

## Stagecoach Estates Lot Owners Association annual lot owners meeting minutes

June 4, 2020 6:00 pm - 8:40 pm

Approved April 29, 2021

Held at Creekside Christian Community Church, 1400 Bitner Road, Park City Utah and via Zoom video conference because our usual meeting places did not allow gatherings due to the current COVID-19 pandemic.

### 1. Roll and determination of quorum

All board members present: President Brian Bitner, VP Jackie Pender, Secretary Lucy Jordan, directors Scott McClellan, Steve Cuttita, Roger Bitner, Casey Brown, Gary Auerbach, Brian Tiley, and Treasurer Steve Hall via Zoom. 15 lot owners and 9 board members attending in person representing 19 lots, and 22 lot owners and 1 board member attending via Zoom representing 21 lots. Total 40 lots represented is greater than the 20 lots needed for a quorum.

18:04 Call to order by Brian Bitner

New owners Brianna Alred (lot 78) and Mark Johnson (lot 118) introduced themselves.

**2. Minutes:** Approve minutes from last annual lot owners meeting with one spelling correction. Scott McClellan moved to approve the draft minutes from the April 17, 2019 annual lot owners meeting with one spelling correction. Steve Cuttita second. All in favor. Motion carries.

**3. Treasurer's report and proposed budget-** Steve Hall treasurer.

### 2019 Income and Expense Report

Income			
	BRR Winter Maintenance		4,500
	Penalty		150
	Annual Dues		81,750
	Building Fees		
		Non-refundable Road Damage Dep	8,828
		Building Fees - Other	0
	Total Building Fees		8,828
	Finance Charge on Overdue Acct		2,783
	Gate Remotes		350
	Late Fees		225
	Church Maintenance		2,800

	Contribution		
	Peak Radio Rental Income		4,140
	Uncategorized Income		10
Total Income			105,536

Expense			
	Administration		
		Office	118
		Miscellaneous	270
		Liability Insurance	2,977
	Total Administration		3,365
	Electric Gates		
		Electricity	614
		Repair	1,716
	Total Electric Gates		2,330
	Legal Fees		8,814
	Road System		
		BRR Annual Payment	27,000
		Repair-Service & Engineering	60,609
		Other Maintenance	131
		Snow Removal	5,000
	Total Road System		92,740
Total Expense			107,249

Balance		
Total Income	105,536	
Total Expense	107,249	
Net Ordinary Income	-1,713	
Interest Income	104	
Net Income		<b>-1,609</b>

## 2019 Balance Sheet

### Assets

Checking	\$3,979
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Savings Account        \$1,059  
 Reserve Fund            \$30,728  
 Refundable deposits \$31,701  
 Accounts receivable    \$12,243

**Total Current Assets                    \$79,710**

**Liabilities & Equity**

Refundable deposits    \$31,725

**Total current liabilities \$31,725**

Opening Bal Equity    \$38,895  
 Retained        Earnings    \$10,700  
 Net Income                - \$1,610

**Total Equity                                \$47,985**

**Total Liabilities & Equity                \$79,710**

**2019 Budget vs. Actual**

Income	Budget	Actual	Difference	% of Budget
Annual Assessments	81,000	81,750	750	101%
BRR Winter Maintenance	4,500	4,500	0	100%
Maintenance contribution- LDS Church	2,800	2,800	0	100%
Rental income (Peak)	4,140	4,140	0	100%
Building Impact Fees	0	8,828	8,828	
Misc.(interest, fees, remotes)	272	3,468	3,193	1275%
<b>Total Income</b>	<b>92,640</b>	<b>105,536</b>	<b>12,896</b>	<b>114%</b>
<b>Expenses</b>				
Administrative	3,817	3,365	(452)	88%
Electric Gates	2,218	2,330	112	105%
Legal	10,000	8,814	(1,186)	88%

