

**[;']Mountain Springs Ranch Homeowners Association**  
**Board of Trustees Meeting**  
February 1, 2022

**Attendance:**

Board Members: Gary Starr, Louisa Morrissey, Cyndie Rippy, Tony Threinen, Matt Graham, Jennifer Tomsen, Julie Coy.

MSR Members: Jan Fedrizzi, Carrie Clark, Christy Milner, Micah Embrey, Tom Heald, Tim O'Sullivan, Mike Freeman, John Rippy, Jerry Fedrizzi.

**Call to Order:**

Gary Starr called the meeting to order at 7:04 p.m.

Gary Starr explained that the Board had met in Executive Session prior to the start of the regular meeting to address feedback from the HOA's legal counsel, and matters pertaining to an owner's compliance with the Covenants. Gary also reviewed guidelines for appropriate meeting participation.

**Approval of Minutes from January 4, 2022**

Cyndie Rippy moved approval of the minutes from January 4<sup>th</sup>. Louisa seconded the motion. Minutes unanimously approved.

**Member Comments Not Related to Agenda Items**

Tom Heald shared in the Chat room and stated "I would like to read the following statement into the minutes of the MSR Board Meeting, February 1, 2022.

Article 1, Section 1, Revised and Restated Protective Covenants for Mountain Springs Ranch, 2011; *"It is the intention...that the lands within Mountain Springs Ranch be developed and maintained as a highly desirable rural recreational residential area. It is the purpose of these covenants that the present natural beauty, the natural growth and native setting and surroundings of Mountain Springs Ranch shall always be protected..."*

On the afternoon of Thursday, January 6, 2022, at approximately 2:30pm, I walked down our driveway on MSR Lot 42 and east along the North Marsh roadway and saw that several disparaging words had been drawn into the snow along the snowbanks.

- 'Blank' IS A PUSSY
- FUCK YOU
- COCK
- WHORE

These hateful and hurtful comments were written on the snow banks that lead to our house. We live at the west end of North Marsh, there are no residences located beyond our place. There are no residences located between these comments in the snow and our residence. As such, I must presume these hateful and hurtful words are directed at myself, my wife, my sons and our acquaintances. Since that day my wife has been fearful of walking our land and roads.

Clearly a hateful and hurtful perpetrator is walking amongst MSR, vandalizing the scenic beauty of our lands and making a mockery of the covenants.

I would ask that the MSR community be on watch for hateful and hurtful graffiti and other destructive actions, and to report those vandals to the authorities and to the MSR Board of Directors.

When hateful and hurtful comments and behavior are tolerated by a few, they are tolerated by the many.

Respectfully submitted,  
Tom & Diane Heald & Family MSR Lot 42

Pictures of the hateful and hurtful words are copied below (a 50 inch snow shovel has been placed in each frame to show the scale of the vandalism).







Louisa Morrissey expressed appreciation to Tom Heald for his comments. She also reported that those words were written on Lot 39, their property, and directed toward herself and her husband, Ben Young.

Christy Milner shared her concern about the event Tom Heald described and asked for greater detail. Louisa stated the incident has been taken up with authorities and a lawyer she is unable to make further comment.

### **Treasurer's Report**

Cyndie Rippy shared the written Treasurer's report and stated that as of January 31<sup>st</sup>, \$24,800 in dues remained uncollected. We received \$1300 from one neighbor and \$1550 from another neighbor. The reserve account is \$4,723: started with \$1,000 in the budget, \$2,300 in funds to replace the mother board of the gate when it goes and the rest from the left over operating budget from 2021. Cyndie Rippy will send a follow up notice requesting dues payments by email and surface mail in mid-February.

### **Committee Reports**

- Road: Walters Company came up to push banks back on the Saddle and North/South Marsh Lane as well as above Black Bear on Mountain Springs Road at owners' expense who pay for plowing outside of the HOA. Walters Company also sanded the iciest sections of the lower road.

- Fire: Louisa Morrissey sent a report to the Board. This will be sent out with the minutes as she wants to save time to discuss the Fire Protection District in New Business.
- Habitat: no report.

### **Old Business**

- Governing Documents Work Group:  
Peggy Hill acknowledged the work of the members of the group, including Carrie Clark, Julie Coy and Matt Graham. However, Matt has just decided he needs to step down due to overcommitment. She offered highlights of the Work Group's January Progress Report and asked the Board for feedback on their workplan. The Work Group will prepare a communication to Members regarding the plan to solicit input from members. A survey draft will be sent to Board members in February. The Work Group will send the final drafts of the Articles and By-Laws to the Board for review at the March Board meeting.
- Lot 17 Follow-Up:  
Gary Starr has been in touch with Bill Slavin who reports he will prepare an Architectural Committee submission within the next month. He has chosen to do a wilderness cabin that normally would not have to have a foundation, but our Covenants do require a permanent structure with a foundation. It will also require septic and electrical systems that pass county inspection. He will be required to get a survey done to establish property line and the setbacks needed for approval of placement of any structure.
- Updated Snow Removal Policy:  
Gary Starr reported that the snow base is holding well and is providing enough cover for snowmobile use, in accordance with the policy, even though we have had minimal snow since the policy was changed. No comments from members on the updated policy.
- Private Plover Liability Insurance Update:  
Louisa Morrissey reached out to Tom Heald and Tim Hasselmann regarding the lower level of coverage required. They will both get documentation to the Board shortly. Matt Graham has already submitted his information and the Board will send a letter approving his coverage.

