

DEER VALLEY ESTATES POA

Board of Directors Meeting Minutes

October 15, 2025 – 6:30 PM (Zoom)

1. Called to Order & Attendees

Attendees: **Mark Wagner, Les, Kole , Michael Blankenship ,Tom Ondrako ,Judy Railsback, Paul Duggan ,Linda Pampinella, John Bebee, and Amber & Curtis Harris, Shelly Ferris, Ed Stroller, Harold Mullen.**

2. Approval of Agenda & Prior Minutes

Mark asked whether there were any changes to the agenda; none were requested.

Mark then moved to approval of the **September 17, 2025 minutes**. He noted minor edits (corrected attendees and spellings).

- **Motion to approve:** Les
 - **Second:** Tom
 - **Vote:** Motion passed 5–0.
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3. Treasurer's Report

FY 2024–2025 Financial Statement (Final Approval)

Paul confirmed the year-end financials did not change from the prior meeting and are now final. These financials will be posted on the website by **Jerry Libbit**.

- **Motion to approve FY 2024–2025 financial statements:** Michael Blankenship
- **Second:** Les Kole
- **Vote:** Motion passed 5–0.

Treasurer's Report – October 15, 2025

Paul reported the following:

- **\$58,821.55** has been collected in assessments so far (out of approximately **\$68,000** expected).
- Trash fees collected total **\$9,990**.

- CD interest received was **\$500**.
 - A prior overpayment of **\$338.45** by **Robert Barella** was correctly applied this year.
 - Wire transfer fees and bank costs were explained.
 - Liability insurance and legal fees have been paid.
 - The reserve fund balance is **\$54,100.42**.
 - **73** owners have paid the full year; Paul expects 2 more full-year payments, bringing the total to **75**.
 - Paul noted that owner payment timeliness is much improved over historical norms.
 - **Motion to approve October 15, 2025 Treasurer's Report:** Les Kole
 - **Second:** Tom Ondrako
 - **Vote:** Motion passed **5-0**.
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4. Committee Reports

Architectural Review Committee (ARC)

John Bebee reported an inquiry from **Ryan and Allison Dobson (Lot 49)** regarding beginning the building process. He directed them to the **CC&Rs** and **ARC resources** on the website. No other ARC activity was reported.

Welcome Committee

Mark reported that **Ellen Maxon** has no new residents to welcome this month.

Tom Ondrako noted that **Marie Ondrako** will replace **Betsy Romer** on the committee.

Mark Wagner will add the formal committee appointment to **next month's agenda**.

Road Maintenance

Michael Blankenship reported that spring drainage work performed well during recent heavy rains:

- All drainage swales functioned correctly.
- No major backups were observed.
- Upper Beaver Creek repairs are **100% complete**, including a small retaining wall, stakes, and signage.
- Hairpin curve signage is ready for installation when ground conditions dry.
- A contractor truck from an upper cabin construction site tracked mud onto the roads; cleanup will be done as feasible.

Michael concluded that the road system is in good shape and ready for winter.

Firewise Program

Les Kole reported that the association has received its **2026 Firewise certificate** and is in good standing.

A private contractor mitigation project is on hold:

- It was previously too dry (fire risk); now it is too wet (equipment would damage lots).
- Conditions will be reassessed in **3–4 weeks**; otherwise, the work will be moved to **spring**.

Calendar Review & Workdays

Mark Wagner reported:

- The **fall/winter housekeeping letter** and the updated **snowplow policy** will be sent soon.
- The workday for hairpin curve signage is postponed due to saturated ground.
- Most utility and boundary marking is already complete and may not need formal re-marking.
- The **State Farm liability insurance** renewal has been paid and **did not increase** this year.

5. Old Business – Trash Policy

Mark summarized attorney **Christina Landerhu**'s recommendations on the trash policy:

- Policy language must be revised in the original Word document (Tom Ondrako will make the edits based on the redlined PDF).
- The attorney recommends classifying trash as a **common expense**, shared equally **per lot (1/84th)**, and embedding that structure in the **CC&Rs** via amendment.
- Passage of such an amendment would require **57 yes votes** from owners.