Rotomil & Other Maintenance	14,000	131	(13,896)	1%
Service & Engineering	23,000	60,609	37,609	264%
Kimball Gate Snow Removal	5,000	5,000	0	100%
BRR Maintenance Contribution	27,000	27,000	0	100%
BRR Winter Maintenance	4,500	0	(4,500)	0%
<b>Total Expenses</b>	<b>89,535</b>	<b>107,249</b>	<b>17,714</b>	<b>120%</b>
<b>Net Income / Loss</b>	<b>3,105</b>	<b>(1,713)</b>	<b>(4,818)</b>	<b>-55%</b>

### 2018-2019 Expenses Directly Related to Basin Canyon Road Widening

	2018	2019	Total
Legal	\$8,537.00	\$7,148.00	\$15,685.00
Engineering	\$11,901.13	\$7,009.46	\$18,910.59
Road Work	\$1,918.00	\$9,300.00	\$11,218.00
County Fees		\$12,090.00	\$12,090.00
Erosion blanket, rocks, traffic, safety, seed		\$2,604.82	\$2,604.82
<b>Total</b>	<b>\$22,356.13</b>	<b>\$38,152.28</b>	<b>\$60,508.41</b>

### Proposed 2020 budget

<b><i>Income</i></b>			
Assessments - annual dues 107 lots x \$750 (exclude 2 delinquent lots)		\$80,250	
Fire Prevention Grant		\$500	
BRR Winter Maintenance		\$4,500	
Church Maintenance Contribution		\$2,800	
Peak Radio Tower Rental Income		<u>\$4,140</u>	
<b>Total Income</b>			\$92,190

<b><u>Expenses</u></b>			
	<b>Administration:</b>		
	Office	\$120	
	Miscellaneous	\$250	
	Website Upgrade	\$1,050	
	Rebuild Savings	\$2,000	
	Liability Insurance	<u>\$2,977</u>	
	<b>Total Administration</b>		\$5,347
	<b>Electric Gates:</b>		
	Electricity	\$620	
	Repair - on going	\$1,000	
	Repair - Kimball	<u>\$7,000</u>	
	<b>Total Electric Gates</b>		\$8,620
	<b>Legal Fees</b>		
	Legal Fees- on going	\$3,000	
	Easement Legal Opinion	<u>\$5,000</u>	
	<b>Total Legal Fees</b>		\$8,000

	<b>Fire Prevention:</b>		
	Annual Projects	\$1,100	
	<b>Total Fire Prevention</b>		\$1,100
	<b>Road System:</b>		
	BRR Annual Payment	\$27,000	
	Snow Removal - Gate Area	\$5,000	
	BRR Winter Maintenance	\$4,500	
	Kimball Speed Bumps	\$1,000	
	Basin "one-lane-road" signs	\$500	
	Water Valve extenders	\$4,000	
	Seed for Basin re-vegetation	\$500	
	Misc - road repair	\$2,000	
	Rotomill, Hauling, Spreading	\$23,500	
	<b>Total Road System</b>		\$68,000
	Total Expenses		\$92,117

## Discussion on several proposed budget items

- A. **Easements:** \$5000 for legal opinion on what the road easements and rights-of-way can and cannot be used for: Director Scott McClellan explained why we want to do this. Kimball Canyon Road follows property boundaries and rights-of-way fairly well, but Basin Canyon Road and some other roads do not. Our guiding documents are fairly ambiguous. Question as to whether parking is allowed and width of right-of-way. The board wants to get three or more independent attorneys to review our guiding documents and any historical cases we have been involved in. Mark Johnson (lot 118) had a question about his lot and how North Church is mostly or completely on his lot and the placement of his garage. Fred Trujillo (lot 50) explained that there are 2 types of rights-of-way, one that follows everybody's property lines and one along existing roadways.

Glen Davis (lot 86) asked if there are different opinions by lot owners and board members. Brian Bitner said that we have about 5 legal opinions already. Davis wanted a poll of lot owners. Jackie Pender explained that we have to go by what our documents say, not opinions of lot owners. Mark Johnson asked if the association has 50 feet on each side of road. Bitner said that some owners have built within the easement and would like to see owners work it out. McClellan said that part of the problem is that the legal opinions we have have been paid for by parties that wanted a certain answer, so those opinions might have bias. That is why we want to get independent opinions.

