

BEEBE DRAW FARMS AUTHORITY

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**A copy of the agenda/meeting packet is available at the Beebe Draw Farms website at
www.colorado.gov/beebedrawfarms**

NOTICE OF SPECIAL MEETING AND AGENDA

<u>Board of Directors:</u>	<u>Office:</u>	<u>Term Expires:</u>
Paul “Joe” Knopinski	President	June 2023
Christine Hethcock	Vice-President	June 2025
William Caldwell	Assistant Secretary	June 2025
Sharon Dillon	Treasurer	June 2023
Lisa A. Johnson	Secretary	

DATE: August 17, 2022
TIME: 6:00 P.M.
PLACE: Microsoft Teams via link or telephonic:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_YWRjNmVhMjUtYzU0ZS00MTBiLWE4NmQtNmNIMWY2ZDY4MzY4%40thread.v2/0?context=%7b%22Tid%22%3a%224aaa468e-93ba-4ee3-ab9f-6a247aa3ade0%22%2c%22Oid%22%3a%22d42bab28-fbd8-4e65-a395-965cf9ef152f%22%7d

Dial In: 720-547-5281, Conference ID: 489 627 02#

1. ADMINISTRATIVE MATTERS

- A. Present Disclosures and Potential Conflicts of Interest.
- B. Approve Agenda and confirm posting of meeting notices.
- C. FIRST READING:
- D. SECOND READING:
- E. EMERGENCY READING:

2. CONSENT AGENDA

These items are considered to be routine and will be approved and/or ratified by one motion. There will be no separate discussion of these items unless a Board member requests; in which event, the item will be removed from the Consent Agenda and considered in the Regular Agenda.

1. Review and approve Minutes of the July 13, 2022 Regular Meeting (enclosed - 001).
3. PUBLIC COMMENT
 - A.
4. FINANCIAL MATTERS
 - A. FIRST READING:
 - 1.
 - D. SECOND READING:
 - 1.
 - E. EMERGENCY READING
 - 1.
5. OPERATIONS & MAINTENANCE
 - A. Continued discussion on fiber optics research, cost and community interest.
 - B. FIRST READING
 - 1.
 - C. SECOND READING:
 - 1.
 - D. EMERGENCY READING:
6. CAPITAL AMENITIES
 - A. FIRST READING:
 - 1.
 - B. SECOND READING:
 - 1.
 - C. EMERGENCY READING:
 - 1.

7. INFRASTRUCTURE

A. Filing No. 2:

1. Presentation from REI regarding new partnership.

B. FIRST READING:

C. SECOND READING:

1. Consider adoption of Resolution No 2022-08-01, Beebe Draw Farms Authority Resolution to Increase Water Tap Fee (enclosed – 002).

D. EMERGENCY READING:

- 1.

8. LEGAL MATTERS

A. FIRST READING:

- 1.

B. SECOND READING:

C. EMERGENCY READING:

- 1.

9. OTHER BUSINESS

A.

10. ADJOURNMENT:

THE NEXT REGULAR MEETING IS SCHEDULED FOR SEPTEMBER 21, 2022.

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
BEEBE DRAW FARMS AUTHORITY
HELD
JULY 13, 2022**

A regular 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 Wednesday, the 13th day of July 2022, at 6:00 P.M. This meeting was held via Microsoft TEAMS and at the Pelican Lake Ranch Community Sales and Info. Center, 16502 Beebe Draw Farms Parkway, Platteville, CO 80641. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Paul “Joe” Knopinski
Christine Hethcock (virtual)
William Caldwell
Sharon Dillon

The Directors in attendance confirmed their qualifications to serve.

Also In Attendance Were:

Lisa Johnson, Shauna D’Amato & Terri Boroviak; CliftonLarsonAllen LLP
Alan Pogue; Icenogle Seaver Pogue, P.C.
Eric Wernsman, Brenda Lewis and Catrena Rosentreader (Beebe Draw Farms MD No. 1)

Tina Wernsman, Crystal Clark, Cindy Key, Patty Caldwell, Ed & Mary Jo Farrell, Kent Lewis, Melanie Briggs, Carol Satersmoen, Judi Tunis, Leah & Robbie Checketts, Mark & Stevie Grage, Wendy Miles, Mariana Henderson, Kelly Trujillo, Kelli Deitman, Weston & Amber Hatfield, Jonie Nordhausen, Cindy Billinger, Gary Tschirpke, Val & Carl Gehm, Teeca Rivera, Kurt & Haley Thomas, and; other members of the public

**ADMINISTRATIVE
MATTERS**

Disclosures of Potential Conflicts of Interest: The Board discussed the requirements pursuant to the Colorado Revised Statutes to disclose any potential 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, Dillon, Hethcock, and Knopinski’s Disclosure Statements have been filed.

