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# RECORD OF PROCEEDINGS

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## **Minutes of the Regular Meeting Of the Executive Board of Cordillera Valley Club Property Owners Association**

**June 11, 2009**

The Meeting of the Executive Board of the Cordillera Valley Club Property Owners Association, Eagle County, Colorado, was held June 11, 2009 at 8:30 a.m., at the Chaparral Restaurant at 0101 Legends Drive, Edwards, Eagle County, Colorado, in accordance with the applicable statutes of the State of Colorado. The Board met in joint session with the members of the Board of the Cordillera Valley Club Metropolitan District.

### **Attendance**

The following Directors were present and/or acting:

- Wally Carey
- Tom Marcin
- John Bowen (by conference phone)

The following Directors were absent:

- Henry Frigon
- David White

Also in attendance were:

- Robertson & Marchetti, P.C.  
Ken Marchetti & Brienne Olsen
- Cordillera Valley Club Metro District  
Rick Pirog, Jay Morten, Brian Judge, John O'Brien & Emilie Egan (by conference phone)
- Operations & Security Personnel  
Dan Carlson & Rick Adams
- Cordillera Metro District and POA  
Joe Wilson and Dell Ann Claypool

### **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 this matter 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.

### **Changes to Agenda**

The Board reviewed the agenda and added:

- Eagle River Water and Sanitation District water tank project
- Letter of intent under legal matters

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- Landscape issue under operations
- Drainage issues on Filing 1, Lot 19 (Mr. Judge's Lot).

#### Minutes

The Board reviewed the Meeting Minutes of May 14, 2009. Mr. Marcin clarified that he was asked to prepare an analysis on the water tank project and not a letter of support. The Board discussed this change and upon motion duly made and seconded, it was unanimously

**RESOLVED** to approve the Meeting Minutes of May 14, 2009 with the change discussed.

#### Conference Call

The log of public participation in the meeting for those participating in person and by phone is as follows:

#### Public Participation Log

Meeting Date	In Person	By Phone
01/08/09	0	0
02/12/09	0	0
03/12/09	2	0
04/09/09	0	0
05/14/09	0	0
06/11/09		
07/02/09		
08/13/09		
09/10/09		
10/08/09		
11/12/09		
12/10/09		

#### Upcoming Meetings

The Board reviewed the calendar for future meeting dates and no changes were made. Mr. Marcin reported that he would be unable to attend the July 2<sup>nd</sup> board meeting.

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### Marketing Report

Dell Ann Claypool provided an update on the marketing program and handed out the new marketing collateral material for the Board to review. She reported that she held a broker event and 17 brokers toured the Cordillera facilities and Mr. Wilhelm discussed the new Club purchase with the brokers. Ms. Claypool also handed out a current media plan and reported that she got an ad placement in Colorado Expressions magazine. She also reported that they have had double the amount of placements in the Vail Daily. Ms. Claypool reported that the new website [www.cordilleracolorado.com](http://www.cordilleracolorado.com) is finished and they have started a marketing campaign for the Vail Club. She reported that they are planning the 2010 home tour which will be done every other year. She stated they were in the process of identifying the homes and a charity for the event.

### Financial Report

Mr. Marchetti presented the April 30, 2009 financial statements and reported that expenses are tracking well against the budget. He stated that the focus is on keeping expenses under budget and he will reassess the need to borrow funds later in the year. Mr. Marchetti and Ms. Egan discussed the Finance Committee proposal to implement a temporary mill levy credit to mitigate the impact of property value increases. The Board discussed the concept and noted that while the mill levy rate will be not be formally set until November, at this time several Board members believe additional capital projects are necessary and those projects should be considered prior to lowering tax rates. Additionally, they felt if a reduction is to be given it would be better to lower the POA assessments than the property taxes.

### Accounts Payable

The Board reviewed the accounts payable listing. Mr. Judge reported that VAg is still operating under the 2008 agreement with the Association. Ms. Egan replied that a draft response to VAg's letter is being prepared and it will be presented at the next meeting.

The Board discussed the requested release of the \$20,000 compliance deposit for the Navarro/Wear residence. The Board did not approve the release based on the judgment that the solar panels on the property have not yet been appropriately screened from adjacent properties and the golf course in accordance with DRB Guidelines section 4.14. The DRB was directed to notify the property owner that additional screening materials would be required. Upon motion duly made and seconded, it was unanimously

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**RESOLVED** to approve the accounts payable as presented with the exception of the Navarro/Wear compliance deposit release.

### **Covenant Enforcement Policies**

#### **& Procedures**

Ms. Egan explained the proposed code enforcement procedures that were included in the board packets. She reported that Lonestar Services is in charge of code enforcement as it is included in their contract. She reported that tickets would primarily be processed through Lonestar and then forwarded on to Robertson & Marchetti. After discussion the Board concluded that there are two different kinds of enforcement, one being covenant enforcement and the other being DRB compliance. These issues need to be separated with a clear distinction between the two. The Board suggested drawing up two different enforcement procedures for these different areas.