- B. **Snow removal:** Casey Marsh (lot 47) had a question on if dues for snow removal went to remove snow at the Basin gate. Brian Tiley explained that in the past, the snow removal was focused around the Kimball gate so that trash trucks could get up to empty the dumpsters but this past winter he arranged with Ed Byer to occasionally make a pass from the Y to the Basin gate. It was done twice at the beginning of the year and then again near the end of the year.

Fred Trujillo (lot 50) said that our easements have always been considered to be 25 feet from centerline of road.

- C. **Road safety items:** One-lane road signs for tight areas of Basin: Gary Auerbach explained that we want to spend \$500 on some signs warning of narrow road where there are blind corners on Basin.

Speed bumps on Kimball: Brian Tiley explained with the improvement and addition of rotomil on Kimball last year, vehicle speeds have increased. The Board proposes \$1000 to purchase and work with Ed Byer to install temporary speed bumps for the summer months. Suzanne Hawker (lot 62) wanted this to be a separate expenditure voted on by the membership. Brian Tiley suggested this is a good item for the road committee to take up. Tim Charwood (lot 34) is having this issue in a similar development he is involved in. They have taken all the speed bumps out because they were destroying the road. Solar

powered speed radar signs work better. Brian Bitner suggested we change the budget item to speed control measures instead of specifically speed bumps.

Drew Jordan (lot 106) wanted to add evacuation route signs as a budget item. Gary Auerback and Roger Bitner agreed those are needed and the road committee should price them out.

Kelly Brown (lot 85) asked if it would be possible to not spend more money on rotomill this year and instead do gate improvement? Why spend \$7000 to repair the Kimball gate that doesn't serve us well anyway?

Jackie Pender: there are many opinions on what kind of gate control we should have. Cara Murphy (lot 70) suggested this is a good item for the road committee to handle. Scott McClellan pointed out that we may not need to spend the entire \$7000 gate repair budget on Kimball gate repair and we can move some of that money to gate security improvement. Suzanne Hawker (lot 62) asked if we have more crime or bikers lately. Drew Jordan (lot 106) said that Hailes Loop gets trashed by people driving Jeeps and four wheelers that may not be lot owners. Michaelle Peters (lot 34) has heard of poachers and trespassers being aggressive.

Lucy Jordan made a motion to approve the 2020 budget with 2 changes: Kimball speed bumps to be changed to Kimball speed reduction measures and Kimball gate repair changed to Kimball gate repair and improvement. Gary Auerbach second. All in favor. None opposed. Motion carries.

**4. Proposed annual dues increase:** Gary Auerbach explained a proposal to increase the annual dues by \$100 and institute a 2% annual increase. Brian Bitner noted that the Bitner Ranch Road agreement is due to be renegotiated soon. Currently we pay \$27,000 per year for BRR maintenance and \$4500 per year for snow removal. Glenwild and the Preserve, the two other HOAs that use BRR pay a lot more. So in renegotiating, there is a chance our share will go up. Summit County is going to take over about 1 mile of the road, so that may result in lower maintenance costs to us. Bottom line is that our contribution to BRR may change, so our dues may change as a result.

Flip Fee Brian Bitner announced that the Board has been considering how to institute a "flip fee" payable to the HOA whenever a lot is sold. The Preserve and Glenwild and many other HOAs have this. A straw poll was conducted and most were in favor. Glen Davis (lot 86) said that we don't want to be like the Preserve or Glenwild. Suzanne Hawker (lot 62) said that when we first formed, Glenwild and the Preserve said they would take care of BRR road, so we should keep that in mind when it is time to renegotiate.

