

**Mountain Springs Ranch HOA**  
**Regular Board Meeting**  
**Monday April 17, 2023; 7 pm MST via Zoom**

Meeting called to Order at 7:06 pm MST:

Attendance:

- MSR HOA Board members: Tim O’ Sullivan, Tony Threinan, Matt Graham, Chris Fedrizzi and Louisa Morrissey. Louisa Morrissey held proxies for Jennifer Tomsen and Cyndie Rippy.
- Community Members: Ed Walters (neighbor), Jack Metcalf (Lot 27), Michael Green (Lot 14), Mike Freeman (Lot 18), Jon Zalinski (Lot 36), Jeff Fedrizzi (Lot 3), Aimee Agnew (Lot 4), Brian Welder (Lot 20).

Rules of meeting decorum: Raise your hand and wait to be recognized for your turn to speak. Limit your comments to 3 minutes. Do not interrupt the member with the floor. Be respectful of all members, no abusive language. There will be one request to change behavior/ warning from the President or the facilitator of the zoom meeting. If it happens again the person will be removed from the meeting.

Community member comments. Please limit to 3 minutes and keep comments concise and constructive.

- Mike Freeman:
  - Asked for clarification: the survey question regarding recreational cabins stated that permits were required for any work greater than 200 square feet while the language in the proposed covenants (Article V section 1C) states that all new construction greater than 200 square feet *and requiring utilities* must meet Garfield County Building Codes and have a permit.
  - Mr. Freeman expressed concern that the language “and requiring utilities” may present a loop hole in the covenant.
  - Louisa Morrissey motioned to remove the language “and requiring utilities” from Article V Section 1C in the proposed covenants. Matt Graham seconded the motion. The motion was approved by all Board members present in person and by proxy.
- Louisa Morrissey:
  - Documents revision:
    - The conversation around the revision of the MSR documents is about a community coming to a consensus. Not everything will be perfect for each individual, but she hopes that the community can work together for the vision and goals of the community as a whole.
    - The documents revision has been going on for at least 3 years with multiple volunteers from the community working on the documents and multiple meetings held open to the community.
    - The goal is to best represent the community as a whole and come into compliance with Colorado State law.
  - Subdivision:
    - About 40% of the survey respondents want to keep the opportunity to subdivide. 60% of the survey respondents want to change the covenants to eliminate subdivision. The Board needs to consider both points of view.
    - Louisa Morrissey hopes that the community can have a constructive conversation.
      - This is not about “winning” or “losing”.

- How can we come together to find a solution and focus on common goals?
- HOA lawyer:
  - At the last Board meeting on April 3<sup>rd</sup>, a community member made a disparaging comment about Mary Elizabeth Geiger, the HOA attorney.
  - Louisa Morrissey made a reminder that Mary Elizabeth Geiger is licensed in the State of Colorado, has practice law for several years and is experienced in CCIOA and HOA laws. She is well respected by her colleagues and has served our community well. She is the HOA lawyer and it is her legal advice that the Board will follow.

Approval of draft meeting minutes from April 3, 2023

- Matt Graham made motioned to approve the meeting minutes from April 3, 2023. Tim O'Sullivan seconded the motion. The motion was approved by all Board members present and by proxy.

Treasurers Report (Cyndie Rippy)

- Cyndie Rippy was not in attendance at the meeting and could not present the treasure's report.
- All dues for 2023 have been collected.

Committee Reports

- **Road Committee:** (Matt Graham)
  - Road budget and costs:
    - Due to the large snowfall this past winter (close to 200% of normal) the plowing costs were higher than average.
    - There are less funds to use for summer road maintenance.
    - Matt Graham suggested that the Road Committee and Board try to stay within the budget and use the contingency fund only if necessary.
    - Chris Fedrizzi suggested to evaluate the long-term costs of plowing, road maintenance and mitigation and consider asking the membership at the annual meeting to raise dues enough to take care of overages.
    - Can any overages of dues go back into the general fund with approval of the members?
      - This was a long conversation during the Bylaws revision and Mary Elizabeth Geiger gave the Board guidance per what CCIOA allows. Louisa Morrissey will check the Bylaws as to what is allowed.
    - Our HOA dues are still relatively low compared with other communities.
    - Options for funding were discussed.
      - There was a suggestion to request donations from neighbors who use the road but are not HOA members. Some contribute regularly but others do not.
      - Should there be a one-time special assessment to reimburse any contingency fund?
      - Should the Board ask members for a suggested \$500 voluntary donation?
  - Plowing and road maintenance:
    - The majority of road damage comes from water from snowmelt and inadequate drainage.

