

**HOMEOWNER’S ASSOCIATION**

**PARK CITY, UTAH**

2021 ANNUAL MEETING

**MINUTES**

The 2021 Annual Meeting of the Bear Hollow Village Homeowner’s Association was convened on December 6th, 2021 at 7:35 PM MST via a Zoom webinar.

**The following 37 Owners (39 votes) were present on the webinar:**

Mike Axelrood Bob Baker Mark Bigatel

Marty Blazic Marian Bressel Ron Bryce

Patra Butler Howard Butt Jacinta Chadwick

Don & Cindy Chittenden Jon Connor Cheryl DeMarco

Dawn Faulconer Paul Gardner Ken Grant

Bob & Marilyn Henderson Michael Johnson David Kruszenski

Robin Lewin Jody Lodrick (2 votes) Bruce Logan

Rob Magnotta Karen Malm Adam Manassero

Bruce Maw Rick Mischel Rick McConnell

John Molenaar John Ostrowski Bill Popadich

Lindsay & Eric Peterson Laura Ramanis James Sevier

Joe Venturato Greg Watkins (2 votes) Josh Wilder

Becky Yih

**The following 27 Owners (31 votes) were represented at the meeting by proxies received:**

Deborah Aronson Jodi & Eric Barnhart Shane Tanner

Jeff & Leah Butterworth Charlene Carter Alicia Cummings

Donald Fella David & Rosemarie Frankle Lars Friberg

Alan Gartrell / Jean Hindley Eric Gnakadja Fred & Harriet Kelner

Eric Iverson Don Kerr Carl & Cheryl Kuck

Joseph & Beverly Kimmel Stephen Kupec Ammon Lee

Robert & Elaine Larson Gary Manton Mike & Erika Nutting

Paula & Michael Lack Randal Rupert (office – 5 votes) Christopher Steele Amy Thompson Ryan Stevenson / Jenelle Butera Michael & John West

**The meeting did not achieve a quorum with a total of 70 votes represented.**

(Note: 139 votes were needed for a quorum. When a meeting does not achieve a quorum, in accordance with the Association By-Laws and the community CCR’s, the Annual Budget is deemed to be approved as presented by the Board of Trustees. No other official business can be finalized; the meeting needs to be re-convened at another date for the purpose of finalizing other official business matters. The only other matter of official business to be addressed would be the election of Trustees. (More info at end of Minutes). \*\*

**Howie Butt, President of our HOA, opened the meeting**, welcomed all in attendance and thanked the Owners for joining the meeting. It was mentioned that we have welcomed 16 new Owners year to date into our community and said farewell to an equal number of old friends.

While the meeting did not achieve a quorum, as noted above, a discussion on community matters with the Owners on the webinar was still appropriate. Howie mentioned that we would conduct the meeting in accordance with the Agenda and any/all Owner concerns expressed at the Meeting would be addressed.

Howie advised that the HOA sends information to the community throughout the year in several ways; at the beginning of the year the Minutes of the previous year Annual Meeting are sent, there is a Spring Time Newsletter, a Summer / Fall Newsletter and at the end of the year the documents for the upcoming Annual Meeting are sent. In addition, the HOA website [www.bhvhoa.com](http://www.bhvhoa.com) Announcements Page will have community information posted as needed and any significant / more urgent information is sent via email to the Owners.

Howie asked each of the current Trustees to briefly identify themselves and Greg, Karen, John and Jody offered a hello to the Owners and a brief bio.

**Jody gave a Treasurer’s Report on the Association finances as follows:**

**As of 12/3/2021** we have the following funds on deposit in accounts with the

JP Morgan Chase Bank, Kimball Junction Branch:

CHECKING ACCOUNT (operating capital) $ 20,687.43

MONEY MARKET RESERVE ACCOUNT $ 326,098.04

MONEY MARKET EMERGENCY FUND $ 50,488.95

TOTAL HOA FUNDS AVAILABLE **$ 397,274.42**

ALL HOA bills are paid by check in accordance with the Check Disbursement Procedures in place - (all disbursements by check are co-approved by Jody & Howie).

