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## RECORD OF PROCEEDINGS

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### Minutes of the Regular Meeting of the Board of Directors Copper Mountain Consolidated Metropolitan District January 30, 2015

A Regular Meeting of the Board of Directors of the Copper Mountain Consolidated Metropolitan District, Summit County, Colorado was held on January 30, 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:

- Ricky Clover, Public Works Director
- Dave Arnesen, Director of Cable Services
- Gary Curmode, Fire Chief
- Dan Moroz, Fire Marshal
- Missy Stabile, Clerk-Treasurer
- Sam Parker- Incoming District Manager

Also in attendance was:

- Chris Colman, Copper Mountain Director of Planning & Development
- Peter Siegel, Copper Mountain Resort Association Executive Director
- Shedd Webster, Copper Association Manager
- Gary Martinez, Summit County Manager
- Jamie Woodworth, Summit County Ambulance Service Director
- Kevin Flewell, CNL Copper/Resort Ventures West
- Jim Reis, POLA President
- Gill Bates, Homeowner
- Mark McCreery, McCreery & Roberts Construction
- Kevin Beruby, Village Square
- Steve Tamburini, Tetra Tech
- Eric Weaver, Marchetti & Weaver

#### **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 30, 2015, at 8:30 a.m. noting a quorum was present.

#### **Old Business Minutes**

The Board reviewed the minutes of the December 19, 2014 Regular Board Meeting. A correction was made on line 104. Upon motion duly made by Director Broughton and seconded by Director Anuta it was unanimously

**AGREED** to approve the minutes of the December 19, 2014 Regular Board Meeting with revision.

#### **Community Updates**

Jamie Woodworth, Director of Summit County Ambulance Service (SCAS) explained that there is a mutual aid agreement in effect between SCAS and the county Fire Departments to co-staff emergency medical services within and outside of Summit County. CMFD fire fighters drive SCAS ambulances when needed according to this agreement. The District would like a formal agreement put in place. A preliminary draft of an agreement was distributed to the Board for discussion but not intended for

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approval at this meeting. The Board is in favor of an agreement but has many concerns that need to be addressed before adoption. The Board will review the draft and make recommendations for an updated draft for consideration.

Gary Martinez announced that the county is working on a variety of capital improvement road projects including overlaying Copper Road from Highway 91 to the round-a-bout. The overlay could happen as early as June but will most likely be in August or September. Mr. Parker suggested that the bike lane be painted a different color rather than using rumble strips as rumble strips are not cyclist friendly.

Peter Siegel reported that the Resort Association is looking at median improvements including lighting upgrades and would like to coordinate with the county and the District to facilitate improvements beginning as soon as possible.

Mr. Siegel also reported that the minimum number of post office boxes have not yet been rented to meet the breakeven point and maintain the current rental fee structure. If more boxes are not rented, box rental fees may increase in the future. Please contact the Resort Association to obtain box rental information at 970-968-6477 or at <http://www.copperchamber.com/post-office>.

#### **Public Comment and Concerns**

Gil Bates, a Lewis Ranch property owner, presented evidence to the Board suggesting his water use history does not accurately reflect normal water usage and asked to have the District recalculate his CEU. Everyone agreed that one quarter in particular was much higher than others and should be removed from the calculation.

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

**AGREED** to authorize the Interim District Manger to disregard the first quarter of 2013 water use from Mr. Bates' water use history for purposes of recalculating the CEU for the property, to apply a credit retroactive to July 1, 2014 and to review Mr. Bates' water use in 12 months.

Kevin Flewell suggested the District research options allowing community members to remotely participate in Board meetings. Potential options suggested were audio at a minimum or a webcast. Kevin Beruby offered to assist with research and providing information about different options.

Kevin Beruby and Shedd Webster asked the Board to reduce Village Square's 2014 fourth quarter water bill due to a large undetected underground water leak. It is estimated that water leak used at least 2.8 million gallons in excess of normal water usage.

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

**AGREED** to authorize the Interim District Manger to adjust Village Square's 2014 fourth quarter water bill by moving all water usage to Tier 1 pricing and removing wastewater treatment costs from the excessive gallons of water.

#### **Recess**

Director Malmgren recessed the regular meeting at 9:41 a.m. The meeting was reconvened at 9:49 a.m.

#### **New Business District Manager**

The District is pleased to announce the position of District Manager was offered to and accepted by Sam Parker. His official start date will be March 2, 2015.

#### **Verizon Cell Tower**

Mr. Clover reported that he is waiting to hear back from Verizon regarding permanent site plans and resolving external power issues with Xcel Energy.

