

Meeting Minutes
Mountain Springs Ranch Homeowner's Association Regular Board Meeting

Wednesday September 7, 2022 at 7 pm MST via Zoom

Prior to the meeting the Board met in executive session pursuant to CRS 38-33.3-308(4)(b) and (f) to receive legal advice from the HOA's attorney and review and discuss communications from the HOA's attorney.

Attendance :

- Board members: Gary Starr, Jennifer Tomsen, Tim O'Sullivan, Cyndie Rippy and Louisa Morrissey
- MSR community members: Carrie Clark and Mike Freeman (lot 18), Chris DeSantis (Lot 12), Jack Metcalf (Lot 27), Justyn McGrigor (Lot 29) with his builder, Kurt Peterson, Sean Elias (Lot 16) and Christy Milner (Lot 10)

Meeting was called to order by the President (Gary Starr) at 7 pm MST

It was noted that the Board held an executive session with the HOA attorney, Mary Elizabeth Geiger, pursuant to CRS 38-33.3-308(4)(b) and (f)

Reminder of the rules of decorum: Raise your hand and wait to be recognized by 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/ warning from the President or the facilitator of the zoom meeting. If it happens again the person will be remove from the meeting.

Approval of draft meeting minutes from Aug 23, 2022:

Louisa Morrissey motioned to approve the minutes. Gary Starr seconded the motion. The motion was approved by all Board members present.

Member comments not related to agenda items below (limit to 3 minutes per person)

Sean Elias (lot 16) asked a series of questions regarding joining the Fire District (if it would increase HOA dues or require secondary roads to be plowed in the winter); if it has been determined where fire truck turn arounds will be place and if property owners would be alerted if a fire truck turn around would be located on their property; how it is brush removal along the roadside is determined and if property owners could opt out of having brush removed along the roadside of their property. Gary Starr asked Mr. Elias to send his questions to the Board in an email.

Committee Reports:

Road Committee: Gary Starr reported that the sink hole that had developed on the main road near the concrete barriers had been repaired.

Fire Committee: Louisa Morrissey reported.

- The wildfire detection camera proposed to be placed on Sunlight peak by the Colorado Division of Wildfire Prevention and Control is planned to be installed by the Forest Service on their tower.
- Louisa is working with the Glenwood Springs Fire Department to get their recommendations about the location and size required for fire truck turnarounds in the MSR neighborhood. Locations have not been determined and when they have property owners would be notified.
- The Fire Committee will put together a proposal for a reserve fund in the MSR budget in order to fund matching or reimbursement grants for fuels reduction and fire mitigation.
- Chris DeSantis (Lot 12) expressed his concerns regarding if property owners could object to a fire truck turnaround on their property and if the Fire Department could exert imminent domain.
- Gary Starr emphasized that fire truck turn arounds would need to be approved and within the easements.
- Fire truck turn arounds are only in the preliminary investigative stage.

Habitat Committee: No report

Governing Documents:

- The Board reviewed the new Policy Concerning Enforcement of Covenants and Rules, Including Notice and Hearing Procedures and a Schedule of Fines, and Collection of Unpaid Assessments.
 - This policy was written entirely by HOA attorney, Mary Elizabeth Geiger, to bring the Association into compliance with the new Colorado State law. It is meant to replace the current MSR HOA Enforcement of Covenants and Collection of Unpaid Assessments policies.
 - Reviewed in the executive session held before this meeting.
 - Minor corrections were noted and timelines clarified.
 - Louisa Morrissey motioned to accept and adopt the new policy with the suggested corrections and changes. Cyndie Rippey seconded the motion. The motion was approved by all Board members present. It will be posted to the HOA website.
- Final review of Governing Documents: The Board finished its review of all of the governing documents. All meetings in which the Board reviewed the documents were open to MSR membership with opportunities to comment. Final drafts of all of the documents will be sent to the MSR HOA attorney, Mary Elizabeth Geiger, for her complete and final review.

Architectural Reviews:

Lot 17 (Slavinski): (Mr. Slavinski was not in attendance at this meeting)

There has been no new communication with Bill Slavinski since a phone conversation between him and Gary Starr in early July. At that time Gary Starr told Mr. Slavinski he would have until the end of July to move the structure and Mr. Slavinski responded “not to worry about it”. Mr. Slavinski has since not

responded to emails, texts or phone calls. The structure remains. He has been sent an invoice for fines due to Covenant violations.

