

DEER SPRINGS OWNERS ASSOCIATION (APRIL 11, 2015)

The minutes of the Board of Directors meeting held:

Deer Springs Ranch Garden Cabin, Utah at 1:00 PM

Name	Position	Responsibility	Term	Present	Absent
Phil Hall	President	Crawford	2016	X	
Robert Musko	Vice President	Roads & Fire; Slide	2016		X
Jodi Akers	Treasurer	Finance, Legal, Water; Broad Hollow	2015	X	
Joe Bosze	Secretary	Equipment, Facilities, Cabins; Crawford	2015	X	
Bob Allen	Director	HOA, Reservations, Web; Podunk	2015	X	
Leland Gentry	Director	Agriculture, Wildlife; Podunk	2016		X
Art Ortalani	Director	Activities, Security, Safety; Lower Ranch	2015	X	

1. **Call to order:** Phil Hall called the meeting to order at 1:15 PM with a prayer given by Larry Baer. Members present were: Larry Baer, Brent Fulmer, Lee Bellar, Tammy and Brad Hunt, Ron Benson (Lot #214), Lloyd Jessop and Lonny Stewart (Bee Keepers), Nancy and Paul Brayton, Renee Hall, and Candy Bosze. Leland Gentry, Robert Musko, and Linda Alderman were absent.

2. **Minutes:** The minutes from the March 14th meeting were presented for review.

*****Phil Hall made a motion to approve the minutes. Joe seconded it. Minutes will be posted to the website.

Unanimous Passed

3. **Ranch Report:** Paul Brayton reported on the last month's progress at the ranch.

- A. There was a lot of snow this season making the grasses abundant in the fields. He will do brush hogging around the ranch, including the headquarters the next couple of months and coordinate with Leland Gentry.
- B. The Garden Cabin now has all the bedding and mattresses installed. Many thanks to the Hunts for bringing them down from Salt Lake City. Kathy Duvall made new downstairs curtains for the Garden Cabin and Jodi donated new shower curtains for the 4 bathrooms. Thanks for their time and donations. The old mattresses (25) are being hauled away as well. Many thanks to Nancy Brayton who coordinated the redo.
- C. Water systems will be ready mid May for Cabins 6, 9, 10. Laundry pipes froze last week so upper cabins will be later. They all must be cleaned before reservations start for occupancy. The upper tank can be started to be filled in another week at an average of 1500 gallons per day.
- D. Road grading from headquarters up to the ponds will be started as they are still soft 1-2" down. Slide Canyon still needs culverts and gravel.
- E. Paul spoke to the County and stated that the 1st cattle guard had been cleaned out last week but is now plugged again.
- F. Bob Allen and Paul Brayton will coordinate the water sample to get to SUU in Cedar City for testing. Kemp Tech 4 is recommended to be used as they have better record keeping.

- G. It was sited that the road damage done by the bee keepers was evident but not extreme.
 - H. The store is being cleaned further to get ready to open for the season. Tammy Hunt made a new price sign. Tourism paperwork is ready. The new sign for the front entrance is up and looks great and fresh.
 - I. The headquarter bathrooms are open; the backroom of the store has been cleaned and cleared out of "stuff" and now can hold materials for DSR functions.
 - J. The drainage areas around the laundry room has worked efficiently now over the wet season. In a working process, the sewer dump for the trailers dumping waste will be dug back 20 feet to accommodate easy access.
4. **Phil Hall:** Discussion followed the **Bee Hives** on Lot 108 and the concerns for the ranch liability.
- A. Animals and members have been stung by the presence of 64 beehives and extra boxes within 10 feet of the main road. DSROA does not allow commercial businesses and there is a nuisance clause which can be applied to this venture.
 - B. Lonny Stewart and Lloyd Jessop were present to review concerns and speak on behalf of the business.
 - C. The owner was called about this problem and accepted that they needed to be moved.
 - D. The bees will be moved to Association Lot #74 on Monday night (4-13-15) on a trial basis until the middle of May after which they will be removed from DSR permanently. If there is a continued nuisance, they will be removed immediately.
- ***** Art Ortalani made a motion to have the bees moved and possibly split up in numbers to Lot #74. Bob Allen seconded it.
- Unanimous Passed**

Brad Hunt Horse Rides: Brad and Tammy Hunt presented an initial plan to bring Dutch oven cooking dinners for family gatherings, music, horseback riding, mini cattle drives, etc. to the ranch in a written 3 page document. They discussed what plans could be done for the ranch. The board was in agreement to this kind of proposal being beneficial to the ranch but had concerns about liability and cost. They would require an outfitters license and will conform to the DSROA rules. Insurance would be required for the time of the activities. A detailed plan would be required for all aspects of the plan. Perhaps the plan could be divide into two parts – horseback riding and entertaining (catering, etc.). They will work on furthering the information and present it to the board.

The 2005 Ole Lindgren Lease: Discussion followed from the previous meeting and a phone call again to Ole. The lease was presented and reviewed. There has been much hearsay and input on the subject from previous board members and members. It was decided that when Ole left for the winter and did not return with the goats that it was over. No letter from any party was found to stop or conclude the lease. Doug Hunt then received a lease for longhorn cattle.

- A. Ole Lindgren did not uphold the lease, making it null and void. The lease was for goats; Ole Lindgren now wants to continue the lease with sheep.
- B. The board believes there might be a breach of contract as there were no herders for the goats left at the ranch. Many of the goats died of starvation. The herd was sold in full; therefore, no more lease and the lease was terminated by the lack of mutuality of obligation.
- C. The audio from the May, June, and August 2008 board meetings shed light on the subject. John Southwick had consulted with lawyer Bruce Jenkins for a legal interpretation. Legal letter is available.

