

# Hardware Park Mountain Estates Minutes

Held as a Zoom Meeting  
Join Zoom Meeting:

<https://us02web.zoom.us/j/9695647250?pwd=eGZJT2F4REdEY01Zc1ZEdGI5Nkx5dz09>

Meeting ID: 969 564 7250  
Passcode: 141486

Because of the Covid-19 Pandemic  
Links were sent to all Board Members  
Mike Gailey provided the link  
7:00 PM

These are minutes of the Board Meeting of HPME held January 14, 2021

The various members of the Board and the President attended by way of Zoom.us. Farrel asked that this meeting be held via Zoom as the Covid-19 Pandemic was still ongoing.

Notice of this meeting and its agenda had been sent to all board members ten days prior to the meeting with a link to Zoom. Present at the meeting were the following:

Farrel Lewis [President]	Bruce Peterson [Board]	Russ Ridges [Board]
Mike Schmidt [Board]	Debbie Schmidt, Committee Chair	Rick Patterson [Board]
Rubylyn Vernon [Board]	Dennis Kendrick [Board Member]	Gary Nuffer [Treasurer]
Mike Gailey [Secretary]		
Excused:	Nate Arriotti [Board]	Gary Nuffer [Treasurer]

**Welcome**—Farrel welcomed the group to the January Board meeting at 7:05 PM stating that a quorum was present.

**Communications**—Farrel asked Mike to report on the actions of the Communications Committee. Mike Gailey informed the group that he had checked on the legality of the Association withholding keys to property owners as a form of discipline. Legally we can't withhold access to property held by Association landowner. We can limit keys and allow access only via a prescribed route, but what was adopted by the Board at our last session is illegal. Mike explained the right of the Board using Robert's Rules to reconsider and action taken at a prior meeting before the minutes of that meeting were accepted by the Board. After some discussion the Board on reconsideration, a motion was made by Dennis Kendrick to reconsider the penalties prescribed by the Board on November 12, 2020. A second was made by Ruby. The vote was 6-0. The motion was affirmed.

Farrel led the Board in a discussion. He requested that Mike read back from the minutes what had been approved in November including those that had made motions at that time. Mike read the following back from the minutes of November 12, 2020:

**Emergency Preparedness**—Mike Schmidt discussed the County lock box on the lower gate. All were not aware that that lockbox belongs to Cache County. There is a master Association key in that lockbox. Mike reported that the County is also not very versed in the use of that lockbox in the case the County needed access. He assigned himself to dialog with the County and try to clear up this issue. This issue is a repetitive issue and the County holds the keys. Farrel asked Mike Schmidt to remind the County to take the key in the box to enter Association properties.

A long discussion ensued regarding deliberately damaging, vandalizing or stealing of HPME signage. This discussion began over the removal of a GPS Helicopter landing site sign atop Bald Mountain. Ruby gave a narration of an accident at HPME the first weekend in October. Two recommendations were made to Mike Schmidt at this time:

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1. *Create an Emergency Protocol Sheet listing the steps landowners are to take in order to make sure gates are left open for EMS service access.*
2. *Establish a significant penalty for those caught deliberately damaging, vandalizing or stealing Association signage.*

*As a result of the discussion of number two above, Dennis Kenndrick made the following motion:*

*Landowners, immediate family or guest caught with more than hearsay evidence having deliberately damaged, vandalized or stolen HPME signage will be charged with a \$1,000.00 fine and the loss of holding keys to Association gates for one (1) year. A second was offered by Mike Schmidt. The vote was 6-0 to approve.*

*Mike Gailey was charged with creating a proposed amendment to the governing documents to sustain the Board's actions.*

Farrel asked that the agenda be set aside and asked Russ Ridges to report on discussion he has had with his attorney-brother-in-law concerning the Association's right to require a landowner to sell his/her property that the Association may recover abandoned bad debt. Russ said that his brother-in-law stated that the Association was within its rights to demand the sale of the property, but he had these comments:

1. There needs to be some modification of the Association Bylaws and CCRs to strengthen the Association's actions.
2. He cautioned the use of this authority because of the reaction of other landowners.

After considerable discussion, Russ made a motion to change the governing documents strengthening the Association's claim on abandoned bad debt. Dennis placed a second before the Board. The vote was 6-0.

Russ said that his brother-in-law was willing to help the Association with the rewrite of the governing documents. Russ assigned himself to follow up with him. Russ said that if any case went to court his brother-in-law would need compensation to act as HPME's council.

Mike Gailey was assigned to rewrite the governing documents after the modifications are suggested by Russ' brother.

Farrel asked that the Board return to the agenda with further discussion on penalties for damaging Association maintained signage.

