

**MINUTES OF A SPECIAL MEETING OF  
THE BOARD OF DIRECTORS OF THE  
BEEBE DRAW FARMS AUTHORITY  
HELD  
JULY 17, 2017**

A special meeting of the Board of Directors (referred to hereafter as the "Board") of the Beebe Draw Farms Authority (referred to hereafter as the "Authority") was convened on Monday, the 17<sup>th</sup> day of July, 2017, at 6:00 P.M., at the Pelican Lake Ranch Community Info and Sales Center, 16502 Beebe Draw Farms Parkway, Platteville, Colorado. The meeting was open to the public.

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**ATTENDANCE**

**Directors In Attendance Were:**

Paul "Joe"Knopinski  
William ("Bill") Caldwell  
Glen Adkins

Following discussion, upon motion duly made by Director Caldwell, seconded by Director Adkins and upon vote, unanimously carried, the absence of Director Hethcock was excused.

**Also In Attendance Were:**

Lisa A. Johnson; Special District Management Services, Inc.

Elisabeth Cortese, Esq.; McGeady Becher P.C.

Paul Goedecke; Auditor (via speakerphone).

Tina Wernsman and Gary Moore; Employees of Authority

Josh Freeman, Eric Wernsman (for a portion of the meeting) and Michael Welch and; Beebe Draw Farms Metropolitan District No. 1

Gary Albrecht, Esq; Gary Albrecht Law (for a portion of the meeting).

John Riley, Esq.; Montgomery Little & Soran (for a portion of the meeting).

Kim Seter, Esq.; Seter & Vander Wall, P.C.

See attached list for other attendees

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**DISCLOSURE OF  
POTENTIAL**

**Disclosures of Potential Conflicts of Interest:** The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential

## **CONFLICTS OF INTEREST**

conflicts of interest or potential breaches of fiduciary duty to the Board and to the Secretary of State.

Ms. Johnson noted that a quorum was present and requested members of the Board disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting, and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with the statute. It was noted that Directors Caldwell, Hethcock and Knopinski's Disclosure Statements have been filed. Director Caldwell noted that he currently serves on the Property Owner's Association Board of Directors.

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## **ADMINISTRATIVE MATTERS**

**Agenda and Confirmation of Notice Posting:** Ms. Johnson distributed for the Board's review and approval a proposed Agenda for the Authority's special meeting.

Following discussion, upon motion duly made by President Knopinski, seconded by Director Caldwell and, upon vote, unanimously carried, the Agenda was approved and Ms. Johnson noted meeting notices were posted as required.

**Appointment of Board Members to the Authority Board of Directors:** The Board acknowledged the appointment of one Board member from Beebe Draw Farms Metropolitan District No. 1 ("District No. 1") to serve on the Authority Board. William P. "Bill" Caldwell's term will run through June 2019.

The Board also acknowledged the appointment of one Board member from Beebe Draw Farms Metropolitan District No. 2 ("District No. 2") to serve on the Authority Board. Paul "Joe" Knopinski's term will run through June of 2019.

### **Appointment of Alternate Board Member:**

Following discussion, upon motion duly made by Director Caldwell, seconded by Director Adkins and, upon vote, unanimously carried, the Board appointed Diane Mead to serve as the alternate Board Member from Beebe Draw Farms Metropolitan District No. 2 for this meeting.

**Appointment of Officers:** Following discussion, upon motion duly made by Director Caldwell, seconded by Director Mead and, upon vote, unanimously carried, the following slate of officers was appointed:

President	Paul "Joe" Knopinski
Vice President	Christine Hethcock
Treasurer	Glen Adkins
Secretary	Lisa A. Johnson
Assistant Secretary	Bill Caldwell

## **FIRST READING**

**Consider Sending Board Members to the 2017 SDA Conference:** The Board received and discussed the request from Beebe Draw Farms Metropolitan District Nos. 1 and 2 to send Board Members to the 2017 Annual SDA Conference in Keystone, Colorado on September 13, 14 and 15, 2017. District No. 1 has two Board Members interested in attending and District No. 2 has potentially one Board Member interested in attending.