ALL HOA bills are current and paid in full to date. The HOA has NO debt.

**ALL funds are fully accounted for and the HOA remains in excellent financial condition.**

It was noted our total funds declined due to the community road repaving project expense last year totaling $190,870.04 that was funded almost entirely by Reserve Account funds.

Owner Bill Popadich asked if there were plans to increase Reserve contributions to recover the funds expended on the paving project and bring the account to a higher balance. **Howie gave the following explanation on the Reserve funds / study:**

The State of Utah enacted laws in 2011 that required all HOA’s to have a reserve study conducted and to have separate reserve savings accounts. The purpose of a reserve study is to identify future repair or replacement costs an HOA will incur and then to implement a systematic savings plan to address those future costs.

Recognizing the importance of saving for the future, our HOA conducted a reserve study in 2006 and we have been saving diligently since then for the costs of repairs or replacement of our infrastructure when that time comes. We contribute $36,000.00 annually to our reserve account from part of the dues collected. We are saving funds to address the future costs of repairs to the Clubhouse (roof replacement – furnace – painting –etc.), repaving our private roadways, and other infrastructure repair or replacement (retaining walls – park areas – etc.).

We also budget funds annually for repairs as necessary for our Clubhouse and infrastructure. Doing repairs when they are needed has helped substantially in preserving and extending the normal life span of our infrastructure. While our current Reserve fund balance is lower than what it was, it must also be recognized that the road paving expenditure has “restarted the clock”

on when the roads will again need repaving. That additional time will allow us to rebuild our Reserves with our normal annual contribution.

At some point in time other things in the community will need replacement. The Reserve Fund will be ready when that time comes.

Our Emergency Fund was established to deal with any unforeseen circumstances or situation we might encounter in the future. It is fully funded at the $50,000.00 level (plus interest that accrues) and these funds would also be available to supplement the reserve account funds if necessary.

The Trustees believe that our Reserve Savings plan and accounts are appropriate and adequate at this time. The Reserve Study is available for viewing or download on our website [www.bhvhoa.com](http://www.bhvhoa.com)

**Greg, the Clubhouse Manager, gave a report on the Clubhouse, summarized as follows:**

* A new pool cover was purchased – the old cover was retrofitted to be used as a cover for the hot tub – we normally use 2-3 hot tub covers in a year due to wear and tear.
* A new, larger computer monitor was purchased for the front desk area to provide better visual monitoring of the camera system.
* New carpet squares were installed in the gym area as needed.
* A CO2 monitoring and sensor system was installed in the pump room so that we are in compliance with new fire codes.
* Hazmat signs were placed on the pump room exterior door and the entry door from the kitchen area to be in compliance with a Park City Fire District requirement.
* The fire suppression system and the back flow valves were inspected and certified. We also passed all Summit County and State of Utah inspections when done.
* The fire pit outside the Clubhouse entry needed a total rebuild of the flame mechanisms; it was difficult to get the needed parts so the pit was out of service for a few weeks accordingly – but it is now fully operational again.

Owner Jon Connor asked if there were plans to refinish the concrete surface area around the hot tub. Greg replied that we tried to get the contractor who did the original refinishing of the pool and hot tub concrete areas to come back and do a second coating but the company is now out of business – we are searching for another vendor to do the work.

Owner Petra Butler commended Greg on the holiday decorations in the Clubhouse and also on his overall diligence to keep the Clubhouse in top condition all year; several other Owners made similar comments - Thanks Greg for your continued fine job as our Clubhouse Manager !

