

Regular SELOA Board of Directors Meeting Minutes

Thursday September 23, 2021 5 to 5 pm. Approved 11-16-2021

Rm 133, Sheldon Richins Building, 1885 W Ute Boulevard, Park City and Via Zoom video conference.

1. 17:05 Call to order and roll: Present in person: President Roger Bitner, Treasurer Ralph Brown, Secretary Lucy Jordan, Directors Justin Bitner, Steve Cuttita, Casey Brown. Via Zoom: Megan Robinson. Not present: Director Rosie Moore, VP Naomi Williams. Kathy Bordan ACC chair present in person. 2 lot owners in person and 2 lot owners via Zoom video conference.
2. Secretary report – Lucy Jordan
 - a. Approve minutes from the July meeting. Ralph Brown moved to approve. Roger Bitner second. All in favor. Motion carries.
 - b. Board actions taken via email vote since last meeting: We rescinded the ban on outdoor fires once we got some moisture.
3. Roads - Casey Brown chair
 - a. Water valve extenders report: Work completed Sept 7-12. The 10 valves that the Board approved were done. Mountain Regional Water worked with the contractor to extend another 7 on Kimball. MRW did not work with us on choosing which additional ones to do. Came in under budget.
 - b. Consultant for road evaluation and 3-year plan discussion and vote
 - i. PEPG Consulting estimate for \$3,150 would include:
 1. - Engineer Visual Distress survey to determine current status of roads
 2. - Coring and DCP evaluation to determine composition of SELOA roads
 3. - Summary Report and Recommendations which includes:
determination of priority areas, recommendations for repair and rehabilitation, cost estimates and schedule for repairs based on timeframe and budget.

- ii. If we roll over most of this year's budget (maybe \$40K) we could have a better budget for substantial work. They know we don't have the funds that Glen Wild subdivision has. This firm may be working with BRRRA to redo Bitner Ranch Road next year.
- iii. Justin Bitner asked if they remove asphalt separate from the road base so that we can get "clean" rotomill from the BRR project. Roger Bitner answered that sometimes they do and sometimes they don't.
- iv. Justin Bitner: we need a qualified expert since none of us are competent and a 3- or 5- year plan will allow us to plan farther out than we have been. Ralph Brown commented that having a consultant provide this opinion offers protection for the Board.
- v. The consultant is available immediately.
- vi. Lucy commented that the roads highlighted in the proposal may not cover everything. She would like to see the southwest tail of N Church and all of West Upper Cove (Cry Baby rd) added. Could we add those to the evaluation and separate out the estimated costs for Kimball and Basin from the "Y" to the edge of the HOA since those roads are not on HOA property but are in need of repair.
- vii. Justin Bitner: can we add a request to identify narrow areas that may be safety concerns and evaluation of the landslide near lot 22.
- viii. Casey Brown moved to proceed forward with PEPG consultant road eval for \$3150. Ralph Brown second. All in favor. Motion carries.

4. 17:35 Treasurer report – Ralph Brown, see slides

- a. Balance sheet: totals have gone down. Paid \$300 for renewal of Basin Road Reclamation Performance Bond, but subsequently got it released because the revegetation of the fill on lot 37 has come in enough to satisfy the conditions of the bond. Paid \$8K for the

water valve extensions and collars. Some performance deposits were refunded. Paid the insurance.

- b. Ralph Brown communicated with Kent Holiday. Holiday wants the lien put on by Pam Behn when she was secretary taken off because it was put on illegally and will sue if we don't. He states he legally separated his Lot 93 into a 7 acre parcel in Summit Co and the rest in Morgan. Ralph believes this will complicate our efforts to enforce his membership in Stagecoach Estates LOA. He is willing to pay a road maintenance share of \$700 or \$750 per year.
- c. Scott McClellan (lot 39) comment: he has read documentation we have on it and it is pretty clear that lot 93 is part of SELOA. Suggests that we have an attorney review the documents and give an opinion if we have a good case or not, and if so, can we ask for attorney's fees in the lawsuit.
- d. Justin Bitner: one downside of not having lot 93 part of SELOA is that any future assessments he doesn't have to pay.
- e. Ralph Brown: we should not do anything without evaluating how much this could cost in attorney's fees because they may be very substantial.
- f. General consensus that we should ask Ben Lieberman if he has time to review the case and determine if we could ask for attorney's fees. How about prior HOA attorney Dan Dansie, who is familiar with the case? Steve Cuttita: Holiday may take us to court before we have time to decide.
- g. Kathy Borden (ACC chair) asked if the lien was illegally put on? Ralph Brown has a title attorney he is going to ask.
- h. Ralph Brown will not put the lien for non-payment of dues on the Burr lot until he understands the proper procedure.

- i. Lucy Jordan to reach out to Ben Lieberman to see if he has time to review the documents pertaining to Lot 93 being in the HOA with the goal of determining if we have a good case and if we can ask for attorney fees if we pursue this issue, or the name of another attorney if he is not available.
- j. Scott McClellan noted that there was a land survey being done on lot 37 today and suggested we contact our insurance lawyers to ask if they ordered it done.
- k. Ralph Brown noted that the cost for a certified survey this fall is \$3200 per lot.

