

**DEER CREEK VILLAGES OWNERS ASSOCIATION (DCVOA)**  
**PO Box 1142, Cedaredge, CO, 81415 – Meeting Location: 855 SE Stonebridge, Cedaredge**

Regular Board of Directors (BOD) Meeting

June 19, 2024 9:01 AM

MINUTES

1. Call to Order (Vice President)
  - a. The meeting was called to order by Ms. Marcia Martin (Vice President) at 9:01 AM. Board members present were Ms. Linda Scott, Mr. John Farrell, Ms. Marcia Martin, Ms. Coy McTernan, and Mr. Tate Locke arrived at 9:11am. Design Review Committee member present was Ms. Judy Farrell. Community Association Manager (CAM) Ms. Tracy Brown was present.
  - b. Owners in attendance were Ms. Barb Klein, Mr. Robert Paison, Ms. Marlene Paison, Ms. Guida Anderson, Mr. David Gill, Mr. Cordell Chapman, Ms. Vicki Chapman, Mr. Steven Symmes, Ms. Elizabeth Holland, Ms. Tanya Szanto, and Ms. Sharon Coquilllette.
2. Agenda items additions/changes
  - a. Content updates for Design Review Guidelines (DRG) drafted by Ms. Farrell were requested by Ms. Brown to be discussed during this meeting.
  - b. BOD vote of Guida Anderson to DRC was requested to be added to the agenda by Ms. Brown
3. Approve minutes of May 15, 2024 meeting (Secretary)
  - a. Ms. Martin moved to approve the minutes as written, and Ms. Scott seconded. Ms. McTernan abstained. Motion approved on four votes.
  - b. Ms. Martin requested the website include periodic coverage of goal progress.
  - c. Mr. Locke arrived at 9:11am and assumed conducting the meeting.
4. Financial Statement Review for Month (Treasurer)
  - a. The statement “DCVOA MAY, 2024” was distributed. Ms. Scott said unapplied cash was not reflected on this report but will be shown zeroed out on next month’s statement. Trash costs have slightly increased. She characterized the May budget as “doing well”. Ms. McTernan moved to approve the budget and Mr. Locke seconded, BOD unanimously approved.
  - a. The statement “DCVOA (Actuals + Plan)” was distributed. Ms. Scott characterized the year-to-date budget as “no issues as of today”.
  - b. The statement “DCVOA RESERVE SUMMARY as of 5-31-24” was presented. Ms. Scott characterized reserves as “in line with plan”.
5. CAM Report (Ms. Brown)
  - a. There were two ownership changes documented in May:(deeds received)
    - i. 1390 SE Fairway
    - ii. 760 SE Pinyon
  - b. There were three sales recorded in QuickBooks for May (title company check \$100 transfer fee, \$400 reserve fund deposited)
    - i. 1390 SE Fairway
    - ii. 760 SE Pinyon
    - iii. 580 SE Stonebridge (ownership change recorded in May).
  - c. There was zero (0) new build submittal:

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- d. Storage lot - has 2 open spots (one is small).
  - e. DCVOA received a Certified Letter with notice of Public Hearing on Mesa Point PUD. This will be held on June 25, 2024 at Cedaredge Civic Center. This notice was sent to DCVOA Owners via PayHOA email, and posted on the window at the front door.
  - f. Several vacant lot (and some improved lot) owners were contacted regarding mowing/maintaining landscape. Follow up continues and input from Owners and BOD has helped track lots that need attention.
  - g. On June 8, A formal complaint was received regarding the landscape maintenance at IL-DCV 1345 SE Fairway Dr. On June 12th, the owner was contacted and it was learned that the sprinkler system had broken and had been waiting for approximately 3 weeks for repair. It has since been repaired, the lawn and weeds mowed, and watering resumed. They asked for time for the grass to green up and the weeds within the grass to subside. It will be rechecked around the 1st of July.
6. Design Review Committee Report (DRC Representative)
- a. Antecedent notes.
    - i. Landscaping
      - i.1 1440 SE Stonebridge - new landscaping plan approved.
      - i.2 1015 SE Fairway - landscaping maintenance buffer zone approved.
      - i.3 770 SE Pinyon - new landscaping plan approved.
    - ii. Variance
      - ii.1 1245 SE Stonebridge - townhome owner requesting fence and metal panels. Ms. Farrell and Ms. Martin visited the home, took photos, and collected more information. Ms. Farrell Emailed Mr. Peter Doerfler of the townhome association to request assistance in evaluating this request.
    - iii. Requests on hold
      - iii.1 300 SE Sandstone - BOD will vote today on remedy.
      - iii.2 325 SE Sandstone - Owner requests additional extension, BOD will vote today on this.
      - iii.3 305 SE Sandstone - Landscaping is minimal per plan and needs DRC review.
    - iv. Footing measurement/windows/walk-arounds since last meeting
      - iv.1 1440 SE Stonebridge - Ms. Kristy Adams visited the site and found it complete.
      - iv.2 775 SE Pinyon - Builder notified DRC that they painted a section of the siding near the stone. Upon inspection, DRC determined the paint matched plan.
  - b. Mr. Locke believes fences can go from a townhome to the property line of the golf course. Mr. Locke concurs that the DRC needs to collect more information about any existing townhome landscape policies before the DRC can make recommendations.
  - c. Ms. Farrell needs to collect any paper on file on the property 305 SE Sandstone CT to see if the present state of the property complies with plan or any variance or time adjustment. Mr. Locke asked that determination on this topic be added to the July BOD agenda. Mr. Locke said any compliance issues will need to be addressed by the builder of this home before any prospective buyer.
7. Old Business

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- a. Goal Review (per 2024 BOD plan of action)
  - i. Ms. Martin said a work session was held in May after which she and Ms. Brown reviewed the results and distributed them to BOD via Email. The session included discussions regarding a) Standard operating procedures, b) Meeting times, c) Manager duties and responsibilities, d) Reserve Fund policy, and other items. The DRC is engaged as needed. This was characterized as a work in progress and the BOD voiced appreciation for the effort.
  
- b. Continuing discussion was held regarding the purchase of dog waste stations for the neighborhood common areas and potentially donating stations to the Surface Creek trail (if the Town of Cedaredge (TOC) would maintain them). Mr. Locke said the reason this topic was on today's agenda was because of neighbor complaints about dog waste, and the BOD has discussed this at several prior meetings throughout 2024.
  - i. Ms. Brown shared several correspondences from the community. Most correspondents were questioning the funding for this, as well as various tidiness issues, and related trespass on vacant lots. Mr. Locke proposed that funds for this would come from capital from reserves estimated at \$350/station (number of stations yet to be determined but around five) which includes installation costs. Expenses from the operating expense budget, estimated at \$120/year for Bruin Waste disposal and bag replacement, less if fewer stations.. Ms. Coquellette did not believe out-of-neighborhood dog walkers would pick up waste even with dog waste stations. Mr. Gill stated he supported adding stations because if there was an easy place to deposit waste then dog walkers would use them. Mr. Gill emphasized that higher priority issues like fixing the leaky mailboxes on SE Pinyon St. should get attention first. Mr. Gill suggested a limited waste station pilot program. Ms. Paison said she finds dog waste in her yard, and does not think dog walkers would be inclined to use stations as often as necessary, and did not want a station visible from her home, and was concerned about odors from the station, and generally questioned the efficacy of the plan. Mr. Paison did not want to see a station from his house, and did not think dog walkers would comply regardless of the presence of waste stations, and objected to DCVOA carrying these costs for people who don't own dogs. Ms. McTernan was concerned that dogs off leash and making messes could only be limited by remedial penalties, but BOD would have no authority over it so there is nothing the BOD can do. Ms. Szanto would like the convenience of stations when walking her dog. Ms. Martin disagreed that dog walkers would refuse to avail themselves to stations, and suggested starting with a limited number of stations to see what happens. Ms. Martin stated "if we don't put them in then it guarantees no one will use them". She also noted that stations helped the problem in another neighborhood where she used to live. She said dog waste is a health hazard. Ms. McTernan said the majority view of the audience should be considered. Ms. Scott, a dog owner, said more than one station around the neighborhood is necessary to avoid carrying a full bag during a long walk. Mr. Farrell said dog owners need to be good citizens by cleaning up after their pets and he did not support saddling non-dog owners with such costs. Mr. Locke thought more stations