**Karen gave a report on the new High Valley Transit Service available for use, as follows:**

* This new service was launched on 5-17-21 when Park City and Summit County transportation services were split. The Pink transportation route is no longer available, replaced by the newer High Valley service along with the other bus routes.
* All services are free - this is basically a “free Uber service” available to you.
* You need to register for the service on the website highvalleytransit.org
* Service is available from 5AM to 1AM daily.
* We have also placed a link to High Valley Transit on our HOA website.
* Visit their website to become familiar with how to use this convenient service.

**John gave a report on Community Safety issues, as follows:**

* As the result of complaints received and cognizant of the need to take all reasonable precautions to protect our children and residents the Board of Trustees passed a Resolution establishing the speed limit on all our private roads that are designated as an alley at 15 MPH.
* The alley designated roads are ……

BIATHLON LOOP CROSS COUNTRY WAY CURLING COURT

FREESTYLE WAY GRIZZLY WAY KODIAK WAY

POLAR WAY SLALOM WAY UPPER LUGE LANE

Luge Lane and Lillehammer Lane are also private HOA owned roads. Bobsled Blvd. and Oslo Lane are County roads. The speed limit on all these roads is 25 MPH.

* We have contacted the Summit County Sheriff and asked for increased patrol and speed monitoring activity which they have agreed to provide. A speed monitoring radar device was placed on Bobsled Blvd. for several weeks and enhanced patrol presence is in effect.
* We are asking all our residents to **Please Slow Down** on all our roads!
* We have Parking Rules in effect and all no parking areas are clearly marked with signs. We do not like to tow a vehicle and do so only as a last resort, however, any vehicle parked that is creating a safety concern or blocking snow removal operations will be towed immediately.
* All Vehicle Rules and Regulations / Parking Rules are posted on our website [www.bhvhoa.com](http://www.bhvhoa.com) and we request that all Owners be sure their guests and renters are made aware of these rules when in the community.

Owner Jon Connor asked if a trip hazard from sunken blacktop on the trail where it meets Luge Lane was addressed. Howie replied that shortly after Jon reported the issue the repair was made. Howie advised he would email Jon a photo showing the completed repair work.

**Howie provided an overview of community projects, landscape and snow removal services summarized as follows:**

* All lawn areas received an aeration, 2 fertilizations and 2 weed preventative sprays.
* Mulch was added as needed to all areas/properties on south side of Clubhouse (we do half the community each year – next year will be north side areas).
* Trees in the community received a deep root fertilization, a tip weevil preventative treatment and a borer preventative treatment to help keep them healthy.
* The irrigation system backflow valves were inspected and repairs as needed were made.
* We completed the new pathway from Bobsled Blvd. to the Millennium Trail. A gravel product called Chat was used and the pathway was lined with landscape rocks. Large boulders and mulch were placed at each end of the pathway – it looks real nice!
* A drainage swale from Upper Luge Lane down to behind Curling Court had a mud slide. We rebuilt the swale with new boulders and gravel as needed.
* Our snow removal contractor (Eschenfelder-formerly Red Barn) is doing an excellent job keeping our roads, sidewalks and driveways open and cleared during snow storms. The Trustees monitor their performance and response. Owner concerns have been very minimal. We have a rotation system whereby no area is always first or last to receive snow removal services.
* We used 69 tons of road salt and 631 bags of ice melt on the sidewalks during the past winter season to keep roads and sidewalks as safe as possible.
* A loader was brought into the community on 2/11/21 to remove large snow piles at intersections to help with community safety and safe passage on our roads.

Owner Paul Gardner advised there is a large hole / tire rut in the area off Bear Cub Drive where it meets Rt. 224. Howie advised it will be repaired ASAP. (repair completed)

There were no other Owner questions or concerns raised regarding landscape or snow removal services.

