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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 October 23, 2020

A Regular Meeting of the Board of Directors of the Copper Mountain Consolidated Metropolitan District, Summit County, Colorado was held on October 23, 2020 at 8:30 a.m. via video conference in accordance with the applicable statutes of the State of Colorado.

**Attendance** The following Directors were present and acting:

- Tom Malmgren
- Ben Broughton
- Jim Reis
- Stan Sprinkle (left meeting at 9:04 a.m.)
- David Steele

Staff in attendance was:

- Bryan Webinger, District Manager
- Rob Martin, Public Works Director
- Cheri Curtis, Secretary to the Meeting

Also in attendance was:

- Peter Siegel, Copper Mountain Resort Association Executive Director
- Graeme Bilenduke, Copper Mountain Director of Development
- Travis Davis, Summit Fire & EMS Chief
- Eric Weaver, Marchetti & Weaver

### **Call To Order**

A Regular Meeting of the Board of Directors of Copper Mountain Consolidated Metropolitan District was called to order by Director Malmgren on October 23, 2020 at 8:30 a.m. noting a quorum was present.

### **Old Business**

#### **Minutes**

The Board reviewed the minutes of the September 25, 2020 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 September 25, 2020 Regular Board Meeting as presented.

The Board further reviewed the minutes of the September 25, 2020 Regular Volunteer Pension Board Meeting. Upon motion duly made by Director Broughton and seconded by Director Sprinkle it was unanimously

**AGREED** to approve the minutes of the September 25, 2020 Pension Board Meeting as presented.

### **Community Updates**

Chief Davis, with the SFE, reported there were concerns expressed with the election question notices. Chief Davis reported on the procedure for the TABOR Notices noting the statutory deadlines were met. Director Reis reported there was confusion on the language to complete the application for a Ballot. The SFE is

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working on the ballot issues. If the Election Question for the inclusion of Copper Mountain into Lake Dillon Fire is approved by voters, the SFE will need to work with Lake Dillon Fire to complete the name change.

Director Sprinkle questioned how the District can be guaranteed the Copper Mountain Fire Station will be properly staffed. Chief Davis reported issues are being addressed. The funding issues make it difficult to guarantee staffing of the Copper Fire Station. Currently there are three fire employees and two medics on site twenty-four hours a day/seven days a week. Because of the remote location, it is difficult to guarantee the station will remain manned the same in the future. Mr. Weaver reported the SFE agreement guarantees the Copper Station will be manned the same as the other stations. Director Malmgren also clarified 2 apparatus will continue to be owned by the District and housed at the Copper Fire Station until the leases are paid off. The intent is to have equal service at the Copper Fire Station as all other stations. Dependent on funding, Chief Davis' intention is to keep all stations properly manned. The Frisco Fire Station is the first station affected by staffing issues. The Dillon Fire Station is the busiest station and the Keystone truck is always stationed at the Keystone station.

Mr. Siegel questioned who makes the decision on the staffing. The Chief reported he as Fire Chief, makes the decisions on staffing. The Board makes the financial decisions. The SFE has a requirement on the response time, which dictates most decisions. Directors Broughton and Steele currently serve on the SFE Board. Mr. Siegel questioned whether Copper Mountain would have representation in the future. It would be dependent on future elections, although there is not a lot of interest from others wanting to serve on the SFE Board. The SFE has discussed establishing wards and decided that was not the best plan. The SFE Board encourages members in the community who are knowledgeable on the issues of the SFE to serve on the Board. Mr. Webinger read the clause in the SFE agreement that clarifies the position to maintain the manning of the station, to the best ability. Chief Davis has scheduled 24-hour medical staff at Copper Mtn, as required through the agreement.

The Type 6 vehicle just returned to the Copper station from California. Summit County had three units respond to the East Troublesome Fire on October 21, 2020. Because of the long, dry, hot summers, wildland fire could become the new norm.

Chief Davis left the meeting at 9:00 a.m.

Mr. Siegel reported there is new County orders that include all alcohol needs to be consumed by 10:00 p.m. Restaurants and bars will need to be closed by 11:00 p.m. due to the spikes in COVID-19. Mr. Bilenduke reported occupancy could be reduced to 25% occupancy if County orders move to level 3. Mr. Siegel stated the County is currently at 50% occupancy.

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Staff is working on preparing for winter. Any concrete that does not have heat tape will be sealed to prevent damage from road salt. Copper Mountain Operations are taking over responsibility for sidewalks in the Village to avoid confusion on responsibility by others.

It was reported, Copper Mountain would need a Special Permit to replace the Frontage Road lights in 2021 or 2022. The annual meeting is scheduled for next Thursday, October 29, 2020 from 3:00 p.m. to 5:00 p.m. A second Copper Coach is being leased, which is required for the 50% occupancy.

Mr. Bilenduke reported COVID concerns with staff are being addressed. Copper Mountains busses and staff are prepared for operations. Ski racers are starting the weekend of October 24, 2020 and the snow is great. Copper Mountain is making snow with plans to open November 30, 2020. The plan is to open with plenty of terrain available to encourage social distancing. The Sky Chutes employee housing tour was attended by Board members. The Fremont Trail Bridge will be installed over night with Highway 91 being closed for the installation. The hotel is preparing for the November 30, 2020 opening. Cross training of employees is being completed to be prepared for any health issues. Mr. Siegel commended Mr. Bilenduke on the affordable housing project. The road cuts are due to Xcel Energy making improvements to the existing gas line.

### **Public Comment**

#### **and**

### **Concerns**

No public comments or concerns. Mr. Sprinkle left the meeting at 9:04 a.m.

