

CORDILLERA PROPERTY OWNERS ASSOCIATION  
MINUTES  
REGULAR MEETING  
Monday, 16 March 2009  
ADMINISTRATION BUILDING  
0408 CARTERVILLE ROAD, CORDILLERA, COLORADO

The Regular Meeting of the Board of Directors of the Cordillera Property Owners Association (CPOA) was called and held on Monday, 16 March 2009, in accordance with the applicable statutes of the State of Colorado.

**ATTENDANCE**

Present: Elise Micati, President  
Rick Smith, Vice President (absent--excused)  
Glenn Bourland, Vice President  
Rick Boyd, Secretary  
Roger Magid, Treasurer

**ALSO PRESENT**

CMD Board Members: Nancy Alexander, Lois Bruce, Nanette Kuich, Ellen Mitchell, and Ken Ulickey.

Alan Pogue, Legal Counsel; Erin Buckley, Executive Assistant; Dell Ann Claypool, Marketing Manager; Bob Egizi, Director of Public Safety; Jon Erickson, Finance Manager; Bart Sigler, Director of Business Enterprises, and Joe Wilson, General Manager.

Others present: Mr. David Mitchell, Chair, Cordillera Vail Club Advisory Committee; Mr. Jim Ferraco, Member, Cordillera Vail Club Advisory Committee, and Ms. Ann Wilson, Cordillera Property Owner.

**CALL TO ORDER**

Director Micati called to order the Regular Meeting of the Cordillera Property Owners Association at 8:36 a.m.

**DECLARATION OF QUORUM/DIRECTOR QUALIFICATION**

Director Micati noted for the record a quorum was present for the purpose of doing the business of Cordillera Property Owners Association.

**DISCLOSURE MATTERS**

No conflicts of interest were noted.

**APPROVAL OF AGENDA**

Upon motion duly made and seconded, the Board unanimously  
**Approved** the agenda, as written.

## **APPROVAL OF MINUTES**

### **16 February 2009 Regular Meeting Minutes**

The minutes of the meeting were previously distributed. Director Magid requested a change to the 16 February 2009 CPOA Minutes. All administrative comments regarding the minutes should be directed to Ms. Erin Buckley, Executive Assistant. Director Boyd moved to approve the minutes of the 16 February 2009 regular meeting. Seconded by Director Magid.

Upon motion duly made and seconded, the Board unanimously

**Approved** the minutes of the 16 February 2009 Regular Meeting, as amended.

## **PUBLIC INPUT**

### **Cordillera Café Space Proposal**

Ms. Ann Wilson addressed the Board on behalf of Ms. Betsy Wilson, Owner, Mountain Crepes, LLC. Ms. Betsy Wilson's proposal for the Cordillera Café space was presented to the Board. The proposal includes several options for potential revenue; 1) Mountain Crepes, LLC will offer homemade baked goods, coffee drinks, bottled beverages, prepared foods, limited packaged foods, and household items, 2) Catering for private dinners parties and events and 3) Two Brown Dogs, LLC will be a small wine shop, selling a limited selection of fine wines and a small selection of beer and possibly liquor.

Ms. Ann Wilson indicated Mountain Crepes plans on being open six (6) days a week from Memorial Day Weekend to Labor Day and from the week before Thanksgiving to the beginning of April. This is a 15 week summer season and a 19 week winter season for a total of 34 weeks a year. The plan calls for keeping the same hours as the Post Office except on Saturday when they would like to be open longer. Ms. Wilson requested acceptance of the proposal by the end of the week in order to allow time for training, setting up a credit card machine, etc.

### **Cordillera Vail Club Advisory Committee Update**

Mr. Dave Mitchell, Chair, Cordillera Vail Club Advisory Committee, presented the Cordillera Vail Club update to the Board. Mr. Mitchell summarized the Vail Club Committee's past achievements, overall goals, and future action items considering the current economic environment.

## **CPOA ACTION ITEMS**

### **Cordillera Vail Club Discussion**

Staff addressed the Board regarding Cordillera Vail Club's initiation fees, resignation list, and proposed marketing plan.

### **Resolution Amending the Cordillera Vail Club Membership Plan to Increase Memberships to 230**

Director Bourland moved to amend the Cordillera Vail Club Membership Plan to increase memberships to 230. Seconded by Director Boyd.

Upon motion duly made and seconded, the Board

**Amended** the Cordillera Vail Club Membership Plan to increase the memberships to 230 by a vote of 3-1, with Directors Bourland, Boyd, and Magid voting in favor of the motion and Director Micati voting against the motion.

Director Bourland requested to **withdraw** his motion after discussion following the vote. Director Boyd, Magid, and Micati consented to the withdrawal, and the motion was considered withdrawn and the vote of no force or effect.

The Board requested Staff create a comprehensive Vail Club plan to include: 1) Fee structure/options matrix, 2) Marketing Plan, 3) guest fee structure, 4) requested commitment from CPOA, 5) capacity numbers/use rate, 6) etc. and present an interim report to the Board before the 20 April Board Meeting for their review. The Board requested a final report be presented at the 18 May Board Meeting.

### **CPOA Cash Flow Discussion**

During the February Board Meeting, Staff brought forth a recommendation to fine Property Owners that were delinquent in completing mandatory fire mitigation work rather than perform and finance the work. Staff indicated, due to the delay in between the cash outlays and cash receipts, the cash flow situation warranted further discussion and brought the matter to the attention of the Treasurers. The Treasurers directed Staff to construct a cash flow estimate with several scenarios. Staff presented three (3) cash flow scenarios to the Board and recommended the Board finance only the Mountain Pine Beetle work on private property (and estimated cash out flow of \$500K) and institute a fine/penalty system on all non-compliant properties requiring Fire Mitigation.

