

**Mountain Springs Ranch Homeowners Association**  
**Board of Trustees Meeting**  
March 1, 2022

**Attendance:**

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

MSR Members: Jan and Jerry Fedrizzi, John Rippy, Tim O'Sullivan, Peggy Hill, Susan Starr, Jack Metcalf, Micah Embrey, Chris DeSantis, Christy Milner.

**Call to Order:**

Gary Starr called the meeting to order at 7:00 p.m. and reminded all participants of the rules of decorum.

Gary Starr explained that an Executive Session of the Board was held 2/22/2022 pursuant to CRS Section 38.3-308(4)(b) and (f) to discuss issues with legal counsel and review written communication from legal counsel.

**Approval of Minutes from February 1, 2022**

Julie Coy corrected the draft minutes in the Fire Committee report to fix a typo so it would now read "as she wants."

Julie Coy moved adoption of the February minutes with the correction. Cyndie Rippy seconded the motion. Minutes were approved unanimously.

**Member Comments Not Related to Agenda Items**

Carrie Clark asked if there was an update on Lot 17. Gary Starr reported that Bill Slavinski is updating his plan for submission to the Architectural Committee so that it is more complete. The expectation is that the more detailed plan will be to the Architectural Committee by April 1<sup>st</sup>. Julie Coy pointed out that the plan won't be complete until a surveyor can find the survey points on the ground once the snow melts to identify lot lines and assure appropriate setbacks for the structure.

**Treasurer's Report**

Cyndie Rippy reported that we have \$45,900 in dues collected, \$2,850 donated from neighbors, and \$21,750 in uncollected dues. She will send out another reminder letter tomorrow for outstanding dues and expects most will pay by the March 31 deadline. She reported the status of major line items in the budget.

## Committee Reports

- Road: Gary Starr reported that MSR neighbor, Susan Pfeiffer, brought a skid steer up and it got stuck, causing delays on the road. Another neighbor has left damage in the road turning in and out in an attempt to open up the driveway into what used to be Noble Yeoman's property (first driveway to left after the gate). Walters Company has been pushing snow back and widening the road, trying to get the banks on the opposite side of the ditch to keep snow melt from sheeting over the road. The road cover needed to be thinned in anticipation of rain on Friday which will then freeze and ice up creating a safety hazard. Susan Starr requested two signs indicating that downhill traffic must yield to uphill traffic. The Matt Graham on the Road Committee will research the signage.
- Fire: Louisa Morrissey reported that Jeff Fedrizzi had a follow-up conversation with Chief Tillotson regarding joining the Fire District. The MSR CWPP got excellent reviews by the Colorado State Forest Service. GWS Fire Department and BLM must also review. There are grant opportunities coming through the federal infrastructure bill. Funds will come through public agencies for fuels mitigation, firefighting preparedness, and fire detection systems, which might include a fire detection camera mounted on Sunlight Peak to help with early detection. Matt Graham asked if funds might be available to create fire truck turnarounds in MSR. Jeff Fedrizzi said there are some existing grants through BLM and CO State Fire Service that might have funding for that purpose. Matt indicated that the work could be done in a way that would utilize material removed for ditch maintenance and reduce costs.
- Habitat: Jerry Fedrizzi reported he has ordered pheromone bubble caps for 6 people totaling 1,900 bubble caps. We got the lowest rate possible at \$2.10 each.

## Old Business

- Governing Documents Work Group: Carrie Clark reported that the work group has been meeting weekly for full day sessions. The group first reviewed and updated the Articles and By-laws to conform with guidance from the HOA Counsel. The Purpose statement and definition of Membership were aligned across documents. The workgroup learned that we no longer need a corporate seal, so that was deleted. References to gender were removed in all governing documents for inclusivity. Language in the By-Laws was added to indicate that assessments should be applied per lot not based on assessed value, consistent with the vote taken last year in a Special Meeting of Members. Work is proceeding on the Covenants to incorporate changes recommended by HOA Counsel, identify language to go into a Member Survey, and to make revisions for clarity.