Per Mary Elizabeth Geiger, the new Colorado State law states that after August 10, 2022, an HOA can only fine each violation \$500 and would need to restart the entire process of notification of Covenant violations. Fines imposed until this date (August 9, 2022) are still enforceable.

Options would be to place a lien on the property or request a Court ordered injunctive relief. The HOA has until the date of first notification of the structure violation of Covenants to pursue Court ordered injunction. Both of these options increase legal expenses to the HOA.

Another option would be to call Garfield County to see if there are any enforcement actions they could take due to lack of licensed sanitation or licensed electrical. HOA Board will pursue this.

Mike Freeman suggested offering another “drop dead” date in which all fines would be waived if the structure is removed.

Lot 12 (DeSantis):

The Board has sent Mr. DeSantis an invoice for fines because he has refused to make the \$5000 construction deposit required in the Policy for Construction Procedures, passed at an open Board meeting in April of 2021. The Board gave Mr. DeSantis the option of making the deposit by August 31, 2022 in exchange for waiving all of the fines. Mr. DeSantis refuses to make the deposit.

Mr. DeSantis stated his opinion that he is not in violation of the Covenants and he stated that the HOA can only fine him if there is an impartial fact-finding panel. Mr. DeSantis requested an impartial fact-finding panel.

Lot 29 (McGrigor):

Kurt Peterson, builder for Justyn and Jenny McGrigor stated that they had moved the proposed location of all of the structures east and erected new story poles which will remain up until September 14th. The poles can no longer be seen from the properties along Mountain Springs Road or Hidden Glen to the west.

Gary Starr noted that he will see more of the structures with the new location but it is not in his view plane and he can live with it.

Tim O’Sullivan made a personal note that the poles are visible from his property per photos sent to him and affects his view of Mt. Sopris. Mr. O’Sullivan emphasized the importance of the view plane of Mt. Sopris. He would like to get more photos and needs more time to approve or deny the proposal. He expressed his appreciation to Kurt and Justyn as to how well they have communicated to and worked with the community as a whole. Kurt expressed that he is happy to work with Mr. O’Sullivan to resolve any problems. They wanted to get the buildings off of the ridge but not at Tim O’Sullivan’s expense.

Kurt Peterson, Justyn and Jenny McGrigor should expect approval or denial of the plans by the next Board meeting.

Lot 25 (Hinchliff): (Mr. Hinchliff was not in attendance at this meeting)

Mr. Hinchliff has applied for a variance to build a garage on his property. The garage would be 40 feet from the centerline of the road. The Board performed an inspection of the property. Mr. Hinchliff is limited by topography. The large field near his property belongs to the neighboring property and also has drainage issues.

The Board has requested that Mr. Hinchliff place story poles, and get a consult from a licensed Geotech engineer. He will most likely need to build a retaining wall between the road and the structure. He will need to officially apply for a variance, raise the story poles, get a Geotech consult before the Board can consider approval of the variance. If approved by the Board then the variance needs to be sent out to the community for 30 days for any objections.

Review of Governing Documents:

The Board completed its' review of all of the governing documents at the last Board work meeting which was open to the membership. All reviews of the documents by the Board have been at open meetings with opportunities for members to comment.

The documents have been sent to Mary Elizabeth Geiger for a complete review. The Board has requested that she write the section on Enforcement of Covenants in order to be consistent with the new Policy and the new Colorado State Law.

Plan: Once Mary Elizabeth Geiger has completed her review, the final version documents will be sent to the membership for any final feedback at the next Board meeting. The final version of the documents will be presented for a vote by the Membership at the Annual Member's meeting in November.

Treasurer's Report:

Cyndie Rippy needed to leave the meeting to attend to family matters. A current treasurer's report will be presented at the next meeting.

Meeting adjournment:

Tim O'Sullivan moved to adjourn the meeting. Louisa Morrissey seconded the motion. The motion was approved by all Board members present.

Next meeting set for October 4th, 2022 at 7 pm MST.

Meeting adjourned at 7:51 pm MST.