
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting of the Board of Directors Copper Mountain Consolidated Metropolitan District March 31, 2023

A Regular Meeting of the Board of Directors of the Copper Mountain Consolidated Metropolitan District, Summit County, Colorado was held on March 31, 2023 at 8:30 a.m. in person and by phone in accordance with the applicable statutes of the State of Colorado.

Attendance The following Directors were present and acting:

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

CMCMD Staff in attendance was:

- Rob Martin, District Manager
- Chelsey Lange, Public Works Director
- Ed Pankevicius, Chief Plant Operator
- Eric Hookanson, Cable & Internet Services
- Missy Stabile, Clerk-Treasurer

Also in attendance was:

- Peter Siegel, Copper Mountain Resort Association Executive Director
- Graeme Bilenduke, Copper Mountain Director of Development (by phone)
- Eric Weaver, Marchetti & Weaver (by phone)
- Evan Biagi, Carrie Camp, and Tashana Petty, Vero
- Rob Blake, Village Point (by phone)
- Jeffrey and Karen Pearl, Copper Springs Lodge

Additional Executive Session attendance:

- Tim Flynn, Collins Cole Flynn Winn Ulmer (by phone)
- Brandon Dittman, Kissinger & Fellman PC (by phone)

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 31, 2023 at 8:30 a.m. noting a quorum was present.

Community Updates

Peter Siegel, Copper Mountain Resort Association Executive Director, reported that there are several Board Meetings this week in which they are reviewing financials and capital projects and prioritizing net income. House Bill 1137 regarding HOAs is not going well. It is very political and may get more convoluted before getting better. Mr. Siegel will be meeting with County Commissioner Elizabeth Lawrence to discuss daycare money that the county is giving Keystone.

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Graeme Bilenduke, Copper Mountain Director of Development, reported that closing day has been moved to May 7. The Resort is closely watching the Town of Keystone development and suggested meeting with the County Commissioners to discuss.

Public Comment and Concerns

Jeffrey and Karen Pearl from Copper Springs Lodge and Rob Black from Village Point had questions about a ten year exclusive agreement with Vero. Evan Biagi, Vero, responded that there is a ten year agreement with the District and individual access and service agreements with properties. Vero is requesting a commitment to baseline bulk service. Additional services will be offered on top of the baseline service. Vero is providing necessary upgrades to the existing system and bringing fiber into all properties, including Lewis Ranch and Masters, and into each unit. Vero is installing these upgrades at no cost to property owners and sees it as an investment in a community they want to be part of. They are flexible and have already negotiated contracts with several Copper HOAs. Mr. Pearl commented that he was glad to hear that contracts are negotiable. Mr. Blake commented that he is looking forward to reliable service and customer satisfaction. He would like to discuss the project and have a few questions answered before signing an agreement.

Fiber Project Update

Rob Martin, District Manager, reported that initial efforts have been focused on communicating with Copper HOAs. The goal is to meet with all HOAs as soon as possible to be ready for construction in May. There has been an overall positive response and HOAs are excited about bringing better service into the community. The next phase will be working with single family homes. Vero will meet with commercial account holders to understand their specific needs.

Construction will begin as soon as the Mountain closes on May 7. There will be traffic control and little else disturbance. Fiber inside the buildings is the biggest part of the project.

Ed Pankevicius, Chief Plant Operator, noted that the Water and Wastewater Department struggles with using radio to connect facilities and is looking forward to being connected by fiber.

Financial

A preliminary February 2023 financial report was prepared by Marchetti & Weaver and provided to the Board for review prior to the meeting. Eric Weaver, Marchetti & Weaver, reported that the financial reports are preliminary as a result of issues with Alpine Bank. Everything is running favorably except Cable and Internet and capital repairs to employee housing unit. Mr. Weaver will update the budget timing with Cable and Internet being billed quarterly now.

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

AGREED to receive the February 28, 2023 Financial Statement and cash disbursement reports as presented.

New Business

Employee Housing

Mr. Martin noted that changes and updates to the Employee Housing Policy are highlighted in blue. The Board recommended that the living radius be made smaller, but the Manager can make exceptions. The intent is to have employees living closer to the District rather than farther away. The Board also recommended asking legal counsel about the amount of time to vacate. The Board would like this to be less than thirty days with the Manager able to make exceptions. Employer's Council needs to review the policy again after new changes applied. New legislation about rental properties needs to be reviewed to determine if anything applies to employee housing.

Staff Updates

Rob Martin, District Manager, reported that there was another meeting with the county regarding road maintenance that went nowhere. Numbers that have been requested still have not been provided and no commissioners were present. Mr. Martin requested that we operate under the current agreement until resolved.

The Board recommended that the District get property insurance on all employee housing units owned by the District.

Chelsey Lange, Public Works Director, reported that the District has until March 1, 2024 to find another solution to remove biosolids. Ms. Lange is working with the State who will request that Climax Mine does not have to test for PFAs until after March 1, 2024. If Climax must test prior to March 1, 2024, they will terminate services with 90 day notice.

The fire hydrants at Conoco and the Fitness Center can be used in emergency situations but they are not operating correctly. We are trying to determine if the hydrant or our system is malfunctioning.

The Board stated that Xcel Energy is responsible for any damages caused by their power outages and suggested that the District report damages for reimbursement.

Recess Meeting

The Regular Meeting of the Board of Directors was recessed by Director Malmgren at 10:24 a.m.

Reconvene Meeting

The Regular Meeting of the Board of Directors was reconvened by Director Malmgren at 10:36 a.m.

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Executive Session

Director Broughton moved that “the Board of Directors for the Copper Mountain Consolidated Metropolitan District go into executive session for discussions regarding legal advice as authorized by CRS § 24-6-402(4)(b) of the Colorado Open Meetings Law. These discussions are for the purpose of receiving legal advice on Cable and Internet Agreements. 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 10:37 a.m., and the Board will go into executive session.”

Return to Open Session

Director Malmgren stated, “The time is now 12:08 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 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 Sprinkle it was unanimously

AGREED to instruct the District Manager to negotiate with Vero on the term of the HOA access agreement and to include annual service cost limitations in the access agreement.

Other Business

No other business to come before the Board.

Meeting Schedule

The next Regular Board Meeting is scheduled for April 28, 2023 at 8:30 a.m.

Adjournment

There being no further business to come before the Board, by motion duly made by Director Broughton and seconded by Director Steele, 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 31st day of March 2023, at 12:10 p.m.

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Respectfully Submitted,

BY: Thomas J. Malmgren

Thomas J. Malmgren
President of the District

ATTEST: David Steele

David Steele
Secretary of the District

DRAFT