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## **LEGAL MATTERS**

**EXECUTIVE SESSION:** Pursuant to Section 24-6-402(4)(b) of the Colorado Revised Statutes (C.R.S.), upon motion duly made by Director Caldwell, seconded by Director Adkins and, upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 6:15 p.m. for the purpose of receiving legal advice from the District's attorney, as authorized by Section 24-6-402(4)(b), C.R.S.

Furthermore, pursuant to Section 24-6-402(2)(d.5) (II)(B), C.R.S., no record will be kept of those portions of the executive session that, in the opinion of the Authority's attorney, constitute privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S. Please see attached attorney statement. No action was taken.

The Board reconvened in regular session at 7:56 p.m.

**Engagement of Litigation Counsel:** Following discussion, upon motion duly made by Director Adkins, seconded by Director Mead and, upon vote, unanimously carried, the Board engaged Kim Seter with Seter & Vander Wall, P.C. for litigation counsel services.

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## **CONSENT AGENDA**

**Consent Agenda:** The Board considered the following actions:

- Approve Minutes of the May 9, 2017 regular meeting.
- Consider approval of the payment of claims through the period ending June 9, 2017 as follows:

General Fund:	\$ 33,970.91
Infrastructure Fund	\$ 5,762.50
Amenities Fund	\$ -0-
Total:	\$ 39,733.41

- Consider approval of the payment of claims through the period ending July 18, 2017 as follows:

General Fund:	\$ 20,608.60
Infrastructure Fund	\$ 1,465.00
Amenities Fund	\$ -0-
Total:	\$ 22,073.60

- Accept unaudited financial statements through the period ending May 31, 2017.
- Ratify approval of Change Order to the Service Agreement with Peak One for pool heater replacement in the amount of \$12,904.48.
- Ratify the adoption of Resolution No. 2017-05-01 Regarding the Imposition of Amenities Fees.
- Ratify Termination of the Service Agreement with Vector Disease Control International for mosquito control services.
- Ratify proposal from Earth Engineering Consultants, LLC for Geotechnical Engineering Subsurface Exploration – Phase 5 Site Development Improvements – Phase 1 Retention Pond Borings (Pre-excavation) – Phase 2 Retention Pond Percolation Borings and Pavement Design (Post Construction).

Following discussion, upon motion duly made by President Knopinski, seconded by Director Mead and, upon vote, unanimously carried, the Board approved the consent agenda.

## **PUBLIC COMMENTS**

**Public Comments:** Public in attendance commented on the recent increase in rattle snakes in the community. The Board informed the public that previous mitigation efforts are no longer available.

## **FINANCIAL MATTERS**

**Presentation of 2016 Audit:** Mr. Goedecke reviewed the 2016 Audited Financial Statements with the Board.

Following review and discussion, upon motion duly made by President Knopinski, seconded by Director Caldwell and, upon vote, unanimously carried, the Board approved the 2016 Audited Financial Statements subject to final review by legal counsel and authorized execution of the Representations Letter.

## **OPERATIONS AND MAINTENANCE**

**Action Items Status:** The Board reviewed the action items status matrix, which is attached hereto and incorporated herein by this reference. The Board then reviewed the Pool Manager's Report.

### **FIRST READING:**

**Snake Mitigation:** The Board explained that, as previously discussed during Public Comment previous mitigation efforts are no longer available, however Directors Adkins and Caldwell will contact additional service providers to research alternative mitigation options.

**Rise Broadband Agreement:** It was confirmed that the Authority's agreement with Rise Broadband was renewed earlier in the year at a reduced rate.

**Surveillance System at Pool and other Amenities:** Discussion was deferred.

### **SECOND READING:**

**Solar Aeration System at Lake Christina:** The Board continues to consider the purchase and installation of a solar aerations system at Lake Christina.

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### **CAPITAL AMENITIES**

**Capital Amenities** – There was nothing to report.

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### **INFRASTRUCTURE**

**Status of Filing 2:**

**Financial Plan to Determine Bonding Capacity:** Discussion was deferred.

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### **OTHER BUSINESS**

**Other Business:** There was no other business presented

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### **LEGAL MATTERS CONT'D**

**Continued Discussions with Haven Sporting Club:** There was nothing new to report.

**Status of Removal of Aristocrat Duck Club Facilities located at Milton Reservoir:** There was nothing new to report.

**Rules and Regulations:** There was nothing new to report.

### **EMERGENCY READING:**

**Resolution No. 2017-07-01, Increasing the Water Tap Fee:** The Board discussed Resolution No. 2017-07-01, Increasing the Water Tap Fee from \$15,000 to \$18,000 per lot effective August 1, 2017.