5. 17:45 Committee Reports

- a. ACC Report – Kathy Borden chair, see slides
 - i. Reminders
 - ii. Starting mid-build site visits
 - iii. Review of projects. Very busy for next year.
- b. Fire Committee Report - Drew Jordan chair presented by Lucy Jordan, see slides
 - i. Parleys Summit fire cost 6x as much to fight as an equivalent forest health project.
 - ii. Scott McClanna (lot 29): Basin folks renting a 12-inch wood chipper Oct 1 for 10 days.
 - iii. Request from Basin group to release funds approved in 2020 for wood chipping. Justin Bitner motion to release the funds from 2020. Cuttita second. All in favor.
- c. 18:40 Easement Committee Report - Scott McClellan chair: Board group Roger Bitner, Casey Brown, Ralph Brown, Lucy Jordan, Scott McClellan, Fred Truillo met with HOA attorney Ben Lieberman on site for 1.5 hours. Showed narrow road at lot 2 and situation at lot 37. Lieberman can chart us a path, look at other legal arguments, make a well formulated argument on opinion that the Board can use as guidance. Could write an amendment to the bylaws that the Board could propose to membership and vote in.

Ralph Brown: Lieberman said that if we are looking for a golden document, it is not going to happen because our guiding documents are too unclear. Lieberman will put together his written opinion and objective.

- i. Justin Bitner: Parking is very difficult to enforce. Need to not block ingress and egress but owners need to be able to get in.
- ii. Road committee should identify areas where turnouts would be appropriate.

6. 18:50 Old Business

a. Progress on bylaws amendment and Rules and Regulations documents - Lucy Jordan

- i. Met with Ben Lieberman yesterday. He is going to draft a new bylaws document for us using 2010 and 2021 as guides with board input and a Rules and Regulations doc.

1. Justin moved to ask Mike Garbett to chair a bylaws and rules committee. Steve second. All in my favor. Lucy Jordan to ask Mike Garbett to be the chair of a new bylaws and rules committee. Jordan is willing to be the facilitator.

2. Megan Robinson would like the new documents to include rules on rentals and accessory dwelling units. We already have people renting and having others living there. Why do we not allow accessory dwellings since we already have it happening? Jordan explained that it should go into the Rules and Regs document. Justin Bitner: this is a big issue that we need to address soon. Better off putting it in covenants than rules and regs since rules are fairly easy to change and we need permanence. Scott McClellan suggested that maybe we do want it in the Rules and Regs so it IS easier to change in the future. The attorney's advice to him when he was president was to do rules in small steps because they are

easier to pass that way. In this round of Rules, do easements and parking, for example.

7. 17:10 New Business

a. Gate and dumpsters

- i. Concrete truck damage to Kimball Gate Aug 31. Still have not paid but Brian Tiley indicated he got the impression from the communication with Geneva that it was just going through proper channels and that they would pay.
- ii. Need for cameras + signage announcing “you are under video surveillance”.
- iii. Jordan reported that a lot owner uses Reolink solar powered camera that is <\$300 to purchase with a \$10 per month data plan. We would need to appoint one or two people to look at the video when we have issues or damage to the gates. Steve Cuttita volunteered to be the video monitor for the gates but not for the garbage dumpsters. We would only be looking for gate damage and illegal activity.
- iv. Lucy Jordan advocated for cloud storage instead of a video loop on a data card at the camera that gets written over after a certain time because it would be easier to monitor.
- v. Justin moved to spend up to \$1000 for gate cameras hardware. Steve Cuttita second. All in favor. Steve Cuttita to get estimates for two gate cameras and mounting apparatus.

- b. 19:30 Request for change of LDS Church camp traffic pattern. With the summer over, traffic has slowed down. Ralph Brown proposed sending camp traffic up Kimball Canyon Road and down Basin Canyon Road so all residents share the burden of visitor traffic equally. We could put an exit sign at the top of Basin pointing traffic down Basin. Would need two large signs, one larger Beaver Ridge Camp sign at the Y to supplement the

small one that is there and one large Exit sign at the top of Basin. Steve Cuttita motion to enact camp traffic up Kimball and down Basin. Ralph Brown second. All in favor. Ralph Brown volunteered to design and order the signs directing LDS Church Camp traffic up Kimball Canyon Rd and down Basin Canyon road with Board approval of design. Use the same vendor so all our signs have a uniform look.

- c. Concern from lot owner about Ed Byers' equipment starting a fire. Board members pointed out that we have many contractors working in the subdivision and the fire hazard is ever present and real. Scott McClellan: suggested installing fire fighting boxes with equipment in it like an extinguisher and an ax, etc on 4x4 posts by each driveway or hydrant. Scott McClellan to look into what it would cost to install firefighting boxes at key points throughout the HOA.
 - d. Discovery and Interrogatories in Lot 37 lawsuit - Lucy Jordan. Roger Bitner and I have answered some questions and I provided discovery documents. It is now moving slowly. Scott McClellan suggests we confirm with Ben Lieberman that the lot 37 lawsuit claim falls within our policy.
8. 19:50 Open time for member comment required by Utah Community Act. Newish owner Samantha Lange introduced herself.
 9. Next meeting Thurs Nov 18. 17:30
 10. 20:00 Adjourn