

**SILVERHEELS NEW AMENDED COVENANTS COMMITTEE (SNACC)**

**Minutes of 02/03/22 Meeting**

*(7:00 PM via Zoom)*

*Approved at 02/16/22 Meeting*

**1. Attendance**

Members Present: Rich Bainbridge, Susan Barden, Tony Boccio, Luis Canales, Ann Erdle, Lesley & Ed Hall, Gail & Steve Kloppel, Zach Loos, Mary Manka, Lane Mathison, Mike Peterson, Tyler & Kylie Pontius, Charlie Schultz, Maria Smaldone, Jeffrey Togie, Lillian Wissel.

Member Present but Leaving Early: Art Recek

Members Absent: Natalie Gorak, Maria Mitchell, both with previous notice

Moderator Present: JB Burghardt

Quorum: With 19 members present, a quorum was confirmed.

**2. Minutes**

The Minutes of the 01/19/22 meeting previously provided to the Members were approved with no changes.

**3. Email Communications Between Meetings**

A motion was made and seconded to disallow all emails between members on substantive issues between meetings, and that only those related to minutes, scheduling of meetings, and drafts of covenants should be allowed. A lengthy discussion ensued. Many members felt it was advantageous to be able to review an opinion and/or proposal in writing before the meeting, particularly if it was complicated or lengthy. Others felt this would open the door to multiple back-and-forth emails in response (“email war”) among a few members – rather than discussion and debate during a meeting at which everyone could participate equally. A majority ultimately voted to allow such emails (and limited responses, if deemed necessary), but all were urged to self-regulate and not allow email communications to disintegrate into email war. In any event, no votes on substantive issues will be taken via email; all must occur at official meetings.

**4. Review of Proposed Modifications to Article 2, Construction of Improvements, using v4 text.**

The first topic discussed was whether “landscaping” should be included in the definition of “Improvements” in the title to Article 2. It was noted that the 1979 Covenants addressed only structures, walls, and fences, and referred to landscaping only generically in the Intent statement: “...it is intended that the natural environment be disturbed as little as possible”. The Amended and Restated Covenants which were not approved last summer had expanded the definition to include “paint and any other exterior improvements made to a lot, including landscaping structures”. Whether there was a need for more specifications than set forth in the 1979 version was discussed in detail. A motion was made and seconded to change the definition of “Improvements” to exclude the words “including landscaping structures”.

Several friendly amendments then were suggested and ultimately accepted by the movant, with the end result that the definition of Improvements put forward in the motion was shortened to: “All structures now or hereafter located on a Lot, or exterior modifications to any such structures.” The motion was approved by majority vote.

Next for review was draft v4, Section 2.2 (“Setbacks; The Ridge”). A motion was made and seconded to approve Section 2.2 as presented in v4, with no changes. It was explained that this section addresses three different types of lots: (i) 10 or more acres, (ii) less than 10 acres, and (iii) lots along The Ridge (which runs along much of the northwest side of the 2<sup>nd</sup> filing, and demarcates where surface water drains west into the Beaver Creek drainage or drains east into the Crooked Creek drainage). The histories and rationales for the various setbacks were discussed at length. The fundamental issue was whether the setbacks established by the 1979 Covenants (which are those set forth in proposed Section 2.2) should be retained or whether all setbacks should comport with those set forth by Park County. The major difference between the two arises with regard with the rear setback on lots under 10 acres (the vast majority of lots in Silverheels). The 1979 Covenants call for a rear setback of 50 feet, whereas the County calls for only 20 feet. The pros and cons of each were thoroughly vetted. It also was noted that proposed Section 2.17 of v4 would allow for variances from our setbacks “to overcome practical difficulties or prevent unnecessary hardships that would arise from strict imposition” of a particular setback requirement. After yet more discussion and debate, the motion to approve Section 2.2 as presented in v4c, without changes, was approved by majority vote.

#### **5. New Business**

There was no new business.

#### **6. Next Meeting**

An informal vote was taken regarding the possibility of meeting once a week or continuing with meeting every two weeks. It was generally agreed to continue to meeting every two weeks, returning to Wednesday as the presumptive day. The next meeting therefore will be Wednesday, February 16 at 7:00 PM via Zoom.

#### **7. Adjournment**

The meeting was adjourned at 9:04 PM.