

**RVRMA EXECUTIVE BOARD  
Record of Proceedings  
Regular Monthly Meeting  
Wednesday, May 22, 2019, 5:30 p.m.  
The Ranch House Meeting Room**

A regular meeting of the Executive Board Members of the River Valley Ranch Master Association, in the county of Garfield, State of Colorado was held on Wednesday, May 22, 2019 at 444 River Valley Ranch Drive, Carbondale, Colorado, CO 81623 with the following people present:

**Executive Board of Directors**

Yvonne Perry, President  
Gary Lesser, Vice President  
Leslie Marcus, Secretary  
Gary Harada, Director-at-Large  
Ben Johnston, Director-at-Large  
Cathy Cooney, Director-at-Large

**Management Representatives**

Kendra Ford, Community Services Manager

**Homeowner Attendees**

John Krousouloudis  
David Thickman  
Stan and Carolyn Kleban  
Dick Sundeen  
Matt Freeman  
Sarah Jane Johnson  
Peggy Ridley  
Bill Huxley  
Gary Hansen

**Call to Order**

RVR Executive Board President, Yvonne Perry, called the meeting to order at 5:30 p.m. A quorum was established.

**Approval of Minutes and Consent Agenda**

Vice President, Gary Lesser and Director Gary Harada, moved and seconded to approve the agenda and the adoption of the Board Meeting minutes of April 20, 2019. The motion passed unanimously.

**Public Comment**

Matt Freeman from 118 Heritage Drive asked the Board if anyone has spoken with his neighbor about the concerns he brought up at the last meeting. General Manager, Sterling Page, informed Matt his neighbor has been talked to and has been agreeable to deal with the exterior issues that are of concern. Matt Freeman requested there be a follow up with the neighbor by a Board member or manager in the next week to assure action is being taken.

John Krousouloudis addressed the new Town of Carbondale single waste hauler policy. He requested the trash policy be discussed at a future RVRMA Board meeting. He would like to consider an approach with the Town to come up with a better deal or different program for RVR. John noted that there were no residents at the Town meeting when the single waste hauler policy was approved.

Yvonne said she would attend a Town meeting with John if he wants to discuss this with them and present some ideas in front of their leadership and Board.

## Announcements

- May 25<sup>th</sup>- Memorial Day Weekend Hot Dog cookout and pool party
- June 7<sup>th</sup> – Pool and Snack Shack open for summer
- June 7<sup>th</sup>- First Friday Art Opening (Toms Door) 4:30-5:30
- June 8<sup>th</sup> – RVR Community Yard Sale
- June 12- Book singing and talk with Dr. Feinsinger, author of [Optimal Health](#)
- June 26 – Executive Board Meeting
- June 28-30<sup>th</sup> – RVR USTA Tournament

## Ranch House Report: Kendra

The Carbondale Police Department has alerted us that they are driving through RVR regularly and have been giving warnings for dogs being off leash. They asked us to remind RVR residents that there is a Carbondale Ordinance requiring dogs to be on a leash. It seems they are finding that a lot of dogs in the community are not.

The RVR summer staff has been hired. There is a significant number of returning staff so there will be familiar faces on the lifeguard stands, Snack Shack and front desk. We have four lifeguards who have been with us for at least four years. The annual Memorial Day weekend hot dog cookout will be this Saturday and the pool will be open for the holiday weekend. With Memorial Day weekend landing a bit earlier than typical, school still in session for a few more weeks, and much of our staff graduating, there is a chance the first weekend of June the pool may be open but without lifeguards or the slide. We are still working through some possible scenarios and will be sure to alert the community of the pool/slide status for that weekend. For many years the end of the RF School District school year coincided with Memorial Day weekend. This has shifted in the past few years so moving forward, we may want to consider aligning the pool opening with the end of the school year instead of Memorial Day weekend. This is how the other pools in the area operate and it makes sense. We trust the community is understanding of this and is willing to be flexible regarding the pool/slide status for a weekend.

### Estimated Pool Schedule:

Memorial Day weekend- Snack Shack and Pool open for the long weekend. Lifeguards and slide.

June 1 and 2 – Pool and Snack Shack open. No Lifeguards or slide.

