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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 July 25, 2014

A Regular Meeting of the Board of Directors of the Copper Mountain Consolidated Metropolitan District, Summit County, Colorado was held on July 25, 2014 at 8:30 a.m., at the Copper Mountain Metro District Building, 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:

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

Staff in attendance was:

- Dave Erickson, District Manager
- Mike Koenig, Public Works Director
- Ricky Clover, Utility Plant Operator
- Dave Arnesen, Director of Cable Services
- Gary Curmode, Fire Chief
- Dan Moroz, Fire Marshal
- Missy Stabile, Clerk-Treasurer

Also in attendance was:

- Eric Weaver, Robertson & Marchetti, PC
- Peter Siegel, Copper Mountain Resort Association Executive Director
- Chris Colman, Copper Mountain Director of Planning & Development
- Mike Rothberg, Tetra Tech
- Jim Reis, POLA President
- Ron Bliss, President, Copper Springs Lodge HOA
- Stan Sprinkle
- Scott Randolph

#### **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 July 25, 2014, at 8:30 a.m. noting a quorum was present.

#### **Old Business Minutes**

The Board reviewed the minutes of the June 27, 2014 Regular Board Meeting. Upon motion duly made by Director Anuta and seconded by Director Broughton it was unanimously

**AGREED** to approve the minutes of the June 27, 2014 Regular Board Meeting as presented.

#### **Financial Report**

A Preliminary Financial Report for June 30, 2014 was prepared by Robertson & Marchetti, P.C. and provided to the Board for review prior to the meeting. Mr. Weaver summarized the financial report for the Board and those in attendance. He explained that Cable TV revenue from ResortInternet should even out by the end of the year with continued collections. He also explained that forecasted figures for water will adjust when the new rate structure is applied and quarterly billing begins. The loss in over average water revenue in the first quarter will not be gained and the loss will carry through the rest of the year.

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

**AGREED** to accept the June 30, 2014 Financial Statement and cash disbursement report.

**Director Malmgren recessed the regular meeting at 9:56 a.m. The meeting was reconvened at 10:04 a.m.**

### **Community Updates**

Mr. Siegel announced that he has spoken with several HOA Presidents about marijuana issues that need to be addressed at Copper Mountain. Concerns arise when the smell and smoke associated with marijuana use are permeating common areas and public spaces. A draft document outlining marijuana laws will be distributed to all HOAs, homeowners, property management companies and the District Board for review and comment.

The Summit County Board of County Commissioners (BOCC) reviewed the Resort Association's proposed signage program and is mostly in favor of it and of allowing Copper Mountain to administer the program, but it may be hard for county staff to let go of enforcement.

Mr. Siegel also discussed roadway and median improvements, crosswalks and traffic signage with the BOCC. He was informed that the county has funding to proceed with an engineering study regarding drainage issues. The Board asked Mr. Siegel to request that speed limit signs be posted at the entrance to Copper Mountain and throughout the community. Mr. Erickson requested Mr. Siegel investigate a pedestrian walkway from the "shark lane" south of Copper Road to the Metro District Building property, thus, creating safer access to the public facility. Mr. Anuta requested "Watch for Pedestrians" signs be placed at the resort entrance and throughout the community.

Mr. Siegel distributed a worksheet to the District Board outlining costs associated with maintaining post office boxes at Copper Mountain. The USPS wants to stop delivery to 391 post office boxes located at Copper Mountain as of October 1 of this year, and Copper Mountain Resort advises that it will no longer subsidize the space occupied by the USPS after December 31 of this year. The community needs to decide if it wants to keep post office boxes at Copper Mountain and, if so, where to locate and how to manage them. The Metro District building is a possible location but not all Board Members are in favor. Costs associated with remodeling the building to accommodate post office boxes and maintaining the space are of concern in addition to the lack of good pedestrian access to the building in the winter. Another option is to keep the post office boxes in the current location and figure out how to fund keeping them there. Mr. Siegel feels that the issue needs to be addressed immediately and that inaction will result in the post office boxes being moved to Frisco.