**Howie provided an update on the young boy injured while in the Village Green in July.**

A 14 year old boy visiting with his family from Colorado was playing ball with friends in the Village Green when, for reasons unknown, a large boulder bordering the Green area became dislodged and fell on the boy injuring his leg. He was transported to a SLC hospital where he received 19 stitches to close the wound. We were in touch with the boy’s parents and we reported the matter to our insurance company (Travelers Insurance). The boy’s parents subsequently retained an attorney to represent them and legal action was contemplated by them. Travelers assigned a claim adjuster to represent the HOA and as the result the matter was settled with Travelers paying for the boy’s medical expenses up to the limit of our policy ($5,000.00). This was a good outcome for this unfortunate incident.

As the result, Howie had our landscape contractor inspect and fortify all the boulder wall areas around the Village Green by tiering them on an angle away from the grass. We placed

“Keep Off the Rocks” signs in all 4 corners of the Green and we installed a new security camera on the roof of the office building, adjacent to the Village Green, which allows us to monitor activity in the Green.

**A discussion on 2021 expenditures and the proposed 2022 budget was opened.**

The Trustees have been very diligent and hard working in managing the Association’s funds and financial responsibilities.

As mentioned, since a quorum was not achieved at the meeting, the 2022 budget is approved as presented by the Trustees in accordance with the CCR’s. There were no questions on the 2021 expenditures or the 2022 budget from the Owners on the webinar.

Owner Paul Gardner commented that the Trustees are doing a remarkable job in managing the community and its finances. Several other Owners made similar comments. The Trustees thanked all for their comments and support.

Howie advised that the 4% dues increase for 2022 is needed to help fund increasing repairs for our infrastructure as it matures. This is the second time on the past 11 years that we have raised the dues; we are beyond question the lowest HOA dues in the area.

Owner Mark Bigatel commented that in his experience with several other HOA’s he would rate our Association as well run and a 4% increase in dues is very reasonable in today’s economy.

Greg commented that we should consider imposing a Transfer Fee on properties when they sell. This is an “industry norm” and we are perhaps the only HOA in the area that does not charge this or a similar fee which is paid by the buyer to the HOA at the closing. Greg suggested a fee of

½ of 1% would be in the mid range of what other HOA’s charge. (At that rate a property selling for 1 million dollars would generate a $5,000. Transfer Fee payable to the HOA).

Howie advised that we currently do not charge this fee because our CCRs have no language in them that would authorize us to charge this fee. For us to do so would require an approval vote from the Owners and an amendment to the CCRs.

Owner Petra Butler commented that our community has always been unique and a cut above others in our fees and services and we should consider that before adding this fee.

Owner Rob Magnotta stated that we are currently in a “hot” real estate market and the fee is perhaps not an issue to a potential buyer, but if market sentiment changes, as it inevitably does, the fee may become a bigger concern.

There was healthy and civil discussion with several owners on the webinar on the topic. Comments were equal in favor of or unsure of imposing this fee.

Discussion focused on the following subjects:

* Would the fee also be imposed on the deed restricted units in community
* Would the Lodges condominium units also be charged the fee by the BHVHOA
* Should we charge a fee greater or lower than ½ of 1%
* The revenues generated by the proposed fee could be used to keep dues rates stable and possibly fund future community improvements

The Trustees are going to investigate this matter further and then provide a recommendation to the Owners on how we should proceed. No fees will be added to our procedures at this time or until the matter is thoroughly reviewed and approved. Owners are welcomed to express their opinion on this subject via email to Howie [hb2690@aol.com](mailto:hb2690@aol.com) .

**A question was submitted on the webinar for the Trustees to provide a breakdown of the community occupancy.**

Howie provided the following information:

There are 272 homes in Bear Hollow Village broken down as follows –

* 158 townhouses
* 81 detached single family homes
* 26 condominium units…..

