
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting of the Board of Directors Copper Mountain Consolidated Metropolitan District March 27, 2015

A Regular Meeting of the Board of Directors of the Copper Mountain Consolidated Metropolitan District, Summit County, Colorado was held on March 27, 2015 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
- Tom Malmgren
- Dave Steele

Staff in attendance was:

- Sam Parker, District Manager
- Ricky Clover, Public Works Director
- Dave Arnesen, Director of Cable Services
- Gary Curmode, Fire Chief
- Dan Moroz, Fire Marshall
- Missy Stabile, Clerk-Treasurer

Also in attendance was:

- Eric Weaver, Marchetti & Weaver
- Gary Rodgers, Copper Mountain President and General Manager
- Chris Colman, Copper Mountain Director of Planning
- Leanne Shaw, Copper Association Management
- Jamie Woodworth, Summit County Ambulance Service Director
- Scott Vargo, Summit County Assistant Manager
- Mark Wentzlaff, ResortInternet President
- Bryon Wentzlaff, ResortInternet Business Development Manager
- Kevin Flewell, CNL Copper/Resort Ventures West
- Steve Tamburini, Tetra Tech
- Benjamin Johnson, Tetra Tech
- Jim Reis, POLA President

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 March 27, 2015, at 8:30 a.m. noting a quorum was present.

Old Business Minutes

The Board reviewed the minutes of the February 27, 2015 Regular Board Meeting. Upon motion duly made by Director Anuta and seconded by Director Steele it was unanimously

AGREED to approve the minutes of the February 27, 2015 Regular Board Meeting.

Community Updates

Mr. Parker distributed a revised draft of the Emergency Medical Services intergovernmental agreement. Director Malmgren requested that the name and address of the District's attorney be added to the document. Director Anuta identified a problem with conflicting indemnification clauses. Mr. Vargo acknowledged that the County Attorney was aware of the conflicting language and that it will be corrected. The Board will review the revised draft for discussion at the next Board meeting.

Mark Wentzlaff, ResortInternet, summarized the PowerPoint presentation from the previous Board Meeting. He identified the fiber upgrade as a partnership between Powdr Corp, CMCMD and ResortInternet. The upgrade will introduce 74 HD/digital television channels, not require a cable set

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top box, and increase bandwidth to 15 Mbps per device and total internet bandwidth to 10,000 GB. The monthly charge will increase to \$54 per month plus a \$4 fiber upgrade investment fee. The current monthly charge is \$52 per month, or \$49 per month if customers take advantage of the 5% early payment option. The fiber upgrade will also bring free public Wi-Fi to each of Copper's three villages. The proposed upgrade will not require older buildings to upgrade aging infrastructure immediately. CMCMD staff will continue to work with ResortInternet and Copper Mountain and report back to the Board at the next meeting.

Gary Rodgers reported that Powdr Corp has purchased Human Movement Events out of Louisville, CO. The first event added as a result of this purchase is the Dirty Girl Mud Run scheduled for summer 2015. Mr. Rodgers also reported that Powdr is working with Intrawest and Boyne Resorts to launch the MAX Pass which will give skiers and snowboarders access to 22 mountains across North America for the 2015-2016 season.

Public Comment and Concerns

No public comments or concerns.

New Business

Verizon

Cell Tower

Mr. Clover reported that Xcel Energy is removing an easement and that Verizon is circulating a building permit to begin construction on the permanent cell tower.

Tiger Natural Gas, Inc.

Director Malmgren asked that Mr. Parker update the facility, delivery point and mailing addresses in the contract.

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

AGREED to direct the District Manager to sign the contract with Tiger Natural Gas with corrections to physical and mailing addresses.

