

WHISPERING PINES RANCH BOARD OF DIRECTORS MEETING July 28, 2009 – Tuesday

The Whispering Pines Ranch HOA Board held a short meeting on Tuesday, July 28th at Starbuck's in Frisco after the Board of County Commissioners at the Summit County Government buildings in Frisco. Directors present were Alastair Stone, Virginia Parks, Linda Shannon-Hills and Dave Hammer. Kerri Roughmont was unable to attend. No one was present from Wilderndest (WPM). The meeting started around 11:45am.

NOTE: At the Board of County Commissioners' meeting, it was encouraged that the WPR Board meet with the assistant Manager, Thad Noll and the Road and Bridges group along with engineering. A meeting set for Monday, August 3 at 9:30am at the County Commons in the Planning department meeting room. The WPR Board will meet prior to the meeting at 8:30am in the same meeting room.

APPROVAL OF MINUTES

Did not approved the regular board meeting minutes from July 12th meeting

FINANCIALS

Virginia Parks had a meeting with the Wilderndest Management controller, Mark Kay Perrotti and Rosemary Mondragon on July 23rd to discuss the financials. From a previous meeting, the line item Contributed Capital has been classified as a capital revenue. The funds that go into this line item come from the \$500 charged to homeowners that purchase houses in the development (new and resale homes). Because of the interpretation of this revenue over the last few years, the HOA has not been paying taxes on this revenue. Discussion with Dave Hammer stated the purpose of this revenue was to be used to cover normal expenses.

Virginia stated that we have a few options on how to handle this situation. Below are two possible options.

1. Leave the funds as Contributed Capital and use to cover CAPITAL expenses such as playground equipment and pavilion. Since the HOA has been running at a loss the last few years, this money has been used to cover these losses. Starting as of January 1 2009, the board changed the interpretation of the line item to become normal revenue to be used for budgeted expenses.

or

2. Go back to the beginning of our financial records; adjust the classification of this line item from capital to normal revenue. The costs to the HOA are redoing financials, back taxes and any penalties for late payment.

The discussion from the group was to go with option 1. NO VOTE was taken. A final decision needs to be made. If the HOA Board decides to change our minds in the future, the classification could be reversed again.

Virginia Parks told us that the action last year to move \$80,000 to a reserves was not handled as intended. The board wanted to move funds to an account that would allow us to make a larger interest rate but was not handled correctly. She stated that the reserved expenditures entry needs to be reversed. **ACTION IS NEEDED IMMEDIATELY.**

The board needs to make a motion to reverse the above action from last year.

Dave Hammer initiated a Declarant Audit. The accounting firm has received all financial information the end of May. No date has been given on the completion date.

General Discussion

Dave Hammer informed the board that plans for the park pavilion are at County Planning for approval. He was expecting approval by August 6th. Dave stated that the cost of pavilion will be much higher than originally quoted. His estimate was that it could come in around \$29,000. This is more than approved at annual meeting but the combination of the playground equipment and pavilion will be under \$50,000 which is the total approved at annual meeting.

Open Space (Common area and park)– spraying for weeds is needed in Open Space. Contact Wilderndest to quote the cost to spray.

Trail Head Trash container – Linda Shannon-Hills contacted Brad Eckert in the Summit County Open Space and Trails about the requirements of having a trash bin at the trail head. He told her that trash bins are not provided at other trail heads in the county so it is the WPR HOA to decide what they want to do with the trash bin. He also stated that the trash container can be a concern for wildlife safety. Board decided to remove the trash bin and have a sign made up to notify

hikers that they need to pack out dog waste. The mutt mitt dispenser will remain. Brad stated that the county would help monitor the waste to be sure that it is not left for the remainder of the summer. Linda will contact Brad about an appropriate sign to put up.

Annual WPR Picnic – August 29th – The picnic will be held after the Annual meeting outside the Kimack's home and in the Cul-de-Sac on Montaine Court. Dave was asked to bring his grill and to be the grill meister. The HOA will pay for brats and burgers to be served. It was decided to have the picnic start at 12:00 noon. – *corrected later to 2 00pm.*

Open Space Park – There has been a request to add 1 or 2 horseshoe pits in the park. This will be considered by the park committee. It has also been suggested to include a soccer field in the park. This was not included in plan and would require the grass to be watered which will cost the HOA significant additional expense for water. Further discussion on these ideas will happen at a later time.

President

RESOLUTION: UPON MOTION MADE, DULY SECONDED AND PASSED UNANIMOUSLY TO APPOINT ALASTAIR STONE PERMANENT PRESIDENT OF THE WHISPERING PINES RANCH HOA BOARD.

New Board Member

RESOLUTION: UPON MOTION MADE, DULY SECONDED AND PASSED UNANIMOUSLY TO APPOINT VIRGINIA PARKS AS THE NEW MEMBER OF THE BOARD, REPLACING GREG SCHRAMMECK. SHE WILL TAKE OVER GREG'S TERM WHICH WILL EXPIRE IN 2010.

Signs – It was decided to wait until after the annual meeting to have the various signs made as we may have a better idea of what will need to be made.

Emails – It was asked that when emails were sent out that in the subject line or beginning of email, it would state if it is **INFORMATION ONLY** or **ACTION REQUIRED** or **RESPONSE NEEDED** or required other required action.

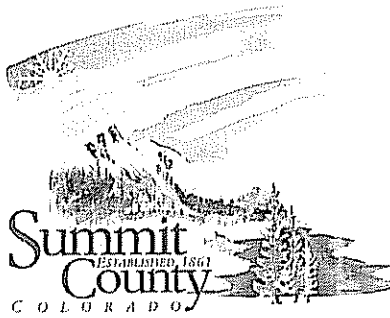
ARC GUIDELINES – The guidelines need to be revised. It is believed that a soft copy may be available from Baker Hogan Houx Architecture. Contact them to inquire about the availability of these documents.

Other WPR HOA documents – need to be updated as well.

WPR BOARD SIZE – Alastair suggested increasing board size from 5 to 7. No decision was made.

SHEILA SKAGGS – The letters to homeowners explaining the need to take stronger action regarding violations and the fines associated with violations. Alastair to contact Sheila to find out status.

WPR ARC – the Architectural Review Committee needs to have a clear statement about stain versus paint for the future.



