

APPROVED

3-20-18

 **BATTLEMENT MESA**
Service Association

BATTLEMENT MESA SERVICE ASSOCIATION
REGULAR MEETING OF THE BOARD OF DIRECTORS
FEBRUARY 20, 2018

Present:

Laurel Koning	President, Battlement Creek Village
Bob Arrington	Vice President, Willow Creek Village
John Shepherd	Sec/Treasurer, Canyon View Village
John Constine	Director, Mesa Ridge Townhomes
Robert Gross	Director, RHP Properties
John Keller	Director, The Reserve
Joel Toomey	Director, Stone Ridge Village
Dianna Arnett	Director, Tamarisk Meadows
Amy Provstgaard	Director, Tamarisk Village

Absent Board Members:

Eric Schmela	Declarant, Battlement Mesa Partners
Brad Hoy	Director, Valley View Village
Al Reuter	Director, First Eagle's Point

Also Present:

Steve Rippy	Association Manager
Sherry Loschke	Administrative Assistant

Community Members Present: Brad Gates, Bill Stroop, Chuck Hall

OWNERS OPEN FORUM

Mary Lee Morlang with the Parachute/Battlement Mesa Trail Group gave a presentation for the Battle On The Mesa event on Saturday, April 28, 2018 it was moved to New Business on the agenda.

Brad Gates introduced himself as the new Delegate for Fairway Villas

CALL TO ORDER

Director Koning called the meeting to order at 9:03 am.

DISCLOSURE OF CONFLICT

None

KIRBY WYNN-GARFIELD COUNTY OIL & GAS LIAISON

Kirby Wynn, Garfield County Oil and Gas Liaison reported that he has provided recent oil and gas related information in the BMSA monthly newsletter. He encouraged anyone with any issue during the rig move or operations at the D Pad reach out to him at any time at 970-987-2557 or to Community Counts, the State of Colorado, URSA-John Doose at 970-379-0008 or the URSA 24 Hour Hot Line at 970-620-2787.

Director Toomey inquired about what kind of issues had been reported. Mr. Kirby stated there had been one complaint about noise on the D Pad and in order to remedy the complaint URSA adjusted their work schedule on the weekends.

Mr. Wynn also reported that there will be an Energy Advisory Board meeting March 1, 2018 at 5:30 pm, at that meeting Steward Ellsworth, Chief State Inspector will give a report regarding changes on flow line regulations. March 1, 2018 at 10:00 AM to Noon at the Rifle CMC Conference Room there will be Northwest Colorado Oil and Gas Forum presentation from Stewart Ellsworth and the State Land Board.

There will be an Air Monitoring report in March.

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The Colorado Dream

401 Arroyo Drive · Battlement Mesa, Colorado 81635

PHONE: 970.285.9432 FAX: 970.285.9631 EMAIL: BMSA@BattlementMesaColorado.com WEB: www.BattlementMesaColorado.com

JANUARY 16, 2018 MEETING MINUTES

A motion was made by Director Arrington and seconded by Director Toomey to approve the January 16, 2018 regular meeting minutes. The motion carried unanimously.

FINANCIAL REPORTS

A motion was made by Director Constine and seconded by Director Provstgaard to approve the January 2018 financial statements; subject to audit. The motion carried unanimously.

COMMITTEE REPORTS

Finance Committee-See attached written report.

Architectural Committee-See attached written report.

Covenant Control Committee-See attached written reports.

Oil & Gas Committee- Chuck Hall, with the Oil and Gas Committee reported that URSA has completed drilling on both A & D Pads and fracked the B Pad. Phase 2 involving the A Pad, L Pad, by the Grace Bible Church, and F Pad was approved by Board of County Commissioners with conditions.

Director Shepard asked about the air monitoring per a report from Morgan Hill. Mr. Hall reported that according to Ms. Hill's report there has been nothing detected during the testing that would indicate any effect on resident's health.

Parks, Open Space & Trails Committee-No written report.

Associated Governments of Northwest Colorado- Director Provstgaard reported that the first meeting of the year will be in Rifle on February 21, 2018 and she plans to attend.

Energy Advisory Board- Director Arrington and Director Provstgaard will attend the April 18th and 19th Energy Symposium in Rifle, Colorado at Grand River Medical Facility Conference Room.

MANAGER REPORT

See attached written report.

Mr. Rippy reported that URSA has provided a \$125,000 donation to the Battlement Mesa Neighborhood Improvement Organization (BMNIO) to be used toward community improvement projects in Battlement Mesa. Director Koning stated that the BMNIO Board of Directors had reviewed the community prioritized list of improvements and the funds will most likely be used toward signage improvements, landscaping around the new signs, possible lighting for the signage and median landscaping.

DEVELOPER REPORT

Declarant Eric Schmela was not in attendance

NEW BUSINESS

A motion was made by Director Keller and seconded by Director Shepard to approve \$300 be donated to the Parachute/Battlement Mesa Trails Group for the April 28, 2018 Battle On The Mesa Event and permission be granted to use BMSA trails. The motion carried unanimously.

OLD BUSINESS

None

OTHER BUSINESS

None

UNRESOLVED/WORKING ITEMS

Director Koning reviewed the unresolved/working items report.