June 7- Pool and Snack Shack open every day for the summer!

We will be moving to the Square Pay system for food and beverage purchases at the Ranch House. The Square Pay system stores credit cards so for those who want a card on file. Members will need to bring the card they want on file with them one time at the start of the summer. There will also be flexibility for those who do not want a card stored and may want to use different cards during the summer. It will be totally up to the member how they prefer we handle charges for them, their family and guest. Charges will happen at the time of purchase.

Our lifeguard supervisor this year is Ethan Wexler. This is Ethan's fourth year of guarding for RVR and his third year of teaching swim lessons. He is a graduating senior. Our Snack Shack supervisor this summer is Riley Padgett. This is Riley's second year with RVR and he is also a graduating senior. Both boys are on Senior Project trips and return to the valley on June 3, so I am covering their roles until they return. We are having a full summer staff meeting and official orientation on June 5<sup>th</sup> with all lifeguards and Snack Shack employees.

The Snack Shack offerings this summer are going to look a little different than last summer and we are excited about the changes! There will be full size pizza slices available, hot dogs and a broad variety of easy and healthy snacks. The cost of food and drinks is going to be less than last summer across the board and everything we are carrying also has a good shelf life.

Jules King has the planning for the July 4<sup>th</sup> event well under way and this year's theme is "Groovin Valley Ranch" with an overall 60's hippie theme. She has the band lined up as well as some other fabulous forms of entertainment and will have many of the details dialed in by the early part of June. We anticipate the pricing will stay the same as last year and we will again require an advanced RSVP.

There was a new homeowner meet and greet scheduled for last week with Sterling, Kendra and Yvonne. A targeted invitation was sent out to people who have become owners in the past year. We requested an RSVP and unfortunately did not hear from anyone. We then decided to cancel and reschedule for the summer. We hope the no response was a sign that new owners are comfortable with the process and procedures related to life at River Valley Ranch.

### **Fitness**

With the summer season approaching the inside fitness slows down just a bit. We will be scaling back on the class schedule some and using that time to reevaluate options and request for additions to the fall.

The TAC classes have continued to be well attended and getting great reviews so we will maintain our partnership with them for the existing classes into June and see if attendance changes at all with the warm weather.

### **Communications**

The RVR Community is now on Instagram – PLEASE FOLLOW US- "RVRCarbondale". We will have events, current news items, announcements and community pictures posted regularly and anticipate this will be another excellent source of communication. There will be messaging about summer events and updates on there so let your neighbors know to follow us and stay in the know.

We encourage everyone to READ THE NEWSLETTER this is an excellent source of information for everything our community should know about. We so often get questions from owners/members about what is going on, what is coming up and relevant dates and most often these questions are around items of which the details have been out in newsletters.

### **Programming**

### **Design Review Committee**

Week of May 5- Two (2) preconstruction meetings and new homes that broke ground

Week of May 13- Four (4) preconstruction meetings and new homes that broke ground.

Currently Four (4) in the building permit process with the Town of Carbondale

### **Operational Report -Sterling**

#### **Governance**

- Covenants, By-Laws, Resolutions and Policies.
  - James, Heather and staff have been busy with the start-up of the new SQUARE Point of Sale system. It will process sales transactions in the Snack shack and Juice bar. This will be rolled out over the next 2 weeks. Due to previously calendared events, the committee has taken a May recess and will reconvene again in June.

- The governance question regarding vehicle parking is determined in the 3<sup>rd</sup> amendment of the RVR Amended and Restated Master Declaration dated 2005.

### Facilities

- Ranch House
  - We extended our janitorial contract with Simon Bentley to cover Friday and Saturday. Our Sunday – Thursday effort is covered by staff (Anna).
- Pools & Tennis
  - Tennis courts are opening daily, weather permitting.
  - Our pool will be open this weekend and pending new parts arrival the slide will also be open.
  - The pool deck needs extensive repair and is part of a comprehensive repair and maintenance reserve study project for this fall. This will include removal of the concrete deck, enlarging the small hot tub, repairs to the sub-surface mechanical, electrical and plumbing concluding with a new paver surface that will allow service and repair of the entire system without major **demolition in the future.**

### Grounds

- Common Areas
  - Broadleaf weed control application has been completed in the MCA on the west side of the river and The Settlement. Old Town application will be dependent on favorable weather conditions on a coming Friday.
  - The number of deer fencing violators is down to 11. These are all in the custom home area west of the Crystal River.