County Commissioners

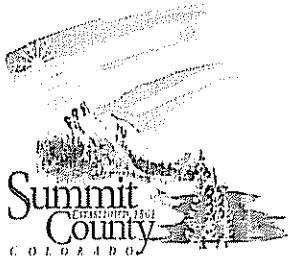
970-453-2561
fax 970-453-3535
208 East Lincoln Avenue
Post Office Box 68

SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS WORK SESSION AGENDA

Tuesday, July 28, 2009, 9:00 a.m.
Buffalo Mountain Room; County Commons
0037 Peak One Drive, Frisco, Colorado

Please note change in location

- 9:00 a.m. Audit Presentation (30 min)**
- Dave DeZutter, Eide Bailey
 - Marty Ferris, Finance Director
- 9:30 a.m. Community Gardens at the Community & Senior Center (30 min)**
- Scott Vargo, Assistant County Manager
 - Tom Rose, Summit Prevention Alliance
- 10:00 a.m. Gateway Communities Presentation (30 min)**
- Lyle Lavery
- 10:30 a.m. Discussion of Whispering Pines Road Maintenance (40 min)**
- Thad Noll, Assistant County Manager
 - Ric Pocius, County Engineer
 - John Polhemus, Road and Bridge Director
- 11:10 a.m. Review of County Manager's and Commissioners' Issues (50 min)**
BOCC Committee Updates
- 12:00 p.m. Lunch**



ROAD AND BRIDGE DEPARTMENT

P.O. BOX 626
0037 Peak One Dr
FRISCO, COLORADO 80443
970/668-3590 Fax: 970/668-3592

Whispering Pines Ranch Subdivision Road Analysis

On July 14 and 15, 2009, I conducted an inspection of the following roads located in the Whispering Pines Ranch Subdivision, which are currently on Probationary Maintenance with Summit County:

- Whispering Pines Ranch Rd – CR 147
- Forest Glen Rd – CR 152
- Raindance Trl – CR 148
- Legend Cir – CR 149
- Brushwood Ct – CR 151
- Montane Ct – CR 116
- Grays Peak Trl – CR 117
- Sage View Ct – CR 221
- Snow Peak Ct – CR 111
- Mule Deer Ct – CR 110
- Canyon View Ct – CR 220
- Habitat Ct – CR 108

The following is a record of my observations of the surface defects on the above-referenced roads and my estimated costs to repair the surface defects:¹

Whispering Pines Ranch Rd – CR 147

From Cove Blvd to Raindance Trl

- Replace Asphalt milling surface with 4" of Hot Mix Asphalt (HMA) from Cove Blvd to surface change.
- Re-grade ditch on South side of road.
- Remove asphalt from surface change to intersection, stabilize/re-grade and re-compact subgrade and replace with 4" HMA.

Approximately \$67000 for repairs

From Raindance Trl to Legend Cir

- Replace water valve box at Raindance Trl and Whispering Pines Ranch Rd intersection.
- Remove asphalt, stabilize/re-grade and re-compact subgrade and replace with 4" HMA.
- Remove rocks in ditch, re-grade and install ditch check dams.

Approximately \$118,100 for repairs

¹ This list is not all inclusive and may not represent all work necessary to bring the roads up to an acceptable condition.

Whispering Pines Ranch Subdivision Road Analysis - Continued

Whispering Pines Ranch Rd – CR 147

From Legend Cir to Forest Glen Rd

- Establish ditch on south & north side of road and grade to drain to ditch on Montane Ct.
- Remove asphalt, stabilize/re-grade and re-compact subgrade and replace with 4" HMA.
- Establish ditch on north side of road and grade to drain at drainage swale at intersection with Forest Glen Rd.

Approximately \$105,000 for repairs

From Forest Glen Rd to Sage View Ct

- Patch alligator and edge cracking areas.
- Patch subsidence area at intersection with Sage View Ct.
- Seal coat treatment

Approximately \$63,000 for repairs

From Sage View Ct to Surface Change

- Patch alligator cracking area
- Seal coat treatment

Approximately \$10,000 for repairs

From Surface Change (Habitat Ct) to end

- Remove asphalt, stabilize/re-grade and re-compact subgrade and replace with 4" HMA.

Approximately \$100,000 for repairs

Approximately \$463,100 Total Repairs for Whispering Pines Ranch Rd

Forest Glen Rd – CR 152

From Whispering Pines Ranch Rd to Royal Coachman Ct

- Remove asphalt, stabilize/re-grade and re-compact subgrade and replace with 4" HMA.
- Construct Summit stage pullout
- Construct underground water capture and drainage trench.

Approximately \$324,500 Total Repairs for Forest Glenn Rd

Raindance Trl – CR 148

- Crack fill all cracks wider than 1/8" wide.
- Patch edge cracking.
- Seal coat entire road.

Approximately \$7,000 Total Repairs for Raindance Trl

Montane Ct – CR 116

- Crack fill all cracks wider than 1/8" wide.
- Patch edge cracking.
- Seal coat entire road.

Approximately \$6,100 Total Repairs for Montane Ct

Legend Cir – CR 149

- Crack fill all cracks wider than 1/8" wide.
- Patch edge cracking.
- Re-grade Shoulders.
- Re-set water valve boxes at #12
- Patch damages area at #34
- Seal coat entire road.

Approximately \$18,500 Total Repairs Legend Cir

Brushwood Ct – CR 151

- Crack fill all cracks wider than 1/8" wide.
- Patch edge cracking at #18
- Re-grade Shoulders.
- Establish ditch between #18 and intersection with Whispering pines Ranch Rd.
- Seal coat entire road.

Approximately \$6,500 Total Repairs Brushwood Ct

Whispering Pines Ranch Subdivision Road Analysis - Continued

Grays Peak Trl – CR 117

- Remove asphalt, stabilize/re-grade and re-compact subgrade and replace with 4" HMA between # 15 and # 46.
- Crack fill all crack wider than 1/8"
- Seal coat entire road.

Approximately \$107,000 Total Repairs Grays Peak Trl

Sage View Ct – CR 221

- Remove asphalt, stabilize/re-grade and re-compact subgrade and replace with 4" HMA between # 15 and # 46.
- Seal coat entire road.

Approximately \$39,000 Total Repairs Sage View Ct

Snow Peak Ct – CR 111

- Remove boulders at intersection.
- Add approximately 5' of culvert pipe to existing culvert. Fill over culvert extension and re-grade shoulder.
- Reset Manhole ring at #14
- Re-grade shoulders.

Approximately \$13,000 Total Repairs Snow Peak Ct

Mule Deer Ct – CR 110

- Patch subsidence at utility pedestal near #51
- Seal coat entire road.
- Re-establish ditch on west side between driveways.

Approximately \$6,000 Total Repairs Mule Deer Ct

Whispering Pines Ranch Subdivision Road Analysis - Continued

Habitat Ct – CR 108

- Reset water valve boxes at #50 and #30
- Relocate utility pedestal from snowstack easement.
- Remove asphalt, stabilize/re-grade and re-compact subgrade and replace with 4" HMA from # 16 and intersection with Whispering Pines Ranch Rd.

