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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 29, 2021

A Regular Meeting of the Board of Directors of the Copper Mountain Consolidated Metropolitan District, Summit County, Colorado was held on January 29, 2021 at 8:30 a.m. via video conference in accordance with the applicable statutes of the State of Colorado.

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

- Ben Broughton
- Tom Malmgren
- Jim Reis
- Stan Sprinkle
- David Steele

Staff in attendance was:

- Bryan Webinger, District Manager
- Rob Martin, Public Works Director
- Eric Hookanson, Cable & Internet Services
- Missy Stabile, Clerk-Treasurer

Also in attendance was:

- Graeme Bilenduke, Copper Mountain Director of Development
- Peter Siegel, Copper Mountain Resort Association Executive Director
- Travis Davis, Summit Fire & EMS Chief
- Mary Hartley, SFE Finance Manager
- Bryon Wentzlaff, ResortInternet
- Tim Flynn, Collins, Cockrel and Cole (arrived at 9:30)
- Eric Weaver, Marchetti & Weaver

### **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 29, 2021 at 8:30 a.m. noting a quorum was present.

### **Change to Agenda**

Director Malmgren announced that the two Lake Dillon Fire Protection District items listed under New Business will be discussed in Executive Session for the purpose of developing strategy for negotiations, instructing negotiators, and determining positions relative to matters that may be subject to negotiations as authorized by CRS 24-6-402(4)(e).

### **Old Business Minutes**

The Board reviewed the minutes of the November 20, 2020 Regular Board Meeting. Upon motion duly made by Director Broughton and seconded by Director Sprinkle it was unanimously

**AGREED** to approve the minutes of the November 20, 2020 Regular Board as presented.

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#### Community Updates

Graeme Bilenduke, Copper Mountain Director of Development, reported that the mountain is skiing well all things considered. The Copper Mountain leadership team has stepped up to politely remind guests to cover their faces when 6 feet distance cannot be maintained. The resort is ramping up for summer construction projects and is looking forward to a big summer. Mr. Bilenduke is now overseeing Copper Mountain HOA Management and Facility Maintenance.

Peter Siegel, Copper Mountain Resort Association Executive Director, reported that the Resort Association has an operations meeting with Element 29 tomorrow. They are hoping to request a certificate of occupancy next week. The Resort Association is working with the A-Lift Project on how they can interact with Copper Resort's different governances and various entities. The resort continues to stay vigilant with COVID response. The Governor is scheduled to make an announcement this afternoon about changing the state COVID dial. The county is currently in level orange even though the numbers are in level red. Mr. Siegel mentioned that guidance for opening hot tubs at the resort is available. All hot tubs at Copper are currently closed as they must be monitored around the clock.

Travis Davis, Summit Fire & EMS Chief, reported that SFE is concerned about the lack of moisture and is preparing for a potentially early fire season. SFE has a new wildland apparatus. SFE has been fortunate as an organization regarding COVID. They remain healthy and all but two front line first responders have been vaccinated as of today.

#### Public Comment and

#### Concerns

No public comments or concerns.

#### Financial

The December 31, 2020 financial report was prepared by Marchetti & Weaver and provided to the Board for review prior to the meeting.

Eric Weaver, Marchetti & Weaver, reported that total revenues for 2020 are approximately \$45,000 ahead of budget. There will be minor adjustments to that number through January and February. On the expense side, the District finished close to budget or favorable. As of today, 2020 finished \$400,000 ahead of forecast. The Volunteer Firefighter Pension Fund was closed out in 2020. There will be approximately \$60,000 remaining to transfer into the general fund.

Upon motion duly made by Director Sprinkle and seconded by Director Reis it was unanimously

**AGREED** to receive the December 31, 2020 Financial Statement and November and December cash disbursement reports as presented.

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#### New Business

#### **Resolution**

#### **2021-01**

The Board would like District staff to continue posting notices of public meetings at the Metro District Administration Building and at the Copper Mountain Post Office in addition to on the District's website. They would also like agendas emailed to Peter Siegel for posting on the POLA website.

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

**AGREED** to adopt Resolution 2021-01, A Resolution Designating Public Notice Posting Places for Regular and Special Meetings of the Copper Mountain Consolidated Metropolitan District.