Following discussion, upon motion duly made by President Knopinski, seconded by Director Caldwell and, upon vote, unanimously carried, the Board adopted Resolution No 2017-07-01, Increasing the Water Tap Fee from

\$15,000 to \$18,000 per lot effective August 1, 2017.

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**EXECUTIVE SESSION:** Pursuant to Section 24-6-402(4)(b) of the Colorado Revised Statutes (C.R.S.), upon motion duly made by President Knopinski, seconded by Director Mead and, upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 8:54 p.m. for the purpose of receiving legal advice from the District's attorney, as authorized by Section 24-6-402(4)(b), C.R.S.

Furthermore, pursuant to Section 24-6-402(2)(d.5) (II)(B), C.R.S., no record will be kept of those portions of the executive session that, in the opinion of the Authority's attorney, constitute privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S. Please see attached attorney statement. No action was taken.

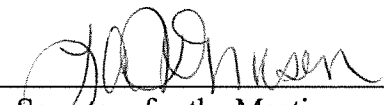
The Board reconvened in regular session at 9:24 p.m.

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**ADJOURNMENT**

There being no further business to come before the Board at this time, upon motion duly made, seconded, and upon vote, unanimously carried, the meeting was adjourned.

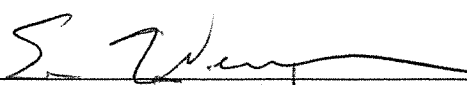
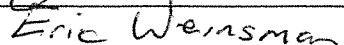
Respectfully submitted,

By   
Secretary for the Meeting

THESE MINUTES ARE APPROVED AS THE OFFICIAL JULY 17, 2017  
MINUTES OF BEEBE DRAW FARMS AUTHORITY BY THE BOARD OF  
DIRECTORS SIGNING BELOW:

  
Paul "Joe" Knopinski

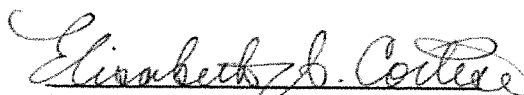
  
Christine Hethcock

  
Glen Adkins   
Eric Weinsman

  
Bill Caldwell

**Attorney Statement**  
**Regarding Privileged Attorney-Client Communication**

Pursuant to §24-6-402(2)(d.5)(II)(b), C.R.S., I attest that, in my capacity as the attorney representing the Beebe Draw Farms Authority, I attended the executive sessions on July 17, 2017 for the sole purposes of providing legal advice on specific legal questions as authorized by §24-6-402(4)(b) C.R.S. I further attest that it is my opinion that all of the executive session discussions constituted attorney-client privileged communication as provided by §24-6-402(4)(b), C.R.S., and, based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to §24-6-402(2)(d.5)(II)(b), C.R.S.

A handwritten signature in cursive script, reading "Elisabeth A. Cortese".

Elisabeth A. Cortese, Esq.  
General Counsel  
Beebe Draw Farms Authority

# BEBEE DRAW FARMS AUTHORITY

Beebe Draw Farms Metropolitan District Nos. 1 & 2

July 17, 2017

Please print your name, address and phone number and the issue(s) you are interested in addressing at this meeting.

NAME	ADDRESS	TELEPHONE/EMAIL	ISSUE(S) TO BE ADDRESSED
MRS Sarah Smith	16502 Essex Rd N	503-803-2190	
Gary Moore	16594 Borchley	970 785-2745	
Angie Powell	16491 Ledyard Rd S	970-785-6550	
Barbara Moore Ed Portman	16510 Fairbairn Rd	780837-4572	
Erin Tina Lewismann	16493 Essex Rd S	970 570 1419	
Paul D Apple	16512 Garwood Rd N	785-0145	
Al Hill	16503 Redwood	207-666-2750	

# BEBEE DRAW FARMS AUTHORITY

Beebe Draw Farms Metropolitan District Nos. 1 & 2

July 17, 2017

Please print your name, address and phone number and the issue(s) you are interested in addressing at this meeting.


