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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 September 15, 2009

The Meeting of the Executive Board of the Cordillera Valley Club Property Owners Eagle County, Colorado, was held September 15, 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
- Tim Benedickt
- Carrie McDevitt

The following Directors were absent and excused:

- Hank Frigon
- Tom Marcin

Also in attendance were:

- Cordillera Valley Club Metro District  
Rick Pirog, John O'Brien, Jay Morten, Emilie Egan & Brian Judge
- Robertson & Marchetti, P.C.  
Melissa McClendon & Cheri Curtis
- Greg Perkins, Sherman and Howard, Association Attorney
- Operations & Security Personnel  
Dan Carlson & Rick Adams
- VAg, Inc  
Stephanie Lord-Johnson  
Pedro Campos
- Clarkson Moseley, Property Owner

### 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.

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# RECORD OF PROCEEDINGS

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## CORDILLERA VALLEY CLUB PROPERTY OWNERS ASSOCIATION September 15, 2009 Meeting Minutes

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### Changes to Agenda

The Board added the water tank and the meeting with Bernie Weber under legal.

### Minutes

Ms. McDevitt clarified that Mr. Benedickt will become the Board liaison with the DRB and a work session will be scheduled in October with the DRB and the Association Board. Upon motion duly made and seconded, it was unanimously

**RESOLVED** to approve the Meeting Minutes of August 18, 2009 as revised.

### September Special Meeting

An Association Board hearing was held on September 3, 2009 with Bernie Weber regarding the halted construction on Lot 11, Filing 4. The Association gave Mr. Weber thirty days to establish a plan, provide loan information, and provide a \$1 million performance bond in the name of the Association to complete the outside of the building and landscaping or backfill the foundation and grade and landscape the property. If a plan is not in place by October 16, 2009 the Association will use the compliance deposit to hire a contractor to backfill the foundation and grade and landscape the property in an effort to restore the property to its original condition. Mr. Perkins is reviewing the minutes from the September 3, 2009 hearing and the Board will approve the minutes at the October meeting.

### 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	0	0

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# RECORD OF PROCEEDINGS

---

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## CORDILLERA VALLEY CLUB PROPERTY OWNERS ASSOCIATION September 15, 2009 Meeting Minutes

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07/09/09	2	0
08/18/09	1	0
09/15/09	1	0
10/20/09		
11/17/09		
12/15/09		

### **Upcoming Meetings**

The next meeting is scheduled for October 20 2009. Ms. McDevitt and Mr. O'Brien are planning to attend the meeting by phone.

### **DRB Matters**

#### **Fall Creek Cottonwoods**

Mr. Clarkson Moseley, a property owner in Fall Creek came to the meeting to discuss a wall of Cottonwood Trees to the south of his home. The trees are on both individual and Fall Creek Association property. The DRB has previously directed Mr. Clarkson to work with Fall Creek POA to resolve the issues, which has not been successful. Mr. Moseley reported the cottonwood trees obscure the mountain views which was not intent of the development, cottonwoods are not native to area and require abundant water to survive and cottonwood trees are in the noxious tree category.

Ms. Lord-Johnson has previously discussed the problem with Mr. Moseley and directed him to work with Fall Creek property owners since the covenants do not allow the DRB to remove trees on property that does not belong to the Master Association. Mr. Moseley reported that the Fall Creek Association denied his request for removal of the trees. It was noted the Sanctuary was successful in the removal of Cottonwood trees.

Mr. Judge requested the Association obtain the finding from the Fall Creek Board and then bring that matter to the POA for review. Ms. Egan suggested the Board obtain Mr. Perkin's opinion on the Association's ability to get involved and enforce or overturn DRB decisions. Ms. Egan also suggested revising the DRB guidelines to allow the removal of noxious trees.

The Board agreed to obtain the letter from Betty Anne Woodward, the Fall Creek Association President, denying removal of the trees with reasons so

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---

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## CORDILLERA VALLEY CLUB PROPERTY OWNERS ASSOCIATION September 15, 2009 Meeting Minutes

---

the Association can address the issues. Mr. Moseley is willing to contribute funds to top the Cottonwood trees.

### Lights

Ms. Lord-Johnson presented an example of an LED light fixtures that could be used to replace the existing lights in Cordillera Valley Club. The light cartridges are replaceable. There are options for different color of fixtures, light colors, and post attachments. The lights are \$1,000 each.