Mike informed the Board that with their actions it is now as though no action was taken on November 12<sup>th</sup> and that a new discussion needs to begin. After some discussion Russ made a motion to place a \$1,000.00 fine on the landowner and restrict him/her to one key at the next exchange, limiting keys for at least the next three years. A second was made by Dennis. Farrel called for discussion. During that discussion Ruby placed a substitute motion before the board identical to the original with exception that the Board, in a hearing, be given authority to decide what to do about keys on an incident-by-incident basis. Dennis also seconded this substitute motion. After some discussion Farrel called for a vote on the substitute motion. It passed 4-2, Rick and Bruce in opposition.

Mike Gailey was assigned to draft language to be considered for a change in the governing documents.

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Mike reported on his assignment to see who in the Association would support Associations members harvesting deadfall after the recent windstorm from the rights-of-way and within individual property boundaries. Mike reported that he has only 10 responses. 17 would be a representative quorum. Many on the Board had not responded at this time. They agreed to respond. Mike was asked to place a reminder on the website to complete the survey. Mike was assigned to report at the next Board meeting.

Mike reported that he was finding it difficult to find a method to produce a petition that all property owners along Ant Flat Road could sign directing the County to pay more attention to the Ant Flat Road. He will continue to seek a method to do so. Russ mentioned that the lodge near the Cache/Weber County Road be included in the petition. Since that is a business, it should have great interest in the roads and pay considerable tax.

**Finances**—Farrel asked Mike Gailey to share Gary Nuffer’s financial statement. There was some discussion on the Rainy Day Fund and at what time it should be transferred to a CD.

<b>Assets:</b>				
MESCO	1-Oct-15	Rock Screen		<b>\$10,127</b>
<b>Hardware Park Mountain Estates</b>				
<b>Membership Assessment Past Due</b>				
<b>as of December 31, 2020</b>				
<b>Lot No.'s</b>	<b>Last Name</b>	<b>First Names</b>		<b>Balance</b>
36-57	Hill	Larry		\$900
25-54	Salaz	Robert		\$1,500
36-61	Tremea	Gary		\$2,320
<b>Balance Due</b>				<b>\$4,720</b>

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<b>Hardware Park Mountain Estates</b>				
<b>Financial Statement</b>				
<b>for fiscal Year 04/01/2020 thru 03/31/2021</b>				
	<b>Combined Total</b>	<b>Membership Fees</b>	<b>Road Maintenance Fees</b>	<b>Rainy Day Fund</b>
Beginning Balance 04/01/2020	\$40,605	\$287	\$20,700	\$19,618
Annual Assessments 2020-2021	\$21,800	\$2,179	\$17,106	\$2,515
Keys	\$50	\$50		
Maps				
Interest & Penalties				
Recovery				
<b>Sub-total 2020-2021</b>	<b>\$21,850</b>	<b>\$2,229</b>	<b>\$17,106</b>	<b>\$2,515</b>
<b>Funds Available (12/31/2020)</b>	<b>\$62,455</b>	<b>\$2,516</b>	<b>\$37,806</b>	<b>\$22,133</b>
<b>Funds Disbursed:</b>				
Board Meetings (07/10/2020)	\$ 213	\$ 213		
Annual Picnic (08/05/2020)				
Spring Clean-up				
<b>Roads:</b>				
Grading	\$ 7,500		\$ 7,500	
Roads (gravel, shell & etc)				
Repairs				
Fuel				
Rental Equipment Insurance				
Misc. Weed Abatement	\$ 140		\$ 140	
<b>Total Roads</b>	<b>\$ 7,640</b>		<b>\$ 7,640</b>	
<b>Security:</b>				
Deer Hunt	\$ 25	\$ 25		
Gates & Fences				
Landing Zone Markers				
Keys				
<b>Total Security</b>	<b>\$ 25</b>	<b>\$ 25</b>		
<b>Springs:</b>				
Testing				
Bucks Springs				
East Springs	\$ 707	\$ 707		
South Springs				
West Springs				
<b>Total Springs</b>	<b>\$ 707</b>	<b>\$ 707</b>		
<b>Taxes:</b>				
State Franchise Fee	\$ 100	\$ 100		
Corp. Registration	\$ 13	\$ 13		
<b>Total Taxes</b>	<b>\$ 113</b>	<b>\$ 113</b>		
Bank Charges				
Postage	\$ 60	\$ 60		
Printing	\$ 34	\$ 34		
Flowers				
Supplies	\$ 32	\$ 32		
D & O Insurance	\$ 1,247	\$ 1,247		
Website	\$ 85	\$ 85		
Filing Fees				
<b>Total Funds Disbursements (12/31/2020)</b>	<b>\$ 10,156</b>	<b>\$ 2,516</b>	<b>\$ 7,640</b>	
<b>Ending Balance as of December 31, 2020</b>	<b>\$52,299</b>	<b>\$0</b>	<b>\$30,166</b>	<b>\$22,133</b>

