

Meeting Minutes
Mountain Springs Ranch Homeowners Association Board Meeting Tuesday July 12, 2022
7:00 pm MST

In attendance:

Board Members: Gary Starr, Cyndie Rippey, Matthew Graham, Tim O’Sullivan, Jennifer Tomsen, Tony Thrienan

Community Members: Carrie Clark, Mark Freeman, Chris DeSantis, Justyn McGrigor, Focal Studios architect representing Justyn McGrigor. Christy Milner, Micah Embrey, Sean Elias, Will Evans

Reminder of rules of decorum. Raise your hand and wait for the President for your turn to speak. Limit your comments to 3 minutes. Do not interrupt the member with the floor. Be respectful of all members. No abusive language. There will be one request to change behavior from the president or the facilitator of the zoom meeting. If it happens again the person will be removed from the meeting.

Approval of meeting minutes

- Carrie Clark noted that the minutes regarding lot 17 need to read: “Total footprint of the encroachment was 24-feet over property line that included part of the shed.”
- Matt Graham motioned to accept the minutes with the correction. Gary Starr seconded the motion. The motion was unanimously approved by all Board members present.

Member Comments Not Related to Agenda Items Below

- Carrie Clark asked when members will see governing documents for member review.
- Gary thinks members will see new documents in September. Matt Graham stated the goal is that the documents can be sent out to members for final comments in September and the final documents would be ready for a vote at the members meeting.

DeSantis (Lot 12) Building and Deposit:

- Gary Starr summarized the Board’s communications with Mr. DeSantis: The Board has asked for documentation of the total square footage since Mr. DeSantis is building without a permit from Garfield County under the “remote cabin” designation. The Board has asked Mr. DeSantis to submit the required refundable \$5000 building deposit.
- Chris DeSantis read prepared statement.
 - He feels entitled to fact finding hearing.
 - He feels that the Board is not impartial.
 - He is not waiving his right to hearing before an impartial decision maker or any other of his legal rights

- Building plans for a two-story residence were submitted and approved by the Board in 2020.
- An amended submission was made to the Board in 2021 for revision to “remote cabin” as defined by Garfield County that does not require a permit. He received no objections and concluded the plans were approved. Mr. DeSantis continued with the construction of his cabin.
- On May 15, 2022, he submitted an updated drawing to the AC showing that the elevation was changed from 18 feet to 22 feet although the structure and footprint remained the same. The 22-foot elevation is lower than the proposed plans submitted in 2020. Mr. DeSantis states that he has erected a 22-foot story pole after the May 15, 2022 meeting and there has been no response from neighbors.
- Construction deposit: Mr. DeSantis states that no one asked him for a deposit when he installed his well in 2019 or his infrastructure, or when he submitted his revised plans to the Board in 2021. Mr. DeSantis stated his opinion that the Board does not have the authority to require a construction deposit and refused to post a deposit.

- Mr. DeSantis stated construction will continue without legal injunction.
- Gary asked that Mr. DeSantis submit his prepared speech to the Board for referral to the HOA council.

- Cyndie Rippe corrected Mr DeSantis’s allegations that lot 44 did not follow covenants and stated that all improvements were submitted to the Board over the years for both lots 43 and 44, were approved and are compliant with the covenants.
- Cyndie Rippe also pointed out that Mr. DeSantis was on the Board when the current policy regarding construction that included the \$5000 deposit was unanimously approved in an open Board meeting. Mr. DeSantis voted to approve the policy.
- Jennifer Tomsen thanked Mr. DeSantis for his statement but stated that she disagreed that there has been any attempt to harass or bully. What she has witnessed as a new Board member is that the Board members are trying their best to understand our documents and bring things into compliance with these documents. She would like to review Mr. DeSantis’s statement more completely.
- Mr. DeSantis stated that he will supply more building details if the Board will waive the \$5000 construction deposit.
- Gary Starr stated that the Board needs a record of the footprint of the structure and the \$5000 deposit that all other neighbors building now, and in the past, have submitted.

- Motion was made by Gary Starr to vote on whether Mr. DeSantis is in violation of covenants.
- Tim O’Sullivan stated that he agrees that the deposit is required. Cyndie Rippey clarified the motion to a violation of the policies, Tim O’Sullivan seconded the motion. The motion did not pass. Jennifer Tomsen and Cyndie Rippey stated that they would like to review Mr. DeSantis statement before making a decision.
- In final comments, the Board is waiting for the footprint plans from Mr. DeSantis and will review his statement.

