

BR HOA Board Meeting Minutes
Bandanna Ranch Homeowners Association Board Meeting
2 Aug 2007

Attendees:

Ranelle Schulz – Stagecoach Trustee
Kent Christensen – Elkhorn Trustee
Bobbi Cupps – Buckboard Trustee
Lynnette Larson – 5th Trustee at Large
Tracy Livingston – Chuckwagon Trustee

Also present:

Denny Schulz
Billie Christensen
Bill Hayward

Prior to the meeting ‘call to order’ all attendees were asked if they had anything to add to the agenda.

1. Billie handed us a ‘handymans flyer’ that she found on her door, asking if we could do anything about solicitations on Bandanna properties. Bobbi said she would call the advertiser and advise him of other ways to reach Bandanna property owners without having to trespass on every lot, for example using the bulletin board at the post office or local store.
2. Bill Hayward introduced himself and indicated that he was present at the meeting so he could participate in discussions about the front fence he recently erected on his lot.
3. Tracy called and indicated that he would be about an hour late to the meeting.

The meeting was called to order at 6:45 p.m.

For some reason we did not review or accept the minutes from our previous board meeting on 29 June. I guess we were all too excited to get down to the business at hand. We should have done that and we will take time to review & approve those minutes (and these) at our next board meeting.

• **Appointment of Roads Committee Chair:**

The board moved to appoint a new Roads Committee chair. Ranelle nominated Kent Christensen for the position. (Second by Lynnette). All board members present voted in favor of Kent. Kent was asked if he wanted to appoint any other members to the committee and he said no, he was willing to work with Mike Young and between the two of them they could ‘get er done’.

- **Appointment of Architectural Committee Chair:**

The board moved to appoint a new architectural committee chair. Kent nominated Joe Cupps. (Second by Lynnette). All board members present voted in favor of Joe, to chair the architectural committee.

Bobbi read the bylaws and indicated that the committee needed to be 3 members. It was noted that Tracy Livingston is also on the committee.

Kent nominated Bill Hayward to be on the committee. Second by Lynnette. The board members present voted in favor of Bill Hayward to be on the architectural committee. Bill was given one of the 3 Architectural Stamps to carry while serving on the committee. Tracy has a stamp and Joe holds the third.

- **Discussion about new fence in Stagecoach Phase**

Ranelle, the Stagecoach Phase trustee, received a written complaint on July 21, 2007. "I had a landowner from Stage coach Lot 21 Bill Harryman come to me yesterday and complain that when he purchased his property 25 years ago (as we did) he was of the understanding that there were no fences to be allowed along the roads of Stagecoach subdivision but in the event that any were it had to be of natural material in harmony with the surrounding lands approved by a special architectural committee. Stagecoach especially named as not being allowed mobile homes or permanent foundations on trailers. I went to the covenants on page 7 and it states that no permanent fixtures are allowed to be attached to trailers and fences must be of wood, brick or stone and not to exceed 4 feet and must be approved by the board or architectural committee. The gentleman owning lot 35, Bill Hayward on stagecoach is in the process of placing a vinyl white fence around the property."

Editorial Note: The fence in question is only along the front of the property, not around and it is not bright white. It is tan.

At the time of the complaint (July 22), Mr. Hayward was contacted by phone to inform him of the complaint and to find out if he was aware of the CC&R's. Hayward indicated at that time that he was not aware of the CC&R's and that Paul Anderson told him there were no rules about fences. Sadly, Bill was misinformed. Bill was invited to attend the board meeting to discuss the situation.

Between the time of the first phone call and the board meeting Bill took it upon himself to get a copy of the CC&R's by going down to the County Recorder's office in Duschene. Once he read the fence codes he immediately went back and cut his fence down so it was at the proper height.

Bill read a statement in his defense..." My name is Bill Hayward, I fully understand the issue about the fence I put up not being made of wood or stone, but I did not know about the necessary material issue at the time of installation.

A few months past, while I was cleaning up my property a man stopped by and introduced himself as Paul Anderson, president of the BR HOA. I had a rope laid along the ground indicating where I would like to build a fence. I inquired if there were any regulations and he replied 'not really, as long as it didn't interfere with the wildlife'. He also asked if I'd seen that terrible looking fence around the big house down the way. I replied I had and not to worry about mine looking that bad.

