
RECORD OF PROCEEDINGS

Minutes of the Special Meeting of the Board of Directors Copper Mountain Consolidated Metropolitan District January 6, 2023

A Special Meeting of the Board of Directors of the Copper Mountain Consolidated Metropolitan District, Summit County, Colorado was held on January 6, 2023 at 8:30 a.m.

Attendance The following CMCMD Directors were present and acting:

- Tom Malmgren, President
- Ben Broughton, Vice President
- David Steele, Secretary
- Stan Sprinkle, Treasurer
- Jim Reis, Board Member (by phone)

CMCMD Staff in attendance was:

- Rob Martin, District Manager
- Missy Stabile, CMCMD Clerk-Treasurer

Also in attendance was:

- Tim Flynn, Collins Cole Flynn Winn Ulmer (by phone)
- Graeme Bilenduke, Copper Mountain Director of Development
- Peter Siegel, Copper Mountain Resort Association Executive Director

Call to Order

The Special Meeting of the Board of Directors of Copper Mountain Consolidated Metropolitan District was called to order by CMCMD Director Malmgren on January 6, 2023, at 8:30 a.m. noting a quorum was present.

New Business

Road Update Rob Martin, District Manager, reported that the county no longer wants to maintain Copper Road. He is working with the county, Resort Association and Copper Resort at a high level to determine a timeline and budget. The county is also putting together a lifecycle analysis and financial projections. The process is anticipated to take approximately two years. In the meantime, the county will continue to maintain the roads this season. Mr. Martin has reached out to transportation engineers and will look for a consultant. The Board feels the county should pay for at least half of the cost for the District to hire a consultant.

Peter Siegel, Copper Mountain Resort Association Executive Director, stated that there is no clarity from the county regarding summer road maintenance, but it is clear they do not want to provide winter road maintenance. The county has a five-year road maintenance plan and Copper is not on it. Silverthorne has a much longer plan and provides more services to its community. Keystone receives approximately \$60,000 annually from the county to maintain its own roads. There is an agreement from the 1970s outlining the amount of sales tax returned to each town. Copper did not exist in 1970 and was not included in this agreement. The county collects approximately \$1.5 million in sales taxes annually from the Copper community. We

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need to look at requesting sales tax be returned from the county like other towns under the 1970 sales tax referendum.

Graeme Bilenduke, Copper Mountain Director of Development, suggested that we look at a long term plan that includes road maintenance, park and recreation, permitting, and childcare. The Board appreciated the opportunity to create a long range community plan.

Eric Weaver, Marchetti & Weaver, reminded everyone that the Metro District can collect and use sales tax for roads and transportation. Tim Flynn, Collins Cole Flynn Winn Ulmer, stated that if the county collects sales tax, the District might be able to use the revenue in other ways.

Water Loss Mr. Martin reported that the water loss mentioned last Board Meeting was identified as a broken curb stop in the Powder Lot. Repairs will be made and all water lines and curb stops will be inspected in 2023.

Community Updates

Mr. Siegel reported that the Resort Association is looking at resolutions from the past ten years and creating a new resolution between the Resort Association and the Metro District to apply for a Parks and Recreation GOCO Grant.

Executive Session

Director Broughton moved that “the Board of Directors for the Copper Mountain Consolidated Metropolitan District go into executive session for determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators as authorized by CRS § 24-6-402(4)(e) of the Colorado Open Meetings Law. These discussions are for the purpose of determining positions relative to Cable and Internet matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators. Those present at the outset of the executive session shall be members of the Board of Directors as present at this meeting, Rob Martin, District Manager and Tim Flynn, Collins Cole Flynn Winn & Ulmer.” 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 9:25 a.m., and the Board will go into executive session.”

Return to Open Session

Director Malmgren stated, “The time is now 12:17 p.m., and the executive session has been concluded. The participants in the executive session were Thomas Malmgren, Ben Broughton, David Steele, Stan Sprinkle, Jim Reis, Rob Martin, 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

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that you state your concerns for the record at this time. Seeing none, we will proceed with the agenda for the open meeting.”

The Board requested that Mr. Martin and legal counsel make changes to the draft contract.

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

AGREED to authorize Tom Malmgren and Rob Martin to execute a contract after final review by the Board.

**Other
Business**

No other business to come before the Board.

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.

Director Malmgren adjourned the Regular Meeting of the Copper Mountain Consolidated Metropolitan District Board of Directors the 6th day of January, 2023, at 12:22 p.m.

Respectfully Submitted,

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

ATTEST: *David Steele*
David Steele
Secretary of the District