Gary Starr asked about two issues that were previously in contention. First issue was Article V.1b indicating that only one position on the Board could be occupied by a particular owner, even if that owner owns more than one lot. Julie noted the Board last

year discussed this issue confirming that only one Board seat could be occupied by a owner/household, but that those owning multiple lots do get one vote per lot. The second issue in contention previously was Article VI.2.d, addressing surplus funds. Gary Starr stated that HOA counsel advised him that section be removed from the By-Laws and placed into the Covenants with specific direction for use of those surplus funds if the HOA does not plan to return excess funds to members. Carrie Clark shared that she had discussed the same issue at length last year with HOA counsel. It is possible to have that information in both the By-Laws (which cover how the HOA is run) and the Covenants (which are provided by law to owners when they purchase their lot).

Matt Graham moved to allow the Work Group to discuss issues directly with Mary Elizabeth Geiger, HOA counsel. Cyndie Rippy seconded the motion. Motion passed unanimously.

Christie Milner stated that Gary is correct that the provision on surplus funds should be in the Covenants but added that it may also be in the By-Laws.

- Private Plower Liability Insurance Update: Julie Coy reported that Tim Hasselmann does not plan to plow for the rest of the winter.

#### **New Business**

- Construction Deposit Refund and Refund Process: Cyndie Rippy proposed coming up with a basis such as proposed square footage of planned construction so that we can keep some of these deposits for road repair related to construction. Matt Graham agreed and proposed creating a fee structure based on the size/square footage of the building. Carrie Clark said Tom Warnes suggested that anyone who is building keep track of the number of trucks of different types making deliveries and base the charge on that traffic. Christie Milner pointed out that the Articles of Incorporation must be amended before we can impose an assessment that is not pro-rated on lots. Matt Graham expressed concern that verifying the number and type of truck trips to a build would not be feasible for the Board. A basis of square footage with flat rates would likely be more fair and easier to enforce. Gary, Cyndie and Matt will draft a proposed rate structure for retention of percentages of the Construction Deposit and bring back to the Board.
- Trespass Issues: Gary Starr reported that a communication was sent to the entire community to address people using private property outside of the 8-foot easement. He clarified that the 60-foot easement is only for access to one's own property. Beyond that point, members only have use of the 8-foot utility easement for walking or horse riding recreation. Christie Milner asked for clarification about access to the BLM or other MSR destinations. Gary clarified that Members are free to use the road and the 8-foot

easement to go anywhere on MSR or out to the BLM. Christie also asked whose authority determines the size of the easement and its use and what counts as trespass. Christie stated that currently the 8-foot Utility and walking/riding trails easement also goes around the entire perimeter of each lot.

- Policy Regarding Enforcement of Covenants and Rules: 1<sup>st</sup> Review. Julie Coy reported that a draft policy with Exhibit A as an addition has been revised with input from HOA Counsel; and the Board needs to review it for discussion, revision and adoption by the Board at next meeting.
- Assessments Policy Final Review: Louisa Morrissey reported that she has revised the Assessments Policy following input from HOA Counsel. She reviewed each change. Julie Coy expressed concern that under Section E, the language includes reference to different types of fees and charges, etc. rather than just creating an option for members to come up with a payment plan for their dues if this is a first time situation where they are having trouble paying the entire amount. Julie also recommended changing the due date for notification of need for a payment plan to January 15 from January 1; and change “Home Owners” to “Homeowners” with no apostrophe to comport with the legal name of the organization. Christie Milner stated that the \$100 per month fee is still more than the 21% usury rate. Cyndie Rippy agreed, and recommended the language be changed to a \$150 one-time late fee. All agreed-upon changes were made to the draft policy during the meeting. Julie Coy moved to approve the Assessment and Collections Policy with the corrections made during the meeting. Cyndie Rippy seconded the motion. The motion passed unanimously.

#### **Future Agenda Items**

- Policy Regarding Enforcement of Covenants and Rules
- 2004 Road Use Rules to be Made Policy
- Flannery Reservoir Litigation Update

Next meeting is April 5<sup>th</sup> at 7 p.m.

Julie Coy moved adjournment. Cyndie Rippy seconded the motion. Motion passed unanimously. Meeting adjourned at 8:20 p.m.

Respectfully submitted,

Julie Coy

Secretary