The Cross Country Condominiums building has 8 units

The Calgary Condominiums building has 10 units

The Bear Claw Condominiums building has 8 units

* 7 Estate Homes

There are also 95 condominium units in the Lodges at Bear Hollow buildings (3)

and 26 condominium units in the Ridge Condominiums building. The Lodges and The Ridge units are “in” Bear Hollow Village but not legally a part “of” Bear Hollow Village. Each has their own separate HOA to manage their business matters. They are not members of our HOA, but they do pay dues to our HOA for their use of our amenities (Clubhouse / private roads / Village Green / parks and trails). Our HOA has incomplete information on the occupancy status of these units.

We also have a 16,000 +/- sq.ft stand alone office building that is part of our HOA and the building owner pays dues to the HOA and the building tenants use our amenities.

Based on the best information provided by the owners, in our 272 units we have 80 full time residents; 41 units are rented to full time residents; the balance of the units – 151 – are second home / investment properties.

Owner Paul Gardner asked if the HOA would comment on the proposed **Dakota Pacific project.**

Howie provided the following summary of the project:

There is a 58 acre parcel of land in the southwest corner of the Kimball Junction area (between Walmart and the Olympic Park) owned by a developer named Dakota Pacific Corp. The land is currently zoned as a commercial / technology center development (The Skull Candy Corp. has a building on the property and the Park City Welcome Center building, just of Rt.224, is also part of the area). There has apparently been low interest by other companies in establishing a commercial presence on the property and Dakota Pacific is now requesting an amendment to the existing land use agreement to permit residential development.

Dakota has proposed an 1100 family residential development, 336 of which would be low income / affordable housing units, a hotel on the property, office building(s) and some

retail stores and commercial buildings in the newly envisioned development.

The development has been the subject of heated debate and community concern. The County

Planning Commission initially reviewed the amendment request and forwarded a negative recommendation on its approval to the County Council who are the final authority on the issue.

The Planning Commission recommended the proposal have a new development agreement and not an amendment to the existing agreement.

The County Planning Staff Report states the amendment as submitted complies with the Kimball Junction Neighborhood Plan component of the General Plan.

Opposition to the proposed development has been mobilized by the community under the banner

“Friends of Summit County for Responsible Development”. Briefly, they argue the new development will worsen traffic problems at Kimball Junction (and UDOT proposals to address the issue are years away and may or may not materialize at all) and the added homes / residents will severely strain water supply problems and school / public safety / other infrastructure.

They have created a website [www.stopdakotapacific.com](http://www.stopdakotapacific.com) where their arguments and viewpoints are spelled out.

The Summit County Council has held a series of public hearings on the matter and no final vote has been taken to date. Visit [www.summitcounty.org](http://www.summitcounty.org) for more info.

The Park Record newspaper online [www.parkrecord.com](http://www.parkrecord.com) would also be a good place to follow unfolding events in this matter.

The HOA recommends that Owners review all the available data on the project and then voice their opinion to the Council, the opposition group, or both.

At the request of an Owner, Howie asked the Owners on the webinar to state their position on whether the HOA should build **Pickle Ball courts** on our common area. The only parcel of land available for this purpose would be the open area in the Bear Hollow Park on the north end of

Bear Hollow Village (next to the basketball court).

It is estimated the cost of building 1 or 2 Courts would be about $60-70,000.00. While the HOA has Reserve Funds and Emergency Funds they would not be available to fund this project.

Therefore, a Special Assessment to the Owners would be needed.

Pickle Ball is a paddleball sport that combines elements of badminton, table tennis, and tennis. Two or four players use solid paddles to hit a perforated polymer ball, much like a wiffle ball over a net. If we used the park area space for Pickle Ball courts we would lose the current use as a mini soccer field and open space area.

Owner Petra Butler commented that while she is an avid fan of Pickle Ball there are courts now available in the immediate area of Bear Hollow and our courts would probably bring in non-residents that would make managing our courts more difficult.

Howie asked the Owners on the webinar to use the “ask a question” raise your hand feature to signify if they would be in favor of a Special Assessment to fund building the courts.

Of the 37 Owners present on the webinar only 1 Owner raised their hand in support.

