

**Mountain Springs Ranch Homeowners Association  
Board of Trustees Meeting Minutes  
August 25, 2021**

**Attendance:**

Carrie Clark, President  
Cyndie Rippy, Vice President and Treasurer  
Julie Coy, Co-Treasurer and Secretary  
Tom Heald, Trustee at Large  
Gary Starr, Trustee at Large  
Chris DeSantis, Trustee at Large

Also Present at the meeting:

Peggy Hill  
Christy Milner  
Micah Embrey  
Ben Young  
Jack and Leslie Metcalf  
Louisa Morrissey  
John Rippy  
Sean Elias

**Call to Order:** Carrie Clark called the meeting to order at 6:05 p.m.

**Meeting Expectations, Approval of Meeting Minutes from 8/11/21**

Those wishing to speak may request recognition by the Chair, then will be granted 3 minutes to speak. Julie Coy will time speakers and indicate when time is up. When not speaking, mute your microphone. Trustees should listen to speakers and remember that this is not a time for discussion, but to hear Member input. Trustees may ask clarifying questions of speakers. When speaking, state your name and lot number. Be respectful.

Gary Starr moved approval of the minutes from 8/11/21. Julie Coy seconded the motion. Minutes were unanimously approved.

**Member Comments on Covenants to Inform Member Survey Design**

Louisa Morrissey, Lot 9 and 39. Thanked the Board for asking for input early in the process of revising governing documents, particularly the Covenants. Article VI, Paragraph 2: thinks it is generally good to control noxious weeds and avoid using herbicides that could contaminate our water or poison wildlife. #2 may be too restrictive for the height limit on fencing because our snow depths can easily exceed 4 feet. Suggested changing to 6 feet. Provision limiting fencing material options is also too restrictive. Supports restricting use of short-term rentals due to the

dangers of road conditions. Commercial uses of home and property need to allow for a home office. Owners should be allowed to post no trespassing signs because if not posted, the owner has no legal recourse to address trespassing. Too restrictive on ownership or keeping of animals – if owners are responsible and housing is adequate and animals don't interfere with wildlife, it should be okay. Air drying clothing is better for the environment, should be allowed if discrete. Christy Milner, Lot 10. Article 4 Sec 2 on altering landscaping should be revised to allow homeowners more leeway as discussed in previous meeting. Should be more specific about what is prohibited and allowed on things like pads for water supply to require soil testing. Architectural Committee: AC isn't always available to provide feedback. Revise what house gets build first. Article 5: should clarify no drilling or logging trees for commercial use/scale. No business use – agree with Louisa's position that home offices should be allowed. Signs: okay, but says signage must be approved by the Architectural Committee and noted that there are signs on people's properties now that were likely not reviewed and approved by the Architectural Committee. Christy stated that if the Board cannot enforce a requirement, that requirement should be deleted. On the issue of subdividing tracts – it hasn't happened, but we need to think about addressing the implications for dues and votes if an owner does combine or subdivide lots.

Jack and Leslie Metcalf, Lot 27. Oppose allowing non-Members to serve on the Board of Trustees. Have questions about the reasoning for allowing it but are generally opposed. Indicated strong support for the HOA continuing to budget for snow removal and conduct plowing to enable year-round access to their property. They purchased their lot with the understanding that plowing the main road would give them access.

Ben Young, Lot 9 and 39. Reaffirmed support for inclusion of language about limiting short-term rentals. Expressed concern that announcements of meetings lately have not met the requirement for advance notice; and since meetings are open to Members, short notice presents both an inconvenience and barrier to participation.

Julie Coy, Lot 5. Wanted to address the issue of non-members on the Board, but discussion was deferred.

Gary Starr, Lot 37. Regarding Article IX.2, maintenance of roads, the language needs to be rewritten to be clear that the road budget allows for year-round maintenance including snowplowing of main road.

Louisa Morrissey, Lot 9 and 39. Would like to see more language about exterior lights being dark-sky compliant. Article 6-need less restrictive on lawns & landscaping. Article VIII, utility easements, language allows for an easement around entire property for horseback riding, etc. Louisa would like to see that provision eliminated to enhance owners' privacy. Prefers keeping a 30-foot easement along the road. Louisa agreed with Gary to modify language in Article IX.2 on road maintenance to clearly allow snowplowing of main road.