Mr. Carey asked about the collection of fines and how this would occur. He stated that he would like stronger enforcement procedures and wants to see the fines taken out of DRB compliance deposits. The Board suggested that the proposal be refined and that Mr. Perkins review it from a legal perspective prior to formal adoption.

### **DRB Notification Policies**

#### **& Procedures**

The Board reviewed the document included in the board packets regarding the DRB Notification Policies & Procedures. The Board noted that homeowners should not be able to give notification in person but rather that these notifications should be sent via certified mail with return receipt. They also discussed implementing a requirement that homes be staked prior to review by the DRB and to give adjacent property owners an opportunity to review the location of the proposed home.

### **Operations Report**

Mr. Carlson reported that the access hole was filled in on the south side of the west gate. He also stated that he would schedule the mosquito spraying for the last week of June and that all the flowers have been delivered and will be planted. He asked if the berm poles could be taken down yet and the Board asked that they stay up for one more month.

Mr. Marcin brought up the landscaping issue at the corner of Pinnacle Point and Beard Creek Trail. He explained that landscaping was excluded when the drainage was fixed but now it needs to be taken care of. He reported they could topsoil and natural seed it which would be inexpensive

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and easy. Mr. Carlson reported that he would put up posts around the area so homeowners won't drive over it and that he would get a quote from Garden Creations to do this work. Upon motion duly made and seconded, it was unanimously

**RESOLVED** to proceed with this project with costs not to exceed \$1,500 and for Mr. Carlson to contact the homeowner of the adjacent lot to see if we can tie into his irrigation system.

### Filing 1, Lot 19

Mr. Judge explained to the Board that his lot was deemed an extreme fire hazard and as a result he is obligated to incur costs of \$225,000 to mitigate this. He stated that there is a drainage line above the property. He explained that he needed to provide a plan for a 100 year and a 300 year storm event of water collection from BLM land. He stated he paid an engineer to design a concrete culvert system to collect the 100 and 300 year storm event with an estimated cost of \$50,000. He requested that the engineer break out the estimated cost between his lot and Suzi Apple's lot (Lot 20). He explained that Ms. Apple was not planning to do anything about her lot and it is drainage to the POA so he would like to split the cost with the POA. He stated that it will be a benefit to Suzi Apple, Clay Irons (Lot 8) and himself and it would be \$13,000 if Clay Irons' lot was added.

Mr. Carey explained that if nobody was building there then there would be no expense to the POA and he doesn't see the benefit to the community. Mr. Marcin explained that there is an easement between every single lot for drainage purposes and the Board needs to determine if easements are dedicated to the Metro District or the POA. Ms. Egan suggested determining what liability goes with that easement, if any. She stated that we have the responsibility for cleaning our culverts but not anything else. She asked to determine whether this is part of public infrastructure. Mr. O'Brien pointed out that we are setting precedent with whatever we do on this. Upon motion duly made and seconded, it was unanimously (with Brian Judge abstaining)

**RESOLVED** to authorize Marcin Engineering to determine if the area is part of the public infrastructure.

### Legal Matters

Mr. Pirog provided an update on the letter of intent drafted for the new Club owners. He explained that he believes it is not in the Board's best interest to stand in the way of the sale. He reported that the new owners

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have agreed to provide water and maintenance for the berm. He stated he has been negotiating in good faith with the new owners for the berm easement. Mr. Marchetti expressed concern on item #4 of the letter and reported that this item needs to be conditioned upon approval of the CVC voters. The Board agreed that change should be made and the letter will be sent out.

Director Egan reported subsequent to the meeting that the letter was not in the Board packets and that she did not receive the letter prior to the meeting and accordingly she did not agree with the letter and did not support sending it.

### Public Safety Report

Mr. Adams explained the suspicious activity reported on the incident summary report. He explained that security had seen someone "piggyback in" at the back gate and when they investigated it they found it was a private investigator hired by a homeowner. Mr. Adams also updated the Board on the damaged back gate which was charged to Sarah Baker. Mr. Pirog stated that unless we have proof he did it then we can't charge it back to the homeowner. Mr. Adams reported that the cameras did not catch it and that is one of the reasons a new camera system is needed.

### Water Tank

Mr. Marcin reported on the issues he found regarding the water tank and provided a hand out with his comments. Mr. Carey stated that the Board can't issue a letter of support for the tank project until these issues are addressed. The Board authorized Mr. Marcin to communicate CVC's issues to Eagle River Water and Sanitation District.

### 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 Property Owners Association Board of Directors this 11<sup>th</sup> day of June, 2009.

Respectfully submitted,



Brienne Olsen

Secretary for the meeting