
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting of the Board of Directors Copper Mountain Consolidated Metropolitan District September 30, 2022

A Regular Meeting of the Board of Directors of the Copper Mountain Consolidated Metropolitan District, Summit County, Colorado was held on September 30, 2022 at 8:30 a.m.

Attendance The following Directors were present and acting:

- Tom Malmgren
- Jim Reis
- Stan Sprinkle
- David Steele

The following Directors were not present:

- Ben Broughton (excused from meeting)

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
- Eric Weaver, Marchetti & Weaver
- Bryon Wentzlaff, ResortInternet (by phone)
- Tim Flynn, Collins Cole Flynn Winn & Ulmer (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 September 30, 2022 at 8:30 a.m. noting a quorum was present.

Changes to Agenda

Minutes from August 26, 2022 Board Meeting will not be reviewed and the 2022 Audit Engagement Letter will be presented for approval.

Old Business

The Board reviewed the minutes of the July 29, 2022 Regular Board Meeting.

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

AGREED to approve the minutes of the July 29, 2022 Regular Board Meeting with correction on line 127.

Community Updates

Peter Siegel, Copper Mountain Resort Association Executive Director, reported that the Resort Association is purchasing another trash truck. This one will be smaller and will be used as a backup. Several construction projects in Lewis Ranch are causing parking issues.

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Public Comments

and

Concerns

No public comments and concerns.

Financial

The August 31, 2022 financial report was prepared by Marchetti & Weaver and provided to the Board for review prior to the meeting. Eric Weaver, Marchetti & Weaver, gave a high-level overview of the 2022 financials and the preliminary 2023 budget. 2022 Water & Sanitation revenues are favorable due to tap fees collected. 2023 property taxes will stay relatively flat. 2024 property taxes will be a mess with new legislation regarding assessed valuations. 2023 Cable and Internet should break even with increased fees and maintain its enterprise status. Propose 2% fee increase in 2023 for Water and Sanitation. 2023 personnel will be status quo with the number of current employees. It will be lower than 2022 because we are not budgeting for extra employees. 2023 operating budget assumes the county will continue to plow Copper roads. Last year, the District voluntarily and temporarily reduced the mil levy by 3.25 mils giving approximately \$325,000 back to the community property owners. In addition, CMCMD stopped collecting approximately \$400,000 on behalf of Summit Fire & EMS. SFEMS now collects that money directly from Copper property owners. This equals approximately \$725,000 of additional property tax income that the District can collect once a year before the budgeted mil levy is submitted to the county.

The Board requested that the comments in the budget document be updated or removed.

Rob Martin, District Manager, reported that he met with Summit County Commissioners along with Copper Resort, and the Resort Association. The county continues to claim the CMCMD owns the roads and that they are not obligated to maintain them. CMCMD believes it is the responsibility of the county. The estimated cost of maintaining the roads in the winter is estimated to be between \$300,000 and \$400,000. Stan Miller quoted five pushes of snow a month for seven months without snow removal at \$90,000. The county offered to give CMCMD only \$50,000 annually for road maintenance. CMCMD nor Copper Resort have the equipment or staff to keep the roads clear. We need to schedule a work session with lawyers involved to figure who is legally responsible. Time is of the essence, and we need to figure out how to maintain the roads this winter.

Mr. Weaver stated that CMCMD can assess a sales tax to support maintenance of the roads. This could be used as leverage in negotiation with the county. It is possible that property taxes could be reduced in the future, and the District collects sales tax.

Mr. Siegel suggested it would be nice to find a balance between property tax and sales tax to maintain the roads.

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

AGREED to receive the August 2022 Financial Statement and cash disbursement reports as presented.

Audit

Engagement The McMahan & Associates 2022 audit engagement letter was presented to the Board.

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

AGREED to authorize Director Malmgren to sign the McMahan & Associates 2022 audit engagement.

Public Hearing Amended 2022 and Proposed

2023 Budget Director Malmgren formally opened the public hearing regarding the amended 2022 budget and proposed 2023 budget at 9:44 a.m.

Hearing no public comment, the budget hearing was recessed at 9:45 a.m. and will reconvene at the October 28, 2022 Board Meeting.

