

CORDILLERA METROPOLITAN DISTRICT
SPECIAL BOARD MEETING MINUTES
THURSDAY, 30 JUNE 2016
32138 US-6, EDWARDS, COLORADO

A Special Meeting of the Board of Directors of the Cordillera Metropolitan District (CMD) was called and held on Thursday, 30 June 2016, in accordance with the applicable statutes of the State of Colorado.

ATTENDANCE

Present: Bob Egan, President
David Bentley, Vice President
Judith McBride, Treasurer
David Davies, Secretary
Kitty George, Assistant Secretary & Assistant Treasurer

ALSO PRESENT

CPOA Board Members: Ed Shriner, Rand Garbacz, Nanette Kuich, Lois Bruce, and Rick Smith

Others Present: Alan Pogue, Icenogle Seaver Pogue, P.C.; Lew Harstead, Johnson & Repucci; Rachel Oys, General Manager; Jon Erickson, Finance Director; Joe Helminski, Recreation Director; Aubrey Dreessen, Recreation Assistant Manager; Jaime Walker, Communications Manager; Ben Dodd, Marketing Assistant; Kirk Pliske, Public Safety Director; Stacey Worley, Office Coordinator; Trevor Broersma, Facilities and Operations Manager; Joanne Kelley, Operations Supervisor; and Tracy Stowell, Executive Coordinator.

CALL TO ORDER

Director Egan called to order the Special Meeting of the Cordillera Metropolitan District at 9:06 a.m.

APPROVAL OF AGENDA

30 June 2016 Special Meeting Agenda

Director Bentley moved to approve the 30 June 2016 Special Meeting Agenda. Seconded by Director McBride.

Upon motion duly made and seconded, the Board unanimously by those present. **Approved** the 30 June 2016 Special Meeting Agenda, as presented.

DECLARATION OF QUORUM/DIRECTOR QUALIFICATION

Director Egan noted for the record a quorum was present for the purpose of doing the business of the Cordillera Metropolitan District.

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ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF MEETING AT LEAST 72 HOURS IN ADVANCEMENT OF THE MEETING.

All board members acknowledged receiving notice of the special meeting at least 72 hours in advance. No conflicts of interest were noted.

CMD and CPOA Joint Agenda Items

OPENING REMARKS FROM CMD AND CPOA BOARD PRESIDENTS

Director Shriner thanked everyone for participating in this public comment session. He stated that this is a community wide concern and that we are all here as the Cordillera Community.

Director Egan spoke to the community members regarding the timeline of events pertaining to the pending sale of the Lodge and Spa at Cordillera.

LEGAL UPDATE REGARDING THE PENDING SALE OF THE LODGE AND SPA AT CORDILLERA

Alan Pogue, Icenogle Seaver Pogue, gave brief opening comments including:

As a community we feel that the use of the Lodge property for any purpose that does not support and enhance a resort residential community is incompatible, and would divest the community of a vital amenity, which has always been the centerpiece of Cordillera.

Property owners have expressed concerns that the proposed use excludes the Lodge and Spa from the community, depriving them access and enjoyment to a quintessential Cordillera amenity on which the community was founded.

The appeal process will be heard before the Board of County Commissioners, a date for the hearing has not been set. The community will be notified of the hearing date as soon as it is scheduled.

We appreciate the active participation of the property owners in communicating to the County that the use of the Lodge property for any purpose that does not support and enhance a resort residential community is impermissible under the PUD.

Many of the property owners have submitted comments reflecting on the role that the Lodge and Spa at Cordillera has played and does play in your lives (i.e. the access to spa facilities, pool, fitness facilities, food and beverage services, all of commercial nature, and all are compatible with sustaining a residential resort community). Communications from the community that emphasizes the loss of such an integral amenity is most helpful. All uses within Cordillera are required to be consistent with, support and promote a resort residential community.

Lew Harstead, Johnson & Rupucci, provided the following update:

The Cordillera Metro District (CMD) and Cordillera Property Owners Association (CPOA) submitted a joint appeal to the Eagle County Board of County Commissioners on June 29,

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2016, regarding the interpretation of the permitted uses on the Lodge Parcel and Village Center Parcel on which the Lodge and Spa at Cordillera is located.

Concerted Care Group Management, a Baltimore based company, has a contract with Behringer Harvard to purchase the Lodge and Spa at Cordillera. CCG's intention is to create and operate an inpatient care facility that provides services for mental health, substance abuse, weight management and nutrition.

CCG's representatives met with the county to receive an interpretation of Cordillera's PUD Guide which states that the following is a permitted use: "Medical Offices/Facilities, limited to clinic and outpatient facilities for non-critical care, including, without limitation, for outpatient plastic surgery and other cosmetic procedures." Cordillera received an interpretation letter from Eagle County's Managing Director of Community Development on June 1, 2016 that states that 'clinics' are clearly an allowable use for non-critical care; which may provide inpatient clinical facilities. 'Outpatient facilities' for non-critical care are likewise allowed as a use-by-right" pursuant to the Cordillera PUD.

CMD and CPOA maintain that the proposed use of the Lodge and Spa at Cordillera contemplated by the purchaser is not a permissible use under the Cordillera PUD which regulates land use within Cordillera.

The appeal identifies that Eagle County's Managing Director of Community Development erred in determining the developer's proposed use represents a use-by-right. The appeal claims that the Director's interpretation is directly inconsistent with the central purposes of the Cordillera PUD; the Director failed to consider the legal intent governing the use of the Lodge and Village Center Parcels; the Director failed to apply the actual language of the Cordillera PUD; and the Director's interpretation effectively represents a wrongful major modification of the Cordillera PUD. Lew stated that the Director erred in his determination that CCG's proposed use represent a use-by right in the Cordillera AID. Accordingly, the County Commissioners should properly exercise their jurisdictional and discretion in order to reverse the determination of the Director.

QUESTIONS/COMMENTS FROM THE PUBLIC

170 members of the public were in attendance. Lew Harstead, Alan Pogue and Board members facilitated questions and comments from the public, including: Tom Wilner, Laine Edinburg, Larry Kyte, Carole Schragen, Dallas Hixton, Larry Feldman, Jeffrey Byrne, Jeanne Quagliano, Eddie Dease, Craig Dermody, Suzanne Hoffman, Martin Sosland, Valerie Mesch, Ann Wilson, Eric Jung, Craig Dermody, and Ruth Bucher.

ADJOURNMENT

Director Bentley moved to adjourn the special meeting of the Cordillera Metropolitan District. Seconded by Director McBride.

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

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Adjourn the Special Meeting of the Cordillera Metropolitan District at 10:49 a.m. on Thursday, 30 June 2016.

Respectfully submitted,



Tracy Stowell
Executive Coordinator

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