

Special Board of Directors' Meeting Minutes

August 30, 2023, 6:00 p.m.

Mancos Public Library

Google Meet Virtual Meeting



Board of Directors Present

Michael Noland (President), Roy Wilkinson (Vice President), Kim Lanyon (Treasurer), Stephanie Morton, Charlie Osburn. and Terry Wheeler.

Sherry Nigteagle was excused.

HOA members in attendance (14)

Nan Campbell, (Secretary), Gretchen Magwitz, Jennifer Noland, Bob Sanders, Russ Siracuse, Chris Hinds, Adam Redder, Shelly Redder, Gwen Gold, Mike Riley, Donna Riley, Steve Shimek, Diane Cherbak, and Susan Balas-Whitfield.

HOA members in attendance via Google Meet (6)

Todd Panagopolous, Stan Wellborn, Elder Witt, Jaye Baldwin, Gary Linscott, and Karin Meadows.

Purpose of the Special Meeting

The purpose of the Special Board Meeting is to receive the Covenants from the Covenant Task Force.

Meeting Called to Order

The meeting was called to order at 6:03 p.m.

Introductory Comments by President

Michael welcomed everyone and proceeded to advise that the covenants are a very sensitive, passionate issue. While it is good to have passion, all need to allow the process to take place to revise them. Receiving the work that the Task Force has done is only the first step in this process.

A property owner asked "Why" are the covenants even being revised. Michael answered that for the past few years there have been many questions/comments concerning the legality between the various editions (1998, 2005, 2008) of the covenants. There have also been legal opinions and judgments brought forth in cases which have used only the 1998 covenants. This Board decided early on to resolve the covenant issue by revising them legally and according to CMR's bylaws.

Michael went on to say that there would be full input and direction from the CMR Community. This will be included in the next steps that the Board will decide on.

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Covenant Task Force Presentation

The meeting was turned over to Steve Shimek, Chair of the Covenant Task Force. Steve thanked the members of the Task Force for their work, noting that they were a group with passion, strong personalities, and diverse points of view. He also noted that the group represented a cross-section of property owners of CMR.

The first meeting of the Task Force was on April 12, 2023. At that meeting, the Task Force and the process it would follow for future meetings was established. Steve Shimek was asked to Chair the Committee and future meetings were held twice a month on Thursday evenings from 6:00 – 7:30 p.m. All three sets of covenants were considered: 1998, 2005, and 2008.

During the next 3+ months, the Task Force investigated Montezuma County and Colorado State regulations, discussed the intent of a covenant, reworded/updated/reorganized covenants, and voted on each covenant or set of covenants. The vote was not always unanimous and resulted in some 4-3 decisions (but not always the same 4-3 people). "Hot topics" included short-term rentals, intended use of the primary residence and guest house, and the type of construction for structures on the property.

Steve concluded his report by stating some generalities of the covenants:

- The covenants are more than just rules of the road. They are meant to describe who we are as a community and how we hope we will all agree to act.
- "Shall" and "should" are important words. Shall is meant to be enforced, should is suggested behavior.
- While eight covenants are required by the County to be stated "word for word", this has not been done in other subdivision covenants within the County. The County has also said that a subdivision's covenants can be stricter than county code. Legal advice may need to be sought.
- Finally, everyone on the Task Force had good ideas they had to give up – no one got everything they wanted.

Michael asked if other members of the Task Force wished to make any comments.

Diane Cherbak reiterated that it was a lot of work on behalf of the Task Force to come to the draft that was presented to the Board. Concessions had to be made by everyone so they could move forward and not go backward. She asked the Board to consider not presenting the covenants as a whole document but consider having the membership vote on the covenants in similar groups. If the whole document is voted down because of one or two covenants, it will have been a waste of time for the Task Force and CMR will continue to be in its current "limbo" state. If a 2/3 majority (92 votes) is required for approval of the Covenants, Diane pointed out that there have only been two years that 108 and 109 ballots were returned. This required a phone tree encouraging the property owners to vote. She also suggested that the 1998 Covenants and the proposed Covenants be sent out to the property owners so they can see what they will "get" if they don't vote.

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Gwen Gold stated that it was a very challenging process and while it was a democratic process, it was mainly a 4-3 split on the Task Force. Michael agreed that at this point, the split on the Task Force may represent a split in the 138 voting property owners on some of the covenants and that compromise will be how we will end up.

Todd Panagopolous stated that everyone tried to be fair in the process and that if anyone had questions, he would be glad to answer them.

Stan Wellborn endorsed the process that had been adopted and followed to move the Task Force forward.

Gretchen Magwitz stated that she would be unable to sign off on the draft Covenants. Again, Michael acknowledged the difference of opinion and the necessity of the next steps that will be taken to get community input.

Questions from the Board

Kim Lanyon asked about metal buildings for storage or garages and should these be mentioned somewhere in the covenants. She also was concerned about septic issues for Airbnb teepees and other structures that are being rented. There is a County regulation and an IRC regulation that all lived-in structures have to be connected to the septic system, which is engineered for the number of residents on a property at any time. The County will cite the property owner if lived-in structures are not connected to an engineered septic system.

Charlie Osburn asked about the covenant concerning lighting. Apparently, there are lighting issues concerning a neighbor's bright motion sensor lights shining into an adjoining neighbor's home. It was explained that these lights "should" be low density and illuminate only the premises. This is consistent with County regulations and IRC regulations.

Stephanie Morton asked if Board members had questions, who should they contact for answers. Steve requested that the questions be forwarded to him, especially if the questions had to do with the intent of the covenant. He would forward the questions to the other Task Force members.

Board Receives the Draft Covenants

The Board received the draft Covenants from the Task Force. The Board will be meeting to determine the next steps to be taken for community input (Q&A forums, meetings, emails, etc.).

Comments from Property Owner

Adam Redder asked to speak. He expressed his dissatisfaction with the process of the Task Force and asked if the 2/3 vote instead of a majority had ever been discussed. He made the comment that the covenants would never pass with a 2/3 vote. He began to discuss the short-term rental covenant but was interrupted by Michael who assured him that there would be a time and place for input from the community on the covenants.

Adjournment

The meeting was adjourned at 6:52 p.m.