**5. Basin Road widening:** Tim Charlwood (lot 34) talked at length about how Brian Bitner and the Board made a big mistake in widening Basin Canyon Road where there were blind corners, and then widening too much so that one of the affected lot owners made us remove the

fill. Wants the Board to file an insurance claim. Brian Bitner said he has talked to our agent and we don't have the grounds for a claim. Glen Davis (lot 86) asked if Charlwood would look into filing a claim. Charlwood wants an independent review. Drew Jordan (lot 106) stated that yes, the Board made a mistake but that the cost of the widening was offset by free rotomill so we should just move on. Brian Bitner talked about the amount of rotomill we were able to get. Glen Davis stated that Charlwood and the Board clearly have a conflict so there needs to be an independent party to look into the insurance issue. Brian Bitner inquired if Glen Davis would be willing to be the independent person to look into the issue. Davis said yes. Michaelle Peters (lot 34) stated for the record that the widening was a total waste of money. Even though the widened part of the road is not on her property, it is at the entrance to her property and that has injured her. Fred Truillo (lot 50) stated that everyone who lived above the part of Basin that was widened knew it was a dangerous section of the road. He feels it was an attempt to increase safety. In his opinion it is still unsafe. Davis will gather information and report to the Board. Charlwood added that it may help recover costs on an insurance claim if a lot owner would file a legal claim for damages against the HOA.

## **6. Election**

Thank outgoing board members Brian Bitner, Roger Bitner, and Mike Gonzales. Fred Trujillo (lot 50) thanked the Bitners for creating the subdivision and in his opinion Brian has done more for Stagecoach Estates than anyone else over the 24 years he has lived here. Bitner spoke to some historical aspects of Stagecoach Estates beginning when his father built the original roads and when there used to be hunting on this land and no development around it.

Tim Charlwood (lot 34) stated his concern that his neighboring lot owner Roger Heil did not get a ballot mailed to him. Jackie Pender noted that we have mailed many times to this lot owner and that he has an obligation to contact us. Lucy Jordan stated that the ballot is on the website for all lot owners and that email ballots are valid. Fred Truillo (lot 50) pointed out that on the contact list available to the ACC there is a note on this lot owner that we have reached out many times to get an electronic means of communication with no response.

Charlwood (lot 34) voiced concern that the ballot is invalid because Scott McClellan was not a valid candidate when the ballot was sent out. Mike Gonzales (lot 61) via Zoom stated that McClellan is a reasonable person and is not trying to be sneaky. Gonzales proposed that McClellan resign and we redo the votes he did in the last 5 years. Groans from the members in attendance. Kathy Bordan (lot 39 and partner to Scott McClellan) explained why McClellan was not on the title for the previous approximately 5 years until a few days ago: they purchased the lot together, then refinanced and could get a better rate with only Borden's name on the title. They had intended to get both names on the title but had not done so yet and did not realize it was so important to some lot owners. Jackie Pender voiced her opinion that it would be ridiculous to redo the votes and pointed out that we are simply an HOA and that board members are doing a volunteer service. Scott McClellan explained that he intended to get on the title earlier but that family and work commitments had taken precedence. Glen Davis (lot 86) made a motion to vote that we vote now and not postpone the election. Megan Robinson (lot 30)



second. All in favor in person and on Zoom except Tim Charwood (lot 34) no vote and Brian Bitner abstained. Motion carries.

Each candidate was allowed 2 minutes to introduce themselves and speak to the budget, roads, and proposed dues increase. Voting open until 8:20.

During voting, Lucy Jordan explained that Treasurer Steve Hall resigned for personal reasons after ballots were sent out and only six days before the annual meeting. There is 1 year left on Hall's term. Since Treasurer is a big job and that there was not time to find and vet candidates for this position, the board may fill the treasurer position. After the meeting, an email will be sent to solicit candidates. The board may give preference to candidates having financial background and who would be willing to run for the full 3-year term in 2021.

Several paper ballots were submitted at the meeting and Teller Committee members Megan Robinson and Suzanne DeJager counted several email votes at this time.

## **7. Announcements**

Brian Bitner said that because of the COVID-19 pandemic, the LDS Church camp will be greatly reduced this summer.

Brian Tiley talked about weed spraying and said he would do it one more time but was looking for another volunteer to take over. SELOA has a tank and sprayer but the volunteer would need to use their own or borrow an ATV or tractor to mount the tank to. It is not an unpleasant job and a very important one that is done twice per year.