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would result in a cleaner neighborhood and this would be better than doing nothing, and he showed a map of five locations he proposed for stations and suggested another possible location at the RV storage lot, and stressed that fixing Mr. Gill's leaky mailbox needs priority attention. Mr. Chapman asked Mr. Locke to reiterate what involvement from the TOC was requested, and Mr. Locke said he had contacted Mr. Relph from the TOC about the proposal of TOC maintaining waste stations on the trail. Mr. Relph told Mr. Locke that this was still being discussed. Mr. Chapman asked if we should publicize town-wide about the waste stations if they are added. Ms. Farrell said this would invite more visiting dog walkers and this would not be the desired outcome. Ms. Klein asked for clarification on Stonebridge and Jay station locations. Ms. Coquilllette asked to please make sure the BOD has enough area of land on DCVOA lots to properly accommodate the stations. Ms. McTernan asked for a show of hands from the audience that resulted in an inconclusive tally which Mr. Locke characterized as not representative of a community-wide vote. Ms. Martin moved to approve up to five stations per the stated cost estimates with locations to be determined after more study. Ms. Scott seconded. Mr. Farrell opposed, and everyone else on the BOD approved. The motion passed on four votes.

- c. 300 SE Sandstone - BOD determination of remedy of violation - remedy date deadline 4/30/2024 - BOD was apprised of project completion on the afternoon of 5/15/2024. A motion affirming this remedy was put forth by Ms. McTernan to accept the remedy, and Ms. Martin seconded. BOD unanimously approved.
- d. 325 SE Sandstone - BOD determination of remedy of violation - remedy date deadline 6/1/2024. An Email requesting extension to 7/1/2024 was received by the CAM on 5/28/2024. A motion by Ms. Scott to accept the extension request, this being the final extension, was seconded by Ms. Martin. Ms. McTernan voted no, and everyone else on the BOD approved. The motion passed on four votes.
- e. Follow-up on Mesa Point PUD presentation from 6/3/2024 - Ms. Martin. Ms. Martin counted twenty-five people in the audience including two from the townhomes attended the presentation. Most questions involved 1) traffic circulation, and 2) use of the community building. There was strong positive support for retaining the community building for recreation, but not support for pickleball courts. Mr. Symmes brought up issues of development rights for Lot 93 (see May 15, 2024 minutes for full discussion). Ms. Brown said she received correspondence from an owner on SE Stonebridge supporting a workout facility, pool, and pickleball. Ms. Martin would like to encourage owners to attend more TOC meetings regarding the proposals and said the relatively low attendance at the PUD presentation is evidence that BOD does not need to take a position on the issue. Mr. Gill pointed out that there might need to be more tax revenue to cover this development, and Ms. Martin referred him to the TOC about this. Ms. McTernan was not clear on what was being asked of the BOD or DCVOA on the PUD proposal or what the legal implications for DCVOA might be. Mr. Symmes asked if the board should be asked to take a pro or con stand on this requiring a larger vote of DCVOA owners, and is there a law that would show the plan being inconsistent with DCVOA master declarations such as parking ordinances, and is there alignment with the Colorado Common Interest Ownership Act ("CCIOA"), all of these questions specifically or generally addressed during the May 15 BOD meeting. Mr. Locke replied by speaking as

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a “board member not the developer”, noted that there was little or no interest voiced during the PUD presentation for turning the subject lots into a recreation complex, and the lots are soon to be removed from the application, so the conflict concerns by Mr. Symmes will not likely be at issue.