Christy Milner, Lot 10. Article VI.1. Current language regarding the siting of a dwelling house within 100 feet of the area staked by the owner or on the sales plat needs clarification, it is hard to understand. Provision requiring a main house to be constructed prior to construction of a guest house should be deleted as too restrictive. Regarding towers and antennae, Christy stated that while she understands the reason for this prohibition, an owner currently has a commercial satellite dish not attached to the house. She reiterated that any provision that cannot be enforced should be deleted. Trees and landscaping section needs to be cleaned up and made more permissive. Agrees that the section on road maintenance needs to be amended to clearly allow snowplowing of main road at HOA expense. Christy stated that easements are granted or not granted with property, can't be changed through Covenants. Article 9 must provide a clear method to amend the Covenants which conforms to CCIOA.

Julie Coy, Lot 5. Stated that there are circumstances where it could be advantageous to allow a non-Member to serve on the Board. Because the definition of "Member" is tied to ownership of the lot, the language should allow a spouse or partner of an owner who is not on the deed to serve on the Board.

Chris DeSantis, Lot 12. The language he proposed about non-Members being eligible to serve on the Board would allow a family member designated or approved by a Lot owner to serve.

#### **Board Discussion: By-Laws Revision**

Carrie Clark expressed gratitude for Chris DeSantis's hard work on the draft documents to date.

Discussed the need to get annual meeting dates set in the governing documents, allowing for both in person and Zoom participation.

Chris DeSantis expressed support for putting the three remaining questions into the Member survey to get input from the broader community.

Article 5 Section 1 about nomination and elections. Chris DeSantis clarified that the language he suggests would allow a family member of a Lot Owner to serve on the Board with the permission of the Lot Owner. Getting the language right on this topic is tricky because the definition for what constitutes a Member is highly restrictive (must own the lot and be listed on the deed). Tom Heald suggested that someone designated to serve should be resident in MSR. Chris pointed out that someone who might be designated to serve on the Board by a Lot Owner might not live on MSR. Tom Heald stated that all Members vote on nominees for Board positions and can vote no. Carrie Clark noted that our Attorney did not think it wise to allow non-Members to serve on the Board.

Article 6 d, f: Carrie said the Board needs some level of oversight and accountability to Members but also needs some freedom to work. Need to present this issue in the survey of Members. Chris DeSantis agreed and said that this language is not required by CCIOA, but if we do include it, the language belongs in the By-Laws rather than the Covenants as it speaks to how the Board does business. Chris and Cyndie Rippey have drafted language for Members'

consideration. Gary Starr agreed with Carrie's assessment overall and went on to state that in his review of other Association By-Laws in the Roaring Fork Valley he found no such reference to limits on Board authority around budget management. Gary asserted his position that use of any excess funds at year-end should be directed at the Board's discretion to contingency, reserve, or next year's operating expense based on current needs and priorities.

Article 8 c: Carrie stated that the Board of Trustees needs to be responsible for management and maintenance of the HOA website.

Carrie summarized that 5 a, 6d, 6f, 6g all need to be posed as questions in the survey of Members. Cyndie Rippy reminded the Board that we need to define "contingency" and "reserve" funds for Members in the Survey since the purposes and how the funds are used are different, and the terms may not be widely understood.

Chris asked if the survey needs to include the original language and the proposed language or just one or the other.

Tom Heald said he thought we should use the language we have and ask if it is acceptable or ask people to rank it using a Likert Scale with points on the scale defined. He hasn't yet decided on format for the survey.

### **Covenant Revision Process: Member Survey Update (Tom Heald)**

Tom shared a link that could be viewed by anyone who was looking at the chat room during this meeting that connects to the MSR BY-LAW SURVEY Excel file. Tom offered a framework that creates the structure for the survey and its analysis.

Section One.

Begins with an introduction about the purposes of the survey and about how much time it will take to complete. Then some descriptive or demographic data will be collected that will allow us to disaggregate the data, for example, by Members who live here year-round vs. less than year-round. Next there are questions about: how often Members use the road when they are here on MSR; how Members want their dues money used; preferences for plowing snow on main roads and secondary roads.

Chris DeSantis commended Tom Heald's work and approach to survey construction. Chris also suggested adding a question about how many vehicles are in use on the road by each Member's household.