Approximately \$43,000 Total Repairs Habitat Ct

Canyon View Ct – CR 220

- Remove asphalt, stabilize/re-grade and re-compact subgrade and replace with 4" HMA from # 86 and intersection with Whispering Pines Ranch Rd.
- Reset water valve boxes at #86

Approximately \$35,000 Total Repairs Canyon View Ct

General Notes

Replace all non-MUTCD compliant, decorative street name signs. \$700

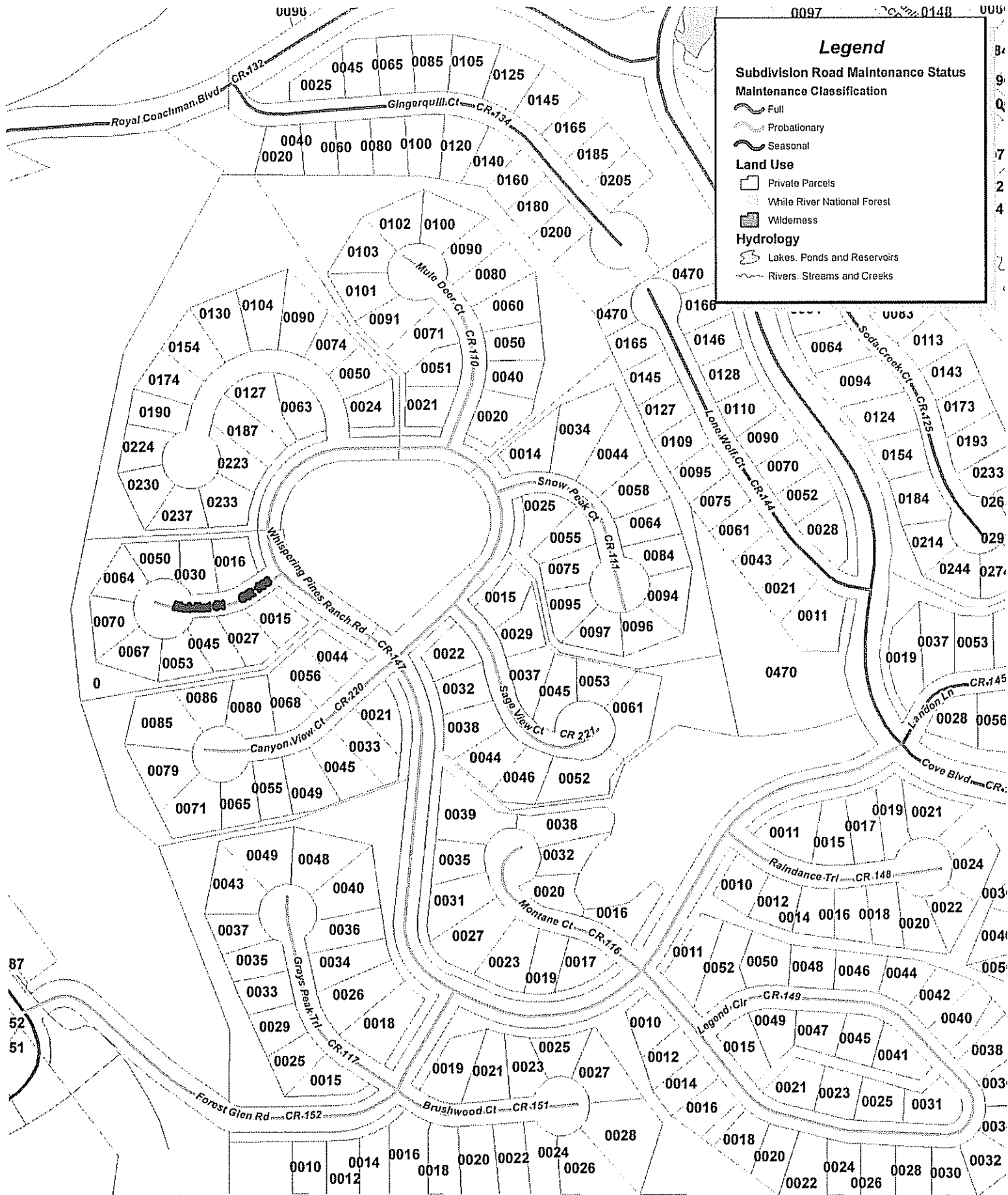
Remove all irrigation lines in culverts. \$1,000

Revegetate all disturbed areas. 10,000

Approximately \$11,700 Total General Repairs

Total Repair Costs Whispering Pines Ranch Subdivision - \$1,080,400

Area Map



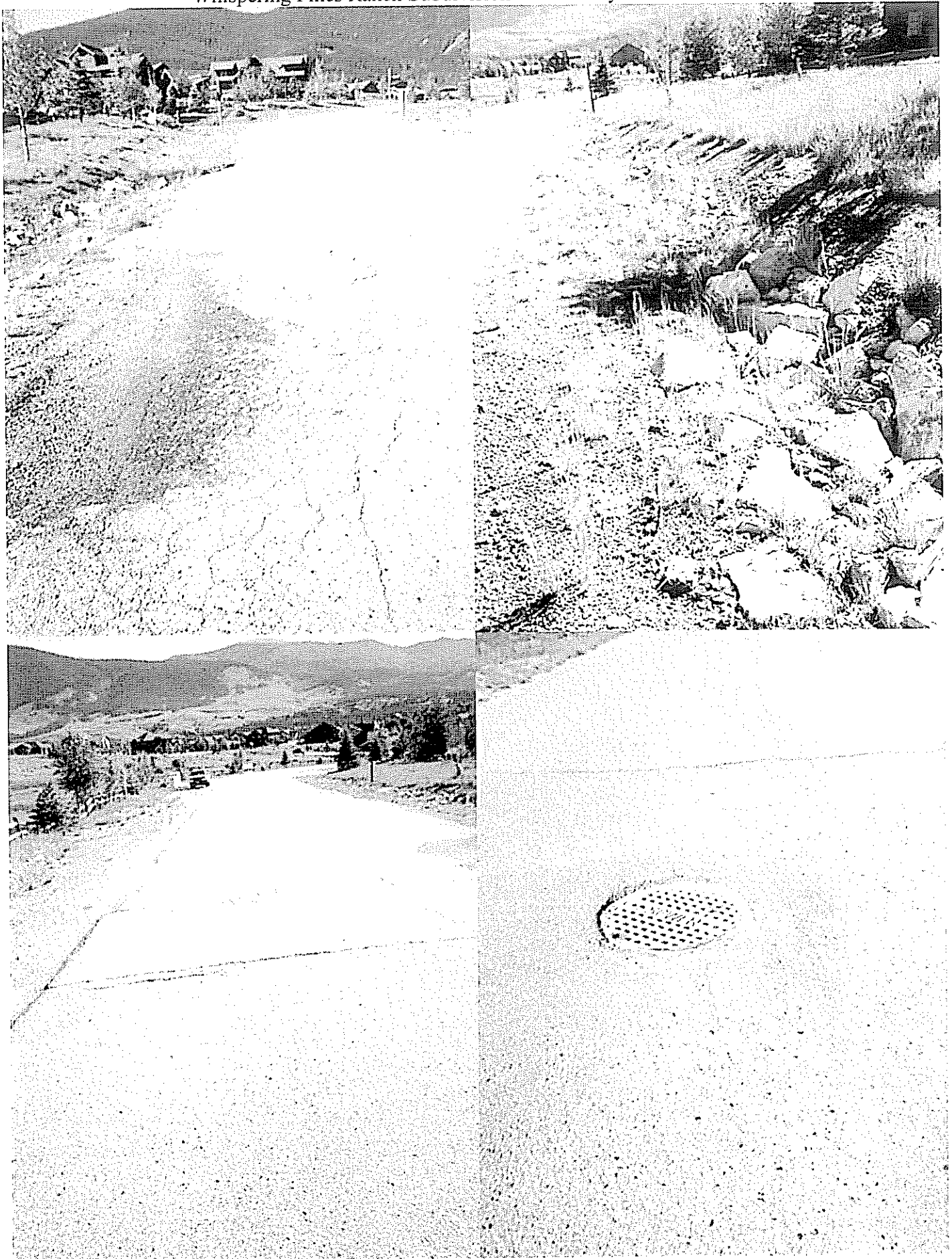
Whispering Pines Ranch Subdivision Road Status

