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# RECORD OF PROCEEDINGS

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## Minutes of the Regular Meeting Of the Board of Directors Copper Mountain Consolidated Metropolitan District January 25, 2013

A Regular Meeting of the Board of Directors of the Copper Mountain Consolidated Metropolitan District, Summit County, Colorado was held on January 25, 2013 at 8:30 a.m., at the Copper Mountain Consolidated Metropolitan District Conference Center, 0477 Copper Road, Copper Mountain, Summit County, Colorado, in accordance with the applicable statutes of the State of Colorado.

**Attendance** The following Directors were present and acting:

- Tom Malmgren
- Ben Broughton
- Dave Steele
- Karl Anuta

The following Directors was absent and excused:

- Bob Bloch

Staff in attendance were:

- Dave Erickson, District Manager
- Mike Koenig, Water & Sewer Manager
- Dave Arnesen, Cable & TV Manager
- Mark Thomson, CMFD Chief
- Steve Boyle, CMFD Asst Chief
- Dan Moroz, CMFD Code Enforcement Officer
- Dale Butler, Water & Sewer Operations

Also in attendance were:

- Chris Colman, Copper Mountain Operations
- Peter Siegel, Copper Mountain Resort Association
- Eric Weaver, Robertson & Marchetti, P.C.
- Cheri Curtis, Secretary to the Meeting

### **Call To Order**

The Regular Meeting of the Board of Directors of Copper Mountain Consolidated Metropolitan District was called to order by Director Malmgren, on January 25, 2013, at 8:30 a.m. noting a quorum was present.

### **Old Business Minutes**

The Board reviewed the minutes of the November 30, 2012 Regular Board Meeting. Director Anuta clarified the Board is not authorized to direct any staff and the minutes should be changed to from "directed" to "asked". Other changes to the minutes that were recorded. Upon motion duly made by Director Broughton and seconded by Director Anuta it was unanimously

**AGREED** to approve the minutes of the November 30, 2012 Regular Board Meeting with revisions.

The Board further reviewed the minutes of the January 9, 2013 Special Board meeting. Upon motion duly made by Director Broughton and seconded by Director Anuta it was unanimously

**AGREED** to approve the minutes of the November 30, 2012 Regular Board Meeting as presented.

### **Financial Report**

Mr. Weaver presented the preliminary December 31, 2012 financial summary report. The District financial statement is projecting a positive variance of \$65,000 for the combined ending fund balance. Changes are being made to the December 31, 2012 Financial statements as information

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becomes available. The audit of the District 2012 financial statement is scheduled for March 18, 2013.

Upon motion duly made by Director Broughton and seconded by Director Steele it was unanimously

**AGREED** to accept the December 31, 2012 Financial Statement and cash disbursement list as presented.

### **Public Input**

There was no public input presented to the Board.

### **Community Updates**

Mr. Siegel reported Copper Mountain Resort Association (CMRA) is addressing public safety concerns with the installation of crosswalks and signage. The crosswalks signs must be designed to Federal Standards. Mr. Siegel presented locations where crosswalks have been approved. There are additional locations that have not yet received approval, including Ten Mile Circle. All crosswalks must be striped before signs can be installed. The Board requested a crossing sign at the golf course crossing.

There have not been any discussions with Summit County on the installation schedule or funding of the crosswalks and signage. The Board discussed applying for a grant for the project. The Board suggested Mr. Siegel work with Steve Boyle on the grant process for this and other projects.

The Board discussed applying for a GoCo grant and questioned whether the matching funds need to come from the government entity. Mr. Siegel reported the funds can come from any entity but the District would need to be the entity applying for the grant. The biggest obstacle is determining what the project(s) should be.

CMRA is considering purchasing a large number of dog stations since there is a cost savings for multiple purchases. The dog stations could then be purchased by the individual associations, as necessary.

Mr. Erickson reported the Tubing sign on Copper Mountain Road presents a driving hazard. Mr. Siegel will discuss the sign with Compact, who installed the sign. The location of the sign was not approved and Compact may need to remove it anyway.

Summer events are being planned although no performers have been announced. Director Broughton questioned the zip-line usage. Mr. Siegel stated it fluctuates depending on visitors and weather. CMRA has budgeted for 300 zip-line riders a month in order to break even.

### **Operations**

The dry snow year is affecting skier visits. Currently skier visits are at par with the prior year and 12% ahead of skier visits from 2012 for the Martin Luther King weekend. Visitors have acknowledged the dry year and yet are impressed with the skiing conditions.

The PUD approval process is four to six weeks away from completion. The Summit County requirements are overwhelming and Mr. Colman is hoping to conclude the process within six weeks. The PUD process starts with addressing the technical items. The redlined draft document is the actual application. Once the redlined document is ready for distribution, it will be provided to Mr. Erickson for distribution to staff. After review, a work session with staff and Mr. Colman will be planned to discuss the document. The affordable housing requirements have not been resolved between Copper Mountain and the County Staff. It is not possible for Copper to provide 30 units in eighteen months. Mr. Colman is working on presenting a plan that is acceptable to both the Community and the County. The County is controlling the PUD schedule and Mr. Colman will work with the Board as much as possible.

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The Storm King lift is being replaced with a T-Bar lift. There will be a new small surface lift installed at the top of Sierra Lift. Other small projects are also being completed.

