

**Mountain Springs Ranch HOA  
Regular Board Meeting Agenda  
Monday, January 16, 2023 7 pm MST via Zoom**

Meeting Called to Order at 7 pm MST

Attendees:

- Board members: Chris Fedrizzi, Louisa Morrissey, Tim O'Sullivan, Cyndie Rippy and Tony Thrienen
- Tim O'Sullivan was meeting Chair
- Community members: Chris DeSantis (lot 12), John Rippy (lots 38, 43 and 44), Will Evans (lot 13), Rob Agnew (new owner of Lot 4), Mike Greene (lot 14), Christy Milner (lot 10), Sean Elias (lot 16), Justyn McGrigor (lot 29) and Ed Walters.

Rules of meeting decorum: Raise your hand and wait to be recognized by the President for your turn to speak. Limit comments to 3 minutes. Do not interrupt the member with the floor. Be respectful of all members. No abusive language. If there is disrespectful or abusive language, there will be one request/warning to change behavior or language. If the behavior continues the person will be removed from the meeting.

Community member comments. (Please limit to 3 minutes and keep comments concise and constructive)

- Chris DeSantis asked for the documents agreed upon in the legal settlement. He was informed that the Board would check with the HOA lawyer regarding any forms we needed to send him and send him any required information.
- Christy Milner noted that the Black Bear Ranch sold and asked if the Board had information regarding the new owners and if they plan to develop the land. She was informed that the Board had not been contacted by the new owners. Ed Walters has met the new owners and they do not have any plans to develop the land but want a family compound. They are willing to contribute to the road maintenance funds.

Approval of Meeting Minutes from December 5, 2022 (last open Board meeting)

- Discussion: Chris DeSantis felt that the discussion of the Lot 12 settlement was insufficient and wanted the settlement posted with the minutes. He was informed that the Board had followed the HOA lawyer's instructions regarding communication and wording. The Board would clarify with the HOA lawyer.
- **Tim O'Sullivan made a motion to approve the minutes. Cyndie Rippy seconded the motion. The motion was approved by all Board members present.**

Treasurer's report (Cyndie Rippy)

- Cyndie Rippy presented the Treasurer's report for the months of November and December 2022.
  - We went over the budget in the Road and Legal funds.
  - The excess amount was taken out of the contingency fund to pay the expenses.
  - Increased dues will replace what was taken from the contingency fund.
  - A copy of the Treasurers' Report will be sent out with the minutes or can be sent out after the meeting if the Board receives any notice from a member who would like to see the reports.

## Committee reports

- Road Committee: John Rippy
  - Only doing snow removal right now.
  - Big thank you to Ed Walters and his crew for their hard work.
  - The neighborhood has received more snow than in the past 10 years, requiring more snowplowing. We may be spending more on plowing this season.
  - Once the snow melts in the spring the RC will assess what is needed for the road and what can be done within the budget.
  - Tim O’Sullivan expressed thanks to Louisa Morrissey for all of the communication regarding road conditions to the neighborhood.
- Fire Committee: Louisa Morrissey (This information was added to the meeting minutes post meeting via communication with Louisa Morrissey)
  - FC plans to meet soon.
  - We will be reviewing the action plan in the CWPP and using this as guidance to set goals for this upcoming year.
- Habitat Committee: Not present.

## Road use

- There have been at least 2 incidences this winter season when the road has been closed due to delivery vehicles stuck, off or across the roads. Two of these happened near the bottom of the road as it passes by Austin Cavanaugh’s property. This area is traditionally very icy, shaded with a steep grade.
  - Delivery vehicles in the 2 incidences were not adequately chained.
  - Overall, the road conditions this season have seen more ice on the road, especially the lower road.
  - Chris Fedrizzi offered to donate 4 loads of sand/chips to help with the area near the Cavanaugh property.
  - Ed Walters mentioned that Garfield County road departments policy of plowing is to “tickle” the road base so that not too much snow is left to turn to ice or slush, but the road is not damaged. Walters Company is following this policy as well.
  - Louisa Morrissey expressed thanks to Mike Greene for his letter he wrote to the community.
- Road blockage can be an emergency situation.
- Need to send out communications to the neighborhood via email.
- Sign(s) at the bottom of the road where it meets the pavement are needed:
  - One sign at the bottom of the road.
  - Cyndie Rippy pointed out that the current sign at the bottom of the road where the gravel meets the asphalt is inaccurate. It states that the MSR private road is in two miles. In reality the MSR easement for the road begins at the end of the asphalt where the gravel begins. That is where MSR HOA starts the road maintenance. We need to correct this information.
  - Other suggestions included:
    - 4WD needed.
    - Chains required on all trailers.
    - Adequate snow tires or chains.
    - Information regarding where to put chains on.
    - Communication to include wording to add some teeth about fines or covering the costs associated with extraction and/or damage to the road.

