
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting of the Board of Directors Copper Mountain Consolidated Metropolitan District January 31, 2020

A Regular Meeting of the Board of Directors of the Copper Mountain Consolidated Metropolitan District, Summit County, Colorado was held on January 31, 2020 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:

- 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:

- Tim Flynn, Collins Cockrel & Cole (by telephone conference)
- Eric Weaver, Marchetti & Weaver
- Peter Siegel, Copper Mountain Resort Association Executive Director
- Kane Schneider, CDOT LTC OPS
- Mark Quintana, CDOT Deputy Superintendent Section 2
- Fred Cummings, CDOT Maintenance Supervisor

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 31, 2020 at 8:30 a.m. noting a quorum was present.

Old Business

Minutes

The Board reviewed the minutes of the November 22, 2019 Regular Board Meeting. Upon motion duly made by Director Broughton and seconded by Director Steele it was unanimously

AGREED to approve the minutes of the November 22, 2019 Regular Board Meeting with correction on line 161.

Community Updates

Peter Siegel, Copper Mountain Resort Association Executive Director, reported that the Copper Mountain Resort Association and Village at Copper organizations are in good shape financially and are currently being audited. The access road to Union Creek Townhomes has been officially named Storm King Drive. The Chapel Lot hotel needs to address snow storage, snow removal and landscaping

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expectations before they come online. The scope of services they will require cannot be provided solely by the Village at Copper. The A Lift Neighborhood will also be serviced by the Village at Copper under the current plat, but they can opt out of this arrangement. They cannot opt out of oversight from the Copper Mountain Resort Association. The merge of CMRA, VAC and POLA is with attorneys and has been with them for more than a year. This issue needs to be resolved before the A Lift Neighborhood comes online.

Public Comment

and Concerns No public comments or concerns.

Financial

The December 31, 2019 financial report was prepared by Marchetti & Weaver and provided to the Board for review prior to the meeting.

Eric Weaver, Marchetti & Weaver, reported that district Volunteer Firefighter pension funds are invested in Ginnie Mae through Wells Fargo. Wells Fargo has been instructed to hold money in cash rather than reinvest. Mr. Weaver will request that they start liquidating the Ginnie Mae holdings in preparation for purchasing new annuities for the Volunteer Firefighters who are vested in the program.

Mr. Weaver is working on finalizing the 2019 financials with 2019 revenue and expenses still coming in. 2019 will be favorable in revenue, personnel costs and both operating and capital expenses. Due to these favorable variances, 2020 will likely start the year approximately \$350,000 ahead of what was projected when the budget was adopted. The 2019 financial audit is scheduled for the week of March 9, 2020.

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

AGREED to receive the December 31, 2019 Financial Statement and November and December cash disbursement reports as presented.

New Business

CDOT

Presentation Kane Schneider, CDOT LTC OPS, presented some history about the liquid program. The program started in the late 1990s and has been very successful. There are 27 liquid storage facilities along the I70 mountain corridor and 187 locations statewide. The liquid contains magnesium chloride (MgCl₂) and is handled the same as hydrocarbon materials, like gas stations, even though MgCl₂ is a much more benign compound. The storage tanks are equipped with secondary containment barriers that hold 110% of the interior tank volume and there are strict protocols for filling and dispersing. The sites tanks are inspected and serviced daily in the winter and monthly in the summer.

The site CDOT would like to use for a new facility is located directly north of the Metro District Water and Wastewater Facilities. The parcel sits on 50% National

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Forrest Service land with the remainder on Summit County Open Space owned by Copper and adjacent to Metro District property. This is a high priority project for CDOT and funding is in place. CDOT already has approvals from the National Forrest Service and is seeking permission from the Metro District and the county.

CDOT would partner with the county to maintain the frontage road to ensure safety of their trucks getting in and out of the site. During a winter shift, one to two trucks per day will access the site but could be up to ten trucks during inclement weather. Trucks are stored at CDOT maintenance barns and not at liquid facilities. A loader for the sand shed will be stored on site.