Based on that input and the general sentiment expressed during discussions on the webinar we believe there is not enough community support to explore this option at this time.

**The process of nominations for Trustee elections was opened.**

There were 3 Trustee positions to be filled.

Since Howie was one of the Owners seeking election he turned this portion of the meeting over to Greg. Greg asked for nominations for the 3 Trustee positions.

Owner Joe Venturato nominated Howie Butt for a Trustee position; seconded by Owner Rob Magnotta.

Owner Paul Gardner nominated Jody Lodrick and John Molenaar for Trustee positions; seconded by Owner Karen Malm.

There were no other nominations received or presented.

Without a quorum, the completion of the Trustee election process could not be accomplished.

With no other business matters to conduct or discuss, Owner Joe Venturato made a motion to adjourn the meeting; seconded by Owner Paul Gardner.

The meeting was adjourned at 9:20 PM.

\*\*As noted, the meeting did not achieve a quorum and the election of Trustees could not be finalized. **The Annual Meeting will need to be re-convened** for the purpose of completing the election for the vacant Trustee positions.

**NOTICE** that the Annual Meeting was being re-convened for the purpose of concluding the Trustee election process will be posted in the Clubhouse and all Owners were advised of the possibility that a re-convening of the meeting might be necessary with their Annual Meeting information packet sent to them. A reminder Notice will also be sent to all Owners.

**The date of Monday, December 13, 2021 at 7:30PM MST via Zoom webinar was established and posted for the re-convened meeting to finalize the vote for election of Trustees.**

**RE-CONVENED ANNUAL MEETING**

The 2021 Annual Meeting was re-convened on Monday, December 13, 2021 at 7:33 PM via Zoom videoconference . HOA President Howie Butt opened the meeting.

**The following 10 Owners (11 votes) were present on the webinar for the re-convened meeting:**

Mike Axelrood Howard Butt Jody Lodrick

Alicia & John Cummings Winter Vinecki Ken Grant

John Molenaar Karen Malm Marissa Cummings

Greg Watkins / Kimberley Blocker (2 votes)

**The following 2 Owners (2 votes) were represented by additional proxies received for the re-convened meeting:**

Greg & Felicia Head Kris Kowal

All proxies previously submitted for the regularly scheduled Annual Meeting that were not amended were also valid for the re-convened meeting.

**The meeting constituted a quorum.**

(Note: At a re-convened meeting, whatever the number of members/votes present is constitutes a quorum in accordance with the CCR’s and By-Laws).

The only remaining item of business to be addressed at the re-convened meeting was the election of Trustees. There were 3 vacancies and 3 names were previously placed into nomination; Howie Butt, Jody Lodrick and John Molenaar.

Since Howie was one of the Trustees seeking election the meeting was turned over to Greg at this time. Greg advised that all proxy votes received were unanimous in voting for Howie, Jody and John.

Greg asked for a Motion for nominations:

Owner John Cummings nominated Howie, Jody and John; seconded by Owner Ken Grant.

With no objections received, Greg cast all the proxy votes for the 3 candidates

and Howie, Jody and John were re-elected for 2 year terms of office as Trustees.

On behalf of all the Trustees Howie thanked all the Owners for their support and confidence. The Trustees will continue to serve the community to the best of their abilities.

Howie advised that the Minutes for the Annual Meeting will contain a thorough overview of all discussions and actions taken at the regular and re-convened meetings.

Howie asked if any of the Owners had any issue they would like to discuss at this time. There were no issues mentioned.

