

RVRMA EXECUTIVE BOARD MEETING
Wednesday, August 23, 2023 at 5:30 p.m.
Ranch House Conference Room and Zoom

Executive Board of Directors

Michael Banbury, President
John Lund, Vice President
Todd Richmond, Treasurer
Ben Johnston, Secretary
(*absent*)
Sherry Stripling, Director
RJ Spurrier, Director
Carl Hostetter, Director

Management Attendees

Ashley Lynch, General Manager
James Maguire, Controller
Jessica Hennessy, Director of Design Review &
Admin. Services
Ali Royer, Director of Programming & Community
Engagement
Travis Green, Facilities & Grounds Superintendent
(*absent*)

In Person Attendees:

Susan Christman
Sarah Gilbertson
Laura Hanssen
John Krousouloudis
Diane Cavara
Stan Kleban
Jeff Krentz
Hugh Sontag
Don Wrigley
Judy Wrigley
Wolf Gensch
Stan Kleban

Zoom Attendees:

Nina Price
Steve Laverty
Mary Catherine Conger
Patti Crockett
Lani Kitching
Paul Brown
Todor Radmilovich
Gary Wesselink
Abby Radmilovich
Frederica Froelicher
Jocelyn Durrance
Steven Wolf

I. Call to Order- Establish Quorum

- Board President, Mike Banbury, called the meeting to order at 5:30 p.m. A quorum was established.

II. Approval of Minutes and the Consent Agenda

- Board Directors, Carl Hostetter and Sherry Stripling moved and seconded the approval of the meeting minutes of the RVRMA Executive Board Meeting held on Wednesday, July 24, 2023, and the consent agenda.

III. Public Comment

- Susan Christman commented on the Short-Term Rentals (STR's) and stated that she has two STR's on both sides of her home. Susan stated that she requests the proposed amendment have a lengthy voting period.
- Sarah Gilbertson commented that there should be a 4-month voting period for the proposed amendment. Sarah added that due to 67 percent passage rate for the vote, the amendment needs time to pass, and adequate time is necessary. Sarah also said that there are many emails that come from RVRMA and the number of emails that have gone out regarding Log Range Planning should match the number of emails (or more) that go out for the short-term rental topic.
- Wolf Gensch commented that there are three HOA's in the lower Roaring Fork Valley that all have similar amenities (RVR, Iron Bridge & Aspen Glen) and RVR is currently the only one who allows STR's.
- John Krousouloudis commented that STR's are taking away housing from long term renters.
- Elaine Grossman commented that she is in support of Short-Term Rental restrictions of less than 30 days. Elaine added that there is an important distinction that the amendment would not be a blanket restriction on all rentals but only those that are 30 days or less.
- Diane Cavara commented that she continues to fight short term rental issues on both sides of her home.
- Stan Kleban commented that RVR does not need short term rentals and emphasized that we are not an "in and out" community.
- Hugh Sontag commented that he supports Short Term Rental restrictions and asks for sufficient time to mobilize the community to vote.
- Don Wrigley commented that he supports short term rental restrictions and all that he has been hearing on the topic so far at the meeting. He added that any rental under 30 days is a nonstarter.
- Judy Wrigley commented that she has witnessed inappropriate behavior that posed a threat to public safety at a neighboring short term rental home on Heritage drive.
- Nina Price commented that she is against STR's.
- Jocelyn Durrance commented that she also supports a 30-day minimum short

term rental restriction and that she wants to know who her neighbors are and that creates a stronger sense of community.

