to approve the new construction on Lot PI-D-17. Alan Powell seconded the motion.

VOTE: The motion passed. Dan Heath abstained because he sold the lot to Mr. and Mrs. *Olson*.

#### Lot PI-E-65, 1633 Navaho

Mr. Tyler noted that he was checking the Summit County Building Department and

noted that Lot PI-E-65 had *submitted* building plans to the County for a new cabin. The lot is in Area 4 and he asked Tom Deaver to contact the owner. Mr. Deaver had spoken with the owners and they told him that they were not planning to submit plans until next Spring because they were not ready to build. Mr. Tyler asked Mr. Deaver to inform the owners that they could not begin construction until they submit the required documents to the Board and pay the impact fee.

#### Lot A-44, 2665 Iroquois Loop

Mr. Tyler believed this was a remodel in Area 3. Alan Powell was the area rep. Mr. Tyler could find nothing on the website regarding the construction. If it was an interior remodel it would not be subject to Board approval and impact fees. He asked Mr. Powell to verify that it was not an addition or a new cabin. Mr. Powell was familiar with the property and verified that the remodel was interior. The owner also removed the wood shake roof and replaced it with a green metal roof.

#### **Water Company Board Report**

Mr. Tyler had nothing to report. The next Water Company Board meeting would be in January.

#### **Ongoing Business**

##### Sledding Hill

Ms. Parker presented layouts for signage. She named it the Tollgate Sledding/Tubing Park. No Motor Vehicles. Another option was the Tollgate Sledding/Tubing Hill. No Motor Vehicles. Her intent was to lead in with something positive but still clearly stating that motorized vehicles were not allowed. Ms. Parker outlined a number of sources and options for signage and the cost of each option.

Mr. Tyler preferred the canvas sign not only because of the \$18 cost, but also because it could be taken down in the summer. Ms. Parker agreed. She also liked the lower cost because the sign could be replaced at a minimal cost. Mr. Tyler remarked that they could indicate that the sledding hill is open if the sign is up. If there is not enough snow on the sledding hill, the sign could be taken down.

Mr. Tyler noted that there were large rocks at the bottom of the sledding hill. Therefore, if the sledding hill goes in that location, it needs to be well-defined and they need to put something softer than rocks at the bottom. Mr. Heath had priced straw for the bottom of the hill and it was approximately \$4 per bale. Mr. Heath asked if the rocks could be

moved this winter. Mr. Tyler assumed the rocks were already iced in. Mr. Heath thought it was too risky to have a sledding hill this winter. He thought the sign should inform people that a sledding hill is coming next year. He felt it was too late to take the necessary safety precautions this year. He did not believe it was worth the risk that if a bale gets moved someone could get injured on a rock. Someone asked if it was possible to require helmets. Mr. Tyler stated that in addition to the sign having information regarding waiver of liability, it should also include recommended safety measures. Ms. Parker agreed that safety equipment should be recommended but it could not be required.

Mike Olson agreed with Mr. Heath that the rocks should be removed. He was concerned about liability and as a member of the Association he would not want to be part of a lawsuit. He thought it should be clear that anyone sledding would be doing so at their own risk. Mentioning the use of safety equipment would also protect the Association from liability. Mr. Tyler supported the suggestion of waiting until next year. Ms. Parker suggested that they announce on the website and on Facebook that the sledding hill will be open next year and post the details. She did not think the sign should be posted until the sledding hill is operational.

Mr. Burdette pointed out that kids currently sled on the roads. He wanted to know who was liable if an injury occurred on the road. Mr. Tyler thought that was a different issue because the roads were designed for traffic. It was no different than someone skateboarding in the road in the city. The roads are designed for all types of vehicular traffic and the responsibility would be to the person using the road for sledding. Sledding on the road would have its own implied risks. Mr. Tyler thought they should use the announcement of the sledding hill to reinforce the fact that people should not be sledding on the roads.

## **New Business**

### Unauthorized Construction

Mr. Burdette had requested a discussion regarding unauthorized construction on the Ranch. Mr. Tyler stated that from a general standpoint, anything built on the Ranch has to comply with the Guidelines. He thought the area reps needed to pay more attention to what was happening in their specific area.