CDOT researched several sites in this area along I70 and Highway 91. The reason this site is preferred by CDOT over other sites is:

- Centrally located between existing facilities in Silverthorne and Vail
- Proximity to I70 and Highway 91
- Access to existing utilities
- Physical access
- Site already sits in natural depression helping with aesthetics and the unlikely event of containment
- Low impact with public

The Board requested that CDOT order and pay for an updated survey of the parcel and contact the county as soon as possible regarding open space. They also requested District staff explore what land may be required to expand Metro District facilities in the future.

Resolution 2020-01

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

AGREED to adopt Resolution 2020-01, A Resolution Authorizing Online Notice of Public Meetings.

Resolution 2020-02

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.

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

AGREED to adopt Resolution 2020-02, A Resolution Designating Public Notice Posting Places for Regular and Special Meetings of the Copper Mountain Consolidated Metropolitan District.

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Resolution 2020-03

Since there are no ballot issues to be voted on this May, the Board would like to save District taxpayers the expense of a mail ballot election. District staff will make all efforts to provide access to absentee ballots for those who will not be able to vote in person. This will include sending instructions about how to obtain an absentee ballot in the Resort Association Homeowner's Newsletter. Absentee ballots will be available on the District's website or by contacting the Designated Election Official.

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

AGREED to adopt Resolution 2020-03, A Resolution Calling for the 2020 Regular District Polling Place Election and Appointing a Designated Election Official.

Resolution 2020-04

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

AGREED to adopt Resolution 2020-04, A Resolution to Adopt the 2020 Cable Television and Highspeed Internet Services Department Fee and Penalty Schedules with Cost of Materials changed from cost plus 20% to cost plus % 15.

2020 Meeting Schedule

The Board reviewed and approved the proposed 2020 Board Meeting Schedule. The schedule will be posted on the District website.

Staff Updates

Bryan Webinger, District Manager, provided the Board with a preliminary timeline for unification of the fire districts. A draft letter of consent from CMCMD is due on March 6, 2020. A joint work session with the Boards from CMCMD, SFE and LDFR will be scheduled in February. Mr. Webinger also reported that the District is in the process of changing IT providers, the CDOT sign application has been approved and that HR Green will make an infrastructure audit presentation at the February Board Meeting.

Rob Martin, Public Works Director, reported that the blower project is complete, has made a huge improvement in processes and the facility is already seeing a decrease in energy use.

The Board asked if a solution to the swallow problem has been identified. Mr. Martin replied that he is working on this.

Recess Meeting

The Regular Meeting of the Board of Directors was recessed by Director Malmgren at 10:59 a.m. to accommodate the Volunteer Firefighter Pension Fund Board Meeting.

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Reconvene Meeting

The Regular Meeting of the Board of Directors was reconvened by Director Malmgren at 11:50 a.m.

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 Summit Fire and EMS inclusion. Those present at the outset of the executive session shall be members of the Board of Directors as present at this meeting and Bryan Webinger, District Manager and Eric Weaver, District Accountant.” Seconded by Director Reis. 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 11:51 a.m., and the Board will go into executive session.”

Return to Open Session

Director Malmgren stated, “The time is now 1:06 p.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 and Eric Weaver.

“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

The Board directed Mr. Webinger compose a letter to the Lake Dillon Fire Rescue Board of Directors expressing CMCMD Board of Director’s concerns regarding 401 unification.

Meeting Schedule

The next Regular Board Meeting is scheduled for February 28, 2020 at 8:30 a.m. at the Copper Metro District Building, 0477 Copper Road, Copper Mountain, CO

Adjournment

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

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

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Director Malmgren adjourned the Regular Meeting of the Copper Mountain Consolidated Metropolitan District Board of Directors the 31st day of January 2020, at 1:07 p.m.

Respectfully Submitted,

BY: *Thomas J. Malmgren*

Thomas J. Malmgren
President of the District

ATTEST: *David Steele*

David Steele
Secretary of the District