### **New Business**

- Policy & Procedure Regarding Conduct of Meetings:  
Julie Coy reviewed the proposed revisions to the policy. In 1G, language was changed to match CCIOA requirements regarding use of secret ballots during election of the Board each year. In sections regarding the annual meeting and meetings of the Board, language was added to specify behavior constituting appropriate decorum. Also added was the requirement for Board meetings to occur quarterly, consistent with the Board's vote last year. Language regarding sign-in was adjusted to accommodate video

conference meetings. Gary Starr moved to accept the changes to the policy. Louisa Morrissey seconded the motion. The motion passed unanimously.

- **Policy & Procedure Regarding Collection of Assessments:**

Louisa Morrissey shared a draft revised policy. The policy has been reviewed by HOA Counsel and it complies with CCIOA. Due date for assessments was updated to January 31st. A process for addressing late assessments is described. Julie Coy asked for clarification about section E on late charges for those who establish a payment plan. Cyndie Rippy indicated that historically, if members haven't paid within a few months of billing, she sends notification of the late fee of 10%; and if a member sets up a payment plan, and honors it well, interest has not been charged. Members have almost always honored their obligations. Julie Coy indicated that previous legal counsel has indicated that a penalty fee of \$100 per day was excessive and would not likely be collectable. Julie suggested \$20 per day instead. Christy Milner said the policy could charge up to 21% interest and a reasonable late fee. She added that whatever the policy states, it has to be followed consistently and enforced. After some further discussion, Louisa Morrissey moved that we change the late charge to \$20 per day, change the due date as January 31<sup>st</sup>, any assessment not paid by January 31<sup>st</sup> is considered past due and delinquent, the date people must notify us of the need for a payment plan to January 1<sup>st</sup>, the deadline for full payment as July 31<sup>st</sup> and vote to accept the policy as amended. Gary Starr seconded the motion. The motion passed unanimously.

- **Briefing Paper on Inclusion of MSR in Glenwood Springs Fire Protection District:**

Jeff Fedrizzi stated that the Fire Committee had previously said they would develop a briefing paper for the Board and then survey the MSR Community to better understand their preferences regarding becoming part of the Glenwood Springs Fire Protection District. The tax per owner would be on assessed value of the property, not actual value. Currently, Glenwood Springs Fire Department has no obligation to come up to MSR to fight fire here, although if they were not elsewhere engaged they would most likely respond. In unincorporated areas the Sheriff is in charge. The County has no obligation to respond to structure fires, only wildfire. If we are part of the Fire Protection District they would respond to a fire; and would also be able to help us sort out our problem with incorrect house addresses with the county. Jeff Fedrizzi clarified that currently, the Sheriff is responsible for responding to unincorporated Garfield County fire emergencies but has no fire fighting equipment, and contracts with other agencies to fight fire. If the fire is within 1 mile of federal land (which is almost all of MSR since we are bordered on 3 sides by BLM), federal resources would also be available. Currently, if there was a fire in a home, outbuilding, or vehicle, no agency has an obligation to respond to suppress that fire, it's up to the owner to deal with it. If we were part of a Fire Protection District, we would get help under the established response agreements. Christy Milner asked the following questions: 1) Of the 3 routes to inclusion in a Fire Protection District, which one will be pursued? 2) Must 75% of MSR owners agree to join the district, or could any

set of owners, including MSR neighbors, get together and seek inclusion if the geographic boundary of MSR isn't relevant, and leave out owners who don't want to participate? 3) Could the fire-fighting equipment needed to put out a house fire even get up our road? 4) Might insurance costs go down as a result of inclusion in the Fire District? Her agent said her recent increase of \$900/year in insurance cost was due simply to location and general fire risk and that being in a Fire Protection District wouldn't reduce the cost. Jeff Fedrizzi said that MSR neighbors could be included. There is no set number that constitutes minimum participation, but the District authorities considering a request will be looking for enough of a tax base to pay for services.

Julie Coy requested coordination of effort to make sure the Fire Committee survey doesn't overlap with the Covenants Survey so we get good responses to both.

- Construction Deposit Refund and Refund Process: postponed to March meeting
- Flannery Reservoir Update: no update but Gary stated he will work on having one at the next meeting.

#### **Future Agenda Items**

- 2004 Road Use Rules to be Made Policy
- Construction Deposit Refund and Refund Process
- Flannery Reservoir Litigation Update
- Articles of Incorporation and By-Laws Final Drafts

Next meeting March 1<sup>st</sup>, at 7 p.m.

Gary Starr moved adjournment. Julie Coy seconded the motion. Meeting adjourned at 8:21 p.m.

Respectfully submitted,

Julie Coy

Secretary