### Irrigation

- Our crew was able to complete the extension of the irrigation water main line through the JJ / Fairways lots to provide this utility to all lots in this neighborhood.
- Rich Myers rebuilt the ditch spillway into pond #1 near Cedar Creek. This project was one of the budgeted items in the annual irrigation plan to be billed and cost shared with golf.
- We were able to re-anchor the pond liner in the first exit pond between Heritage and Lakeside with large boulders. This was a stroke of luck caused by flow restrictions in the river at the head gate of the Bowles Holland Ditch triggering the pond to almost run dry.
- A standing notice to all homeowners- If your water isn't on it will be soon. Our crew and the golf course superintendent are working on the system daily. If it's raining and you are watering, please turn it off and have your DRC required rain/moisture sensor serviced to be sure it is in working order.

### Operations

- Old Town                      No news
- The Settlement Re-painting of 3 of 10 homes are complete.
- Boundary                      No news
- The 24                          No news
- Crystal Bluffs                No news

## Finance Report – James Maguire

We closed out the following accounts and transferred them to Edward Jones:

Spring Bank - \$266,000

Community Bank – \$253,000

We will have a meeting with Edward Jones to decided how to invest the money.

James acknowledged Bob Schoofs for all his assistance in this process.

The operating budget is \$56,000 under budget. This is mostly due to \$18,000 increase in DRC income, decrease in wages, golf and legal fees.

## Old Business

- Enforcement of Covenants and Rules and Fine Schedule

Yvonne Perry addressed the Owners in attendance. Thank you for coming tonight.

We welcome the opportunity to hear your thoughts on all issues .In particular, we want you to be part of the conversation on a subject we take seriously: The Board’s legal obligation to enforce our governing documents.

Before we get started, I’d like to offer some perspective on why this is an important topic.

At a high level, one of the Board’s primary duties is to preserve the value of our property – both individual property and common interest property.

One of the ways we do that is by making sure the community lives by our governing documents, which we all agreed to when we bought property at RVR. It’s **our** job to enforce the covenants and rules; it’s **your** job to live by those documents.

We believe most of our community lives here **because** of these rules, not despite them.

This Board, and previous Boards, have rightly received criticism for not adequately enforcing RVR’s governing documents. The time has come to act.

We’ve been communicating a lot about this over the past six months, communicating our intent to enforce existing rules – not create new ones.

It is **not** our desire to generate revenue by fining homeowners; in fact, when we must fine anyone, our system will have failed. Our desire is to create a culture of compliance with the rules and covenants. We hope to do this with warnings, conversations, and courteous dialog between RVR management and property owners – without the need for fines.

When, on occasion, these “friendly” tactics don’t work, we must have a way to bring about compliance, and that’s why we’re formalizing a Schedule of Fines.

The idea of enforcing our governing documents is not a new one. Our current covenants and rules contain many references to enforcement, including the use of fines, if needed, to bring about compliance.

Some are asking, what's the hurry? Why the rush?

Well, we've been discussing this topic for more than a year. It's time to take our responsibility seriously, to live up to our responsibility to make sure the entire community is living by our governing documents.

This is what you elected us to do.

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With that, we'd like to open the discussion on this topic. But first, a few basic ground rules.

- Before speaking, please state your name and address.
- To make sure all voices are heard, we're allowing each of you a maximum of two minutes to state your concerns. Gary will monitor the time, and let you know when your two minutes are up.
- We'd like for this dialog to be respectful, in tone and content.

Penny Ridley mentioned that she has a trailer which fits in her garage. Since she moved here, she has been under the impression there was a 24-hour rule, where someone can pull their trailer out in the afternoon, load it up and leave it there until the morning. Penny recently noticed when reading the policy that it says no overnight parking of trailers and this has not been her understanding. Ben Johnston confirmed that the rule has always been no overnight parking of trailers. Penny asked the Board to take into consideration the practical application of this for people who just need to load their trailers so they have it ready to leave first thing in the morning.