### **Public Comment and Concerns**

Ron Bliss, President of the Copper Springs Lodge HOA announced that Copper Springs Lodge would like to help solve the problem of surface water infiltrating the wastewater system but that it is an East Village problem that needs to be addressed village wide – not just Copper Springs. He said he sent a letter the District and has not received a response. Mr. Erickson said he will draft a response outlining issues as the District sees them and the District's willingness to work with Copper Springs Lodge engineers to resolve the problem. He cautioned that if the groundwater infiltration cannot be resolved, the District may be forced to upgrade the Wastewater Reclamation Plant due to state and federal provisions and standards relative to the District's Discharge Permit. This could be a multimillion dollar project to be funded by the community as a whole.

### **New Business**

#### **CHUBB**

#### **Agreement**

Mr. Erickson reported that he has not heard from the county or the other fire districts as to their interest in adopting a uniform, countywide Wildfire Defense Services Policy. The Board expressed their concern for Copper Mountain residents in the event of a wildfire affecting Copper

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Mountain and noted that the District now has its own WDS Policy to afford protection to Copper Mountain properties that does not depend on the county or the other fire districts to administer.

### **Water/Sanitation**

#### **Equitable Rate**

**Implementation** Mr. Erickson, Mr. Koenig, and Mr. Clover met with Tetra Tech recently to discuss tap fees and finalizing a new equitable water and sewer user charge system. District staff has provided information to Tetra Tech and are now awaiting Tetra Tech's response.

### **Nassar Development**

#### **Tap Fee**

**Adjustment** Mr. Erickson stated that the tap fee adjustment issues raised by Nassar Development will have to wait until Tetra Tech finalizes its work and provides its recommendations to District staff regarding this matter.

### **Fire Truck**

#### **Update**

Costs associated with getting the 4WD pumper engine, damaged while on call in Officer's Gulch in May, temporarily back in operation total approximately \$5000. Diversified Body and Paint in Denver will finalize repairs when all necessary parts have been received. The estimated quote for all final repairs is roughly \$14,000. The District has received an insurance payment, based on current repair estimates, in the amount of \$18,000 – the District has a \$1,000 deductible on collision coverage.

### **Verizon Cell**

#### **Tower Lease**

Verizon Wireless lease agreements and associated documents regarding the installation of a 35 – 60 foot cell tower on Wastewater Treatment Plant (WWTP) property were forwarded to District legal counsel and have been returned with comments. The Water Department has requested a new site plan from Verizon as the initial plan was insufficient.

### **Snowbridge**

#### **Unit 212**

District owned Snowbridge Square Unit 212 is vacant and has been listed for sale.

### **Fall Line Property**

#### **Management**

#### **Lawsuit**

Lawyers have been unable to locate Fall Line Property Management owners. The special counsel handling the case for the District advises that the court order is good for six years and can be renewed. Special counsel will continue attempts to locate the owner of Fall Line and does not intend to charge the District further until contact is made and the owner served with court documents.

### **Staff Reports**

- **Water and Wastewater Director:**  
Mr. Koenig reported that the Return Activated Sludge motor failed and that a new one has been ordered. The motor met its ten year life expectancy and will be rebuilt to be retained as a spare.  
  
Repairs to both clarifiers have been completed and the District has been paid in full through insurance – minus \$2,000 in deductible charges.  
The large water storage tank at Lewis Ranch must be completely drained in October to accommodate the installation of a new isolation valve. The installation and refilling of the tank should take less than a day but Lewis Ranch homes, including fire sprinkler systems, will not be functional during this period.
- **Cable TV/HSIS:**  
Mr. Arnesen reported that the completion date for the Xcel project is unknown and original expectations regarding completion of the project may not be met.
- **CMFD:**

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Chief Curmode reported that county residents will be asked to vote on the replacement of the current 911 Emergency Response System on the November ballot.

Chief Curmode is collecting financing information from several sources to purchase a new ladder truck for the District. He feels this is an urgent issue and would like to present a proposal to the Board at the August Board meeting.