- Abby Radmilovich commented that she awaits response to two emails that were sent to the board following the June board meeting. Abby added that she was unable to find language regarding petitions in the By Laws. Abby also noted that the Town of Carbondale's new ordinance severely limits STR's in RVR and came into effect 13 months ago. Abby continued to say that RVR is different from Aspen Glen and Iron Bridge because they are not subordinate to the Town of Carbondale Ordinance. Abby asked the board to decide in a fair and unbiased manner, based on facts merit and in way that represents the entire community.
- Mary Catherine Conger commented that STR's should at least have a 30-day minimum. Mary Catherine continued to say that short term rentals in the Old Town neighborhood where she lives would hugely impact life in the neighborhood. Having a revolving door of neighbors would not be community focused.
- Fredrica Froelicher commented that she is very curious as to why the wording on the vote puts the onus on the owners to come up with enough votes to vote against STR's.
- Todor Radmilovich commented on the short-term rental topic, the petition that was presented to the board, community survey numbers, property values, board code conduct and representing biased interests. Todor went on to ask the board to decide in a manner that is fair, unbiased, fact, merit based, in a way that represents the interests of the entire community.

IV. Committee Report

- **Long Range Planning**

Chair of the Long-Range Planning Committee and Board Vice President, John Lund commented that there was a productive last month with community presentations of the potential plan. John thanked Mike Banbury, Carl Hostetter and Ashley Lynch for being a part of the presentations along with Frank Vain from the McMahan consulting firm. There was good attendance from homeowners at the presentations, about 120 and 150 homeowners attended. There was great input and feedback provided. The survey was released on Monday prior to the board meeting which contained all materials from the meeting in booklet form. It was announced that the survey is due to be completed by September 6.

RJ Spurrier, Board Director, commented that the proposal presentation was really well presented and very informative.

V. Month End Financial Review – James Maguire

RVR Controller, James Maguire, shared a financial presentation at the meeting. Focusing on July's performance, year to date budget versus actual, and the reserve account.

James first shared a high-level summary of the budget versus actual for the month of July. Income was \$10,000 over budget mostly in part to food and beverage sales which came in \$7,000 higher than expected. Cost of goods sold were right on target coming in about \$1,100 under budget and expenses were just slightly over budget by \$3,176. The net bottom line for July was a surplus of \$8,308.

Year to date showed that we are still doing exceptionally well. Budgeted income was \$1.654 million and we've brought in \$1.655 million, a variance of only 1/10th of a percent. Cost of goods are also on target with only a \$400 variance, or 2/10th of a percent. Expenses are still running under budget and now we are at \$47,000 under, or a 3.3% variance. We do expect that margin to thin out in the next couple months particularly due to an anticipated increase in tree maintenance cost and the Emerald Ash Borer issue. Bottom line for year-to-date as of July 31 is a \$48,242 surplus.

We are running under budget by \$47,000 or a 3.3% variance for year-to-date operating expenses. We have been saving money on ground maintenance which is almost \$34,000 under budget. Of this, \$15,000 is from tree maintenance, but as previously mentioned, we expect this to catch up in the next couple of months. The largest expense, personnel costs, are on target with only a 2% variance. Then at the bottom there are only a couple of line items that are slightly over budget. RVR Community expenses is over by \$6,000 mostly due to increased event spending for 4th of July celebration and Annual Meeting. Ranch House expenses are also over by \$6,000 mostly due to higher-than-expected plumbing repairs and general maintenance to the Ranch House. However, the bottom line is still good at \$47,000 under budget or a 3.3% variance.

As of July 1st we had a \$2.212 million reserve balance. July assessments were \$38,780 and interest income was \$10,324 for a total increase of \$49,104. July spending included updating our security camera system and payments for McMahan for long term planning for a total of \$31,133 spent from the reserve. The ending reserve balance on July 31 was \$2,229,681

VI. Management Update

- **General Manager Report- Ashley Lynch**

Ashely commented that only 76 surveys had been returned for the Long-Range Planning survey and urged homeowners to complete the important survey. Ashley also thanked everyone for their patience as Ranch House

resealing was being performed on the parking lot.

Sherry Stripling asked when the parking area on cedar creek would be completed. It was shared that this would likely happen in the fall.

- **Programming & Community Engagement Report- Ali Royer**

Ali commented that the pool has been very busy on weekends. Staffing has been tricky but we are hoping to keep everything open as long as we can.