Carrie suggesting providing an estimate for what it might cost to expand plowing to include secondary roads. Tom Heald said estimates are tricky, but we might be able to provide a range and indicate what it costs now to plow primary roads.

Gary Starr pointed out that there are year-round, full-time residents but also locals who access their homes on MSR every weekend, all year round. Regarding dues for plowing secondary

roads, Gary stated that MSRHOA has never been able to convince members to pay that much in dues. Plowing 16 miles of road vs. four miles would easily double or triple dues. Thinks we should not ask a question if we can't act on it even if some members say they want it. Tom pointed out that the survey isn't designed to solve problems but to solicit input and opinions.

Ben Young thanked Tom for his work on the survey and agreed that it is addressing important issues. Ben suggested setting up the survey to allow analysis to determine if patterns of responses are related to whether or not a member's lot is on the main road or a secondary road.

Julie Coy stated she thinks it is important to let people know realistically what it might cost to plow secondary roads. She has heard members say they want their secondary road plowed and don't think they should have to pay privately for plowing when there is an HOA.

## Section Two. Summer Roads

Line 28 lets respondents check yes to "I am satisfied with summer road maintenance." If someone checks this box, the survey uses skip logic to drop people directly to Section Three. If someone says they are not satisfied, the survey will move them to a series of questions about summer road maintenance. Questions address the quality of road, traffic, speed, maintenance of culverts, shoulders, speed bumps, etc. The survey could also ask a question about developing or meeting Colorado standards for dirt road maintenance; and if respondents support developing short-term, mid-term and long-term road maintenance plans.

Gary Starr thinks we should not use skip logic but ask people who are satisfied with the road to answer all the questions as well. Tom indicated that in survey design you need to be sensitive to the amount of time it takes to complete a survey. Also don't want to have a lot of questions that are mandatory other than demographics, which are essential for analysis.

Chris DeSantis indicated that respondents might be satisfied with the road's maintenance but have strong opinions on the speed question. Suggested taking speed item out of the section on 'maintenance.'

Julie said people might also have strong opinions on safety issues as well as speed – for example, drivers not paying attention on switchbacks and crossing into opposing traffic lane. That kind of question should be outside the set of maintenance questions as well and combined in a speed/safety section.

Tom will look at the questions and consider making some of them mandatory for all survey respondents.

Christy Milner asked if there will be an open comment option to explain your responses. Tom indicated that there will be an open-ended response item at the end of the survey.

### *Section Three. Winter Roads.*

Tom Heald will use the same general approach to the structure of Section Three as in Section Two. Questions will address issues such as snow removal, depth of snow left on the road after plowing, winter road maintenance, ingress/egress obstruction, etc. The questions would pertain to both primary and secondary roads.

Gary Starr said he is having trouble identifying what winter road maintenance is other than snow plowing. Tom indicated it could be things like fallen tree removal, slush or a sliding section in Spring, sanding of icy spots. Gary suggested separating maintenance work, which is recurring, from emergency response to road problems. Tom said he could revise it to read emergency safety responses instead of 'winter maintenance'.

Chris DeSantis responded that perhaps a maintenance issue would come up if Members said they wanted provisions such as a snowshoe or ski access trail along the road which would have to be maintained in addition to snow removal. Tom will work on a question that pertains to Members' ability to access secondary roads using recreational or alternative means such as snowshoes, snowmobiles, or cross-country skis.

Gary Starr said he has explored what constitutes standard accepted practice for plowing dirt/gravel roads and that such a standard should be our reference for decision-making.

Carrie Clark said she has been in contact with Garfield and Pitkin County Road and Bridge and White River National Forest to get guidance about standards for plowing dirt roads.

Julie Coy said that some Members' main concern is being able to access their lots using their snowmobiles, and that isn't possible if the secondary roads are plowed to the ground for wheeled vehicle passage. Tom will capture that thinking on Line 76.

### *Section Four: Miscellaneous*

These questions will get feedback about long-term planning, primary and secondary road questions, opportunities to participate or provide input to the Board without serving on the Board. Will ask if they are willing to have their dues pay for these things. An important question will solicit input on the definition of primary and secondary roads, and what data should be used for those definitions.

Carrie Clark said she talked to Garfield County Road and Bridge, and they have a 5-year plan. Every year, they sit down with leadership, review progress, and project ahead based on a fee structure. Can share more at a future time but the process is fairly straightforward.