So taking that in good faith, I stopped by several fences and measured the height of them. I decided to go 5-foot sine that's what the neighbor's fence measures. I

have now cut down my fence to 3'10" for the wildlife." Bill then made some comments about his favorite and least favorite styles of fences and noted there are several styles of fences in BR. He then presented the board with a drawing of the gate (wood) supported by a southwestern stone arch that he plans on completing his fence with.

Lynnette: We would have to change the bylaws to approve the fence.

Bobbi: According to the bylaws, Article 4, section 4 the architectural committee can use some discretion in their approvals of lot improvements.

Somebody asked: Are we going to enforce all the bylaws? If we do then we must enforce them unilaterally.

Ranelle: If we enforce by-laws then we are opening up a big can of worms. Some things were grand fathered in; others were inappropriately given permission by past boards, committees, or in this case past HOA presidents. It's going to be a difficult task. Let's deal with it one worm at a time and this is our first worm out of the can. (Editors note: Ranelle obviously likes to fish with worms.)

Kent: Makes a motion to enforce all by-laws. Seconded by Ranelle.

Ranelle: Basically we don't want Bandanna Ranch to look like Park City.

Somebody mentioned the pipe fence down near the first gate and asked if it was grand fathered in, or what?

Bobbi: Reads from the covenants Article 5, Section 5, item C: "Fences or walls in the front of the Lots shall be of wood or brick or stone. No fence or walls of chain link, wire mesh or concrete block shall be allowed except in back yards. Fences, walls or hedges shall not exceed 4 feet. All fences, walls, etc., shall be constructed in such a way as not to impede the flow, migration or travel patterns of any and all wildlife in, on or coming onto the subdivision."

Bobbi comments: It does not specify vinyl as an offensive material and the fence is definitely not chain link or concrete. It is a ranch style fence and from a distance it appears to be of natural material. It doesn't look that bad.

Ranelle: Leave it as is unless we receive a number of written complaints, then we will ask to have it removed.

Board Decision:

Bobbi: Bill demonstrated his willingness to comply with the CC&R's as soon as he found out about the restrictions on front fences. He made a huge effort to obtain a copy of the CC&R's and immediately acted to correct the height of his fence to comply with the height restrictions. And, to be fair, Paul Anderson initially misinformed Bill before he started constructing the fence. I propose that the board write up an agreement with Bill, allowing the fence due to these extenuating circumstances. If the board receives a number of written complaints before the gate and stone archway are completed then he will be required to take the fence down and replace it with natural materials. I think once the whole project is complete it will look great and people will not be offended by this fence. Providing that no other complaints are filed, the architectural committee will provide written approval of the project no later than 10 days after the project is completed.

The board agreed with Bobbi's proposal and Bill agreed to it as well. A copy of the written agreement will be attached to these meeting minutes within 10 days and a signed original will be filed with the hardcopy of these minutes when they are approved at the next board meeting.

- **Discussion about distributing copies of by-laws and CC&R's to new property owners**

Bobbi: The real problem here is that Bill just bought a lot in Bandanna Ranch and he did not receive a copy of the CC&R's. Who can say what the realtor's are promising just to make a sale up here. His realtor should have informed him that there were HOA restrictions on building up here.

Tracy: It is up to the seller to inform new lot owners that there is a HOA with dues. It should be part of the disclosures in the sellers contract.

Bobbi: How do we get a copy of the CC&R's out to all new property owners? Should we go thru the title companies or the realtor's?

Tracy: You could put a sign at the gates addressed to realtors working in the area saying something like.. "Bandanna Ranch has a Home Owners Association with annual dues. All property owners are subject to the rules and CC&R's of the HOA."

Lynnette: Well most of the local realtors know about the CC&R's up here. Brendette Muir and Eileen are good about keeping people informed.

Bobbi: It's the Salt Lake realty companies that let it slip. We could go around and call the realtor's on the for sale signs around here and make sure they have a copy of the CC&R's to give to the buyers.

Lynnette: We should call Shauna and see if she has some extra copies so we don't have to make a bunch.

Bobbi will contact Marva at American Title and Ady at Express Title and ask them for their help in distributing the CC&R's as well as keeping the HOA informed of sales so we can collect dues.