HEARING CONTINUATION

24 Larkspur Place

The hearing was opened at 10:10 am.

Mr. Stroop was in attendance at the hearing. Prior to providing his opening statement Mr. Stroop questioned whether the 2006 resolution or 2014 resolution governing the hearing procedures would be followed. Mr. Rippy responded that the 2014 resolution would be the document followed for the hearing.

Mr. Stroop began his opening statement by notifying the board that he was a retired attorney licensed in the State of Florida.

Director Koning asked whether Mr. Stroop or his parents were the actual owner of the property. Mr. Rippy reported that prior to the hearing Mr. Stroop had provided him with an executed deed that does provide proof that Mr. Stroop has an ownership interest in the property.

Mr. Stroop continued his opening statement by providing testimony as to why he believed his vehicle qualified as a van rather than a recreational vehicle (RV) while providing a photo of a vehicle (RV) that is universally identified by most as an RV. Mr. Stroop pointed out that his vehicle does not resemble the vehicle in the photo.

Mr. Stroop presented additional testimony that Mr. Rippy had provided him with dates and times covenant enforcement employees had patrolled Canyon View Village identifying 21 patrols in 2016 and 31 patrols in 2017. Mr. Stroop testified that his vehicle had been parked at the residence on 4 of the dates identified in 2016 and 11 of the dates in 2017 and no violations were issued. Therefore, the covenant enforcement employee must have seen the vehicle and determined it was not a violation and therefore issued no letter of violation during the times it was parked at the residence in 2016 and 2017. Mr. Stroop stated that based upon his request to Mr. Rippy there were only two complaints registered about this vehicle during 2016 and 2017 and the complaints did not occur until November of 2017.

Mr. Strop presented additional testimony related to the size of his vehicle stating that his vehicle is a Mercedes "Sprinter" van. Mr. Strop stated that Mr. Rippey had previously provided information to the board about a Mercedes "Sprinter" traveler van that had a height of 110.5". Mr. Strop testified that he believed his van is a "Sprinter" cargo van and the specifications indicate a height of 107". Mr. Strop presented additional testimony as to the size of the vehicle stating that if you combined the three dimension limitations of the covenant (100" height, 90" width, 25' length) the total cubic area of those dimensions are equal to 1561.87 cubic feet while the dimensions of his van are only equal to 1435.18 cubic feet.

Director Koning asked Mr. Strop if he was close to being finished with his opening statement as his presentation has taken 40 minutes at this point. Mr. Strop responded that he was not yet finished. Director Gross asked if Mr. Strop has made his points because his presentation is becoming redundant. Mr. Strop responded that he is open to questions or discussion back and forth of his points during his presentation.

Director Toomey asked Mr. Strop how he could know for sure his vehicle was parked at the property during the exact time the covenant enforcement employee patrolled the village in light of the fact that he used the vehicle for his daily driving to the store and other errands.

Director Toomey also asked if the vehicle had a bed. Mr. Strop responded that it had a sofa that folded out into a bed. Director Toomey asked if the vehicle had a sink. Mr. Strop responded that it did have a sink. Director Tommey stated that in his opinion it is an RV and should not be parked at the residence.

Director Arrington stated the Board of Directors could consider each of the covenant size limitation on an individual basis when considering whether the vehicle qualified as oversize and if the dimensions of the vehicle exceed any of those individual limits it is considered oversize.

Director Shepherd stated that he lives in the same neighborhood as Mr. Strop and that Mr. Strop's father became ill in 2016 and the vehicle would show up as Mr. Strop would come to visit his ailing father. The vehicle would leave and be gone for lengthy periods of time and then return as Mr. Strop was spending time with his ailing father. Director Shepherd stated that he and the neighbors did not complain as they were sympathetic to the family situation. In about September of 2017 Mr. Strop's mother was placed in a nursing home and Mr. Strop is now living at the residence and the neighbors feel it is time for Mr. Strop to remove the vehicle.

Community Member and Canyon View Village President, Jo Darnell, stated that the neighbors in the Canyon View community hadn't complained previously about the vehicle because they knew that Mr. Strop was there to assist his ailing father and mother. Ms. Darnell stated that residents are not happy that Mr. Strop continues to park his vehicle at the residence now that his parents are no longer living at the residence and he has had time to find a place to park the vehicle elsewhere, it is clearly in violation of the covenant rules and the vehicle needs to be moved.

Director Koning asked Mr. Strop if he had anything else to present and Mr. Strop responded, no.

The hearing concluded at 10:58 am.

Director Koning reopened the regular meeting. Director Shepherd made a motion seconded by Director Provstgaard to go into executive session at 11:00 am to discuss the testimony and information provided at the hearing concerning the violations associated with 24 Larkspur Place. The motion carried unanimously. The board of directors came out of executive session at 11:09 am.

Director Keller made a motion and seconded by Director Arrington that the vehicle is an oversized/recreational vehicle and is in violation of the covenants. The vehicle at 24 Larkspur Place must be removed from the Service Association Area by March 1, 1018. If the vehicle is not removed by this date a \$25.00 per day violation will be assessed against the property. The motion carried unanimously.

ADJOURNMENT

The meeting adjourned at 11:15 am.