### New Business

#### **Posting Notice Resolution**

Mr. Erickson advised the Resolution 2013- to approve annual posting notice locations was included in the information presented to the Board. Upon motion duly made by Director Anuta and seconded by Director Broughton it was unanimously

**AGREED** to adopt **RESOLUTION No. 2013-01** to adopt the 2013 posting location as presented.

#### **Administrative Assistant**

Directors Broughton, Steele, and Malmgren agreed to serve on a committee to review resumes and assist with the hiring of an administrative assistant. The Committee members and Mr. Erickson have reviewed the resumes and a committee meeting will be held to discuss the applicants. The meeting will be open to the public, although the applicant's privacy has to be protected. Director Anuta asked Mr. Erickson to send a form letter acknowledging receipt of resumes and informing the applicants that the Board will meet and make a decision on a candidate in the next few weeks. The Board agreed to continue today's meeting after the business is addressed to discuss the applicants.

#### **Rate Study**

Mr. Erickson is continuing the rate study process, although there has been no progress recently. Once the Administrative Assistant is hired, the study will be completed and sent to the engineer with possible presentation at the February Board meeting.

#### **Statutory Documents**

The Transparency Notices have been prepared and delivered by the January 15, 2013 statutory deadline.

#### **2013 Performance Evaluation & Plan**

Mr. Erickson would like to finalize the 2013 Performance Evaluation and Plan to present to the Board the week of January 27, 2013. Mr. Erickson would like the Board to include information that should be incorporated into the documents. Director Steele supports completing the process as a Board, in whole. The 2013 Performance and Evaluation Plan will be coordinated with the February meeting.

#### **2013 Budget**

Bound copies of the finalized 2013 Budget were distributed to the Board. The 2013 Budget, as adopted, has been filed with the Division of Local Governments, per the statutory requirements.

#### **Staff Reports**

- **Water and Wastewater Director:** Mr. Koenig's report was included in the Board packet. Director Broughton thanked Mr. Koenig personally for his quick response to a recent situation.

Director Broughton questioned why grease traps were not installed at Salsa Cantina and the Tucker restaurants. Mr. Koenig stated the District can require grease traps at restaurants and there are under sink traps that are easy to install. There are other restaurants without grease traps and all restaurant issues will be addressed at the same time. Ten day notices have been handed out to restaurants not in compliance, including all CMI Restaurants. Union Creek is the worst with possible weekly pumping needed.

Sand and oil traps will be the next issue addressed. Before any sand and oil traps can be pumped, testing, which costs \$1200, is required to determine the petroleum content. Village Center sand and oil traps are completely full. Most buildings have sand and oil traps, although some are not sufficient in size. The staff will continue working through the Village to address all pumping required. Director Malmgren questioned building access for pumping. Mr. Koenig does not

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believe access will be an issue. Testing determines where trap contents will be disposed of, including possibly requiring hazmat disposal.

Mr. Butler explained the process and is working diligently with entities to explain the process, address concerns, and obtain cooperation of restaurant owners. By preventing grease from entering the sewer system, there is a benefit to all parties.

The District's new water and sewer truck has been delivered. The old truck will be used by the fire department as a wildfire vehicle.

- **Engineer's Report:** There was nothing to report.
- **Cable TV/HSIS:** Mr. Arnesen reported AT&T was doing winter construction and cut the District's feeder cable. A temporary cable was installed between the waste water treatment plant and the Conoco Station. Conduit was installed in the construction ditch for future use, if necessary.
- **SFA:** Director Broughton and Chief Thomson attended the SFA Meeting on December 13, 2012. The 2013 SFA General and Hazmat Budgets were adopted. Although both budgets increased, the District's contribution remained status quo. Chief Keeting requested a meeting for discussion purposes with Chief Thomson and Mr. Erickson, although no agenda was presented.
- **Fire Prevention:** Chief Thomson reported the 2012 Fire Prevention code is being reviewed by Summit County Fire Departments Prevention staff. After internal staff review, it will be forwarded to the District staff before being presented to the Boards. Public input meetings will be conducted during the process.

Mr. Moroz reported the 2012 Code Enforcement Amendment package is being reviewed weekly before being presented. The existing Code Enforcement policy does not address all situations and the amendments will address those situations. There is no established timeline for approval of the amendment package but document will address prior questions.

The Climax Mine has previously submitted plans for two large water treatment buildings and auxiliary structures. After reviewing the plans a list of fire code concerns were sent to climax for further clarification. Climax is proposing to submit plans using alternate materials and methods to address the concerns presented. The buildings must be sprinkled. Director Anuta questioned whether the District is the governing entity. Mr. Moroz clarified both the County and the District have the ability to red-flag the buildings if there are not built to code.

**Fire Chief:** Chief Thomson stated a task force has been established to determine a recommendation on a ladder truck that will be presented to the Board. The Mutual Aid Agreement the District entered into is assisting with meeting the minimum requirements, but a ladder truck should be available within the District based on the multi-level buildings in Copper Mountain.

CHUBB has not been willing to sign the Wildfire Defense Services MOU. Sheriff Minor and legal counsel are working with Chubb to get the revised MOU executed. In the interim period, the MOU will be made available for signature, if there is a fire. Without the agreement Wildfire Services access to properties located within wildfire containment areas could be denied.

The Summit County Communication Center staff continues to work with Summit County Emergency services on communication. Communication between the entities is good and meets the Federal requirement. There is some difficulty with moving from wideband technology to narrowband technology. The FCC will require very narrow banding within the next fifteen years. Existing radios will not work in the future and all new equipment is being purchased to meet the new requirements.

**Other**

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**Business**           None.

**Continuation**

There being no further business to come before the Board, by motion duly made by Director Anuta and seconded by Director Broughton, it was unanimously agreed to continue the Regular Meeting of the Copper Mountain Consolidated Metropolitan District Board of Directors this 25th day of January, 2013 at 10:00 a.m.

Respectfully Submitted,

BY: \_\_\_\_\_  
Thomas J. Malmgren  
President to the District

ATTEST: \_\_\_\_\_  
Karl Anuta  
Vice President of the District