#### **ISO Audit**

Chief Curmode reported that the Insurance Service Office (ISO) meetings went well and that the CMFD received additional credit for increased Fire prevention efforts. The absence of a ladder truck will negatively affect Copper's ISO rating. A report from ISO is expected to arrive in three to four months for review.

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#### **Resolution 2015-02**

Chief Curmode reported that the State of Colorado is requiring Fire Departments to obtain additional insurance for all firefighters and volunteer firefighters that covers them for off-shift, work related heart and circulatory malfunction benefits. The Colorado Division of Local Affairs (DOLA) will reimburse the District for the cost of insuring full-time firefighters but not the cost of insuring volunteer firefighters.

The Board questioned why our current insurance does not cover this state mandated coverage and asked Mr. Weaver to research other options for future years.

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

**AGREED** to adopt Resolution 2015-2, a Resolution Adopting and Entering into the Trust Agreement for the Colorado Firefighter Heart and Circulatory Benefits Trust and Taking Other Actions in Connections Therewith for 2015 on the condition that it does not cost more than \$450 to insure the District's volunteer firefighters and that other options must be reviewed prior to year-end for 2016 Heart and Circulatory coverage.

Director Steele recommended that the District investigate options to cover Fire Marshal Dan Moroz as a firefighter. Chief Curmode will submit a proposal to the District Manager to insure Mr. Moroz as a firefighter.

#### **Climax Response Agreement**

Chief Curmode explained that Climax Mine properties are located within the District's response area but not within the Copper Mountain Consolidated Metropolitan District boundaries and that CMFD responds to these Climax Mine properties as a courtesy. The District is looking at establishing an out-of-District service agreement with Climax Mine to recoup costs associated with emergency response. Mr. Weaver received property valuations from the County Assessor's Office for Climax Mine buildings located in Summit County and the CMFD response area. Fire Marshal Moroz pointed out that the County Assessor is in the process of completing valuations on additional buildings that need to be included in discussions with Climax Mine. Director Anuta suggested the District begin response agreement negotiations with Climax Mine.

#### **Community Alarm Update**

Fire Marshal Moroz updated the Board regarding incidents occurring at Mountain Plaza and West Lake over the weekend of January 23, 2015. The fire sprinkler system froze at Mountain Plaza causing the lines to burst and distributing thousands of gallons of water throughout the building. The building was evacuated and deenergized on Friday, January 23. Repairs were complete as of Thursday, January 29 and the building was reopened.

During the same weekend a plumbing company was hired to thaw the frozen water line supplying Gustino's Pizza using an electric welder line. The amperage from the welder line caused fires in the vacant West Lake stone building and Gustino's Pizza and additional damage to Mulligan's to be determined. Investigations are ongoing.

#### **Staff Reports**

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##### **Public Works:**

Mr. Clover reported that the West lake Buildings affected by the frozen water lines are being chlorinated at the request of the County Health Department. Damage to the curbstop outside of Mulligan's is be evaluated. The Board requested that all damage evaluations be photo documented.

Mr. Flewell requested documentation from the District regarding the developer's failure to meet District standards when installing the water system for the West Lake buildings and the District's decision to not accept ownership of those water lines.

Mr. Clover announced that middle aeration basin mixer needs to be replaced at an estimated cost of \$12,000.

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The Water Department is currently accepting resumes for a new Waste Water Operator or Waste Water Operator in Training position.

Mr. Weaver proposed a tour of the water plant and waste water facilities after the February Board meeting.

- **Cable TV/HSIS:**  
Mr. Arnesen reported that the current contract with ResortInternet expires December 31, 2015. Renewing the contact is an opportunity to improve services to the Copper community.
- **CMFD:**  
Chief Curmode reported three survey responses were received and all were favorable.
- **District Clerk-Treasurer:**  
Ms. Stabile requested brief biographies from the Board Members to be published on the District website.

**Financial Report**

A Preliminary Financial Report for December 31, 2014 was prepared by Marchetti & Weaver and provided to the Board for review prior to the meeting. Mr. Weaver reported that year-end looks good but is only a preliminary assessment at this time. The Board requested that the funds being held for future Employee Housing purchases in the Capital Fund be reevaluated.

No motion to accept the December 31, 2014 Preliminary Financial Statement and cash disbursement report was made because it is a preliminary year-end report.

**Other Business**

There was 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 Anuta, 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 30<sup>th</sup> day of January, 2015, at 12:13 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