Pictures

Whispering Pines Ranch Subdivision Road Analysis - Continued



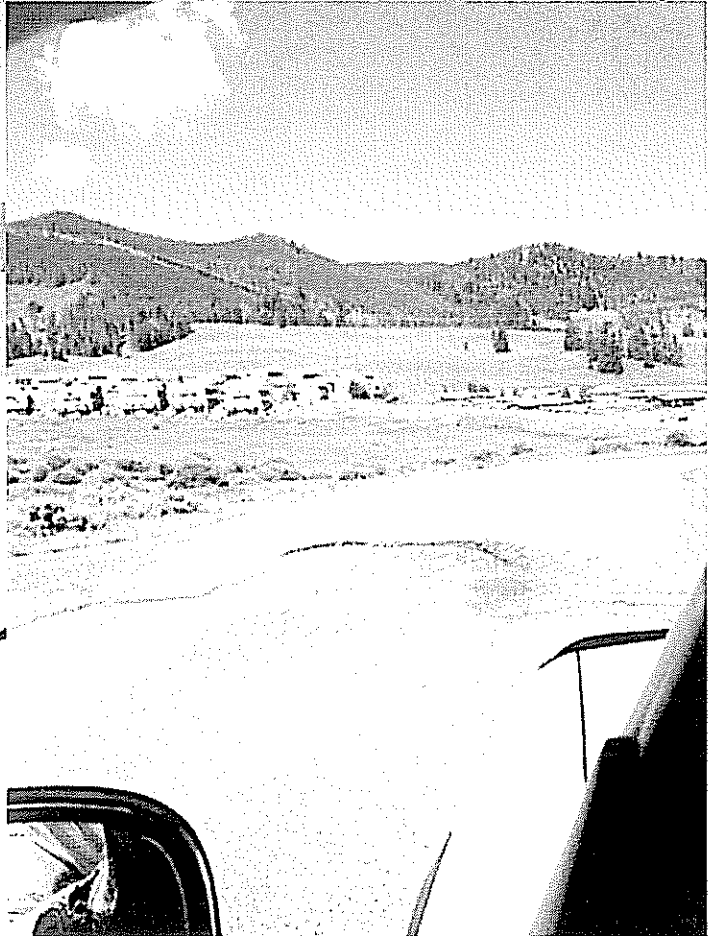
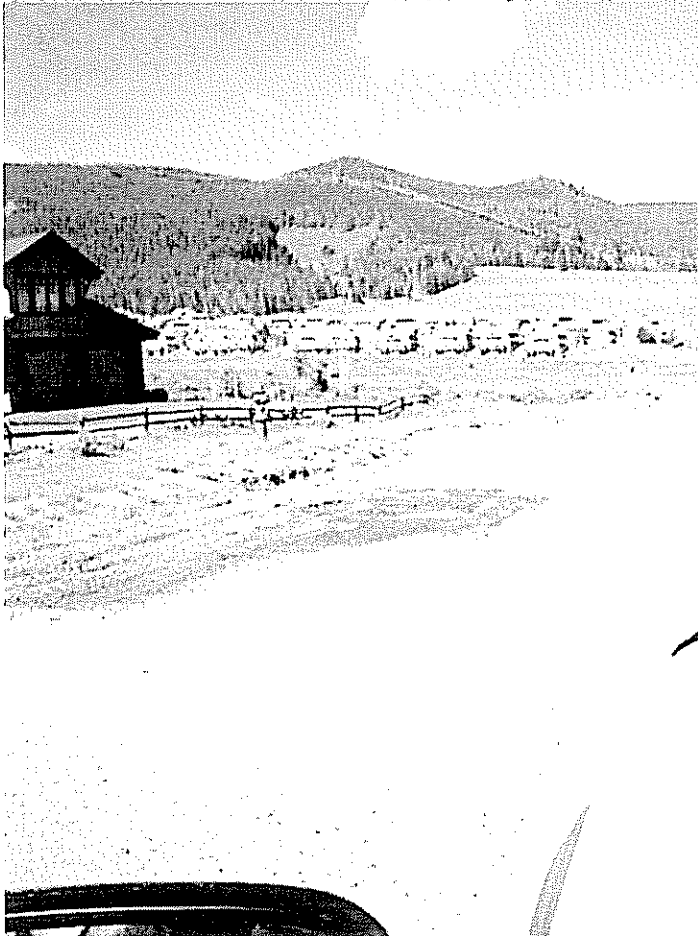
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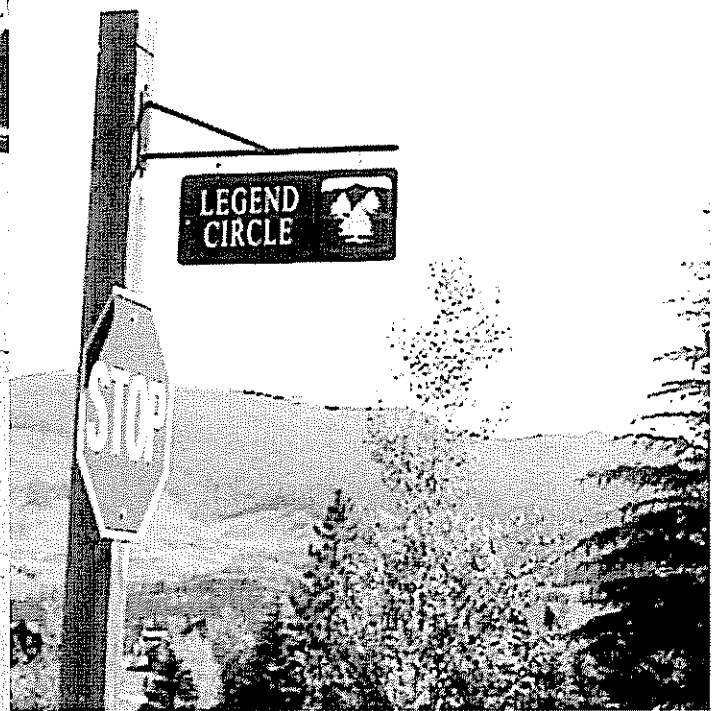
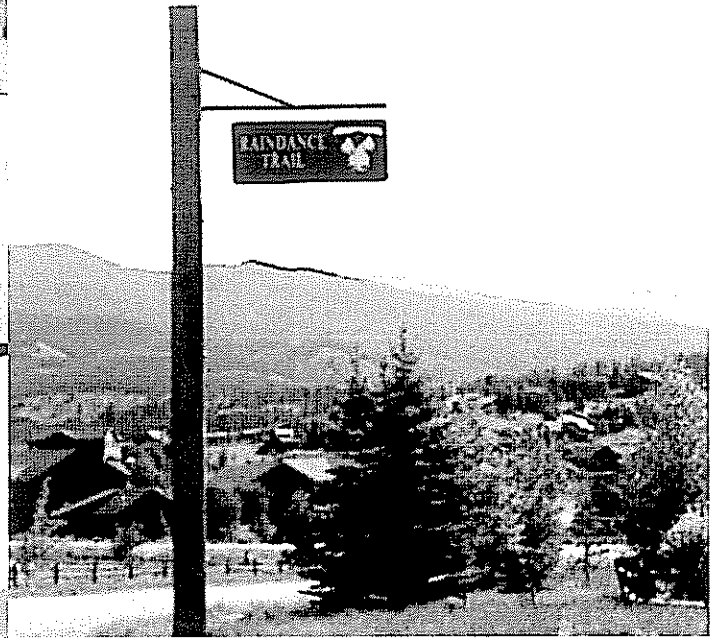