Chief Curmode has drafted an agreement to include the new Climax facilities in the CMCMD tax district as CMFD provides first response to all emergency calls from the new facility. Director Anuta advised Chief Curmode to work with District legal counsel. Mr. Erickson said he would work with Chief Curmode to prepare presentation to legal counsel.

Fire Marshal Moroz reported that there will be an open house and tour of the new Climax Facilities on August 7. Spots for the tour must be reserved in advance.

Summit County is providing a free chipping service to county residents. Crews will be at Copper Mountain on two different dates before the end of the summer.

- **District Clerk-Treasurer:**

Ms. Stabile reported that the new financial software was successfully installed on the District server and that a mock database, using July data, will be used to train on the new system. The final conversion will take place after training is complete.

Ms. Stabile attended the Colorado Institute for Municipal Clerks at the University of Colorado in Boulder from July 6 – 11, 2014 as a second year student. She received a scholarship from the Colorado Municipal Clerk's Association to cover a portion of the costs associated with attending the institute.

### Other Business

The Copper Mountain Consolidated Metropolitan District and Fire Department will host the annual Community Appreciation Open House and Dinner on Thursday, August 28, 2014 from 5:00 to 8:00 p.m. The dinner will be professionally catered by Incline Bar and Grill. Beer and wine will be available by cash bar with proceeds benefiting the Copper Mountain Volunteer Fire Department.

The Copper Mountain Fire Department will host the annual Pancake Breakfast at Jack's in Center Village on Saturday, August 30, 2014 from 7:00 to 8:30 a.m. Adult breakfast is \$9 and children's breakfast is \$6. Proceeds benefit the Copper Mountain Volunteer Fire Department. The pancake breakfast precedes the annual State of the Resort presentation which begins at 9:00 in the Copper Conference Center.

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

**AGREED** to move the August Board meeting from the last Friday of the month to Friday, August 22<sup>nd</sup>, to accommodate Homeowners' Weekend.

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 recess the Regular Meeting of the Copper Mountain Consolidated Metropolitan District Board of Directors this 25<sup>th</sup> day of July, 2014 at 11:00 a.m.

### **Reconvene Meeting**

The Regular Meeting of the Board of Directors was reconvened by Director Malmgren at 11:10 a.m.

### **Executive Session**

Director Steele moved that "the Board of Directors for the Copper Mountain Consolidated Metropolitan District go into executive session for the purpose of discussing personnel matters as

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authorized by C.R.S. § 24-6-402(4)(f). These discussions are related to the District’s Manager’s 2014 Performance Plan. Those present at the outset of the executive session shall be members of the Board of Directors as present at this meeting, excepting Director Broughton who was previously excused from the meeting at 10:50 a. m.; Missy Stabile, District Clerk-Treasurer; Eric Weaver, Financial Consultant; and David Erickson, District Manager.” Seconded by Director Anuta. Upon the Motion duly made and seconded, Director Malmgren declared, “The Motion passes on a vote of 4 in favor and 0 opposed. The time is now 11:11 a.m., and the Board will go into executive session.”

**Return to  
Open Session**

Director Malmgren stated, “The time is now 12:08 a.m., and the executive session has been concluded. The participants in the executive session were Thomas J. Malmgren, Karl Anuta, David Steele, Ted Kravec, Missy Stabile, Eric Weaver and David Erickson.

“For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law, I ask that you state your concerns for the record at this time. Seeing none, we will proceed with the agenda for the open meeting.”

**Other  
Business**

Mr. Erickson announced that the Volunteer Pension meeting will be scheduled in conjunction with the November Board meeting.

**Adjournment**

There being no further business to come before the Board, by motion duly made by Director Anuta and seconded by Director Steele, it was unanimously

**AGREED** to adjourn the Regular Meeting of the Copper Mountain Consolidated Metropolitan District Board of Directors.

Director Malmgren adjourned the Regular Meeting of the Copper Mountain Consolidated Metropolitan District Board of Directors the 25<sup>th</sup> day of July, 2014, at 12:09 p.m.

Respectfully Submitted,

BY: Thomas J. Malmgren  
Thomas J. Malmgren  
President of the District

ATTEST: Karl Anuta  
Karl Anuta  
Vice President of the District