Carolyn Kleban questioned who will monitor the landscaping in the community and decided what is okay and not okay. Ben Johnston stated we are all responsible to notice issues in the community. She mentioned her neighbor sued the Board to get a minimal and natural styled landscape in his yard. What they do not know is if the lawsuit said he does not have to maintain it. The property is not maintained and because of all the tall grasses there are up to thirty deer in his yard which is right next to theirs. Carolyn asked that the landscape committee help monitor issues such as this related to landscaping in the community.

There was discussion with the members present about what is involved with changing the covenants. Ben Johnston explained that in order to change the covenants 67% of the owners would have to vote in favor of the change.

David Thickett brought up some rules he saw on voting procedures and his impression was that if someone does not vote in this type of instance it translates to a yes vote.

It was determined the state statute allows opt in or out of that procedure. The RVRMA covenants opt out of it. What is defined and required in our covenants, as it relates to a modification vote, trumps the state statute.

RJ Spurrier spoke of his experience with two other HOAs he is involved in. Both went through the process of modifying the covenants and needed a large percentage of votes. In one case with the smaller HOA the focus was on things that everyone felt were errors in the covenants. There was a broad consensus. After a 6-month effort they succeeded, and the covenants were modified. In the other HOA covenant modification process, the proposal was not as clear cut and there were several people who were strongly opposed and it did not come close

to passing. He suggested that it is wise to do some vetting and only put out to vote those items which are very clear there is a broad consensus on. Because one controversial item will collect enough no votes to not get a consensus on the others. Another option is to propose each issue as a different amendment to vote on. Some will pass and some won't.

John Krousouloudis expressed his support for the fines and violation policy. He has always lived in planned communities and appreciates the type of environment clear rules and enforcement provide. At one time he lived in a planned community where the manager drove around every day to look for any and all violations. For example, there was a rule about lawn upkeep and if someone did not mow their lawn for a certain period the HOA brought someone in to mow it and the owner was charged. He mentioned the issue with the overnight trailer parking in order to truly enforce this there would have to be robust monitoring of everything.

Cathy Cooney explained that the plan is for the Board to establish a process for how to effectively enforce.

Yvonne suggested we could do a survey to the community, even though we don't even get that many people to answer surveys, to see if there is enough interest for involvement in changing certain guidelines/covenants.

Stan Kleban suggested the enforcement could be handled on a case by case basis on what makes sense to enforce and what should be allowed in certain situations.

Gary Lesser responded that the Board cannot decide what rules make sense to enforce on a case by case basis. He suggested a committee may be needed to look at some of the standout issues that make sense to change.

Dick Sundeen discussed his time on the Board when RVR was still run by the developer and the challenges he became aware of related to enforcement. He explained the thought then was no one wants to police a community. It takes serious enforcement energy to keep up with the fines and violations. This is a process that cannot be done piecemeal. In his opinion if the enforcement is wishy washy it never happens. Dick talked about significant changes that took place just with the DRC guidelines because people complained enough about them. The DRC used to require limited turf and only permeable driveways. Then it changed because the DRC could be too flexible on a case by case basis and eventually those guidelines just went away. He recognized the rules are arduous however, if there are "ifs" or "buts" it feels it will won't work.

Dave Thickman expressed the effort being put forth to preserve the community and to have a policy is terrific. Just from listening to the owner's present, there is clearly lots of subjectivity that will happen. There are a thousand opinions within a community about what is important to enforce and what is not. The Board is addressing this in part by trying to establish policies and a procedure and he supports it. He does believe there is a lot of gray area, so the details to procedure and policies are critical. For example, when it comes to property – what is considered attractive? Does that mean mowing once a week? He requested there by an opportunity for the community to have input into the policy and more definition.

Cathy Cooney stated she believes there are obvious violations that everyone would agree on. The Boards intention is not to go after the ones in the middle that are so subjective. The idea would be that when others see people getting warned they would have a better idea of what right looks like.

Ben Johnston clarified the process. The initial determination of a violation will be done by Sterling in cooperation with the Board. The committee comes into play later if a fine is challenged. The fine for the violation starts the day you get the written notification. If someone continues for 20 days, then the fines are for 20 days.