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

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

Acknowledge the appointment of William (Bill) Caldwell, Sharon Dillon (Beebe Draw Farms MD No. 1) and Christine Hethcock (Beebe Draw Farms MD No. 2): The Board acknowledged the appointment of William Caldwell (2 year term), Sharon Dillon (1 year term) and Christine Hethcock (2 year term) to the Authority Board.

Consider Appointment of Officers: Upon a motion duly made by President Knopinski, seconded by Director Caldwell and, upon vote, unanimously carried, the Board appointed the slate of officers as follows:

President:	Joe Knopinski
Vice President:	Christine Hethcock
Treasurer:	Sharon Dillon
Secretary:	Lisa Johnson
Assistant Secretary:	William (Bill) Caldwell

FIRST READING:

1. None.

SECOND READING:

1. **Consider approval of updated Employee Handbook:** Ms. Johnson presented the redlined updates with the Board. President Knopinski noted that a recent review of the Authority Establishment Agreement noted that hiring and terminating of staff is the responsibility of the entire Authority Board. The Board will consider discussion and possible action regarding authorizing of certain positions to be responsible for hiring and terminating of future staff and consultants at a future meeting.

Following discussion and review, upon a motion duly made by Director Dillon, seconded by Director Caldwell and, upon vote, unanimously carried, the Board approved the updates to the Employee Handbook.

EMERGENCY READING:

1. **Consider sending Board Members to 2022 SDA Conference:** Upon a motion duly made by President Knopinski, seconded by Director

Caldwell and, upon vote, unanimously carried, the Board approved sending four Directors from Beebe Draw Farms MD No. 1 (“BBDFMD #1”) and one Director from Beebe Draw Farms MD No. 2 (“BBDFMD #2”) to the 2022 SDA conference.

CONSENT AGENDA

The Board considered the following items and actions:

- Minutes of the May 11, 2022 Regular Meeting.
- Ratify payment of claims through the period ending June 30, 2022 as totaling \$47,167.00.
- Ratify Structural Engineering Services Contract with WISS, JANNEY, ELSTNER ASSOCIATES, INC.

Following discussion, upon motion duly made by Director Caldwell, seconded by Director Dillon and, upon vote, unanimously carried, the Board approved and/or ratified approval of the Consent Agenda as amended.

Public Comment:

Cindy Key addressed the Board regarding limiting the speed limit on the Beebe Draw Farms Parkway to 25 miles per hour. She then summarized statistics regarding the fatalities attributable to high speed. She would also like to ask the Weld County Sheriff to patrol the speed more frequently.

Crystal Clark addressed the Board regarding reinstituting the administrative assistant position and provided benefits of adding this position. She also provided services the position could provide and the cost savings from professional consultants. She then proposed reviewing and revising the video surveillance policy and provided the reasons why.

Ms. Clark stated she would like to coordinate a committee to review the amenities rules and suggested revisions. Ms. Clark finally summarized a recent letter she and others in the community received regarding trademark infringements. She summarized the information in the letter and then asked how this affects her and others as employees and/or elected officials.

Val Gehm addressed the Board regarding Lake Christina and recent algae bloom. She asked when the lake will be tested and if it is safe. She then addressed the Bridge at the lake that was damaged and inquired to when it would be repaired. Lastly, she noted that the weeds down and around the lake are out of control and very long.

Teece Rivera addressed the Board regarding the Board’s involvement in

the recent issue at the pool. Mr. Pogue responded with a quick summary of the status and protocol.

Kelley Trujillo addressed the Board regarding asking community members about whether certain improvements being considered by the Board are of majority resident interest prior to taking action on projects, etc. President Knopinski responded with a brief summary of the structure of the Board etc.

Brenda Lewis echoed the comments regarding the algae at Lake Christina.

Mariana Henderson asked how to get access to the surveys that have been done in the past. Director Hethcock will provide to Ms. Johnson and Ms. Johnson will send to Ms. Henderson.

