
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting of the Board of Directors Copper Mountain Consolidated Metropolitan District May 29, 2015

A Regular Meeting of the Board of Directors of the Copper Mountain Consolidated Metropolitan District, Summit County, Colorado was held on May 29, 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
- Ted Kravec
- Tom Malmgren
- Dave Steele

Staff in attendance was:

- Sam Parker, District Manager
- Ricky Clover, Public Works Director
- Gary Curmode, Fire Chief
- Dan Moroz, Fire Marshall
- Missy Stabile, Clerk-Treasurer
- Ryan Cole, Fire Captain

Also in attendance was:

- Eric Weaver, Marchetti & Weaver
- Chris Colman, Copper Mountain Director of Planning
- Graeme Bilenduke, Copper Mountain Director of Development
- Peter Siegel, Copper Mountain Resort Association Executive Director
- Holly Robinson, Copper Mountain Resort Association, Marketing and Business Development Manager
- Mark Wentzlaff, ResortInternet President
- Mike Rothberg, Tetra Tech
- Ed Byrne, Attorney
- David Nassar, Nassar Development
- Zach Nassar, Nassar Development
- Kevin Flewell, CNL Copper/Resort Ventures West
- 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 May 29, 2015, at 8:30 a.m. noting a quorum was present.

Old Business Minutes

The Board reviewed the minutes of the April 24, 2015 Regular Board Meeting. Upon motion duly made by Director Broughton and seconded by Director Anuta it was unanimously

AGREED to approve the minutes of the April 24, 2015 Regular Board Meeting.

Community Updates

Sam Parker explained that the work being done next to, and on, Copper Road is a combination of the Resort Association bringing power and water to the center median and the District working on fiber optic upgrades. Mr. Parker announced that it has recently come to the District's attention that representatives from an outside Internet Service Provider have been approaching Copper Mountain HOA's and providing misleading information about the District's partnership with ResortInternet. They have been stating that the District is no longer in partnership with ResortInternet which is false

RECORD OF PROCEEDINGS

Copper Mountain Consolidated Metropolitan District May 29, 2015 Meeting Minutes

information. This outside Internet Service Provider does not have access to the District's or Copper Mountain's fiber optic infrastructure.

Mark Wentzlaff presented a progress report and stated that ResortInternet has made fifteen presentations to Copper Mountain HOAs. ResortInternet is aiming to have Wi-Fi available across each Copper Mountain Village by July 1, 2015. The District needs to secure property easements in order to complete the fiber upgrade.

Peter Siegel reported that despite 30 dog waste stations located around Copper Mountain, dog waste is still a problem. The Resort Association may look at imposing a fine system for dog owners who continue to offend the rules. The Resort Association continues to work on an updated sign program with the county and is dealing with authority and control issues. The Copper Road Center Median program is delayed by two weeks due to weather and misinformation about asphalt depths. They hope to be completed by June 12. The Copper Road overlay work by the county is tentatively scheduled during the last week of June and the first week of July.

Holly Robinson distributed a summer events calendar. The summer schedule begins on June 12 and ends September 19.

Kevin Flewell expressed concern on behalf of the Village Square HOA that they feel the fiber optic upgrade build out fee is unfair.

Public Comment and Concerns

No public comments and concerns.

New Business

Verizon

Cell Tower

Mr. Parker reported that he is reviewing the final agreement in coordination with Collins, Cockrel & Cole and plans to have a final draft within a week.

GWUDI Meeting

Mr. Parker summarized the May 25 Ground Water Under the Direct Influence of Surface Water (GWUDI) meeting. The participants concluded that the District needs to work with the Colorado Department of Public Health and Environment (CDPHE) toward understanding criteria and reaching solutions. Mike Rothberg stated that Tetra-Tech has already contacted CDPHE to schedule a meeting. Director Malmgren commented that the Board needs to be prepared to approve the Tetra-Tech GWUDI study. The Board agreed that a special meeting will be called after the meeting with CDPHE to initiate the Tetra-Tech study.

Tap Fees

Mr. Parker suggested that the Resolution 2014-6 not be amended but rather that the District address customer requests on a case-by-case situation. Ed Byrne, attorney representing Nassar Development, disagreed, pointing out that the Resolution does not provide for special requests. They would like to see language added to the Resolution to allow flexibility. Director Anuta stated that water engineers and not District staff need to make decisions regarding tap sizes and supported amending the Resolution. Ricky Clover suggested taking District staff out of tap fee determinations as discussed four years ago in the original tap fee proposal. He suggested that an engineer be required to determine tap size on all new construction based on fixture count at the completion of construction. The Board agreed to amend Resolution 2014-6 as recommended by Ed Byrne. The Board will review the language for any additional changes prior to amendment. The District needs to determine if a public hearing is necessary to amend the Resolution.

