

Executive meeting Stagecoach Estates LOA Board of Directors  
Tues Sept 25 2018 6 pm  
Location Nicole Knott's house

Present: Brian Bitner, Jackie Pender, Scott McClellan, Gary Auerbach, Chuck Grosvenor, Steve Hall, Lucy Jordan, Nicole Knotts, Brent Bryan

#### Agenda

1. Game plan for justification/remediation of road work done.
2. Brief history of road work in past, if necessary. And including work requested by lot owners, mostly informal conversations but requested nonetheless.
3. Decision on hiring mediator for Oct 3 meeting
4. Plan for future decisions regarding SELOA business
5. Plan for roads/road committee
6. Appoint chairperson to road committee.
7. Invite Ed to meeting/s?

Knotts passed around a timeline of emails and events surrounding road work. Coopers Cabins (James Stevenson, a Stagecoach Estates lot owner) runs the Preserve HOA. Maybe get him in as a mediator if he would do it for free?

Bitner gave an update of where we are with Basin Road work. Permissions were obtained: He had verbal OK with Richins (lot 37), Charlwood (lot 34, even though the road work is not on his property but it is across from his driveway so Bitner wanted to make sure he was OK with it), and DeJager (lot 1) before starting. He received written confirmation that the work was OK from DeJager and text messages from Charlwood in support. Charlwood also admitted in an email after the work had been done that he had agreed to widening but not to the extent that was done. Ed Byer and Bitner have made affidavits about their conversation with Richins confirming Richins was OK with the plan.

We are operating under the knowledge that we need to make fire equipment access roads 20 feet wide unobstructed and that we have a 50 foot right of way from the centerline of the road. Bitner has researched the deed on lot 37 and spoken with Richard Watkins, one of the original attorneys involved with the creation of Stagecoach. The 1972 deeds for the lots on the Basin side say lots are subject to 100' right of way ingress and egress and additional 50' right of way. Watkins says that was because they knew the roads did not follow the platted property boundaries and they needed more width to allow the existing road to fall within the right of way. There are a few lots on the west side of Basin Canyon road through lot 37 that do not touch the existing roadway. Watkins says that Richins can't hold other owners lot owners hostage by not allowing the road to be where it is.

Chuck asked where we stand. Bitner showed the engineer's report that was submitted to the County with our grading permit. The report says the road is safe to travel on. It does have optional design for adding a berm on top and adding a straw bale berm or silt fence at the bottom. adding or taking down the slope and/or revegetating and adding an erosion blanket.

Legal things: Richins has been in contact with an attorney. Dansie has tried to contact the attorney to no avail. Attorney says he is representing a variable number of people.

McClellan expressed that Richins hasn't done anything that many of us wouldn't have done.

Pender pointed out that where we are now is 1) If we went outside the easement on Richins' property then we might have to fix it but the road is safe and that is a good thing, 2) we need to improve our communication within the board and to the membership.

Did we go outside our easement? Bitner thinks different lawyers will have different opinions. The platted easement is not where the road is, so in that interpretation, yes, we are definitely outside the easement with existing road and new widened part. Walker told Bitner some courts would consider this an Easement of Acquiescence because the road has been there so long. If you go 50 feet from center line, the engineer's report looks like we are almost nearly everywhere inside the easement with just a couple of places at the foot of the fill slope where fill might be a foot or two outside. The road surface is definitely within the easement from the centerline.

Grosvenor says we have 2 issues to address at the Oct 3 meeting: 1. Explain chronology, explain reasonings, own up to mistakes, 2. have a plan going forward.

Bitner pointed out that every lot owner along Basin is going to have a similar issue if we need to widen the road. When all 109 lots are built on, there will be more traffic and the roads will need more and more work so road improvements are inevitable.

McClellan thinks Dansie should give an assessment of in Utah case law how has this gone down before. McClellan stands behind what we did but things there are ways to improve communication and be more transparent, get things in writing.

Comments in a general discussion: We did the best we could. We operated on the premise that what we have done on before on Kimball would be appreciated. We felt like we thought we were within our boundaries.