### **Resolution Approving CPOA Finance an Estimated Cash Outflow of \$500K to Complete Mountain Pine Beetle Mitigation on Delinquent Private Property and Institute a Fine/Penalty on All Non-Compliant Properties Requiring Fire Mitigation**

Director Boyd moved to approve CPOA finance an estimated cash outflow of \$500K to complete Mountain Pine Beetle Mitigation on delinquent Private Property and institute a fine/penalty on all non-compliant properties requiring Fire Mitigation. Seconded by Director Bourland.

Upon motion duly made and seconded, the Board

**Approved** CPOA finance an estimated cash outflow of \$500K to complete Mountain Pine Beetle Mitigation on delinquent Private Property and institute a fine/penalty on all non-compliant properties requiring Fire Mitigation by a vote of 3 to 1, with Directors Bourland, Boyd, and Magid voting in favor of the motion and Director Micati voting against the motion.

### **Wildfire Mitigation – Penalties for Non-Compliance**

In February, the Board asked Staff to come back with suggestions for penalties for properties that do not complete their Wildfire Mitigation work. Staff presented a proposed fee structure, recommending Property Owners who have failed to comply with CPOA's Wildfire Mitigation Regulations by 1 July 2009 be fined \$1,000. The fine would be waived if the work is completed within thirty days of the Notice. Failure to perform wildfire mitigation by 1 August 2009 would result in an additional fine of \$1,000. The additional fine would be waived if, within 10 days of the notice imposing the additional fine, the Property Owners pays the initial fine of \$1,000 and submits evidence to the Board that the Property Owner commenced wildfire mitigation between 1 July 2009 and 31 July 2009. A fine of an additional \$1,000 will be charged every 30 days thereafter until evidence is presented wildfire mitigation is scheduled to commence.

Staff indicated the purpose of the fine schedule is not to generate fine revenue but to get the work done.

The Board requested Legal Counsel amend the proposed fee structure to state 1) a fine of \$3,000 will be issued if Property Owners scheduled to complete wildfire mitigation in 2007/2008 fail to comply by 1 July 2009, 2) a fine of \$3,000 will be issued if Property Owners scheduled to complete wildfire mitigation in 2009/2010/2011 fail to comply by 1 August of applicable year, and 3) fines be waived if the Property Owner submits evidence to the Board that the Property Owner commenced wildfire mitigation within 30 days after Notice is received.

**Resolution Affirming, Amending, and Restating CPOA's Wildfire Mitigation Regulations Instituting a Fine of \$3,000 if Property Owners Fail to Comply with Wildfire Mitigation Regulations.**

Director Boyd moved to affirm, amend, and restate CPOA's Wildfire Mitigation Regulations instituting a fine of \$3,000 if Property Owners fail to comply with wildfire mitigation regulations per specified dates. Seconded by Director Bourland.

Upon motion duly made and seconded, the Board unanimously

**Affirmed, Amended, and Restated** CPOA's Wildfire Mitigation Regulations instituting a fine of \$3,000 if Property Owners fail to comply with Wildfire Mitigation Regulations per specified dates.

**CMD/CPOA ACTION ITEMS**

**Strategic Review Session**

Staff presented the Minutes and Presentation for the 2008 Strategic Review Session held on Monday, 12 May 2008. Staff requested the Boards schedule the 2009 Joint CPOA/CMD Strategic Review Session and offered possible dates.

The Boards requested Staff gather the schedules for all the Board Members for the months of April/May/June and provide alternate dates.

**ADMINISTRATIVE/LEGAL UPDATES**

Mr. Joe Wilson, General Manager, presented the monthly General Manager's report.

**Executive Session**

Pursuant to a motion duly made, seconded, and unanimously passed, the Board convened an Executive Session pursuant to Section 3.15 of the By-Laws of Cordillera Property Owners Association, Inc., for conferences with the attorney for the Cordillera Property Owners Association for the purposes of receiving legal advice on specific legal questions.

It is 16 March 2009 and the time is 11:07 a.m. For the record, I am the presiding officer, Elise Micati. This Executive Session is recorded.

Also present at this Executive Session are the following persons: Nancy Alexander, Glenn Bourland, Rick Boyd, Lois Bruce, Nannette Kuich, Roger Magid, Ellen Mitchell, Ken Ulickey, Joe Wilson, and Alan Pogue.

This is an Executive Session for the following purpose: For the purpose of discussing specific legal matters with legal counsel to the CPOA.

The time is now 12:26 p.m. and the Executive Session is concluded. The participants in the Executive Session were: Nancy Alexander, Glenn Bourland, Rick Boyd, Lois Bruce, Nannette Kuich, Roger Magid, Elise Micati, Ellen Mitchell, Ken Ulickey, Joe Wilson, and Alan Pogue.

No decisions or actions were taken in the Executive Session.

For the record, if any person participating in the Executive Session believes any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive

Session, or any improper action occurred during the Executive Session, I ask you state your concerns for the record.

No objections were stated.

**Proposal for Café Space**

The Board accepted the proposal presented by Mountain Crepes, LLC for the Cordillera Café in principle; however, the Board requested Staff negotiate the contract to include: 1) Security (lockup for wine), 2) Liability for damages to building, 3) Modifying the Café schedule to include keeping the Café open through September, 4) Additional provisions in insurance policies, etc. The Board also requested Staff facilitate issuing a lease to Ms. Wilson by the end of the week.

**ADJOURNMENT**

There being no further information to come before the Board, the meeting was adjourned.

Upon motion duly made and seconded, the Board unanimously agreed to

**Adjourn** the meeting of the Cordillera Property Owners Association Board of Directors at 12:36 p.m. on Monday, 16 March 2009.

Respectfully submitted,

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Erin Buckley  
Executive Assistant