- Plowing decreases damage from water on the road and snow bank pushback gets water off of the roads and into the ditches.
    - Last year the HOA spent about \$6000 to clean the culverts from the gate to the intersection of Mountain Springs Road and Black Bear Road. This expenditure paid off in that there was much less water damage on the main road after the winter and the spring melt out.
  - Secondary roads:
    - Letter from Jeanie Lucas (Lot 15) was read to the Board by Matt Graham
      - Jeanie Lucas expressed concern about the state of Saddle Drive, especially from the junction of Saddle Drive and Mountain Springs Road to the old snowmobile parking area.
      - Saddle Drive services almost ½ of the MSR residents.
      - Requested repair and maintenance.
    - Matt Graham read the response from the Board.
      - Agreed that Saddle Drive and other secondary roads need repair and maintenance.
      - Management of snowmelt and run off to the road needs to be addressed to prevent damage in the future.
      - Need to wait until road dries out to do repairs.
    - Area of greatest concern on Saddle Drive is the stretch between the intersection of Mountain Springs Road and Saddle Drive up to the historical snowmobile parking area.
    - The snowmobile parking area was not plowed this year. This led to much more snowmelt onto the road.
    - Matt Graham proposed that funds be spent to repair and maintain Saddle Drive.
  - Road slide above gate (at the original slide area):
    - The old slide area is sliding again and covering the barrow ditch.
    - The soil is too saturated to work on the side slope and the bank is extremely unstable. It would put any equipment operators in jeopardy at this time to try to work on it.
    - A new fracture occurred on the south side of the road across from the slide in the past 24 hours due to water running underneath the road. It is off center towards the downhill side. A ditch was created on top of the road to keep the water from running underneath the road and get the water off the road.
    - Plan:
      - Wait, monitor and let the soil dry out. Walters Company has equipment and operators are on site. The slide is buttressing itself for now.
      - Re-dig the barrow ditch.
      - Put plastic pond lining in the barrow ditch to prevent water from running under the road.
      - Put perforated pipe into the area to aid in the drainage?
      - Put in a curtain drain to prevent the slide in the future?
      - Further discussion about generating funds to do preventative mitigation on this area.
- **Fire Committee:** (Louisa Morrissey and Jeff Fedrizzi)
  - Signs for fire escape route:
    - Jerry Fedrizzi has researched signs to direct residents to the fire escape route.
    - Red metal signs, 18 inches long with reflective lettering reading “fire exit”
    - Signs would be placed at the intersection of Mountain Springs Road and Saddle Drive, the intersection of North and South Marsh, the intersection of Hidden

Springs and North Marsh Lane. A directional sign could be placed at the driveway on Lot 14 with owner's permission and on the Rippy's property (with their permission) where the current fire escape sign is located.

- The estimated cost of the signs with hardware would be \$150.
- The Fire Committee requested for funds from the Fire Committee budget to purchase the signs.
- Matt Graham motioned to approve Fire Committee funds to pay for the signs. Chris Fedrizzi seconded the motion. The motion was approved by all Board members present in person and by proxy.

○ Research for inclusion in the Glenwood Springs Fire Protection District:

- CWPP action list calls for research into possible inclusion in the Glenwood Springs Fire Protection District.
- The Fire Committee is in the first stage of research.
  - Would like to get more information about what inclusion in the district would mean for the community and the process of applying for inclusion.
  - The FC plans to gather as much information as possible, present the costs and benefits to the community and design a survey to assess interest.
  - What does inclusion mean for MSR? Under Colorado statute the County Sheriff or the Fire Protection District has responsibility to respond to a wildland fire. Unincorporated Garfield County (MSR) falls under the responsibility of the Sheriff for wildland fire protection. There is no legal responsibility from any Fire Department to respond to a structural fire in MSR. Under inclusion in the Fire District, the Fire District would provide response to structural protection and could also respond to wildland fire. Inclusion into a fire district would require a special taxation district that would have to be approved by the residents and would be reflected in property taxes. This would not be an increase in HOA dues.
  - Jeff Fedrizzi plans to put all of the information in an educational brochure in order to inform the MSR community and then proceed with a survey to assess interest from the Lot Owners.
  - The Fire Committee would like to ask permission from the MSR HOA Board to attend Glenwood Springs Fire Protection Board meetings and have a conversation with them in order to gather more information.
  - Matt Graham made a motion to let the Fire Committee contact the Glenwood Springs Fire Protection District Board. Chris Fedrizzi seconded the motion. The motion was approved by all Board members present and by proxy.