Beebe Draw Farms MD Nos. 1 & 2 and Authority Action Items Status Matrix (Updated 07/10/17)

Action Items	Date of Meeting	Assigned To	Priority	Not Started	In Process	Reoccurring	Follow up Required	Complete	Notes
<u>Community Center Expansion</u>	03/08/11				X				<p>04/12/11 – Committee will meet on April 14, 2011 at 6 p.m. Four to five residents expressed interest in attending.</p> <p>05/10/11 – Linda Cox gave a report on the outcome of community meeting and presented a memo on the expansion of the community center. The Board asked the committee to share the information with Halcyon Design, LLC.</p> <p>06/3/11 – committee met with Halcyon Design (Kelly) and shared their information. Kelly will contact the committee when the work is complete.</p> <p>07/13/11 – committee meeting scheduled for July 21, 2011 at 7 p.m. Kelly will present 2 designs to the committee.</p> <p>08/04/11 – committee met and will present information to Authority Board in September.</p> <p>08/09/11 – The Board directed the committee to work with Halcyon Design, LLC to prepare a plan with elevations and then schedule a work session to present the information to the community.</p> <p>09/07/11 – Metro District/ POA Fall Pig Roast scheduled for 9/25/11 @ 5:00 pm where a presentation will be given on future Community Center Expansion</p> <p>09/25/11 – Community will preview sketches at Pig Roast.</p> <p>11/04/11 – Linda and Angie will give an update at the November board meeting.</p> <p>11/09/11 – Kelly to provide cost estimate of Phase 1, Phase 2 and full project. D1 will draft a survey to all residents soliciting input on future amenities.</p> <p>02/14/12 – Cost estimates were presented. Committee will prepare an FF&amp;E estimate and report back to BOD. BOD decided to hold a work session in March to solicit</p>

Beebe Draw Farms MD Nos. 1 & 2 and Authority Action Items Status Matrix (Updated 07/10/17)

Action Items	Date of Meeting	Assigned To	Priority	Not Started	In Process	Reoccurring	Follow up Required	Complete	Notes
									<p>feedback from the community.</p> <p>04/18/12 – work session held. Expansion will be included in amenities survey that will be distributed to residents soon.</p> <p>10/09/12 – BOD directed staff to add to the November agenda discussions on the design and construction of a new maintenance facility as the first phase of the expansion of the community center.</p> <p>01/06/16 – Kelly provided proposal for expanded design, etc. for Board to review at January meeting.</p> <p>02/03/06 – Kelly presented proposal at January meeting under First Reading. BOD will consider taking action at their February meeting.</p> <p>03/02/16 – BOD decided to re-visit again during budget season.</p> <p>10/05/16 – Due to reduction in AV, D1 Board members determined to hold off on any action on the community center expansion.</p>
<u>Rules and Regulations Regarding Amenities</u>	05/09/17	Tina Glen Bill Christine			X				<p>05/09/17 - Tina, Bill, Glen and Christine will draft Rules and Regulations for use of Lake Christina, Fishing, Community Center and Equestrian Facility.</p>
<u>FRICO – response to invoice for removal of hunting club facilities and invoice</u>	05/09/17	Elisabeth			X				<p>05/09/17 – Elisabeth to draft correspondence to FRICO regarding removal of duck club facilities and invoice.</p>
<u>Haven Sporting Club</u>	05/09/17	Glen Bill			X				<p>07/10/17 – response to FRICO drafted and transmitted.</p> <p>05/09/17 – Glen and Bill will contact Haven Sporting Club to communicate amenities fee structure and other requirements to access Milton Reservoir via Authority property.</p>
<u>Budget Items and Future Projects for Consideration</u>		Authority				X			<p><b>Costs and/or decisions for the following:</b></p> <p>1. -Pool Lift to meet ADA requirements – on hold, Authority needs to develop a plan for addressing</p>

Beebe Draw Farms MD Nos. 1 & 2 and Authority Action Items Status Matrix (Updated 07/10/17)