Village Square Credit

Request

A large water leak occurred at Village Square during the 4th quarter of 2014. The District acknowledged that a portion of the water created by the leak went directly into the ground, that a portion of the water was not treated in the wastewater facilities and, therefore, issued a credit to Village Square's account. Village Square believes that more water went into the ground than acknowledged by the District and has requested a larger credit. The Board stated that a significant credit was already applied to Village Square's account based on the best information available. All buildings saw an increase in water use during the 4th quarter of 2014 and it would almost impossible to determine how much water actually went into the ground. According to the District's Rules and Regulations, the District is not required to offer any credit for water consumed by a customer but felt this was an unusual situation that required mutual cooperation. The Board suggested that District staff draft a letter to Village Square which states the acceptance of the credit is also an acceptance of the terms of the credit.

Recess

Director Malmgren recessed the regular meeting at 9:33 a.m. The meeting was reconvened at 9:38 a.m.

Staff Reports

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District Manager:

Mr. Parker reported that ResortInternet is going to approach Copper Mountain homeowner's associations within the next 20 to 30 days. He asked the Board if they approve of moving forward with a \$500,000 capital project. The project would use \$250,000 from reserves. The \$250,000 balance would either be financed over a three year period or the \$4 fiber upgrade investment fee could go directly to ResortInternet and have them finance the remaining balance.

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The District will distribute information about the fiber upgrade in the form of a letter attached to first quarter water statements, on the District website and in the spring newsletter.

The State is in the process of reviewing Copper Mountain's water designation through the end of October to determine if it is ground water under the direct influence of surface water. Tetra Tech has proposed doing a study on all the possible outcomes prior to receiving a determination. After the determination from the State is received, the District will have 18 months to comply. Having Tetra Tech complete the study ahead of time will give the District extra time and negotiation power with the State. If the State reclassifies Copper's water source as ground water under the direct influence of surface water, a new filtration plant will need to be constructed. The Board requested that District staff contact the District's environmental attorney before approving the Tetra Tech study.

Large ice dams are causing damage to the fascia and soffit on the roof of the District building. Once the snow melts, the damage will be assessed and solutions proposed. The Board suggested contacting the District's insurance company and also checking to see if the roof and related work is still under warranty.

- **Public Works:**

Mr. Clover reported that Corey Williams, the new Utility Plant Operator in Training, began on March 19, 2015. The District's discharge permit expired in 2011 and the plant has been operating under an administrative extension of that permit since it expired. The new permit arrived and been sent to Tetra Tech for review.

- **Cable TV/HSIS:**

Mr. Arnesen had nothing in addition to report.

- **CMFD:**

Chief Curmode reported that the Director of the High Country Training Center (HCTC) has accepted another position and is no longer with HCTC. Chief Curmode has been appointed to evaluate HCTC with the goal of hiring a new director within two to three months. A proposal will be submitted to the County to receive reimbursement for fire department response outside of the District on I-70 and Highway 91. ISO is still reviewing Copper Mountain's submission and paperwork is expected this summer.

- **Fire Marshall:**

Fire Marshall Moroz reported that the three Summit County Fire Marshalls meet monthly and will begin to work on updating fee schedules that were last revised in 2008.

- **District Clerk-Treasurer:**

Ms. Stabile reported that a preliminary inventory of the Water, Cable and Administrative records stored in the District's record room has been completed.

Financial Report

A Financial Report for February 28, 2015 was prepared by Marchetti & Weaver and provided to the Board for review prior to the meeting. Mr. Weaver reviewed the balance sheet and reported that saving in salaries is due to the loss of an employee in the Water Department and the District Manager started later than budgeted for.

The Board requested that the tenant of the District owned Togwotee unit transfer the Xcel Energy bill into their name.

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

AGREED to receive the February 28, 2015 Financial Statement and cash disbursement report as presented.

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**Other
Business**

The Board requested that the tour of the Water and Sanitation facilities be rescheduled to the Thursday before the next Board Meeting depending on Board Member availability, otherwise rescheduled for the next Board Meeting.

Regarding a request to webcast or provide call in access to Board Meetings, the Board decided that no special equipment is to be purchased to make public meetings more accessible. However, the District will try to accommodate any special requests to facilitate conference calls for specific topics previously approved and on the agenda.

Adjournment 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 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 27th day of March, 2015, at 11:43 a.m.

Respectfully Submitted,

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

ATTEST: Karl Anuta
Karl Anuta
Vice President of the District