Director Caldwell asked when the horse trail will be completed in the front 32 lots. Eric Wernsman stated he will provide a drawing indicating the location of the trails and maintenance staff can then use the drawing to complete the trails.

FINANCIAL MATTERS

Consider approval of Wipfli 2021 Audit engagement letter: Ms. Boroviak presented the engagement letter to the Board. Following review, upon a motion duly made by President Knopinski, seconded by Director Dillon and, upon vote, unanimously carried, the Board approved the Wipfli 2021 Audit engagement letter as presented.

Acceptance of 2021 Audit Extension: Ms. Boroviak presented the 2021 Audit Extension to the Board noting that the audit is still in process and will not be finalized by the July 31st due date, and therefore, an audit extension will be needed. Following discussion, upon a motion duly made by Director Dillon, seconded by Director Caldwell and, upon vote, unanimously carried, the Board approved the 2021 Audit Extension as presented.

Acceptance of July 2022 Cash Position Schedule: Ms. Boroviak presented the July 2022 Cash Position Schedule to the Board. Following review, upon a motion duly made by Director Hethcock, seconded by President Knopinski and, upon vote, unanimously carried, the Board accepted the July 2022 Cash Position Schedule as presented.

Consider opening of a Colotrust Account: Ms. Boroviak presented to the Board. Following discussion, upon a motion duly made by Director Hethcock, seconded by Director Dillon and, upon vote, unanimously carried, the Board

approved opening a Colotrust account.

FIRST READING:

1. **Discuss interest in serving on Budget Committee to work with staff to prepare 2023 Budget:** Directors Caldwell, Dillon and Hethcock will serve on the Budget Committee. Work sessions will be posted pursuant to statute.

SECOND READING: None.

EMERGENCY READING: None.

**OPERATIONS AND
MAINTENANCE**

Review and Consider approval of Big Horn Buildings LLC proposal regarding repairs to Gate House: Ms. Johnson presented the analysis and bid to repair. Director Caldwell also reported that a few other proposals were solicited but no others received. Following review and discussion, upon a motion duly made by Director Dillon, seconded by Director Caldwell and, upon vote, unanimously carried, the Board approved the Big Horn Buildings LLC proposal for repairs to the Gate House. Mr. Pogue's office will draft an agreement and send to Ms. Johnson's office to obtain signatures.

Discuss additional use of maintenance facility office area by volunteers or Authority Board Members to hold individual meetings with owners for purposes of open communication with taxpayers: The Board discussed this at length and determined to have BBDFMD#1 Board Members or volunteers meet at the maintenance facility when available and the Sales and Info Center when coordinated with the lessee.

Discuss adding a sign to the doors at the Sales and Info Center listing names and contact information for the Authority, POA and Developer: The Board discussed the informational sign and where to have it posted. Director Dillon would like to post the information on the doors of the Sales and Info Center. Director Hethcock feels that it will be more useful to be posted in the mailroom. Members of the community commented that the signage indicating that the Sales and Info Center is a community center which causes confusion. The Board asked Mr. Pogue to review the lease to determine if the lessee has authority over posting information on the doors of the Sales and Info Center.

Status of pool operations: Ms. Clark presented her report to the Board. She advised the Board that the pool heaters are experiencing issues and she has requested a proposal for repair. She has also researched pool furniture replacement and is noticing that prices for furniture is going down. Directors Caldwell and Dillon supported Ms. Clark using the remaining umbrella budget to purchase pool furniture.

The Board then discussed the pool party usage for 2022 and the impact it is

having on the pool memberships. This can be reviewed by a future committee reviewing the amenities policies in whole.

Ratify the hiring of a part-time seasonal field maintenance staff: Following discussion, upon a motion duly made by Director Dillon, seconded by President Knopinski and, upon vote, unanimously carried, the Board ratified the hiring of Nathan Clark as a part-time seasonal field maintenance staff member.

FIRST READING: None.

SECOND READING:

1. **Consider approval of proposal from Association Reserve to conduct Reserve Study:** Following review, upon a motion duly made by Director Hethcock, seconded by Director Caldwell and, upon vote, unanimously carried, the Board approved the proposal from Association Reserve to conduct Reserve Study with an eight week turn around..
2. **Continued discussion on Fiber Optics research, cost, and community interest:** Ed Farrell presented his work to date on communicating the fiber optics opportunity, cost and interest with residents.