***** Jodi Akers made a motion to turn this over to legal, Bruce Jenkins, only if Ole Lindgren responds again. Art seconded it.

Unanimous Passed

Phil Hall will write a letter to Ole to inform him that we regretfully can't honor his request for a continuation of his lease at DSR for goats or sheep. We can't offer anything else as we did have legal representation on this matter; the lease was terminated.

5. **Finance:** Jodi Akers stated that 71% of the income for the year has come in. \$95,000 is in the bank. A new check was issued to Phil Hall to replace a lost check paid last year in the amount of \$2000 to pay for culverts the Ranch purchased from him. Although this was part of last year's budget, those funds have been depleted so this will come out of the 2015 budget.

6. **Legal:** Phil Hall presented a general liability waiver from a ST George lawyer which could be used by the ranch when scheduling a cabin rental. The form must also be available online (electronically) before reservations are made or have available with Nancy Brayton to be signed. There were no objections from the board to use this when scheduling a cabin rental.

*****Phil Hall made a motion to make this legal liability form available to Linda to enforce for each and every reservation and follow through with Nancy and Paul Brayton. Art Ortalani seconded it.

Unanimous _____ **Passed**

7. **Roads and Fire Protection:** Robert Musko was absent. He has been reviewing the existing gravel pit policy via email with the board. There has been input from many so he is working to update it. One important point was to clarify large vehicles on the roads and operating these vehicles on wet roads causing damage. A unanimous vote via email could accept this new policy.

8. **Equipment and Cabin Maintenance:** Joe Bosze commented on the need to do repairs and shearing up the Cabin #3 stairs if there is not enough money to do the required replacement this year.

9. **Reservations:** Bob Allen has not attended HOA meetings in ST George as the material to be presented was not pertinent to DSR.

10. **Water Resources:** Jodi Akers indicated that there has been correspondence from Barry Clarkson representing Dale Clarkson on the Meadow Canyon Water Resources. There has been pressure to move forward to segregate the water rights. There may be a need to review or amend #12 in the By Laws. (#12 Water Right By Law states: All members will receive a 0.45 acre foot water right with each 20-acre Deer Springs Ranch unit. Such water right will remain in the name of the Association until the member is ready to drill a well. At that time, the Association will prepare a Quit-Claim Deed to the member. A water right is inseparably connected to an Association lot and cannot be sold or transferred.)

A. Currently, there are 2 different positions on the water committee to find an amicable agreement to allow .45 acre feet of water from Association land (water) to an individual.

B. Jodi Aker's opinion is that we need to find the terms and agreements for the board to regulate the charge or be responsible for any damages or future use for other members, to be fair.

C. MCS is a commonly owned asset. It is okay for water on a privately owned lot to go to a private well but not the ranch water to a private individual. Example: When Lot #1 was a possible sale, Bruce Jenkins said it could not be sold unless there was a unanimous vote to sell it. Ed Robbins, a legal attorney, said it could not be done as it is an association asset. This holds true with association water.

D. Further legal opinion will be required to help develop this type of contract and it may need to be for any presented to the entire membership for a vote according to our bylaws. Barry Clarkson offered to do the work, but it can be seen as a conflict of interest. The ranch needs a non bias lawyer who also understands rural water rights. Jodi Akers will stop work with this water agreement for now.

*****Jodi Akers made a motion to have Phil Hall contact Bruce Jenkins as our legal counsel in this matter and he will contact Barry Clarkson. Art Ortalani seconded it.

Unanimous _____ **Passed**

*****Jodi made a motion that after the opinion of Bruce Jenkins comes in if we need, we should contact the 2nd lawyer, Smith Hartvigsen, a specialist in water rights. Art Ortalani seconded it.

Unanimous Passed

E. Information was presented on Val Cram's previous proposal concerning Mud Springs (BLM Land) water to Lot 2 crossing private land and BLM land. Steve Jones and Mr. Thompson (the current private property owners) were contacted and they will not allow any passage or trespassing through their private lots. An email was sent to Val Cram stating such and that DSR would not be part of the proposal and would consider any further work done to be a violation.

11. **Agriculture and Wildlife**: Leland Gentry was absent. No information was available.

12. **Ranch Activities, Security, Public Safety**: Art thanked Paul for getting the 500 vehicle stickers for the members. They should be placed on the front left windshield for 2015. They will be available to all members for their cars, trucks and ATVs.

A. Art discussed a culvert at Johnny Brown that needs to be fixed and is a safety issue.

B. Art showed a picture of the 1st cattle guard in Podunk that needs to be welded as it is sticking up and is somewhat tangled in appearance.

***** Joe Bosze made a motion to adjourn the meeting at 4:15 PM. Art Ortalani seconded it.

Unanimous Passed

The next meeting will be May 30th at 1 PM at the Deer Springs Ranch Headquarters.

Logos for possible hats and shirts were presented to the board and members for review. Prices can be checked out with merchants so the ranch can have them ready to sell in the store.

Monday, April 13th, there was a field trip of the DSROA water channels, ditches, and reservoirs as well as the water system and pond on Lot#1. Brent Fulmer, Vance Green, Jodi Akers, Joe Bosze, Bob Allen, Candy Bosze, Lee Bellar, and Paul Brayton attended the field trip with much success for future issues at the ranch.