- To date the Association has not had to pay for any of the extraction costs (thanks to Walters Company donating their time and equipment) and no damage to the road has been determined.
- John and Cyndie Rippe offered to work on wording for a sign at the bottom of the road and for communication to be sent out to the community.
- The subject will be addressed at the next Board meeting when Matt Graham can be present.

Gate:

- Ed Walters noted that the gate needs to be raised at least 6 inches or open downhill. While Walters Company employees and neighbors shovel the snow from beneath the gate, in heavy snowfall it can still get stuck and we need to call the gate company to come out and repair it.
- Cyndie Rippe suggested that we look into using the funds set aside for the gate. We have \$2580 in reserve for the gate.

Plowing policy

- Update to reference new policy for the enforcement of covenants.
  - Louisa made a motion to change item #3c which currently references the outdated policy of enforcement of Covenants from 2018, to be consistent with the new enforcement policy now in effect. The motion was to change item #3c to read “subject to MSR HOA 2022 Resolution on Adopting Policies Concerning Enforcement of Covenants and Rules Including Notice of Procedures and a Schedule of Fines and Collection of Unpaid Assessments”. Chris Fedrizzi seconded the motion. The motion as approved by all Board members present.

Architectural/Building:

- Lot 13 (Will Evans) Impacts of subdivision by lot 12 (Chris DeSantis)
  - Chris DeSantis has applied to Garfield County to subdivide lot 12. The subdivision plan calls for an independent easement to access the new lot with a new road going down the property line between lot 13 and lot 12.
  - Will Evans, upon learning of the intention of Mr. DeSantis to put the new easement and road on his property line has opposed the easement and the location of the proposed road.
    - It decreases the desirability and value of his property.
    - Based upon historical use of another older road on lot 12 (that is not used any more), and the lights that come into his home at night from the current driveway on lot 12, Dr. Evans is concerned about lights coming into his windows at night.
  - Tim O’Sullivan asked Mr. DeSantis if he had discussed the subdivision of the lot and placement of the road with Dr. Evans. Mr. DeSantis stated that he had not touched base with Dr. Evans as far as his plans.
    - Dr. Evans informed the Board that he has already had communications regarding this matter with Mr. DeSantis and he is willing to have more communications with Mr. DeSantis.
    - Mr. DeSantis said that Dr. Evans was free to send him an email.
  - Can it be determined what the impact of the proposed road will be and if there are alternative placements of the road to minimize the impact on lot 13?
    - Mr. DeSantis stated that running the new road on the property line between lots 12 and 13 is the most feasible.

- Dr. Evans offered to meet Tim O’Sullivan when he is in the neighborhood to show him what the impact of the proposed road would be.
  - Tim O’Sullivan expressed that this was a matter between neighbors and did not involve the HOA. In this matter, the HOA was not in a position to tell Mr. DeSantis what he could do with his land and subdivision.
  - Tim O’Sullivan wanted to look at the subdivision plan again and suggested that the Board revisit this matter at the next meeting.
- Louisa Morrissey asked if a couple of Board members could research more information regarding subdivision and the HOA. How do Garfield County regulations regarding subdivision affect the HOA, wells, building envelopes, placement of new roads? This is uncharted territory and she would like to be informed more regarding the relationship between the County and the HOA when it comes to subdivision of lots.
  - Chris Fedrizzi and Tim O’Sullivan offered to look into it.
  - Tim O’Sullivan has already done some research into wells. He learned the the HOA lawyer, Mary Elizabeth Geiger, was technically correct that lots under 35 acres cannot have an exempt well. However, it is not applicable to the subdivision of lots. The issue is complex. Upon subdivision the 35-acre lot loses its exempt well status, and each lot would either need to drill another well or used a shared well under different State regulations. More research needs to be done.
  - Sean Elias spoke to the conditions of the Rural Land Development.

#### MSR documents review

- Review of current community feedback.
  - An email was sent on December 13, 2022 to all community members who voted against adoption of the revised documents and asked for feedback.
- Plan steps forward:
  - Send out another survey to clarify community feedback regarding subdivision of lots and the requirement that all structures greater than 200 square feet meet Garfield County Building code.
    - Louisa Morrissey will ask Tom Heald to create the survey.
  - Create another education/clarification document to answer concerns raised before and since the annual meeting.
  - Revise documents based upon community feedback and survey results.

#### Old/new business

- Chris DeSantis asked for a formal letter for approval for his building plans and retraction of the fines. The Board will confer with the HOA lawyer.
  - Cyndie Rippy will send out an updated invoice showing that the fines were removed.
- Next Board meeting Monday February 13, 2023 at 7 pm MST via zoom.

Meeting adjournment: Louisa Morrissey made a motion to adjourn the meeting. Cyndie Rippy seconded the motion. The motion was approved by all Board members present. Meeting adjourned at 8:14 pm MST.