- **DRC Report- Jessica Hennessy**
- **Finance Report- James Maguire**
- **Outside Service Report- Travis Green**

VII. Old Business

- **Short Term Rentals**

The Board of Directors discussed the proposed Fourth Amendment to the Master Declaration. It was noted that Ben Johnston, Board Secretary, was absent but sent in his proxy to Board President, Mike Banbury.

It was pointed out that the HOA's Attorney drafted the amendment and took into account any loopholes that may present themselves. The Fourth Amendment draft copy contains underlined changes so that the community can see how the Amendment was shaped.

It was commented that the draft Amendment contains two different lease limitations (12 per year for ADU's and 6 per year for single family residences). This was questioned by some members of the board. It was discussed that a 12-month limitation for all rentals in RVR would be more consistent.

Todd commented that the legal document can be lengthy and hard to digest. He suggested some sort of summary of the proposed changes to clarify the meaning in practice. The Board talked about the idea of providing an informational document that could be included with the ballot or added as questions arise. It was commented that many in the community may want input as to how that is crafted and it would be difficult to narrow down how much information should be included in the document and it could become very subjective. That these changes would supersede the town ordinance was discussed but considered extraneous by some. John and Todd agreed to draft an objective, fact-based forward document to be issued with the legal document for approval of the full board.

It was stated by Board Vice President, John Lund, that according to our

governing documents, the two thirds threshold applies to any changes of land use within the community and the bar is set intentionally high to ensure the changes adopted are ones that the community really wants. John continued to say that there seems to be continued misstatements regarding what the survey numbers say and he disagrees with the representation that somehow half the people in RVR express that they want STR's. There was a significant number of people who said they want no STR's and there was another significant number that said they were ok with the limited number of STR's that are here now. Which is qualitatively different thing than what is being represented by some. It is the community that must decide, and it is the boards job to put a process together.

Sherry commented that there was a question raised as to where in the By Laws petitions are mentioned. Sherry said that it was in section 4.3 under special meetings.

Sherry requested clarification on the additions to section F in the amendment prohibits possessory rights that allow simultaneous occupancy. John and Mike clarified that this was not intended to prohibit an owner's closet or storage space, but specifically, to prohibit an owner and lessee simultaneously occupying a unit. Sherry suggested that it should simply state that directly. The board discussed various ways to clarify the language. It was stated that the Board should be crystal clear on our interpretation and intent.

MOTION: John motioned to advance the Fourth Amendment with two edits that were discussed earlier (12 leases per year instead of 6 and cleaning up verbiage to section F of the Amendment concerning owner and lessee simultaneously occupying a unit) Carl Hostetter seconded the motion. Ben was not present for the vote but submitted his proxy, in writing to vote "in favor" on the motion. The Motion passed unanimously.

The process for the vote was discussed and how long the voting period should be. A time period of three to four months was discussed to give ample opportunity for all owners to make an informed vote. Concern was expressed about overlapping with the Long Range Planning efforts and fall budgeting cycle

MOTION: RJ Spurrier and Carl Hostetter moved and seconded to extend the vote through the end of the year (final day to vote December 31). One board member opposed. The motion passed.

There was also discussion as to whether the ballot would be standard or secure. It was agreed that the association would move forward with their

normal process of standard balloting.

VIII. New Business

- **SB23-178**

Ashley shared information on House Bill 23-178 which deals with xeriscape and water wise landscape. The Association is largely in compliance. The statute contains language that says associations are to have three approved plans on their website concerning garden plantings. The legislation also indicates that garden beds could be installed in front, rear or back yards. There is an avenue for an HOA to give aesthetic guidelines on these features.

Board Director, Carl Hostetter commented that the Boundary Association is looking into redesigning two small sections of their common area and converting it to a native plants/pollinator friendly space. It could be an example that the master association could use.

The DRC together with Ashley and Jessica will coordinate with a landscape architect to assist with the designs for the website.

IX. Adjourn

Mike and RJ moved and seconded to adjourn the meeting. The meeting was adjourned at 7:40 p.m.