## **8. Architectural Control Committee**

Per our Protective Covenants, the ACC members need to be voted in at a lot owners meeting. Per our Bylaws, in February 2020 the board appointed Rosie Moore (lot 4) to replace Wallace Winegar on the ACC and appointed Jeremy Peterson (lot 13) and Fred Truillo (lot 50) as helpers because the ACC has a lot of projects. In March 2020, chair Mike Gonzales resigned and ACC member Kathy Borden took over as chair. Gary Auerbach moved to accept Rosie Moore, Fred Truillo, and Jeremy Peterson as full members of the ACC. Brian Tiley second. All in favor. Motion carried.

Architectural Control Committee report - Kathy Borden chair

1. Improvements: Former chair Mike Gonzales resigned and refuses to turn over ACC documents so the ACC is in the dark about correspondence and approvals done by Gonzales. As a result, the ACC has formulated new procedures to increase committee cooperation and prevent loss of records in the future.
  - a. Created a new email [acc.seloa@gmail.com](mailto:acc.seloa@gmail.com) that all members of the committee have access to. Goal is to respond to calls and emails within 48 hours and to approve or decline projects within 10-15 days.
  - b. Each project has one committee member that is the lead for that project.

- c. Committee has created a Project Tracking Report that is available to the Board.
2. There are 11 active projects, 3 of which are essentially complete
3. Have formulated a policy on outdoor pools in response to a new construction build request.

**9. Fire Committee report** - Drew Jordan, chair. Community Wildfire Preparedness Plan submitted and approved. Awarded a \$500 grant from State Farm Insurance for our wildfire preparedness and mitigation efforts. We are members of the NFWA Firewise program. 28 members have contributed 531 volunteer hours and spent >\$2000 to date in 2020. Asked lot owners to please send fire mitigation work and expenses through the Stagecoach website Google form as you do them, don't wait until the end of the year and compile into one big entry.

**10. Road report:** Brian Bitner gave a summary of road work in 2019. Correction to the presentation that we received \$375,000 dollars worth of free rotomill. Tim Charwood (lot 34) asked how much of the rotomill was from Geneva and Bitner said none.

2020 road plans: Engage the road committee. Install speed reduction measures on lower part of Kimball, Install narrow road signs on S curves on Basin. Extend water valves. Grade as needed. Fill potholes. There will be less LDS Church camp traffic this year due to coronavirus pandemic. Reminder to clear your culverts. Glen Davis (lot 86) asked how we can unplug a very clogged culvert like the one on North Church next to his lot. Bitner said we need heavy equipment.

#### **11. Open Time**

Trullo (lot 50) asked what the Board intended to do about getting the ACC documents back from former chair Mike Gonzales.

#### **12. Election Results**

66 lots voted either via mail-in ballot, paper ballot during meeting, or email ballot before or during meeting.

1. President: Scott McClellan (lot 39) 37 votes. Mike Gonzales (write-in) (lot 61) 9 votes, Brett Tolman (write-in) 1 vote.
2. Directors: Ralph Brown (lots 79 and 85) 19 votes, Rosie Moore (lot 4) 15 votes, Ralph elected to fill Director #4 position, a 3-year term vacated by Roger Bitner and Rosie Moore will fill Director #1 position, a 2-year term remaining after Mike Gonzales resigned. Justin Bitner and Roger Bitner each got 13 votes. Roger and Justin decided Justin should fill the 1-year remaining on Scott McClellan's Director #5 term. Runners up: Cara Murphy (lot 70) 12 votes, Vince Heyd (lot 107) 10 votes, Elke Touchette (lot 2) 6 votes, Todd Skrypek (lot 9) 6 votes, Mike Packard (lot 100) 5 votes, Bertha Rau-Harris (lot 43) 4 votes although Bertha pulled out of the race a week prior to the election.

20:30 ADJOURN

See annual meeting presentation for graphics and more info on some topics.