- **Discussion about collecting unpaid HOA dues**

Bobbi: What have we learned about our list of un paid dues? I know that at least \$5000.00 of it was contrived because Shauna was told that Tracy owed for all the unsold lots in Thunder Ridge. Tracy is the developer and so he doesn't owe dues on any lots until they are sold. Shauna has been advised via email to correct this error.

Ranelle: I sent a letter out to all the folks on my list asking them to pay their dues. Shauna said that it is typical of how the HOA dues come in a slow trickle; many are paid late in the summer.

Bobbi: I spoke with a few of my people who had not paid. A simple conversation, good communication and a gentle reminder goes a long way in getting dues paid. We don't have to bully our way around and go into Title offices demanding our share; we can be persistent and polite about it. Some folks didn't pay because they had an unresolved issue with the board. One person did not pay because he was

angry that the HOA dues went up, the roads got worse and no reason for the increase was offered.

Kent: Well how long should we let dues go unpaid before assessing a lien on the property?

Bill: In my business, I'm a contractor, I will place lien anything that goes over 90 days.

Tracy: It's a different thing with property. A lien means nothing to a lot owner until he attempts to sell the lot.

Lynnette: Yah, I know some folks up here would just let the liens build up because they plan on staying here until they go toes up.

Bobbi: I think we should keep it friendly and send out a general mailing with information about what is happening with the new HOA board, include our contact information and invite comments. We could include a reminder to pay up. Compared to the rest of the country, these are reasonable dues and folks are happy to pay them.

I just barely got the HOA financial statements from Kirk and I have not had a chance to look at them. I don't really know where we are with all that but I do know that we have been saving money. So far we managed to cut the Liability Insurance bill in half and we have kept Randy's legal fees to a minimum.

Board Decision on unpaid dues:

In keeping with the nature of Bandanna Ranch, we can be relaxed and friendly about collecting HOA dues. It is a recreational area and we can have fun collecting the dues. We are going to compose a letter and send out a general mailing introducing the new board and communicating our contact info. Ranelle has 400 addressed and stamped envelopes ready to go that we can use. We will include a reminder of payment in our general mailing, indicating that unpaid dues over 60 days we will start charging interest. If it goes over a year then we will assess a lien on the property and include the lien assessment fee to the bill.

Meanwhile, each phase trustee can take their list and make an effort to contact people who haven't paid. Lets make it a contest; we will award brownie points for every check you collect.

• **Discussion about Fire safety on Bandanna**

A report was heard about the fire that occurred Jul 22 in Rough Hollow. The fire was started by a lightning strike and Paul Anderson first saw the smoke and called it in. Vern Grahm arrived on the scene with his backhoe to create a fire barrier. Several BR neighbors including the Denny & Ranelle Schulz, Steve Prior, Dee & Deb Egget, Kent & Billie Christensen, somebody named Kelly, Mike & Bill Hayward got involved fighting the fire with shovels. They did a good job keeping it contained. Vern G & his handy dandy backhoe really saved the day. It was almost an hour before the Fruitland Fire department arrived.

The team was congratulated for containing the fire before any buildings were involved.

Ranelle: I want to create a certificate of acknowledgement for all who helped and present it to them at the next general HOA meeting. The board agreed.

Bill Hayward: We should consider getting a water tanker with a pump on it and park it somewhere in the middle of BR so that it is readily accessible.

Lynnette: Good idea, we could put it on a trailer with a hitch and anybody can just come along and hitch it to their truck and take it to the area where it is needed.

Kent: we would need a platform to park it on, or a heated building to keep it functional during the winter.

Lynnette: We could drain it for the winter months when fire danger is low then we wouldn't need a heated building.

Somebody said: What do we do about folks burning open pit fires around here when the fire danger is so high?

Bobbi: We should report it to the Fire Warden, but don't go over there with a gun and demand they put it out. Parties can get pretty wild and out of control out here and nobody should be put in the position to confront a group of bandanna ranchers having a party.

Lynnette: We could simply drive by and try to identify the lot number of the property, and then the board can send a letter to the landowner to complain about the incident.

Editors Note: Two nights after the board meeting a party with an open pit fire was observed. The Fire Warden was called and he indicated that open pit fires are allowed if there is a cabin on the same lot and as long as the fires are contained in an established fire pit that has been cleared with defensible space around it.