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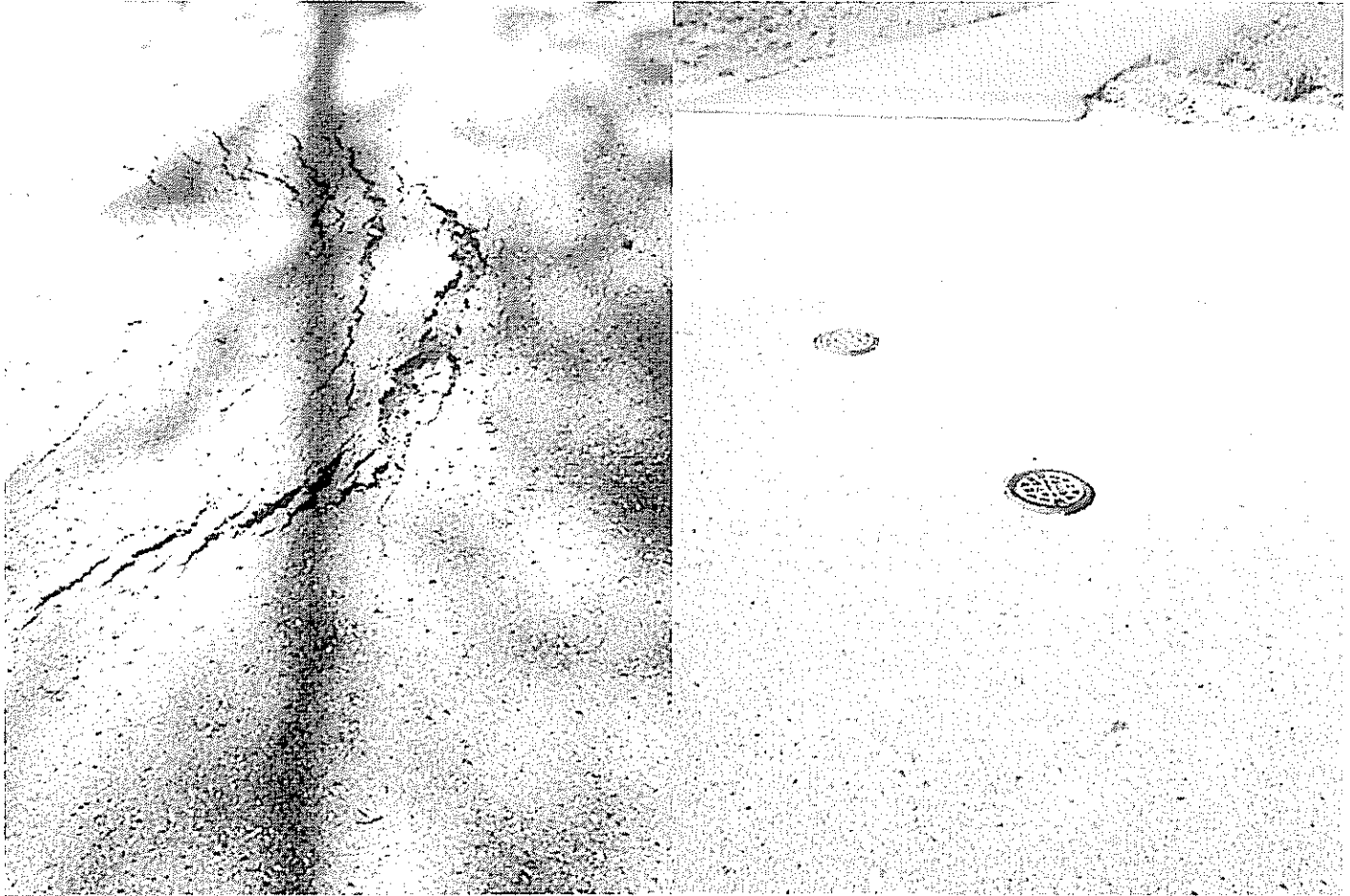
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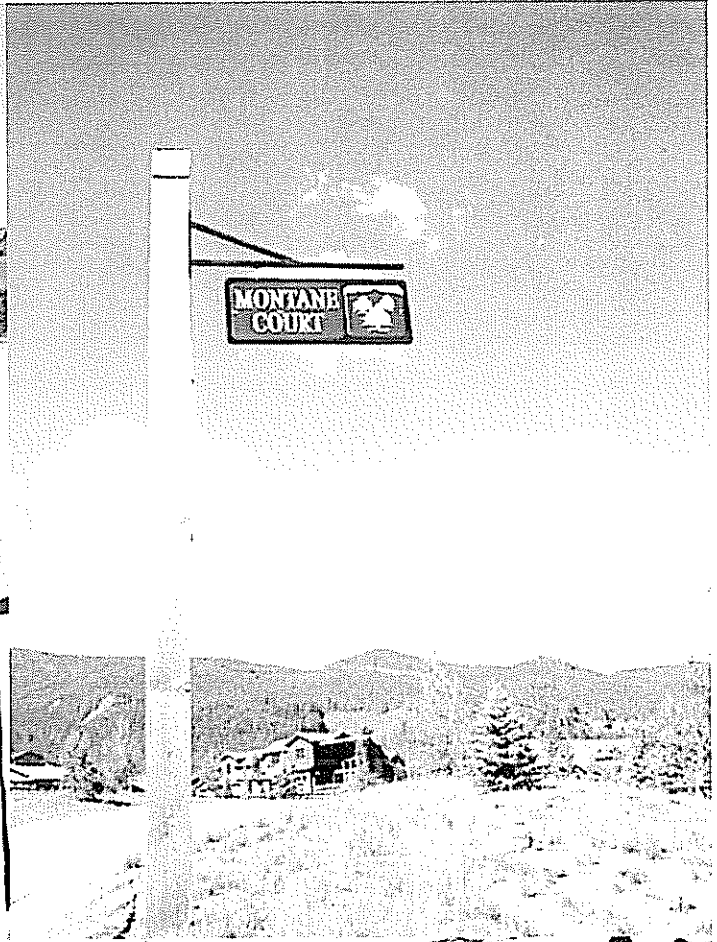
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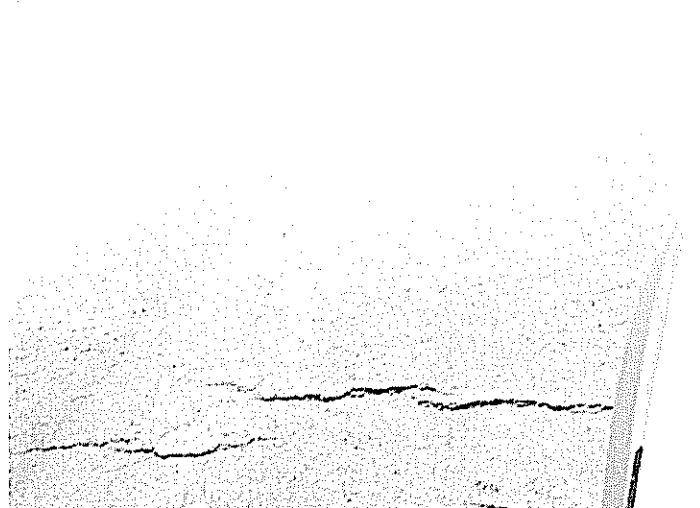
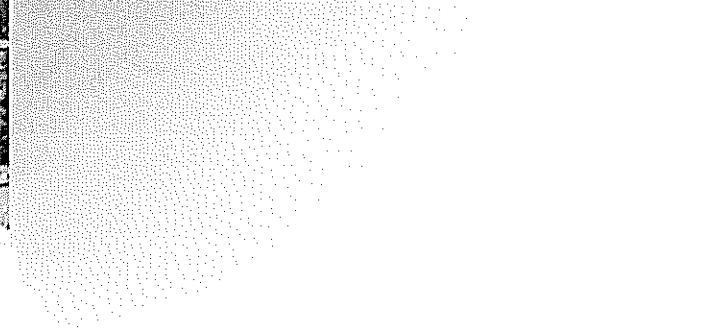