Resolution 2015-3

Chief Curmode confirmed that the President of the District has the authority under Resolution 2015-3 to designate such agents as he or she shall determine appropriate to perform any and all acts necessary to enforce and execute the provisions of the Resolution.

RECORD OF PROCEEDINGS

Copper Mountain Consolidated Metropolitan District May 29, 2015 Meeting Minutes

Upon motion duly made by Director Anuta and seconded by Director Broughton it was unanimously **AGREED** to adopt Resolution 2015-3, a Resolution Designating a Liaison Officer to Facilitate Disaster Prevention, Preparedness, Response, and Recovery.

Recess Meeting

Director Malmgren recessed the regular meeting at 9:52 a.m. The meeting was reconvened at 10:00 a.m.

Staff Reports

- **Fire Marshall:**

Fire Marshall Moroz reported that he is busy with multiple construction projects underway and preparations for summer activities beginning on June 12. He noted that Copper Mountain must decide by the end of June if they are moving forward with a natural gas refueling facility located adjacent to the Conoco station.
- **District Manager:**

Mr. Parker reported that the agreement with Tiger Natural Gas and the agreement between CMCMD and the Summit County Ambulance Service have been executed.

The Board requested that the District move forward with a new contract with ResortInternet. The Board would like confirmation that the District's infrastructure only provides access to a single provider or if it can support multiple providers.

Mr. Parker reported that peak runoff season is upon us and that the community should be paying close attention.
- **Public Works:**

Mr. Clover reported the Water Department has started infrastructure repairs to the distribution system and is also repairing a construction damaged curbstop in Lewis Ranch. The Water Department is not fully staffed and is in need of an additional maintenance position. This position was not budgeted in 2015 and Mr. Clover asked that the District figure out how to fund the position. Mr. Rothberg expressed support for hiring an additional maintenance position to address ongoing issues with the District's 50 year old facilities and infrastructure.
- **CMFD:**

Chief Curmode reported that the all firefighters will undergo confined space training using District Water and Wastewater facilities.

Captain Cole explained the new High Plains Reporting System used by CMFD to report emergency calls. The District switched to High Plains from Fire House because it is linked with County Dispatch and is used by all other county emergency services. High Plains differs from Fire House in that it only identifies calls as within the CMFD jurisdiction and outside CMFD jurisdiction. It does not distinguish calls within the Metro District (e.g. Copper Mountain Community) or outside the Metro District but still within the response area (e.g. I-70, Climax Mine). The Board would like to see reports that identify calls within Metro District boundaries and calls outside Metro District boundaries but still within the District's response area.

The Board requested that District staff schedule a meeting with Climax Mine and move forward with negotiations regarding response fees.
- **CATV:**

Mr. Parker stated that ResortInternet is now current with contractual payments to the District.
- **District Clerk-Treasurer:**

Ms. Stabile reported that she will be attending workshops on the District's health benefits, election updates and the District's accounting software over the next few weeks. The District is working with Copper Mountain on instituting a community cleanup day in August.

RECORD OF PROCEEDINGS

Copper Mountain Consolidated Metropolitan District May 29, 2015 Meeting Minutes

Financial Report

A Financial Report for April 30, 2015 was prepared by Marchetti & Weaver and provided to the Board for review prior to the meeting. Mr. Weaver reported that CATV revenues are back on track with receipt of fees from ResortInternet and that WAS revenues are over due to tap fees received in 2015 that were scheduled for receipt in 2014.

The District will borrow \$165,000 from US Bank under a municipal loan at 2.5% interest to purchase equipment for the fiber upgrade project. This is a lease to purchase equipment and there is no debt to report under TABOR. The lease will be repaid over the course of five years with no prepayment penalties.

The annual audit went very smoothly and needs to be submitted by the end of July.

Assessed valuations were distributed by the county. Copper Mountain's property values increased 16%, from \$65 million to \$75 million. This calculates to an additional \$150,000 in revenue for the District before appeals. The official valuation will be released in August after appeals have been addressed.

Upon motion duly made by Director Broughton and seconded by Director Anuta it was unanimously **AGREED** to receive the April 30, 2015 Financial Statement and cash disbursement report as presented.

Other Business

Mr. Parker proposed a Board Work Session be scheduled on June 22, 2015 from 1:00 – 5:00 p.m. to discuss District needs and financial solutions to fund those needs.

The Board requested that information about the fiber upgrade project be posted on the District's website.

Amendment of Copper Mountain's PUD is on the June 11, 2015 Ten Mile Planning Commission meeting 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 29th day of May, 2015, at 11:49 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