Mr. Burdette asked if any of the Board members were aware of construction on the Ranch that had not been brought to the Board. Mr. Heath stated that he was enclosing his deck with glass. He was working with an existing deck but in reality it would add to the livability of the house. Mr. Heath thought more and more people would be enclosing

patios and decks and it was something the Board needed to address. Mr. Burdette asked if Mr. Heath had plans for the Board to review. Mr. Heath answered no. Mr. Tyler asked Mr. Heath to draw up plans for the Board to review. Mr. Heath stated that he would submit his plans to the Board. He also suggested that the Board visit his property and look at his enclosure because the issue is where it starts and stops since the majority of the structure is old.

Mr. Tyler noted that decks are not covered in the Architectural Guidelines. Therefore, it is not considered a structure. Under the existing guidelines, if someone adds a deck to their home it is not considered a structure. Mr. Heath remarked that when the deck is enclosed with glass it changes the definition. Mr. Tyler thought it was open to interpretation, but in his opinion, enclosing a space and creating additional living space most likely requires an impact fee and should come to the Board for review and approval. Mr. Tyler pointed out that Mr. Heath should have done that before he started construction. Mr. Heath offered to pay the \$25 late fee in addition to the impact fee. Mr. Tyler requested that Mr. Heath include photos with his submittal to the Board.

Mr. Powell stated that the two most recent construction projects in his area have been re-siding and re-roofing. He spoke with all of them and approved the colors. He asked if the Board would ever consider requiring approval if someone changed their roof or siding color or material. There is nothing specifically written in the current Guidelines. He thought that issue needed to be addressed when the Board revisits the Architectural Guidelines. Mr. Tyler thought changes in color or materials on existing structures should be subject to Board approval. Impact fees should not be charged for that type of construction.

Mr. Deaver commented on how well Jody had kept the roads and he thanked him for his work. However, he was concerned about the added work of plowing the connector and whether it was wearing on Jody. Jody replied that the weather had not been bad so it was going well at this point. That might change if the weather changes. Mr. Deaver wanted to make sure Jody could hold up under the extra work and that he would be able to use Cody when needed.

Mr. Brown asked if everyone plowing the roads had submitted their updated information. Mr. Tyler stated that the map was updated on the traditional routes. Ms. Parker was working on a sticker to recognize them as authorized plowers. Ms. Parker stated that she had sent the design to Carol. Mr. Tyler would follow up with Carol on the stickers for approved plowers.

Mr. Deaver stated that Mike Collins plows his driveway and then makes a right and plows about 100 feet to the property line of Forest Meadow. He asked if he was

required to purchase a \$1 million liability policy to plow a 100 feet. Mr. Tyler stated that if he touches any section of the road he must meet the plowing requirements. Mr. Deaver wanted to know what happened to PMEEF. Mr. Tyler replied that PMEEF was still around and Alan Powell was in charge. Mr. Deaver asked if Mr. Collins could join PMEEF without having to pay for insurance. He noted that Mr. Collins has been plowing the same route for 30 years. Mr. Powell stated that Mr. Collins could join PMEEF in the area he lives in.

### **Monthly Budget Review**

Bob Burdette reviewed the unpaid bills detail in the amount of \$68,887. Ms. Parker added a bill in the amount of \$30 to reimburse her for three lien releases.

MOTION: Bob Burdette moved to pay all of the bills presented as outlined. Tony Tyler seconded the motion.

Mr. Tyler noted that the \$57,009.99 should come out of the Capital Reserve.

VOTE: The motion passed unanimously.

Mr. Tyler noted that the Evergreen Library meeting space was unavailable for the next four months. The Sheldon Richins Building at Kimball Junction was available for the next three meetings and Carol had booked it for the Board meetings. The meetings would still be held at 6:30 p.m. on the third Tuesday of the month.

The Board adjourned the regular meeting and moved into Executive Session to discuss employee matters.

The meeting of the Pine Meadow Owners Association Board adjourned at 8:27 p.m.

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