

# Minutes of the Executive Session

## Meeting of the MNA Board and the MCA Board

### February 17, 2021

The MNA Board was invited to an Executive Session from 3:45-4:00 pm to discuss these questions. Then the normal MCA Board of Directors meeting commenced at 4:00.

MCA Members Present: Tim Brislin, President  
Jack Eichorn, Vice-President and Secretary  
David Newell, Treasurer  
Ed Lyons, Community Manager

CCMC Members Present: Kevin Hearty, Western Division Vice President of CCMC

MNA Members Present: Kelly Heimgartner, Secretary

#### Question 1

Do the governing documents set a time limit for when a home must be built upon a purchased lot when that lot is purchased by an individual(s), that is, not a builder, within

- a. the properties designated as Neighborhood Builder Homes lots? **No limit**
- b. the properties designated as Estate and Highland Home lots? **No limit**

#### Question 2

In terms of percent completion when looking down the road to when the Homeowners will be elected members of the MCA Board of Directors, please provide clarity on the governing documents in regards to the following items:

- A. Is Mariposa East being 25% complete based on 2,500 projected homes? That is, is 2,500 the correct number to use?  
**The MCA Board will check with their general counsel, but Board believes that the governing documents make no distinction between Mariposa East and Mariposa West in this regard. Therefore, the number of homes to be used in calculations of when homeowners can sit on the MCA Board is 6,700. They will confirm this with their counsel.**
- B. Of those 2,500, is that 2,500 homes with certificates of occupancy or is it 2,500 lots owned by individuals who are not builders?  
**The MCA Board stated that it is the number of homes with a Certificate of Occupancy, not on lot ownership.**

### Question 3

Has the MCA Board of Directors decided whether or not Pamela Troutman will be helping to review architectural modification requests in the completed neighborhoods?

Ed Lyons had not seen the email come across with the Volunteer Position Sheet completed and with Pam's resume. Kelly Heimgartner will resend it to Ed. Ed suggested that it would be straightforward once he receives those documents to approve Pam. Jack Eichorn is interested in seeing Pam's resume. Ed will pass this along to Mr. Eichorn.

### Question 4

As a follow-up to the MNA questions on Nov 4, 2020, regarding limiting construction to inside the building envelopes for Estate Homes:

- A. Have any more variances been granted to the Hakes Brothers beyond the five (5) initial grants? Jack stated that he thinks there is a misinterpretation by the MNA of what is allowed outside the building envelope. Kelly stated that what is different is that some existing homeowners were required to go to great expense to have the minimum damage to the natural landscape, but that doesn't seem to hold true anymore. Jack responded that there is a lot of activity allowed in the transition area including improvements outside a building envelope like driving paths for construction vehicles, driveways and associated culverts, guest parking, turning area, underground utilities, retaining walls, and water harvesting/drainage improvements (plus others I didn't capture). Also, he is not sure what I mean by variances being granted. Jack stated that each and every lot is unique and is evaluated on a case-by-case basis. Every drainage plan and building plan is evaluated closely and is approved by them and by the City before building begins. For the Hakes lots, several of those were very grade-challenged, it took a lot of earth moving to get a flat pad on which to build. He said that no home builder wants to build a stepwise pad (multi-level pad) into the land anymore.
- B. Is Twilight now staying within the parameters allowed in the governing documents? Yes, they have straightened that all out.

### Question 5

When are the View Fencing Repainting and Stucco Wall Repairs scheduled for?

Ed said it is one of his priorities for the year and Jack agreed and said it needs to be done and that the MCA should get it done this summer.

### Question 6

The MNA would like to suggest that for the three (3) intersections that were found to be dangerous by the Traffic Safety Study performed by the City of Rio Rancho's Traffic Engineer due to insufficient

line of sight that, rather than the MCA cutting back the foliage at these intersections, they just remove the bush vegetation and replace them with decorative gravel so that it won't be an ongoing maintenance nightmare and continue to be a safety issue. **Ed stated that once the City notified them that they were in violation of the ordinance, he had Yellowstone come out and trim the grasses at those intersections. When the City came back out they told Ed that much more trimming was needed to be brought into compliance. Ed indicated that Yellowstone is due out this Friday (May 19, 2021) to complete the trimming. Ed also said that it would be much more costly to gravel these three intersections than to just have Yellowstone continue to keep them trimmed while they are doing their regular landscaping maintenance work.**

This concluded the 10 minute Executive Session

### **Question 7**

What percent funded are the Reserve Fund Balances currently? **Ed didn't have those at his fingertips but he will get those numbers over to Kelly Heimgartner.**

### **Question 8**

This question was asked of the Board when the MCA Board had concluded its business and asked if any residents had questions.

What is the MCA's current policy on enforcing the covenants and rules? If brought to your attention will you enforce them? **Yes, absolutely, the MCA will enforce covenants.** (Kelly Heimgartner asked this question as there had been some discussion on NextDoor that Ed had specifically told a resident who asked him that the HOA is not enforcing, nor will they be enforcing covenants)

No other questions were asked by residents.