#### Staff Updates

Bryan Webinger, District Manager, reported that the state has identified water and wastewater providers in COVID vaccination category 1B. The state is moving to category 1B next week, but we do not have dates for when CMCMD employees will be offered vaccination under this category. The District began advertising for the position of Wastewater Operator I / Wastewater Operator-in-Training.

Mr. Bilenduke announced that he would like to sit down with District staff to understand the financial implications of the fire department inclusion on the District and the Copper community. He would also like to discuss how the Resort, the District and the community can work better together moving forward.

The Board inquired about county road maintenance at the Resort. Mr. Webinger said the county had loosely proposed an all-in or all-out situation and that whoever is responsible is supported with some tax revenues. The county wants out, but they have not provided any numbers regarding financial support for the District to do it, aside from Highway User Tax Funds. They would like to reduce county services while still collecting taxes from the property owners. The District pays the county an extra \$30,000 per year above the taxes they collect for them to plow and maintain the winter roads. Mr. Bilenduke, Mr. Siegel, and Mr. Webinger are going to meet with the county. Mr. Bilenduke suggested that the three of them also meet with the county commissioners to discuss community responsibilities and community goals. The Board agreed that this issue may need to be brought to the county commissioners as there is concern that the county is collecting a lot of tax revenue that is not being returned to the Copper community.

Rob Martin, Public Works Director, reported that new EPA requirements from 2018 legislation requires risk assessments and response plans for wastewater facilities. The District will work with a consultant on this. It was not budgeted but should not cost much. Water and Wastewater have lots of improvements planned for 2021.

Eric Hookanson, Cable & Internet Services, is working on plans for the A-Lift Neighborhood and fiber expansion. Focus on getting fiber across Highway 91 will resume in the spring.

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Bryon Wentzlaff, ResortInternet, reported that he is working with CMCMD staff to wrap the ResortInternet lease within the next few days. Bandwidth used at the resort continues to increase. There was a 26% increase in December 2020 from December 2019. Mr. Wentzlaff will be attending monthly CMCMD Board meetings and is looking forward to more interaction.

#### Other Business

No other business to come before the Board.

#### Executive Session

Director Broughton moved that “the Board of Directors for the Copper Mountain Consolidated Metropolitan District go into executive session for the purpose of developing strategy for negotiations, instructing negotiators, and determining positions relative to matters that may be subject to negotiations as authorized by CRS 24-6-402(4)(e). The discussions are related to the Station 1 Lease Agreement and Omnibus Bill of Sale between Copper Mountain Consolidated Metropolitan District and Lake Dillion Fire Protection District. Those present at the outset of the executive session shall be members of the Board of Directors as present at this meeting, Bryan Webinger, District Manager, Eric Weaver, Marchetti & Weaver, and Tim Flynn, Collins, Cockrel & Cole.” Seconded by Director Steele. Upon the Motion duly made and seconded, Director Malmgren declared, “The Motion passes on a vote of 5 in favor and 0 opposed. The time is now 9:37 a.m., and the Board will go into executive session.”

#### Return to Open Session

Director Malmgren stated, “The time is now 10:09 a.m., and the executive session has been concluded. The participants in the executive session were Thomas J. Malmgren, Ben Broughton, David Steele, Stan Sprinkle, Jim Reis, Bryan Webinger, Eric Weaver, and Tim Flynn.

“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.”

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

**AGREED** to authorize the Board President to sign the Station 1 Lease and the Omnibus Bill of Sale once the documents are finalized.

#### Other Business

No other business to come before the Board.

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**Meeting  
Schedule**

The next Regular Board Meeting is scheduled for February 26, 2021 at 8:30 a.m. via Zoom Meeting.

**Adjournment** There being no further business to come before the Board, by motion duly made by Director Reis and seconded by Director Sprinkle, 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 29<sup>th</sup> day of January 2021, at 10:13 a.m.

Respectfully Submitted,

BY:           *Thomas J. Malmgren*          

Thomas J. Malmgren  
President of the District

ATTEST:           *David Steele*          

David Steele  
Secretary of the District