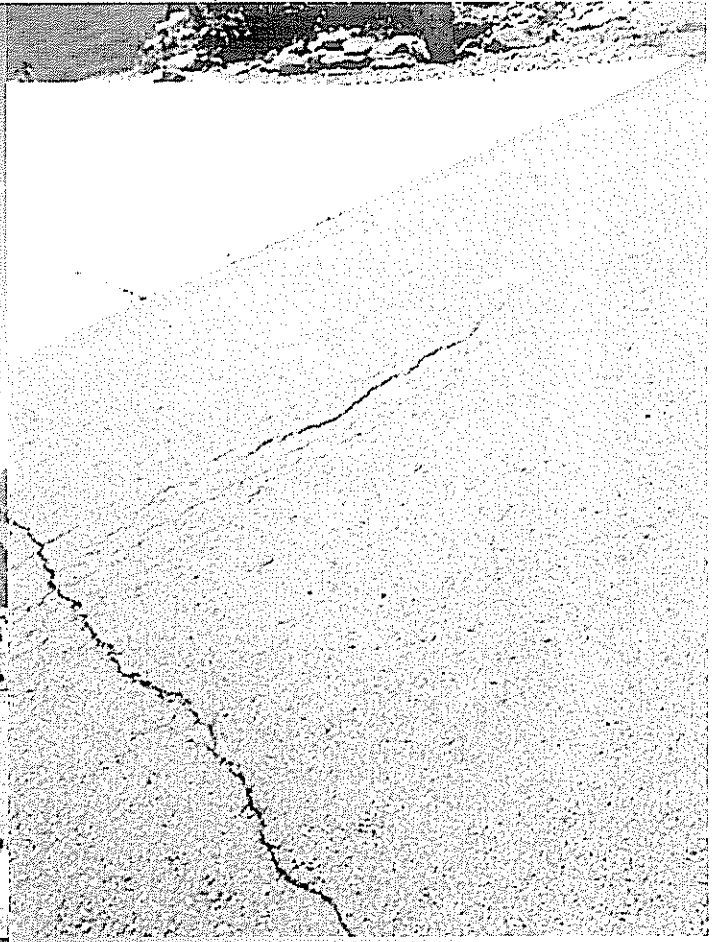
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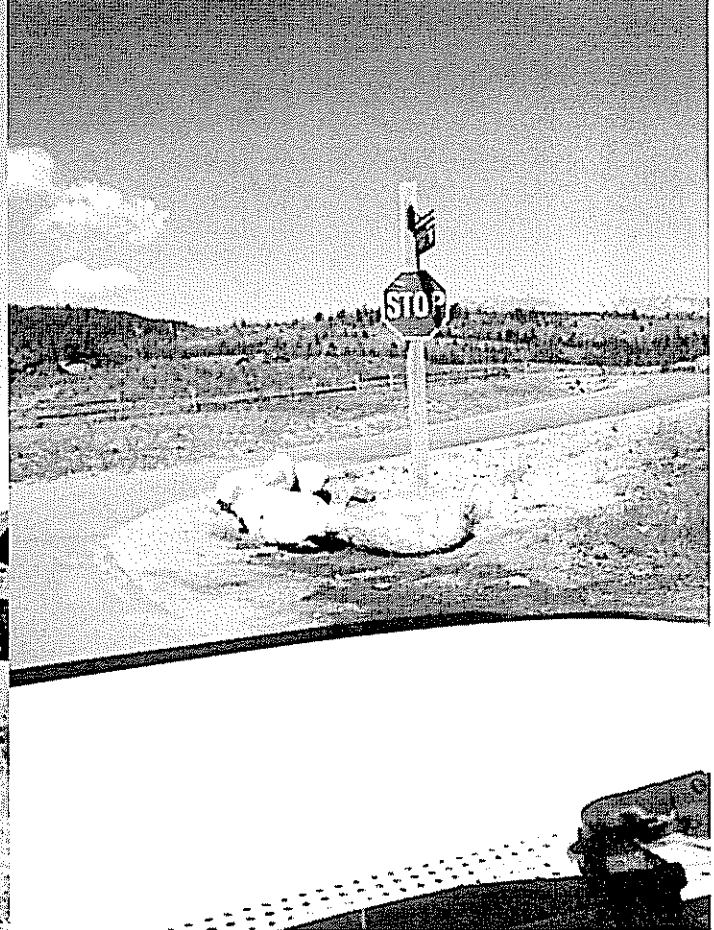
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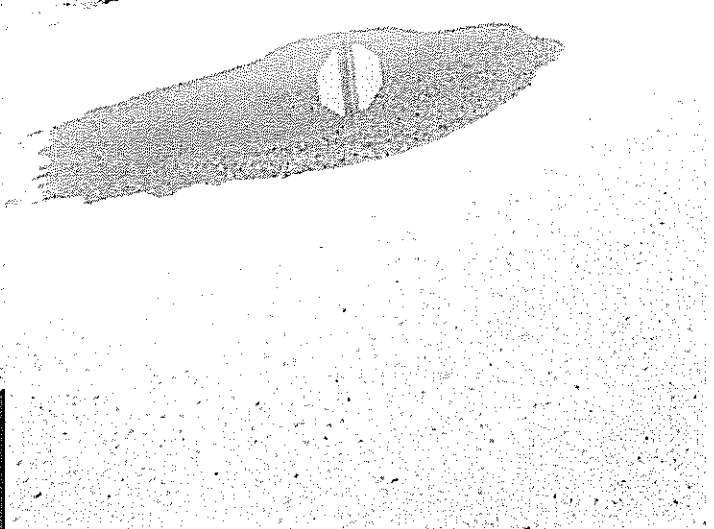
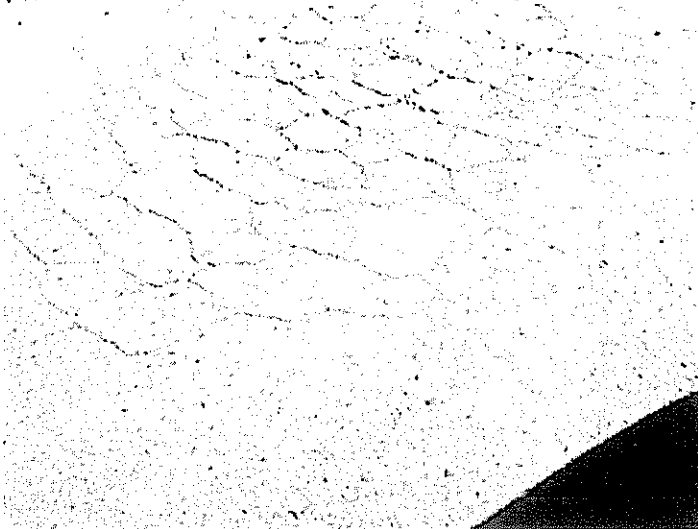