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**Security and Fire**—Farrel and Dennis led a discussion on the key exchange that is now a year behind. After some discussion it was determined that two issues are in need of resolution:

1. Farrel reported that Jay Omach has not as yet made the new cut on the key next in line for circulation. He has supplied Gary with replacement keys. The new cut on this set would cost the Association \$0.50/key. After some discussion Ruby made a motion to order the cut. Russ placed a second. The vote was 6-0 to order the cut.
2. Farrel asked the question: Should the exchange happen this year due to Covid-19? After some discussion Ruby made a motion to postpone the exchange again this year. Dennis made a second. The vote was 6-0 to postpone this year.

**Emergency Preparedness**—Mike Schmidt reported that he'd like to do a presentation on bear etiquette at the next general meeting. He also reported on his ongoing discussions with Cache County in regard to the lockbox and the HPME key contained in that box at the first gate. He reported the the Cache County Fire Department holds that key close and will not share with other county agencies. Mike's contact with the Cache County Sheriff's office is Sgt. David Welker. The plan is for the Sheriff's Department to obtain a box of its own. Bruce asked Mike Schmidt if he'd spoken with Mike Chalmers of Cache County Search and Rescue. Mike reported that he has, and that Search and Rescue has asked for permission to annually ride through our properties and learn better the lay of the land. There was some discussion on this point. It was finally decided that permission could be granted by Mike Schmidt or his designate to allow Search and Rescue to make such a ride, but their request would need to be channeled through the Sheriff's office, Sgt. Dave Welker. A motion for the same was presented by Russ and seconded by Bruce. The vote was 6-0.

Mike Schmidt spoke of his intent to provide a protocol for owners in the case of an emergency regard the tending of gates opened for EMS support. At the end of the discussion, it was determined that Mike Gailey would place this protocol on the website and blog, Nate would place it on Facebook, Mike Schmidt would place a written page in the annual billing notice that Gary will be sending out. Mike Gailey suggested that the laminated card with helicopter landing sites previously distributed be modified with that protocol on the back. That card could be placed with Gary's billing.

**Activities**—Mike Gailey shared with the group that Syracuse City will not be making available their community center due to Covid-19 restrictions. He suggested that Bruce plan for a March General Meeting held via Zoom just as we hold Board Meeting. Bruce thought that this was entirely possible. He could also hold a raffle by sending a ticket for a drawing with Gary's billing notice. At the meeting his committee could draw winners. It was suggested that the prizes be gift cards that could also be mailed. This suggestion made by Bruce was adopted by common consent. It was determined that the Board would meet on March 11<sup>th</sup> to coordinate the meeting on Zoom. Each board member would communicate to Mike Gailey prior to the 11<sup>th</sup> his/her needs that the 11<sup>th</sup> could be a practice run for the 18<sup>th</sup>; that the General Meeting would follow the next Thursday, March 18<sup>th</sup>. The Association would use Mike Gailey's Zoom account.

Bruce set August 7<sup>th</sup> as the date for the Annual Picnic, pending Covid-19 resolution.

**Roads and Maintenance**—Ruby had assigned herself to contact *Firewise* folks concerning grants for the mitigation of fuels at the property. She reported that she has not as yet been able to make contact with them.

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Farrel and Ruby led a discussion of the changes to the roadway on Bald Mountain. Farrel has not yet been able to get with Terry Flint to survey the route. The grader will be available sometime in June to actually cut the new road. Mike asked that that date be shared with the Hale and Shipley families. They would like to know the date and be there.

**Hunting**—Rick reported that he will make a report at the March General Meeting concerning last year's hunting season. He also discussed the construction of metal signs to be placed at the gates allowing hunting by permit only. Farrel reported that he currently works for a fellow that has a plasma cutter. Russ suggested that the signs be made of 1/2" steel with a backing plate painted with a contrasting color. Rick was tasked with getting together with Farrel for construction of four signs.

**Water and Health**—With Nate not present Farrel led a discussion about water in 2021. He said that the forecast is for wetter than normal but later in the winter and spring seasons. He suggested that Association members do all they can to store water early in the year. He felt that the East Spring may run dry this summer.

Call for adjournment—Dennis made a motion to adjourn until March 11<sup>th</sup>. Ruby placed a second before the Board. The vote was 6-0 to adjourn.

Adjourned at 9:05 PM