• Habitat Committee: (Martha Cochran)

- No report was made.

• Architectural Committee (HOA Board)

- Review of greenhouse proposal from Brian Welder (Lot 20):

- Premanufactured building greater than 200 square feet.
- While no permit is required at this time Mr. Welder is willing to apply to Garfield County for a permit.
- Walters Company will do the excavation this coming spring.
- Mr. Welder is hoping to complete the project in the next year.
- Matt Graham made a motion to give preliminary approval to the plans providing that Mr. Welder notify neighbors, raise a story pole and arrange for a site visit

from the Board. Louisa Morrissey seconded the motion. The motion was approved by all Board members present and by proxy.

#### MSR documents review and path forward

- Louisa Morrissey will update the proposed Covenants per Mike Freeman’s suggestion to remove the language “and requiring utilities” from Article V Section 1c.
- Subdivision:
  - Louisa Morrissey asked the Board for clarification regarding the vote about subdivision and how the Board wanted to proceed.
  - Two informal surveys show about 40% of respondents in favor of keeping language that allows subdivision and 60% of respondents in favor of removing the language that allows subdivision.
  - The percentages of the informal survey do not dictate a clear majority.
  - The survey was optional.
  - At the last meeting Christy Milner challenged the results of the surveys because she was concerned that some Lots had responded twice to the survey questions.
  - Does the County allow for subdivision? The County allows for subdivision, but a 35-acre lot that is subdivided must abandon its exempt well status and reapply with the State Water Board for a household use well status.
  - Language used in the subdivision application is important (for example, “lot division” vs subdivision).
  - Can the HOA grandfather the right to subdivide for current lot owners?
    - This could be a compromise.
    - It could make this issue more confusing.
    - The Board would have to research this option further.
- The consensus of the Board was to ask HOA members to do an actual vote by lot to tell the Board to either keep the language in the current Covenants that allows subdivision or change the language in the proposed revised Covenants to not permit subdivision.
  - **This is NOT a vote to amend the current covenants!**
  - Plan:
    - Keep verbiage of vote simple.
    - Consult Mary Elizabeth Geiger to make sure we follow the correct legal process and correct documentation.
    - Consult with Gary Starr and Carrie Clark as to how previous votes were taken.
    - Send out notice of Special Members meeting by the end of the week for a meeting May 22, 2023. (30 days in advance of the meeting)
    - Create a resolution: Inform the Board to keep the current language allowing for subdivision in the proposed Covenants revision or inform the Board to change the language in the proposed covenants to not allow for subdivision.
    - Create a proxy. Residents can send in proxy by mail or email or vote in person at the Special Meeting.
    - Use the results of the vote to guide the Board in the language of the proposed revised Covenants regarding subdivision.
  - Matt Graham made a motion to
    - confirm the voting process with the HOA attorney,
    - send the Special Meeting notice out by the end of this week
    - give members 4 weeks to respond and
    - hold a Special Members meeting on May 22<sup>nd</sup> regarding if the HOA members want to keep the language the same (allowing subdivision) in the proposed Covenants or change the language to not allow subdivision.

- Members may vote by proxy through regular mail or email ahead of time or in person at the Special Members meeting.
- Chris Fedrizzi seconded the motion. The motion was approved by all Board members present and a proxy from Jennifer Tomsen. Louisa Morrissey, who was holding the proxy for Cyndie Rippy, abstained her vote because she had not been given a clear indication of how Cyndie would like to proceed. With the majority of the Board in favor, the motion passed.

Old/new business

- Sign at the bottom of the road. Cyndie Rippy and Tim Hasselmann were not at the meeting and this topic was not discussed.

Meeting adjournment and next regular Board meeting:

- The Special Members meeting will be May 22, 2023.
- The next regular Board meeting will be Monday June 5, 2023.
- Matt Graham made a motion to adjourn. Chris Fedrizzi seconded the motion. The motion was approved by all Board members present in person and by proxy.

Meeting was adjourned at 8:30 pm MST.

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