Mr. Pogue reported that in order for the Authority to contribute funds to the purchase of fiber optics infrastructure the Authority, BBDFMD#1 1 and BBDFMD#2 2 would need to call an election and ask voters if they are in favor our using funds for the purchase and installation of expanded telecommunications (fiber optics) infrastructure. An estimate of cost to call elections would be approximately \$20,000.

President Knopinski asked if the expense would be considered an amenity or infrastructure cost. Mr. Pogue's opinion is that it is an infrastructure cost.

The Board discussed the information presented at length to determine interest. The Board then discussed what fund the money would be come from.

The Board discussed scheduling a Work Session to further consider the process and proposal and potential timing and funding of that proposal.

The Board directed staff to schedule a call with the attorneys for BBDFMD#1 and BBDFMD#2 to discuss the interest and solicit their feedback.

EMERGENCY READING: None.

CAPITAL AMENITIES

FIRST READING: None.

SECOND READING:

1. **Review and consider approval of a proposal from Drexel Barrell &**

Co. for Civil Engineering and Surveying Services for proposed sidewalk improvements along Beebe Draw Farms Parkway:

Following review, upon a motion duly made by Director Dillon, second by Director Caldwell and, upon vote, unanimously carried, the Board approved the proposal from Drexel Barrell & Co. for Civil Engineering and Surveying Services for proposed sidewalk improvements along Beebe Draw Farms Parkway as presented.

EMERGENCY READING: None.

**INFRASTRUCTURE
MATTERS**

Filing No. 2: None.

FIRST READING:

1. **Discuss increase in the water tap fees to increase the full tap from \$57,000 to \$60,000 and the budget tap from \$27,000 to \$30,000 effective September 1, 2022:** Discussion was ensued by the Board, and they determined to consider approval at a special meeting in August 2022.

SECOND READING:

1. **Consider Approval of Engineering Services Agreement with Wernsman Engineering and Land Development, LLC:** Following review and discussion, upon a motion duly made by President Knopinski, seconded by Director Hethcock and, upon vote, unanimously carried, with President Knopinski and Director Hethcock voting yes and Directors Caldwell and Dillon supporting, the Board approved the Engineering Services Agreement with Wernsman Engineering and Land Development, LLC as presented.

EMERGENCY READING: None.

LEGAL MATTERS

FIRST READING: None

SECOND READING:

1. **Consider approval of Improvement Acquisition, Advance, and Reimbursement Agreement with REI, LLC:** Mr. Pogue presented the agreement with the Board. He stated that the agreement in the packet is fairly broadly worded such that it could be interpreted to pay the cost of future amenities and that is not the intent of this agreement. He will revise the agreement to narrow the reimbursement of costs to infrastructure costs as defined in the AEA.

Mr. Pogue also reported that an independent engineer has been retained to review the infrastructure costs and determine eligibility for

reimbursement. President Knopinski commented that there has been discussion today that any services related to land entitlements not be considered for reimbursement. The Board discussed and President Knopinski rescinded his comment.

Following review and discussion, upon a motion duly made by Director Hethcock, seconded by President Knopinski and, upon vote, unanimously carried, with Director Hethcock and President Knopinski voting yes and Director Caldwell supporting and Director Dillon not in support, the Board approved the Improvement Advance and Reimbursement Agreement with REI, LLC, subject to direction to legal counsel as outlined above.

EMERGENCY READING:

1. **Ratify approval of the First Amendment to Canal Crossing Agreement:** Mr. Pogue presented the amendment to the Board. He informed the Board that the agreement before the Board removes any responsibility of the Authority for past or future maintenance along the canal.

Following discussion, upon a motion duly made by Director Hethcock, seconded by President Knopinski and, upon vote, unanimously carried, the Board ratified the First Amendment to Canal Crossing Agreement as presented.

OTHER BUSINESS

Discuss future meeting protocol: This item was deferred to the next meeting.

ADJOURNMENT

The Board determined to call a virtual only Special Meeting for 8-17-22. There being no further business to come before the Board at this time, President Knopinski adjourned the meeting at 9:21 p.m.