Tim O’Sullivan (Lot 31) Building Approval:

- Carrie Clark: Mr. O’Sullivan received preliminary approval to access his property to perform soils testing. When he was ready to build, he would need to submit complete architectural plans to the Board and notify neighbors. No architectural plans were submitted in 2021
- Tim O’Sullivan: all submissions were made May 25, 2022 including complete architectural plans, site plans, exterior cladding and elevations. He has submitted his \$5000 construction deposit. Mr. O’Sullivan has notified all of his neighbors on May 25, 2022 and put up a story pole. He has received no objections.
- Justin McGrigor confirmed May 25th email announcement and that there was a story pole erected.
- Sean Elias stated that he is ok with the height and location but wondered if there would be an additional site visit. Mr. Elias is good with the plans and is ok for approval.
- Matt Graham is fine with the plans.
- Carrie Clark remembered that neighbors were invited to the site in 2021. Carrie still thinks the site visit needs to be done again, in her opinion, and that the covenants state that a story pole “may” be required.
- Matt Graham expressed a reservation that we need to note that the documents were received on May 25 and should make sure we go through the entire process again just to make sure the Board follows all of the rules.
- A site visit could be arranged this coming weekend for expediency.
- Cyndie Rippey asked if the current neighbors present at this meeting would be comfortable with the Board performing a site visit without the story pole being raised again.
- Justin Mc Grigor, Christy Milner, Matt Graham, Sean Elias were all ok with approval without an additional site visit.
- Gary Starr motioned to give final approval to Tim O’Sullivan’s building plans. Cyndie Rippey seconded the motion. The motion was unanimously approved by all Board members present.

McGrigor (Lot 29) Building and Drive Preliminary Approval:

- Gary Starr felt the drawings are complete and would encourage them to go for a site visit, notification of neighbors and final approval.
- Gary Starr was concerned about building on a ridge and suggested that a story pole would be a good idea.
- Justyn McGrigor still needs to do some soils testing to confirm the building site and would like preliminary approval for a road into the soils testing site.
- Jordan B, architect for Justyn Mc Grigor, would like a driveway approved and rough building site preliminarily approved. Their goal is to get the road constructed this summer.
- Mike Clark (architect) confirmed that the building site is on east side of the ridge.
- Jordan B stated that the goal is to be sensitive of neighbor views. The Mc Grigors do not want to be on west side of ridge.
- Tim O’Sullivan pointed out that the structure would be below the ridge on the South Marsh side.
- Gary made a motion for preliminary approval for an access road to the site for soils testing. Matt Graham seconded the motion. The motion passed unanimously by all of the Board members present.

Slavinski (Lot 17) Covenant Violations:

- Lot 17 is in violation of covenants and the used building still remains on the property after the Board sent the Owners a letter stating the building must be removed by July 1, 2022.
- Gary Starr asked what is a fair daily fine as the owners have not moved the structure off of the property as of July 1, 2022 in spite of several calls from Gary Starr.
- If Lot 17 does not pay the fine then the HOA can file a lien on the property.
- Gary Starr confirmed with the HOA counsel that the Board/AC can and must enforce the covenants and can impose fines.
- Matt Graham suggested \$15 per day.
- Cyndie Rippy made a motion: \$15 a day for the month of July but could increase in August.
- Mike Freeman questioned the fine for Lot 17 versus DeSantis potential fine. He was informed that the covenants said up to \$100 per day and that Mr. DeSantis was informed that it was the potential fine. At this point a fine for Chris DeSantis has not been assessed.
- Mike Freeman felt that the fine for lot 17 was not high enough.
- Matt Graham reminded everyone that the duties and powers of the Board are different from what individual neighbors can legally do.
- Cyndie Rippy made a motion for a \$15 day charge for not removing a structure that is against the covenants from July 1 July 31, 2022
- Matt Graham amended the motion that the fine be \$15 per day from July 1 to July 31, 2022, graduating to \$50 per day August 1, 2022– October 31, 2022. From November 1,

2022 onward the fine would be \$100 per day. Gary Starr seconded the motion. The motion passed unanimously by all of the Board members present.

- Carrie Clark will put together required revegetation requirements from the Forest Service for Board to pass along to Lot 17. Gary noted that the Board will not be involved with the enforcement of the revegetation issue between lot 18 and lot 17.

Treasurer's Report:

- Cyndie Rippey to invoice outstanding dues with interest.
- In the chat Cyndie Rippey stated that she will open a separate Construction deposit account.

Potential governing documents meeting July 26th.

Gary Starr moved to adjourn. Cyndie Rippey seconded the motion. Motion passed unanimously by all Board members present.

Meeting adjourned at 8:30 pm.