### *Section Five: By-Laws*

This section includes questions about the By-Laws, including questions regarding Board authority and discretion for budget management and whether or not that should be in By-Laws.

Cyndie Rippy said that 6f has to do with reserve account, not contingency. Believe 6g pertains to contingency. Need to keep them accurate and aligned with By-Laws in the survey. Tom made corrections.

Chris DeSantis suggested asking if Members want the approval vote standard to be 67% of all Members or 67% of all Members present in person or by proxy.

Carrie Clark reminded everyone that 6d, returning excess assessments, is addressed under CCIOA. Attorney said that CCIOA requires that funds be returned to members, placed in a contingency fund or placed in the reserve fund. Christy Milner said that excess funds could also be used to reduce the next year's dues.

Gary Starr stated that CCIOA requires a reserve fund, but not that excess funds must be placed in a reserve or in a contingency fund.

Chris DeSantis urged us to include all legal options for use of excess funds in the member survey and ask for input. Chris stated that the only four options are: Put it in reserve, put it in contingency, return to members, reduce next year's dues.

Tom said he might structure the question to allow people to prioritize first, second, third, fourth choices for use of any excess funds among the four legal options.

Carrie said she thinks that any excess funds could be applied across the four options, would not have to only be applied to one of the choices. Chris DeSantis concurred.

Gary Starr re-asserted that he believes that if By-Laws and/or Covenants say that excess funds can be carried over into the next year's operating budget, then it's acceptable under CCIOA.

Carrie Clark said that Mary Elizabeth did say that if the option of rolling over funds to the next year's operating budget is in the Governing Documents, then it would be legal.

Chris DeSantis said that CCIOA requirements need not be re-stated in governing documents but if the issue is important, it is wise to state it in the By-Laws or other governing documents to help since not all Board members are experts on CCIOA.

Tom suggested getting Mary Elizabeth's review of the survey for any potential legal issues with the questions or options posed.

Christy Milner stated her belief that Gary's proposition would be functionally the same as reducing next year's dues.

Tom Heald invited input for any issues not yet addressed.

Julie Coy says we have covered issues for the By-Laws, but nothing on the Covenants. Asked if we need to send out two separate surveys because the survey is getting long.

Tom Heald asked if we want a second survey or if we want to simply place the proposed revised Covenants before Members for their input.

Louisa Morrissey asked if it would be possible when surveys go out to highlight what is required by CCIOA as an aid for Members not familiar with its requirements.

Chris DeSantis said he and Carrie did a draft of the Covenants and outlined what is being brought over from the existing Covenants, things that are new or different, and things that must be added by law that we don't yet have.

Carrie suggested indicating what is required by CCIOA or other law but that it might be too cumbersome to include all the detailed reference numbers.

Tom Heald said that it is possible to hyperlink to other documents at the beginning of the survey or place a symbol with each item if that item is required by law.

Carrie thanked Tom Heald for his work on survey design. Agreed that once we have the survey formatted, we should send it to our Attorney to check for legal issues or any items that could be misconstrued in some way.

Tom Heald says he has drafted a short survey that would allow Members to indicate they are satisfied with a section in the Covenants or not satisfied.

Christy Milner stated that she believes we do need to send out a survey on the Covenants, since they govern what people can and cannot do with their property where the By-Laws are mostly procedural.

## **New Business**

### *Draft Snowplow Policy.*

Julie suggested tabling discussion on this until next week, and to start the discussion with what Carrie learned from Garfield County Road and Bridge, Pitkin County and the Forest Service about their approaches to snowplowing.

Carrie said Garfield County Road and Bridge does not have specific policies on snowplowing dirt and gravel roads because of the highly varying conditions across the county. They let their plow operators do their jobs and use their judgment to plow in a way that best protects the roads and removes snow. Carrie has calls in to Pitkin County Road and Bridge and the National Forest Service and hopes to hear back from them by next week.

Carrie thanked the Board for the extraordinary dedication they have exhibited through this body of work. Julie Coy thanked Carrie for doing an exceptional job of leadership.

## **Next Meeting of the Board:**

Wednesday, September 1<sup>st</sup>, 6:00 p.m. – 8:30 p.m.



## **Meeting Adjournment**

Gary Starr moved adjournment. Julie Coy seconded. Unanimous approval. Meeting adjourned at 8:29 p.m.