Respectfully submitted,

By _____
Secretary for the Meeting

RESOLUTION NO. 2022-08-01**BEEBE DRAW FARMS AUTHORITY
RESOLUTION TO INCREASE WATER TAP FEE**

A. Beebe Draw Farms Authority (the “**Authority**”) and REI Limited Liability Company are parties to that certain Developer Fee and Water Tap Fee Agreement dated December 8, 1998 (the “**Original Agreement**”), as amended by that certain First Amendment to Developer Fee and Water Tap Fee Agreement dated December 5, 2000 (the “**First Amendment**”), and as further 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**”). The Agreement was assigned to the Authority by Beebe Draw Farms Metropolitan District No. 2 (“**District No. 2**”) pursuant to that certain Assignment of Developer Fee and Water Tap Fee Agreement dated and effective as of November 8, 2016 between the Authority and REI Limited Liability Company (the “**Assignment**”).

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. All capitalized terms used but not otherwise defined in this Resolution shall have the meanings ascribed to them in the Agreement.

F. As provided in 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.

G. Pursuant to the Agreement, the Board of Directors of the Authority (the “**Board**”), from time to time, may increase the amount of the Water Tap Fee as necessary to fund the actual costs of acquiring a water supply for the Development.

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.

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.

J. On July 17, 2017, the Authority adopted Resolution No. 2017-07-01, wherein the Board increased the amount of the Water Tap Fee to \$18,000 per lot effective August 1, 2017.

K. On July 10, 2018, the Authority adopted Resolution No. 2018-07-01, wherein the Board increased the amount of the Water Tap Fee to \$22,000 per lot effective August 1, 2018.

L. On September 10, 2019, the Authority adopted Resolution No. 2019-09-01, wherein the Board increased the amount of the Water Tap Fee and recognized two Water Tap Fee options, including: (1) \$47,000 for a full tap, or (b) \$25,000 for a budget tap, per lot, effective October 1, 2019.

M. On August 18, 2021, the Authority adopted Resolution No. 2021-08-01, wherein the Board increased the amount of the Water Tap Fee to \$57,000 for a full tap or \$27,000 for a budget tap, per lot, effective September 1, 2021.

N. The Authority desires to increase the amount of the Water Tap Fee 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. Water Tap Fee. Effective September 1, 2022, there are two Water Tap Fee options as selected by the Lot owner and paid per Lot: (1) \$60,000 for a full tap, or (b) \$30,000 for a budget tap. 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.

2. Central Weld County Water District Fees. In addition to the Water Tap Fee provided for herein, fees may be payable to Central Weld County Water District, which are subject to change by the Central Weld County Water District. The Authority's current Water Tap Fee pursuant to Paragraph 1 above and the current fees charged by Central Weld County Water District are set forth in Exhibit A, attached hereto and incorporated herein.

3. Water Use. Water use for the full tap and budget tap is subject to the Central Weld County Water District's rules and regulations and fee schedule. The current annual allotments for the full tap and the budget tap are set forth in Exhibit A, attached hereto.

4. Agreement Remains Effective. Except as expressly set forth herein, the Agreement continues to be effective without modification.

[SIGNATURE PAGE FOLLOWS]

ADOPTED AND APPROVED this 17TH day of AUGUST, 2022.

BEEBE DRAW FARMS AUTHORITY

By: _____
Paul “Joe” Knopinski, President

Exhibit A

Meter Size	5/8" Tap Equivalent	Study Fee	Capital Investment Fee	Installation Fee	Beebe Draw Water Fee	BEEBE DRAW TOTAL TAP FEE	Annual Allotment (Metered Gallons)
Budget	0.5	\$30	\$10,000	\$2,000	\$30,000	\$42,000	114,000
5/8"	1	\$30	\$10,000	\$2,000	\$60,000	\$72,000	228,000
3/4"	1.5	\$45	\$15,000	\$3,000	\$90,000	\$108,000	342,000
1"	2.5	\$75	\$25,000	\$5,000	\$150,000	\$180,000	570,000
1 1/2"	5	\$150	\$50,000	\$10,000	\$300,000	\$360,000	1,140,000
2"	8	\$240	\$80,000	\$16,000	\$480,000	\$576,000	1,824,000
3"	15	\$525	\$150,000	\$30,000	\$900,000	\$1,080,000	3,420,000
4"	25	\$900	\$250,000	\$50,000	\$1,500,000	\$1,800,000	5,700,000
6"	50	\$1,875	\$500,000	\$100,000	\$3,000,000	\$3,600,000	11,400,000
8"	80	\$4,000	\$800,000	\$160,000	\$4,800,000	\$5,760,000	18,240,000