Action Items	Date of Meeting	Assigned To	Priority	Not Started	In Process	Reoccurring	Follow up Required	Complete	Notes
									<p>in future years once major structural changes are made to the pool.</p> <p>2. Sidewalk along BBDRAW Farms Pkwy.</p> <p>-Re-work irrigation system around sport court, not enough gpm to provide sufficient water to trees (were hand-watered all summer)</p> <p>-Landscape and Entryway Monumentation Project - possibly re-visit for 2016 budget.</p>

**RESOLUTION NO. 2017-07- 01**

**BEEBE DRAW FARMS AUTHORITY  
RESOLUTION TO INCREASE WATER TAP FEE**

A. Beebe Draw Farms Authority (the “**Authority**”) is a party to that certain Developer Fee and Water Tap Fee Agreement dated December 8, 1998 (the “**Original Agreement**”), as amended on December 5, 2000 (the “**First Amendment**”), and as amended by that certain Second Amendment to Developer Fee and Water Tap Fee Agreement dated January 13, 2016, with an effective date of November 10, 2015 (the “**Second Amendment**” and collectively with the Original Agreement and the First Amendment, the “**Agreement**”) by and between the Authority and REI Limited Liability Company.

B. The Original Agreement was recorded on December 18, 1998, at Reception No. 2661476 of the real property records of Weld County, Colorado.

C. The First Amendment was recorded on February 8, 2016, at Reception No. 4179072 of the real property records of Weld County, Colorado.

D. The Second Amendment was recorded on February 8, 2016, at Reception No. 4179097 of the real property records of Weld County, Colorado.

E. Pursuant to the Original Agreement, a Water Tap Fee shall be payable in the amount of \$4,400 per Lot during the 1998 and 1999 fiscal years.

F. The Agreement was assigned by Beebe Draw Farms Metropolitan District No. 2 (“**District No. 2**”) to the Authority by that certain Assignment of Developer Fee and Water Tap Fee Agreement dated November 8, 2016 (the “**Assignment**”).

G. Pursuant to the Agreement, the Board of Directors of the Authority (the “**Board**”) (or prior to the Assignment, the Board of Directors of District No. 2) may, from time to time, increase the amount of the Water Tap Fee as necessary to fund the actual costs of acquiring a water supply for the Development (as defined in the Agreement).

H. On March 1, 2016, prior to the Assignment, District No. 2 adopted Resolution No. 2015-11-03, wherein the Board increased the amount of the Water Tap Fee to \$12,000 per lot during the 2016 and 2017 fiscal years, in order to fund the actual costs of acquiring a water supply for the Development.

I. On November 8, 2016, the Authority adopted Resolution No. 2016-11-01, wherein the Board increased the amount of the Water Tap Fee to \$15,000 per lot effective December 1, 2016 during the 2016 and 2017 fiscal years, in order to fund the actual costs of acquiring a water supply for the Development.

J. The Authority desires to increase the amount of the Water Tap Fee for fiscal years 2017 (effective August 1, 2017) and 2018 as is necessary to fund the actual costs of acquiring a water supply for the Development.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Beebe Draw Farms Authority, Weld County, Colorado, as follows:


1. Defined Terms. All capitalized terms used but not otherwise defined in this Second Amendment shall have the meanings ascribed to them in the Agreement.
2. Water Tap Fee. Effective August 1, 2017, the Water Tap Fee shall be payable in the amount of \$18,000 per Lot during the 2017 and 2018 fiscal years. For subsequent fiscal years, the Board may, from time to time, increase the amount of the Water Tap Fee as necessary to fund the actual costs of acquiring a water supply for the Development.
3. Except as expressly set forth herein, the Agreement continues to be effective without modification.

**[SIGNATURE PAGE FOLLOWS]**

[SIGNATURE PAGE FOR RESOLUTION NO. 2017-07- 01  
BEEBE DRAW FARMS AUTHORITY  
RESOLUTION TO INCREASE WATER TAP FEE]

APPROVED AND ADOPTED AS OF THIS 17 day of July, 2017.

**BEEBE DRAW FARMS AUTHORITY**, an  
authority and separate legal entity formed  
pursuant to Section 29-1-203, C.R.S.

  
\_\_\_\_\_  
President

Attest:

  
\_\_\_\_\_  
Secretary