Parking issues arise because we have some residents full time and some not. The CC&Rs state their shall be no snow removal on any stagecoach roads, but for years we have been allowing year round residents to have private plowing, so therefore, the year round residents need to make accommodations for non-residents. Parking is part of that.

The people that are so angry about the Basin road work are partially angry because they feel the people don't have a voice. What kind of avenue of communication can we give to people and how do we address their concerns? Bitner suggested a survey to get ideas and see what issues are important to members and if the board can do anything to address them, then that could be one way. Other board members felt that we were elected to do the work set out for the board in our CC&Rs (mostly road work) and we should abide by them only.

Knotts says she fields some inquiry emails through the website. Discussed removing the verbiage about parking from the website.

Nicole spoke to someone at the Preserve HOA. They meet every month and they have an HOA facilitator (James Stevenson, Stagecoach lot 119). They pay \$5K yearly dues and had a recent assessment for an additional \$5K. They have paved roads.

Jordan suggested we have set quarterly meetings. Pender thinks we should have meetings every two months.

Some discussion on the function of the road committee. Current members contend that they were never consulted or felt like anything they said was heard by the board. Pender thought when the membership voted to form a road committee it would be for a long term plan and that the road committee has submitted proposals for gates that are not within our budget. Jordan pointed out that the road committee was not given tasks or direction so we need to give them a chance to perform the function of a committee that serves at the will of the president as stated in our bylaws. Bitner has asked Chip Garner if he would chair the committee and Chip agrees, but Bitner thinks even with Chip, who has experience with road building, the road committee will not provide the boots-on-the-ground type of work needed to maintain the roads. We could appoint co chairs. Roger Bitner, Ed Byer has said he could be an advisor. Roger Bitner has a lot of experience in road building but he would not work well with current volunteers. No resolution on road committee standing.

Rough outline for the Oct 3 special meeting

Board sit up front

Sign up sheet at back for members to sign in (Jordan)

Roll call (Jordan)

Presentation (Knotts and Jordan create a Powerpoint)

1. Reason for special meeting: Basin Canyon road widening of mid-August 2018
2. Short timeline (fill in here from Knotts' timeline)
3. Reasons most board members supported the Basin road work
  - a. Needed for fire apparatus access - 20 feet wide unobstructed
  - b. Past complaints from Basin residents that road was unsafe to walk on when vehicles approaching
  - c. Too narrow in many places for two vehicles to pass safely

- d. Would be like Kimball (Jordan has photos and slope measurements if we want to show them here.)
- 4. Engineer's report
  - a. Licensed civil engineer (W. C. Christiansen, Equinox Engineering, a firm specializing environmental consulting and civil engineering) has deemed the road was constructed out of excellent fill material, the work is safe to travel on even in fully loaded emergency vehicles, and the slope is at a stable angle of repose (1.25 horizontal to 1 vertical).
  - b. The fill is shown to exceed the 100 feet right of way by less than 5 feet in width in 4 small areas.
- 5. Current status
  - a. Waiting for Summit County to get back to us after reviewing grading permit application and accompanying engineer's report.
- 6. Plan going forward
  - a. Have official votes at board meetings
  - b. Get permission from affected lot owners in writing and be specific about the scope of the work
  - c. Notify membership in advance of significant of road work

Comments from membership

Rules: All speakers must be recognized. State name, lot number, and go to front. Must be respectful. No personal attacks on board members or any other member. Must stay on the topic of Basin Canyon road work. 2 minutes for each person. Board will compile comments and if they have not been already addressed by the presentation we will respond at next regular board meeting.

Who should do most of the talking for the board presentation? Since many of the upset lot owners are personally attacking Bitner, the board agreed Bitner should not be the one to present. Pender is VP so she would be next likely choice, but she may be perceived as "old school" board.

After a Auerbach and a few others left, the remaining members talked again about a mediator. Decided to ask Auerbach if he would do the board presentation be the time keeper and keep us on track.

Adjourn 8:30 pm