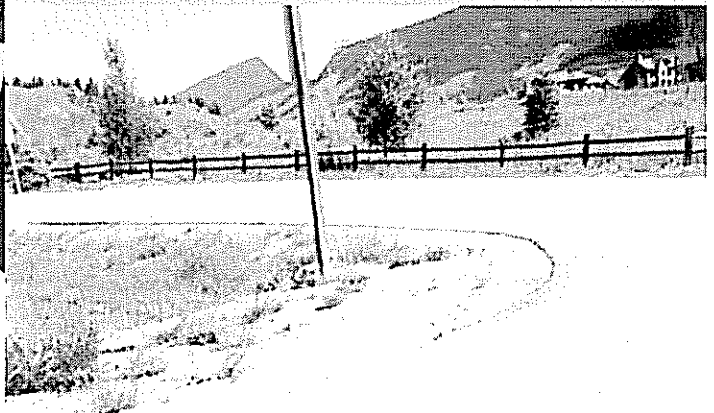
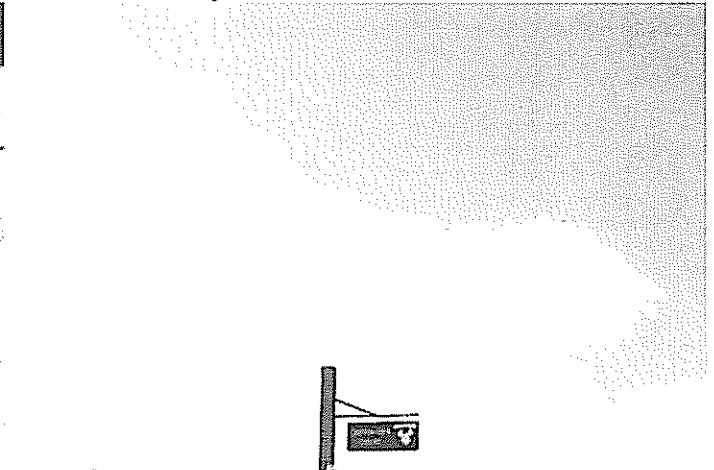
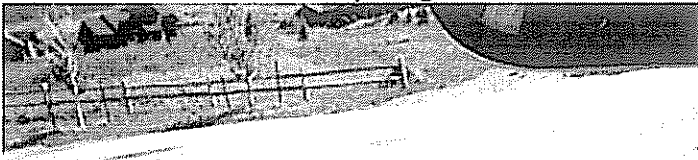
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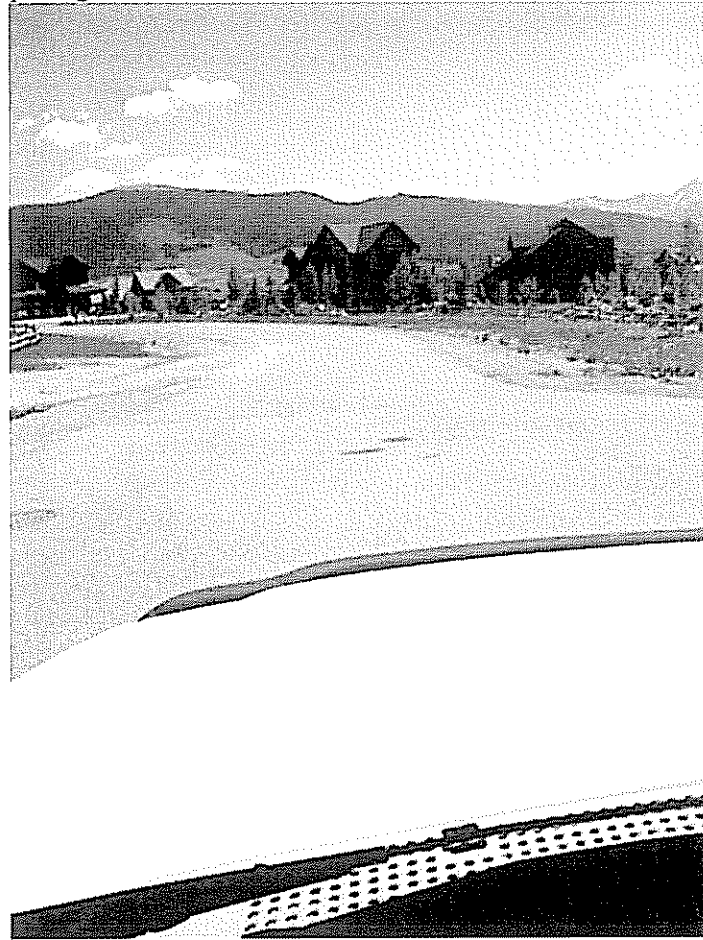
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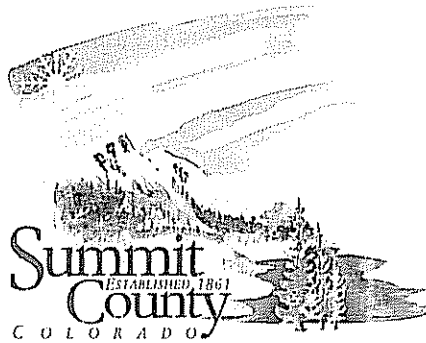