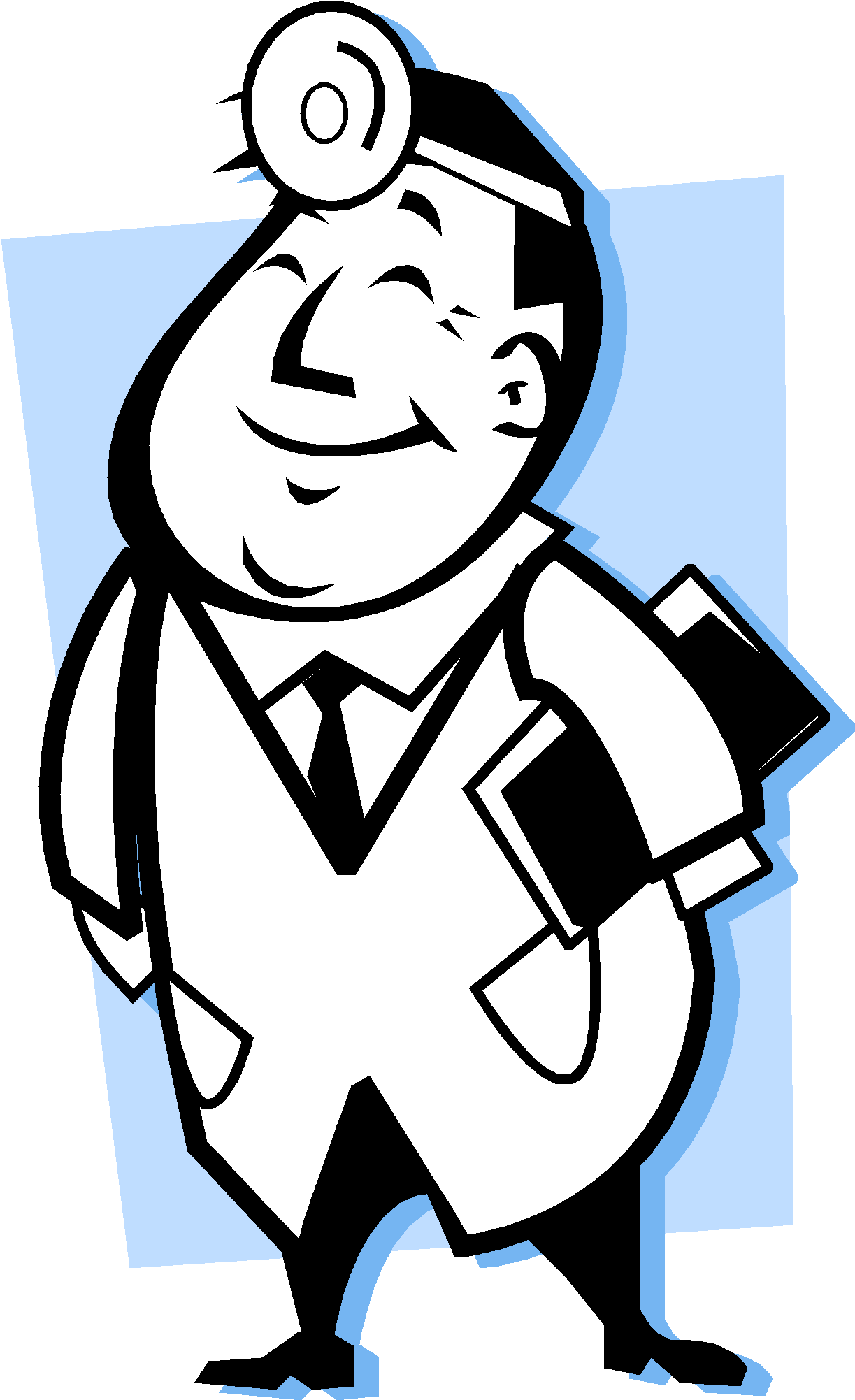
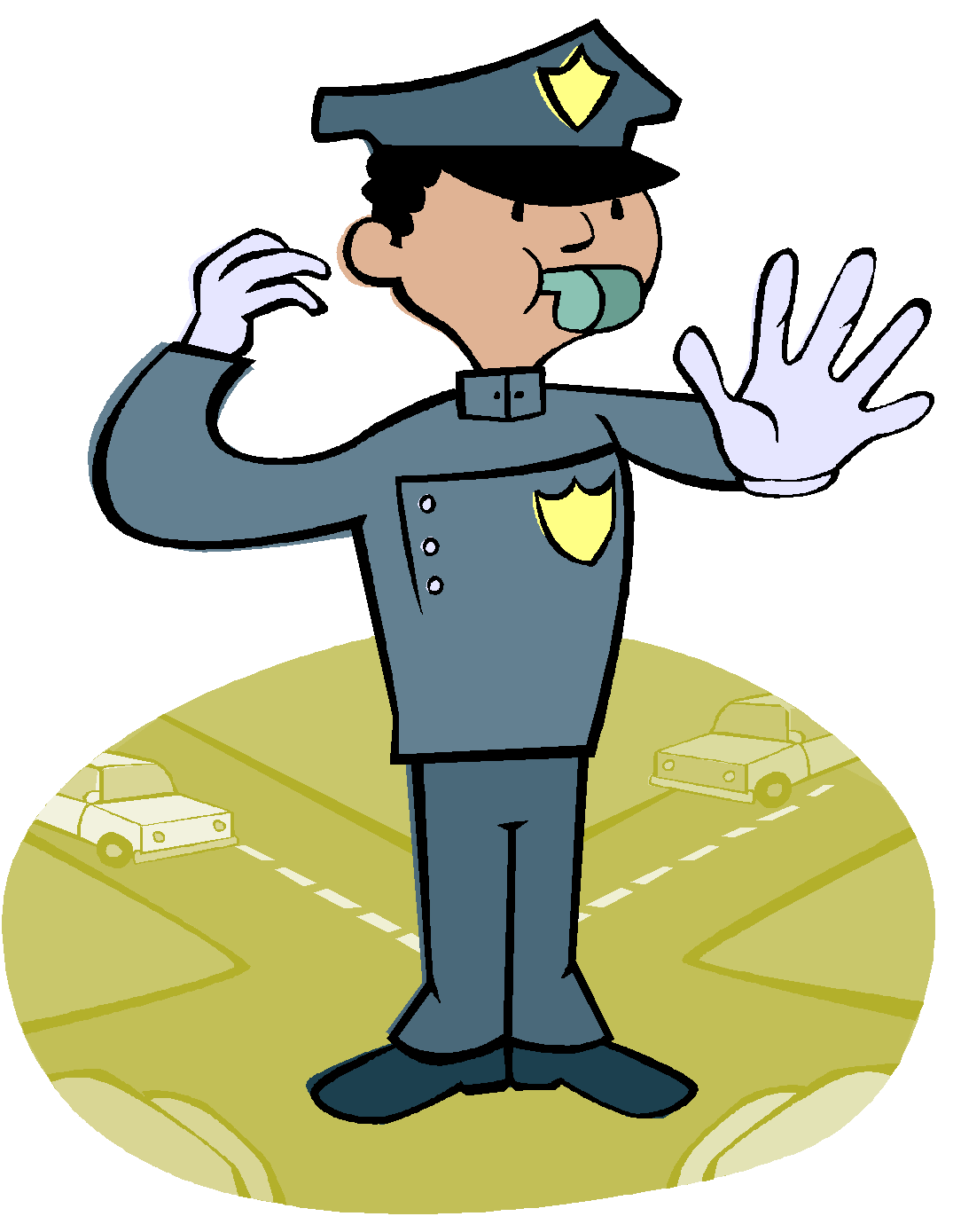
With no other business to conduct the meeting was adjourned at 7:41PM

The Board of Trustees would like to take this opportunity to wish all of you a healthy and happy Holiday Season and a Happy New Year!





Greg Karen John Jody Howie

PLEASE VISIT OUR WEBSITE

[WWW.BHVHOA.COM](http://www.bhvhoa.com/)

FOR COMMUNITY INFORMATION AND ANNOUNCEMENTS