Proposed 2023 Rate and Fee

Schedule The District is proposing a 2% increase in Water and Sanitation rates for 2023. CEU evaluations will be done in 2023 and the rate structure will be revisited.

The District is proposing that Cable and Internet remove the 5% annual prepay discount and to increase fees based on ResortInternet price increases. The District will enter into a 2023 contract with ResortInternet.

Resolutions for the adoption of new fee schedules will be presented at the October Board Meeting.

New Business

Public Hearing

Colorado FAMLI

Program The District informed employees of options under the Colorado Family and Medical Leave Insurance Program (FAMLI) and that the District recommends opting out of the program.

Director Malmgren formally opened the public hearing regarding the Colorado Family and Medical Leave Insurance Program at 10:03 a.m.

Hearing no public comment, the public hearing regarding the Colorado Family and Medical Leave Insurance Program was closed at 10:04 a.m.

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

AGREED to adopt Resolution 2022-04, a resolution declining participation in the FAMLI Program.

2023 Health

Insurance

Director Sprinkle requested data about employer / employee contributions to health insurance premiums.

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

AGREED to authorize the Clerk-Treasurer to sign the appropriate documentation renewing District benefits for 2023 without changes.

Staff Updates

Mr. Martin reported that the District has been informed that it is not eligible for state lottery funds for parks and recreation maintenance. The District owes the state approximately \$46,000 for funds received. The District is no longer sampling for Molybdenum as it is not affecting our general ground water supply. Fire apparatus have been transferred to SFEMS but we have not received any executed documentation.

Chelsey Lange, Public Works Director, reported that the hydrants at Conoco and the athletic facility have been repaired. A list of valves and other issues is being made for contractors to work on as they are available. Repairs to the Lewis Ranch generator are complete but load testing needs to be done.

Eric Hookanson, Cable & Internet Services, reported that the grant appeal process has moved to October 4, 2022. Outside Inc and Mountain TV (Channel 18) marketing, video, and streaming is being discussed with the Resort Association.

Recess

Meeting

The Regular Meeting of the Board of Directors was recessed by Director Malmgren at 10:40 a.m.

Reconvene

Meeting

The Regular Meeting of the Board of Directors was reconvened by Director Malmgren at 10:50 a.m.

Executive Session

Director Steele moved that “the Board of Directors for the Copper Mountain Consolidated Metropolitan District go into executive session for discussions regarding personnel matters as authorized by C.R.S. § 24-6-402(4)(b) of the Colorado Open Meetings Law. The discussions are for the purpose of determining positions relative to cable and internet matters that may be subject to negotiations, developing strategy for negotiation, and instructing negotiators. Those present at the

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outset of the executive session shall be members of the Board of Directors as present at this meeting, Rob Martin, District Manager, Eric Hookanson, Cable & Internet Services, Eric Weaver, Marchetti and Weaver, Evan Biagi, Jonathan Adleman and Eric Bozich, Vero Broadband, and Alicia O’Sullivan, Ken Scholz, Tim Angel, TiVo.” Seconded by Director Sprinkle. Upon the Motion duly made and seconded, Director Malmgren declared, “The Motion passes on a vote of 4 in favor and 0 opposed. The time is now 10:51 a.m., and the Board will go into executive session.”

Return to

Open Session Director Malmgren stated, “The time is now 2:28 p.m., and the executive session has been concluded. The participants in the executive session were Thomas Malmgren, David Steele, Jim Reis, Rob Martin, Eric Hookanson, Eric Weaver, Evan Biagi, Jonathan Adleman and Eric Bozich, Vero Broadband, and Alicia O’Sullivan, Ken Scholz, Tim Angel, TiVo.

“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 selected Directors Broughton and Steele to meet with Mr. Martin regarding his annual review. Mr. Martin is to provide a self-evaluation to Directors Broughton and Steele prior to meeting with them.

Meeting

Schedule The next Regular Board Meeting is scheduled for October 28, 2022 at 8:30 a.m.

Adjournment There being no further business to come before the Board, by motion duly made by Director Sprinkle 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 28th day of September 2022, at 2:30 p.m.

Respectfully Submitted,

BY: Thomas J. Malmgren

Thomas J. Malmgren
President of the District

ATTEST: David Steele

David Steele
Secretary of the District