Sarah Jane Johnson suggested the root of the problems may be the governing documents and what the rules are and maybe it is time to evolve what those rules should be for the community. The demographic and needs are very different than twenty-five years ago. She questioned how we can change the rules and what that process looks like?

Gary Lesser recommends the formation of a committee to work on a strategy for changing the governing documents to adjust to many issues of the current community.

Gary expressed that the VRBO issue is a hot button for him. He believes it will become a problem in RVR because Carbondale is a hot place to come to.

**Motion:** Board Vice President, Gary Lesser moved and Director Ben Johnston seconded, a Motion to establish a governing documents committee to look at the kinds of issues which should be modified for our current community. The motion passed unanimously.

RJ Spurrier suggested that in order to get a vote through, the governing document committee needs to come up with a punch list of rules and do a survey and identify which ones the vast majority are in favor of and then vote on each separately. A bundling of rules for one amendment makes it very difficult to change.

Ben Johnston recommend a fully Restated Declaration as amended so there is one document with everything in it for a clean version.

Gary Lesser made a motion to adopt the enforcement policy and fine scheduled as presented Gary Harada seconded, the motion passed unanimously.

Cathy Cooney requested the feedback from this evening be implemented into the fines and violation process.

Ben Johnston paragraph 4 indicates we cannot impose a fine “if action is not taken” he proposed we take this out of the fines and violation.

**Motion:** Director Ben Johnston moved, and Director RJ Spurrier seconded, a Motion the Board adopt the Enforcement of Covenants and Rules and Schedule of Fines with deletion of the words “if action is not taken” in paragraph 4. The motion passed unanimously.

Stan Kleban noted with the committees that are formed the meetings should be advertised so members in good standing can attend.

- Golf Update- Gary Lesser

Gary noted there is not a lot to update on at this time. The Golf Course Committee is waiting on DHM for the Open Space Cost Report.

- Landscape Update - Gary Harada

Gary welcomed John Krousouloudis as a member of the landscape committee.

Gary also noted he has looked at the cottonwood trees at Lakeside Pond and Cedar Creek and he recommends removing the trees at issue out. The Landscape Committee makes a recommendation to the Board to approve the removal of two cottonwood trees which are at risk at the Lakeside ponds.

**Motion:** Board President Yvonne Perry moved, and Director Ben Johnston seconded, a motion to remove the two designated at-risk cottonwood trees at the Lakeside pond.

Gary also mentioned the cattails at the Lakeside ponds are invasive and they will eventually take over the pond. Some of the residences have taken it upon himself to cut the cattails below the water level. That area is clear. There is another resident who likes them and wants them to stay there. There is possibly an unsolvable problem for the Board. His recommendation is, to the degree it is possible, to allow some of the owners to take cattails out and allow the other owners who like them behind their house to leave

them. Sterling stated the removal must be done by the HOA because there is pond liner that could get ruined if Owners start cutting them down on their own.

- River Restoration Project

The Town of Carbondale has extended the deadline to take in feedback. She noted some owners would like the RVR Board to take a stance on this project but that is not really possible since the Board does not have a sense of a consensus from the community. She recognized that the Town of Carbondale is so far down the road with taking in feedback and comments that it seems best to let them handle this.

Cathy Cooney and Gary Lesser expressed the consensus does seem to be that we need to let the city know we are not aligned with the project creating an additional expense to RVR.

RJ suggested we requested that the Town build maintenance into the plan. To the extent that this becomes an attractive feature for the Town that the Town's plan includes reasonable maintenance as part of the assumption and planned cost.

### **New Business**

- Yvonne mentioned the Town of Carbondale is creating eight Pickleball Courts by North Face Park. Jim Noyes approached Yvonne about RVR donating money to this cause and Yvonne said RVR is not in the practice of using homeowner money to support specific interest. We may help advertise fundraisers for the project.
- Appointment of new Board Secretary

***Motion:*** *President Yvonne Perry moved and Vice President Gary Lesser seconded a motion to appoint Ben Johnston to the open position of Secretary of the RVRMA Board of Directors. The motion passed unanimously.*

### **Adjourn**

The meeting was adjourned 7:00 pm.

### **Executive Session**