A BR Fire Committee was formed to look into improving fire safety on the ranch and action items identified.

Kent: Talk to the fire council

Lynnette: Get a GPS map with the location of fire hydrants on BR, needed for Liability insurance and make sure the Fruitland Fire department has a copy.

Bill: Investigate the cost of a water tanker with a pump.

Bobbi: Talk with Nathan (the fire chief) to learn about the history of fires on BR and find out what kind of problems occurs when fighting fires in BR. Access? Water?

- **Discussion about problem of ATV use in Bandanna**

The escalating problem of ATV use (or abuse) on Bandanna roads was presented to the board for discussion prior to this meeting. Several complaints have been heard by all 4 trustees about excessive speed, noise late at night, ATV's damaging the road beds by spinning circles in the gravel (called brodies) and pushing the gravel off to the side, damage to property, signs and criminal trespassing.

Bobbi: Also we must consider the problems that occur when property owners come out to the roads and confront offensive ATV drivers. Some of the property owners around here can be pretty intimidating. A heated conflict could easily escalate into violence or at the very least some bad words be uttered. We want Bandanna Ranch to be a 'fun & friendly' place for everybody. Being able to use ATV's is part of the reason people move here. BR roads provide a safe environment for families to ride their ATV's. On the other hand some people prefer the gated community because

there is a HOA to define some rules and enforce them. You think it's bad in Bandanna Ranch, just go across the Highway 40 and check out the damage ATV's have cause on private property. Its' every landowner for himself over there.

Ranelle: We could post signs around Bandanna threatening to fine ATV drivers who are violating the speed limits or damaging property.

Lynnette: This is usually only a problem on weekends and often the drivers are guests or children of the property owners. Rick Robbins, a retired police officer, has volunteered to patrol the area on 'big weekends' and issue warnings to ATV drivers who are violating the rules. Because of his experience as a cop he knows how to talk to people in a good way.

Bobbi: If we have a group of volunteers patrol on 'big weekends' we could perhaps identify what lots the ATV violators are coming from and send a letter to the property owner requesting that they inform their guests of the rules. I don't really know if we can fine people, or write tickets? Can we?

Ranelle: We should address this issue in our letter, and ask property owners to inform their guests of the rules. Bandanna Ranch is not an ATV park.

Tracy: Is there anyplace in BR set aside specifically for ATV use?

Bobbi: Not that I know of. We couldn't afford the insurance or even qualify with that kind of liability on the ranch. Remember? George Coleman told us that Traveler's almost turned us down because of the ride-n-dine party held 20 years ago that was mentioned on the outdated website.

We sideline for a bit:

Bobbi: Website has been taken down.

Ranelle: I know somebody who will work on the website, he just needs the password to get in.

Bobbi: We should just set up our own website - \$20 a year will buy us a site.

Somebody said: don't publish the gate combo on the web site.

But do include Berdineytes recipe for baked beans, ymmmm they were good.

Smacking of lips....

Then Back to the business at hand:

Ranelle: One of my people asked me where they could ride their ATV's and I told them that the best thing to do is load em up on a trailer and drive a few miles to the BLM roads and they can go as fast as they want and go as far as they want. Then they can come back home to relax in peace.

Board Decision on what to do about the ATV problem:

The board agrees to write a little something in the letter they are sending out to all property owners. We will let the property owners know that it is a problem and ask for compliance with the Ranch Rules around ATV use. We can inform the owners that there will be a Bandanna Patrol on duty over holiday weekends. Lynnette will talk to Rick about heading up that patrol. Bobbi suggests they all wear bandannas to identify themselves as part of the patrol.

- **Discussion about repairing the upper gate**

The upper gate is in bad need of repair. It is hanging on the hinges and is difficult to move.

Kent: Vern F. & Vern G. was supposed to fix that gate.

Lynnette: Vern F. is gone; he is pretty 'unavailable' these days. He's not going to do anything about it.

Ranelle: Dee volunteered to help fix it.

Tracy: What gate? The one I just went thru? I didn't notice it was in need of repair.

Kent: We need supplies. Does anybody have a spare gate sitting around? Vern G. has pipe we can weld to the supports. Does anybody know who can do welding? This question was met with blank but thoughtful stares.