Whispering Pines Ranch Subdivision Road Analysis - Continued



Whispering Pines Ranch Subdivision Road Analysis - Continued





ENGINEERING DEPARTMENT

970-668-4200
Fax 970-668-4225

Post Office Box 5660
0037 SCR 1005
Frisco, Colorado 80443

TO: Board of County Commissioners
FROM: Kenrick Pocius, County Engineer
FOR: Worksession July 28, 2009
SUBJECT: Whispering Pines Ranch Road

BACKGROUND:

This worksession is necessary because of the on-going issue as to whether Whispering Pines Ranch Road and a few other minor roads in Whispering Pines have ever been formally accepted for County maintenance. Some of the roads were accepted for probationary status in 2003, but the request by the developer or residents which is required by the Summit County Development Code to have them accepted permanently never occurred.

In a 2003 staff report, staff recommended probationary maintenance for a number of roads in Whispering Pines Ranch. The roads are as follows:

- Raindance Trail
- Legend Circle
- Brushwood Court
- Gray's Peak Trail
- Montane Court
- Forest Glen Road
- Canyon View Court
- Sage View Court

The following three roads were added later to the probationary maintenance list in 2007 with probationary maintenance starting in 2008.

- Snow Peak Court
- Habitat Court
- Mule Deer Court

The developer and residents are now requesting permanent maintenance per Chapter 5 of the Development Code because the Whispering Pines roads listed above have never been accepted for permanent maintenance status. However, the County has been performing winter maintenance on the roads, presumably in a probationary status. (See attached map)

A little history is in order, which will hopefully provide some background to this question. In 1995, the Meadow Wood PUD was approved and part of that approval was the construction by the developer of a secondary emergency access road connecting Royal Coachman Road to Cove Blvd. This road was built at the request of the then Snake River Fire District. The road was gravel and approximately 16-18' wide, and because it was an emergency access, Road & Bridge was asked to maintain the road, which they did.

Around 1998, Whispering Pines Ranch started development, including the installation of underground utilities in the section of road that was the emergency access road and would ultimately become Whispering Pines Ranch Road and Forest Glen Road, which is a point to remember. Prior to the installation of underground utilities, the emergency access road was in stable condition, but after the utility installations the road started having structural failures. Despite recommendations from staff to the original developer to wait one to two years before paving, paving occurred immediately, which made repairs difficult and expensive. To the current developer's credit, he has waited at least one year before paving the remaining roads, which allows for easier correction of some structural failures.

You will notice that Whispering Pines Ranch Road is absent from the list but Forest Glen Road is listed. Staff has looked through all of our records and we have not found any reference to Whispering Pines Ranch Road being recommended for probationary or any other type of maintenance. Our only thought on this is that when the road was still an emergency access it was the main road with no intersections, but when development occurred, the road from Royal Coachman became Forest Glen Road and stopped at Whispering Pines Ranch Road. Staff for whatever reason assumed Forest Glen Road was still the main road from Royal Coachman to Cove Blvd. and thus only Forest Glen Road was listed on the 2003 staff report.

Chapter 5 of the Development Code requires the developer (or residents) to request permanent maintenance in writing from the County. Listed below are the pertinent sections of the Code which outline the requirements for final maintenance acceptance by the County:

5503: Assumption of Road Maintenance

When Summit County is petitioned to assume maintenance of a road or roads in the unincorporated portion of Summit County, Summit County (as outlined in Sections 5507) shall take into consideration the following criteria when determining if the road or roads should receive County road maintenance:

- A. The revenues received and the costs incurred to maintain the road.
- B. The current and projected build out in the development.
- C. The overall goals, objectives, and budgetary considerations of Summit County in providing safe and efficient maintenance to a majority of the citizens.

The County shall review each road individually within a development to determine if that road should receive County maintenance.

5506: Acceptance Procedure for Roads Constructed by Developers and Proposed for Acceptance by the County

The County Subdivision Regulations require developers to construct roads necessary to serve approved Subdivisions. The following procedure shall be used to determine whether or not the County will accept roads built by developers for maintenance.

5506.03: Filing Request for County Acceptance

Developers seeking County acceptance for maintenance of roads must submit a letter to the Road & Bridge Department and Engineering Department requesting the BOCC's approval.

5506.04: Staff Evaluation and Recommendation

The Road & Bridge Director or his authorized representative and County Engineer shall determine if the road meets the requirements of these regulations. A recommendation on whether or not probationary maintenance should be provided shall be forwarded to the BOCC as a New Business item at a regularly scheduled BOCC meeting. It is the County's policy to accept roads for maintenance only if they meet the requirements of these regulations and have received design approval and inspection during construction.

5506.07: Final Acceptance

No earlier than 20 months after the BOCC grants probationary acceptance, the developer may request re-inspection of the road. The County Engineer and the Road & Bridge Director or his authorized representative are responsible for re-inspecting and noting any defects or required repairs. The developer shall correct the defects or required repairs. After any defects have been cured and repairs made and 24 months have elapsed since probationary acceptance was granted, the developer may submit a letter to the Road & Bridge Department and the Engineering Department requesting final acceptance of the road. The staff shall make a final determination as to whether or not the road should receive full maintenance and forward the recommendation to the BOCC as a Consent Agenda item at a regularly scheduled BOCC meeting.

RECOMMENDATIONS:

Per section 5506.07 of the Development Code (shown above), Staff inspected the roads in the area at the request of the homeowners for permanent maintenance status for all the roads except Snow Peak Court, Habitat Court, and Mule Deer Court, which still have one additional year of probationary maintenance remaining. Based on the inspection results shown in Exhibit A from the Road & Bridge Inspector, staff recommends denial with the following provisions:

1. The list of deficiencies shown in Exhibit A from Summit County Road & Bridge must be corrected prior to Summit County accepting the roads for permanent maintenance status.
2. During the time that the deficiencies are being corrected, Summit County will provide an additional two years of winter probationary maintenance.
3. At the end of the additional two year period, the developer and/or homeowners can reapply for permanent maintenance status.
4. If all the deficiencies have been corrected, Summit County Board of County Commissioners will reconsider the request for permanent maintenance.
5. If the deficiencies have not been corrected, all County maintenance will stop.
6. If the deficiencies have not been corrected but the developer and residents are moving forward with a LID or other improvement method, Summit County may consider an additional year of winter maintenance.

Two possible methods to correct the deficiencies are the formation of a local improvement district (LID) or the formation of a public improvement district (PID). Staff is more than willing to work with the homeowners on the particulars of each process. However given the timelines required for each process, staff suggests that if the LID or PID process is pursued by the homeowners that they start immediately so the appropriate petitions can be to the County no later than December 1, 2009.