Mr. Benedickt suggested installing a prototype on a post to get constituent input. The Board requested an estimate of the operating cost savings. There are twenty-one lights to replace and the Board will need to decide on a pole option. Ms. Lord-Johnson suggested installing three examples at the gate house, where there are currently three lights. Replacement of the existing signage could be integrated into the project. The Board agreed to install light options at the entrance and one at Pinnacle Point. Mr. Benedickt and Ms. Lord-Johnson will pick the options for the replacement lights. By motion made and duly seconded it was unanimously

**RESOLVED** to authorize up to \$12,000 to purchase street lights and poles and new signage to be installed at the entrance and Pinnacle Point.

Guideline updates with staff will be discussed at the October meeting. Mr. Judge reminded the Board that a contract with VAg, Inc is still needed for 2009.

### Road Erosion

Mr. Carlson presented a \$15,000 proposal to install a rock wall using square boulders at Legends Drive where there was road erosion. The Board directed Mr. Carlson to obtain bids from Ewing and Tomahawk to determine if there could be a cost savings. The Legends Drive homeowners have requested a block wall to allow plantings on the wall. It was reported the location of the proposed rock wall could be golf course property.

It was noted Fall Creek has the same issues with road erosion. The Board needs to determine who owns the property at both locations before determining whether the District is responsible to make repairs. The Board needs to discuss with Mr. Perkins the Association's ability to address water issues.

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# RECORD OF PROCEEDINGS

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## CORDILLERA VALLEY CLUB PROPERTY OWNERS ASSOCIATION September 15, 2009 Meeting Minutes

---

### **DRB Issues**

Ms. Lord-Johnson and Mr. Carlson were directed to drive through development and bring compliance issues to the Board's attention. The DRB will send letters requesting the property owner make the necessary improvements to bring the property into compliance or present a plan to bring the property into compliance by spring 2010. If the deficiencies are not addressed, a second letter will be sent as a follow-up. If the deficiencies are not addressed after the follow-up request, the Association has the ability to hire staff to make the necessary improvements with possible fines to the property owner.

It was noted the Coulsons are installing a water feature and have not gone through the DRB process.

The Sanctuary is stripping and painting weathered homes.

### **Financial Report**

The financial report was included in the Board packet. There were no questions on the report.

### **Accounts Payable**

The Board reviewed the accounts payable listing. The Board requested a letter be sent to CDOT addressing the street light on Highway 6 and Hillcrest Drive that has created an unsafe intersection. Upon motion duly made and seconded, it was unanimously

**RESOLVED** to approve the accounts payable list as presented.

### **Legal**

### **Water Tank**

Mr. Perkin provided a letter related to the Association's position regarding the water tank project. It has not been determined whether the Association or District has the ability to provide an easement on the roads for access to the water tank. The Board discussed the benefit of providing better fire protection with the larger tank. UERWA will need a special use permit from Eagle County to build the tank.

Mr. Judge suggested the Board support the water tank if UERWA meets the demands of the Association and the District. The Board agreed to continue to gather information and continue discussions with UERWA to make sure Cordillera Valley Club constituents concerns are addressed. The roads will need to be conveyed to the District prior to entering into an agreement for the proposed water tank. There will be a site visit on

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# RECORD OF PROCEEDINGS

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## CORDILLERA VALLEY CLUB PROPERTY OWNERS ASSOCIATION September 15, 2009 Meeting Minutes

---

October 5, 2009 to discuss issues and a meeting with the Board of County Commissioners regarding the water tank on October 7, 2009.

### **Public Safety Report**

Mr. Adams suggested separating the bids for the transmitters from the upgrade for the security system. Mr. Adams is getting proposals from other security vendors. Mr. O'Brien will work with Mr. Adams to get a proposal that can be incorporated into the 2010 budget and for presentation to the Board at the October meeting.

Mr. Pirog and Mr. Judge left the meeting at 12:35 p.m.

### **Operations Report**

Mr. Carlson is continuing to paint the utility boxes. Mr. Carlson is obtaining bids for the landscaping for the 2010 budget. Although the Board was happy with the landscaping contractor this year they requested Mr. Carlson obtain bids for the landscaping to ensure the District is receiving a competitive bid.

### **Real Estate**

It was reported another house is under contract in Cordillera Valley Club.

### **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 Executive Board this 15th day of September, 2009.

Respectfully submitted,



Cheri Curtis  
Secretary for the meeting