
RECORD OF PROCEEDINGS

**Minutes of the Special Meeting
Of the Executive Board of
Cordillera Valley Club Property Owners Association
October 19, 2009**

The Meeting of the Executive Board of the Cordillera Valley Club Property Owners Association, Eagle County, Colorado, was held October 19, 2009 at 3:30 p.m., at the Chaparral Restaurant, Edwards, Eagle County, Colorado, in accordance with the applicable statutes of the State of Colorado.

Attendance

The following Directors were present and/or acting:

- Wally Carey
- Tim Benedickt

Also in attendance were:

- Jay Morten, Cordillera Valley Club Metro District
- Rick Pirog, Cordillera Valley Club Metro District
- Emilie Egan, Cordillera Valley Club Metro District
- Brian Judge, Cordillera Valley Club Metro District
- John O'Brien, Cordillera Valley Club Metro District (By Telephone)
- Pedro Campos, VAg, Inc
- Sean Saddler, Marcin Engineering
- Todd Fessenden, UERWA
- Linn Brooks, UERWA
- Gary Brooks, UERWA
- Greg Perkins, Sherman & Howard, LLC
- Cheri Curtis, Robertson & Marchetti, P.C.

**Potential Conflicts
Of Interest**

Mr. Marcin reported that he is the principal owner of Marcin Engineering LLC which provides engineering services to Cordillera Valley Club Metropolitan District and/or Cordillera Valley Club Property Owners Association. The Board noted that Mr. Marcin may participate in discussions related to services his firm may provide to CVC and may vote in the matter, in compliance with his duties to the Association. The Board noted, for the record, that this disclosure is being made at this time with the intent of fully complying with laws pertaining to potential conflicts of interest.

The Special Meeting of the Executive Board of the Cordillera Valley Club Property Owners Association was called to order by Mr. Carey at 3:35 p.m.

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Water Tank

UERWA requested the CVCPOA Executive Board supply a letter of support to the Eagle County Board of Commissions for the water tank 1041 hearing on October 20, 2009. The Board received responses from UERWA to concerns expressed by CVC residents on October 15, 2009. The Board does not have enough time to get information to the constituents. Mr. Carey stated he was disappointed with the responses from UERWA to some of CVC's concerns, including roads and liability issues and with the lack of time left to respond. The Board noted the roads were built poorly and any extra construction traffic will continue to negatively impact the roads. The following issues will need to be resolved prior to sending a letter of support:

- The landscaping plan was not included in the information and the restoration plan is not acceptable (Exhibit D). Ms. Brooks stated the revised restoration plan will be provided after it is completed
- Indemnification of the District/Association for protection from road damage, club damage, and property damage. Ms. Brooks stated UERWA has \$1 million policy, which is the state limit. UERWA is working with the Colorado Special District Property and Liability Pool to possibly obtain additional coverage.
- Concerns with heavy equipment damaging CVC roads during construction and how impact fees would be assessed.
- Dust control – CVC wants a seven day plan detailed and formalized.
- Mr. Carey requested the old tank be removed as soon as the new tank is operational. Mr. Brooks explained that the forest service will not allow construction after November 15. The Board explained the old tank is located on CVCMD property and construction could continue to a later date. Ms. Egan asked about the plan to remove the old tank. Ms. Brooks stated UERWA will get a plan to remove the tank to the CVCPOA Board.
- Ms. Egan questioned noise impact to residents. With construction away from homes and uphill the noise may not be an impact to residents but UERWA is willing to work through mitigating sound if necessary.

Mr. Judge suggested a conflict resolution plan be agreed upon to make sure there is a way to resolve any problems. Mr. Judge would like to concentrate on the large issues stating the smaller issues can be resolved

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through an IGA. Road impact, re-vegetation, liability, and removal of the old tank are the bigger issues.

Ms. Egan stated since the District does not own the roads the agreement will be between the Association and UERWA.

Mr. Campos stated the restoration plan has more teeth than the original plan which includes 85 species of plantings, irrigation of new landscaping, and 85% completion deadline.

Mr. Benedickt asked if an impact study has been completed on the roads in CVC. Mr. Judge stated the Board will need a plan to determine what road damage is acceptable as normal usage. Ms. Brooks stated any contractor who damages the road would be responsible for the cost of any repairs. The road impact fee would cover the normal wear and tear.

UERWA is prepared to address the Board's concerns. UERWA would need impact fee information from CVCPOA. Ms. Brooks stated the road impact fee should be fair. UERWA can get insurance information to the Board, is committed to working through noise and dust mitigation, and is committed to working through the landscaping plan. This would all be addressed in an October 20, 2009 letter from UERWA which would allow the Board to respond with a letter of support addressed to the Eagle County Commissioners for the water tank project.

UERWA plans to complete construction in one season with second season planned for backfilling tank site, removal of old tank, and re-vegetation of site. UERWA will need a variance from the construction time schedule during concrete pour days.

Ms. Brooks, Mr. Fessenden, Mr. Brooks, Mr. Saddler, and Mr. Campos left the meeting at 5:15 p.m.

The Board discussed options for road impact fees. It was estimated road repairs could cost the District \$200,000.

The Boards options are to do nothing, appear at the meeting to complain, or prepare a letter of support for the Board of County Commissioners meeting on October 20, 2009. Mr. Judge asked, whether the Board was willing to work towards resolution in order to support project, assuming the three key issues are resolved. Mr. Perkins believes a letter from the

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Association provides nothing for the County Commissioners. No action was taken at the meeting.

Adjournment

There being no further business to come before the Board at this time, upon motion duly made and seconded, it was unanimously

RESOLVED to adjourn the meeting of the Cordillera Valley Club Metropolitan District Board of Directors this 19th day of October, 2009.

Respectfully submitted,



Cheri Curtis

Secretary for the meeting