Board discussion highlighted:

- Concerns about fairness to **undeveloped lot owners** who would pay for trash they may not use.
- Potential **owner resistance** and the difficulty of securing **57** affirmative votes.
- Possible **liability exposure** if trash charges are not applied uniformly under current language.

Les Kole suggested combining:

- Trash expense treatment,
- CCIOA compliance updates, and
- Metal building language

into a **single CC&R amendment package** for eventual owner vote.

Given current legal costs (approximately **\$945** already spent) and uncertainty around upcoming **winter snowplow expenses**, the board agreed to:

- **Pause further action** on an amendment until after winter, and

- Revisit drafting language **after the holidays**.
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6. New Business – Metal Buildings & Winter Coordination

Metal Buildings (CCIOA Compliance)

Mark reviewed state law adopted after the Boulder fires that prevents HOAs from prohibiting **metal buildings** or **fire-resistant materials**.

Key points:

- Current CC&Rs technically conflict with this requirement (they prohibit full metal buildings), but the association is **not enforcing** that restriction.
- The attorney has identified a list of CC&R sections that are **not fully in compliance** with Colorado law (Kiowa).
- Because the HOA is not trying to enforce those conflicting sections, there is no immediate enforcement problem, but they should eventually be updated as part of an amendment package.

Snow Plowing – Winter Coordination Plan

Because **Mark** and **Tom** will be away this winter, the board established a snow monitoring and communication plan:

- **Michael** Blankenship will monitor conditions on **Elk Valley**.
- **Judy Railsback** will monitor **Weiland** and can use a landline to reach Chuck if needed.
- **Michale Blankenship** will act as backup and maintain communication with contractor **Chuck Colby**, if Mark cannot reach him.
- They may seek additional help from **Andrea Kapitanoff** or another owner.

The board agreed that:

- A **single point of contact** with a backup will be designated to avoid multiple people calling Chuck independently.
 - Snow depth reports will be gathered from key spots in the subdivision and relayed centrally.
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7. Open Forum

Trash Opt-Out Question (Shelly)

Shelly Ferris asked whether owners may arrange their own trash service and **opt out** of HOA trash fees, noting:

- The CC&Rs do not explicitly state that owners cannot opt out.

- Some **seasonal owners** are not paying full trash fees.

She stated she had been told previously that opting out was not allowed and requested **clear written clarification** for all owners.

Mark responded that the board will seek **additional legal opinion** on that specific question.

Metal Buildings Clarification (Linda)

Linda asked for a plain explanation of the **metal building** issue.

Mark explained:

- After the Boulder fires, the legislature passed a law that HOAs **cannot prohibit** metal buildings, metal siding, or other fire-resistant materials.
- DVE's current CC&Rs say a complete metal building cannot be built, which conflicts with that law.
- The board and ARC are **not enforcing** that restriction and are operating in line with the newer statute.

Internet / Vero Fiber Issues

Tom provided an update based on his conversations with Vero:

- Vero is implementing a **two-phase project** to improve service.
- **Phase 1:** Equipment installation on **October 22** to double available bandwidth.
- **Phase 2:** Requires **FCC approval** and internal board approval for approximately **\$12,000** in additional equipment to eliminate the current rain-sensitive link.
- Technicians have already been on-site working.
- Due to the number of calls from DVE residents, the issue has reached the company's **COO** and is now a priority.

John raised the possibility of leveraging **LPEA dark fiber** along **US-160**:

- Historically the holdup involved easement language (power-only vs. data), but state legislation has since opened the door to carrying communications.
- John questioned whether Vero has investigated using LPEA's route near the development.

Tom agreed to:

- Follow up again with **Sid** and current Vero contacts, and
- Contact **LPEA** directly to determine whether dark fiber links might be available as a longer-term solution.

Chicken Removal Confirmation

Linda asked whether the chickens at the Harris residence had been removed following the community vote.

Amber Harris confirmed that the chickens **have been removed**.

8. Adjournment

- **Motion to adjourn:** Les Kole
- **Second:** Judy Railsback
- **Time of adjournment:** 7:18 PM

Respectfully submitted,