Board Plan for fixing the upper gate:

Kent agreed to talk with Vern G and investigate materials for fixing the gate.

Lynnette will call Dee when he gets back to town and ask about the pipe or the spare gate. Rumor has it that there is an extra gate around here someplace.

- **Discussion on Thunder Ridge Airpark & Bandanna Ranch HOA agreement**

Tracy reads the Letter of Intent Between Bandanna Ranch Property Owners Association and Thunder Ridge Property Owners Association (attached to minutes) and opens it up for questions.

Tracy: TRPOA is an association within the BR HOA. It is common for two different associations to be within one developed area. Similar to the way BR covenants outline slightly different restrictions for the different phases in BR.

Ranelle: Right, Stagecoach is supposed to be cabins only, no trailers. Will anyone tell me how that million-dollar house next door is considered a cabin?

Tracy: Basically what TR is doing is collecting extra fees from TR lot owners to cover the costs of maintaining the airport. All the lots and roads down there are part of Bandanna Ranch and fall under the BR HOA jurisdiction. What this agreement does is lay out the details of how we will collect the HOA dues. Thunder Ridge will collect annual dues for both BRHOA and TRAPHOA in January and send on the portion of dues owed to BR HOA sometime in Feb.

Bobbi: So in return for the BR portion of dues, TR is expecting BR HOA to maintain and clear the roads down there?

Tracy: Yes, but TR will cover the costs of clearing and maintaining the runway.

Kent: What was the original agreement on maintaining the roads in TRAP?

Tracy: Originally, TR paid for improving the roads down there so they are up to county standards. We also paid for maintaining and repair of the roads from the lower gate to TR while we were building the airpark. We wanted to repair any damage our trucks made. Also we have sprayed the airport – runway for weeds control and we will spray again this fall.

Bobbi: Thunder Ridge POA will need to comply with BR CC&R's, is that right? Are there exceptions to that?

Tracy: That's right, the CC&R's for Bandanna are written into TRPOA CC&R's plus we have placed some additional restrictions down there because we have an airport and there are special considerations for that. You can find a copy of the CC&R's on the website WWW.thunderidgeairpark.com. The restrictions are the same as BR there are no exceptions.

Bobbi: Do TR owners need to build a house or cabin on their lot or can they just build a hanger?

Tracy: They have one year to build a cabin after they erect a hanger or garage. Even if they own a cabin elsewhere in BR and just want a hanger down near the airport, they will need to build a cabin too. We have to enforce the CC&R's unilaterally for both BR & TR.

Kent: Is there going to be another phase of TR?

Tracy: Yes there is a plan to develop the 'Highlands' as we call it for phase two but before we can do that we will have to ask the BR Board for access to this area. I doubt that it will happen soon due to the difficulty getting water and power. We need to sell the lots in Phase one first and see how this project flies.

Bobbi: How many lots have you sold?

Tracy: So far there are approximately 30 something lots sold and only one hanger has been built. So Kent, the roads only need to be plowed to the parking lot at the hanger. Lots past that point are not yet sold or developed. I will let you know when that changes.

Tracy: On BR member asked me, "I don't have a lot in TR can I land my airplane on your runway? Yes he can, but he cannot park it. There is no place to park planes currently so all he can do is touch n go's on the runway. We are discussing a plan to create an 'Air Club' similar to the hunt club where BR members can pay a fee to be a member of the air club and we will provide a place to park their plane.

Board decision on Thunder Ridge Letter of Intent.

Tracy was thanked for clearing up all the mystery surrounding Thunder Ridge. The board will review the letter of intent and the CC&R's on TR web site. We will put this on the agenda for our next meeting and consider signing the letter of agreement on how to collect dues.

The meeting was adjourned and the next board meeting is scheduled for 13th of Sept. at 7:00 p.m. at the Schulz's home.

Bobbi's Dirty Joke - Two old ladies are sitting on the porch of the rest home when an old man walks by. "I bet I know how old you are", says Effie. "You do? Then tell me." he replied. Annie "Just pull your pants down and we will tell you." So he did.

Effie sez, " Now turn around please." " You are 81 years and 1 day old."

He exclaimed, "That's right!" looking down at himself, " How can you tell?"

"We were at your birthday party yesterday. Giggle giggle"