8. New Business

- a. BOD will evaluate the use of an attorney to answer questions including those on a list of concerns from Ms. Martin. Due to many potential issues, Mr. Symmes was interested in the question of Lot 93 development rights (see 7.e above). Ms. McTernan questioned if it reasonable to have our usual lawyer Gower deal with this versus another potential lawyer that is better versed in HOA business. Ms. Klein said a similar situation involving Mr. Streza granting title to the townhomes existed, and Ms. Martin asked her to forward that information to Ms. Brown. Mr. Chapman asked if DCVOA should purchase the four lots, and Ms. Coquilllette said the issue had been discussed by prior BODs but no consensus was ever reached but it did not appear to be financially attractive. Mr. Symmes cautioned that any discussions with lawyers about the four lots should segregate Lot 93 as a discussion topic. Ms. Scott said we have used no attorneys this year. Ms. Martin moved to authorize and Ms. Scott seconded a motion to task Ms. Brown to engage an attorney versed in HOA issues to use up to \$3000 to answer specific current questions which will be provided by Marcia Martin. These questions will be clarified after the TOC public hearing on June 25, 2024. .
- b. DRC Membership. To help address the staffing shortfall in the DRC, Ms. McTernan moved to add Ms. Guida Anderson to the DRC and Ms. Martin seconded, BOD approved unanimously.
- c. Guidelines for DRC updates. Ms. Brown reviewed the DRC suggestions regarding a proposal by Ms. Farrell to update portions of the DRC Guidelines. A change regarding measuring line of sight to nearby homes using lot lines vs. lots areas was discussed. All discussions regarding this were tabled because of the complexity of the issue given time remaining in today’s BOD meeting. Mr. Symmes asked for residents to be able to see proposed changes before any votes on changes to DRC guidelines are taken, but Ms. Farrell emphasized that the bylaws grant this authority to the DRC and BOD alone. Mr. Gill, a former BOD member who had been involved in this matter, suggested Mr. Locke should not be assigned to work on changes to DRC guidelines, especially this one, because he is a builder and might have a conflict of interest, to which Mr. Locke expressed an opposing argument in his defense citing his lengthy experience as a builder and representative of Owners building/living in DCVOA. Mr. Locke would like to discuss with the BOD some of the proposed changes before further action is taken. Approval of changes for the DRG has been tabled until the July 17, 2024 board meeting.

9. Open Comments and Discussion from the Floor

- a. Ms. Klein asked about the DRC fencing request for lands adjoining the golf course. Ms. Holland TH-1245 SE Stonebridge Drive made a case for her DRC request to add an enclosed area adjoining her townhome. Mr. Locke stated that the townhome sub-association needs to address this first before the DCVOA DRC can take it up.
- b. Mr. Chapman said TOC has set mosquito traps around town to see if West Nile Virus - carrying mosquitoes are present.

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- c. Mr. Chapman said the TOC has hired a 3rd party company to help revise the Town's Master Plan which includes the Town of Cedaredge and a 3-mile radius of the surrounding County, in consideration of a 20-year growth period of Cedaredge.
  - d. Ms. Holland asked why "she is being targeted to not park in her driveway". Ms. Brown disagreed with this characterization and reiterated that representatives of BOD and DRC had informed her about the declarations and DRC guidelines. Ms. Martin said she filed a complaint on behalf of other owners who live near the driveway TH-1245 SE Stonebridge Drive who had approached her with concerns, but that parking in her driveway was not included as part of that filed complaint. Mr. Locke apologized to Ms. Holland for feeling targeted and stated the guidelines stipulate that garages are not for storage. Ms. Holland said she had recently toured the neighborhood and found 54 homes with cars in their driveways. Ms. McTernan said the builders of the neighborhood may have been short sighted when sizing garages for some houses. Mr. Locke stated that the BOD does not commonly monitor neighborhood situations and instead acts on complaints filed by neighbors. Ms. Holland believed a delivery driver damaged her car so she installed security measures including floodlights. Mr. Locke said declarations do not permit floodlights but Ms. Holland can apply for a variance if she wishes. Mr. Locke suggested BOD drive by this property at night to observe the floodlight motion detection..
10. Time and Date for Next Regular Meeting: July 17 9:00 AM.
11. Adjourn at 11:45 PM
- a. Ms. McTernan moved to adjourn, and Ms. Martin seconded. BOD unanimously approved.

Respectfully Submitted,  
John Farrell, Secretary