### **Financial**

The September 30, 2020 financial report was prepared by Marchetti & Weaver and provided to the Board for review prior to the meeting.

Eric Weaver, Marchetti & Weaver, reported third quarter billings are completed and there was significant irrigation usage. The forecast figures have been updated to include the excess revenue. Some of the 2020 projects will not be completed due to COVID. The District will end with an additional \$1 million in the fund balance. The District is receiving a lot of calls on water usage moving to extended tiers.

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

**AGREED** to receive the September 2020 Financial Report and cash disbursement reports as presented.

### **2020 Amended**

### **And 2021 Proposed**

### **Budget**

The District may need to amend the 2020 budget depending on the CATV expenses. Mr. Weaver anticipates if the SFE election is successful, the mill levy and capital reserves can be reduced. The mill levy credit could be increased from 2 mills to 3 mills. The 2021 budget contemplates the agreement with Resort Internet being

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approved. The staff is working with Resort Internet on adjusting the terms of the agreement. Director Malmgren questioned whether the Board needed to approve the extension of the fee. The fee extension will either be included in either the original agreement or in a separate agreement. Mr. Weaver stated the District potentially use property taxes for CATV rather than continuing to collect the fees.

Staff was successful in finding the sewer line manhole covers that run under Highway 91. Mr. Webinger is optimistic the project can be completed in 2021. The agreement should be presented at the December meeting. Director Malmgren met with Mark, who has turned the agreement discussions over to Bryon Wentzlaff.

#### **Public Hearing**

##### **Proposed 2021**

##### **Budget**

Director Malmgren formally opened the public hearing regarding the proposed 2020 amended budget and 2021 budget at 9:38 a.m.

Hearing no public comment, the budget hearing was recessed at 9:40 a.m. and will reconvene at the November 20, 2020 meeting.

#### **New Business**

##### **Rate and Fee**

##### **Increases**

Water and sewer rates will be increased in 2021 by 3%. The District is hiring an outside firm to review rates. Director Malmgren is supportive of staff but would appreciate any attempts to lower the water rates. Mr. Martin stated the District will complete capital projects in the next few years and then rates should be reduced, pending any new requirements from the State. Mr. Martin is hoping to push the rebuild of the sewer treatment plant to 2036/2037. Mr. Reis stated homeowners are concerned with water costs and would appreciate any attempt to maintain or reduce water rates. Mr. Weaver reported after the bonds are paid off, rates could possibly go down. Mr. Reis stated there are concerns with the overall economy and how it will affect the budget in future years. Director Malmgren believes the District should move forward with the 3% increase in 2021 and look at reducing the increase in future years.

#### **Terminate Length**

##### **of Services Awards**

##### **Program**

Resolution 2020-08 to terminate Length of Service Awards Program was presented. The District has been working with VFIS to resolve administrative items. With funds mostly dispersed, the process is proceeding. Mr. Weaver reported with the drop in interest rates, it could cost the District an additional \$20,000 if the funds are not dispersed by the end of the year. Mr. Webinger is working on completing paperwork from one prior volunteer and the beneficiary for another volunteer. Upon motion made by Director Reis and seconded by Director Steele it was unanimously

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**AGREED** at adopted Resolution 2020-08, a resolution terminating the Length of Service Awards Program

#### **Joint Training Facility**

**Agreement** The First Amendment on the Joint Training Facility was presented. The Agreement was originally formed with District and the other entities. This agreement is contingent on successful inclusion of Copper Mountain into the Lake Dillon Fire District. Upon motion duly made by Director Broughton and seconded by Director Steele it was unanimously

**AGREED** to approve the First Amendment to the Joint Training Facility Agreement, contingent on the inclusion question being approved by Copper Mountain property owners.

#### **SCFPA**

**Agreement** The First Amendment to Agreement Governing the Summit County Fire Protection Authority that would remove the District from the original Agreement was presented to the Board. The District's interest would be conveyed to Red White and Blue and Lake Dillon Fire Departments, if the inclusion question passes. Director Broughton would no longer represent District if the Amendment passes. Director Broughton stated Lori Miller will represent the District well. Upon motion made by Director Broughton and seconded by Director Steele it was unanimously

**AGREED** to approve the First Amendment to Agreement Governing the Summit County Fire Protection Authority, contingent on the inclusion question being approved by Copper Mountain property owners.

Mr. Weaver left the meeting at 10:05 a.m.

#### **Staff Updates**

Director Malmgren questioned the execution of the funding agreement. It was reported it will be executed today.

Director Malmgren questioned when the sampling will resume. Rob Martin, Public Works Director, reported sampling will probably start within the week after staffing returns. The new mixing system at the Waste Water Plant was completed. Hydro Systems was awesome to work with and staff hopes to work with them on future projects. The backflow prevention program is being completed with a few remaining properties being updated. The District has the ability to charge penalties if new back-flow prevention devices are not installed, but Mr. Martin is hoping to avoid that process. Damaged and non-operational backflow devices have been replaced. The District has a little time from the State on some older backflows.

Eric Hookanson, the CATV Director is completing the project with other Copper projects being completed over the weekend.

#### **Executive**

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**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)(f) of the Colorado Open Meetings Law. The discussions are related to the District Manager’s 2020 Employee Performance Evaluation. 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.” Seconded by Director Reis. 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 10:15 a.m., and the Board will go into executive session.”

**Return to Open Session** Director Malmgren stated, “The time is now 10:23 a.m., and the executive session has been concluded. The participants in the executive session were Thomas Malmgren, Ben Broughton, David Steele, Jim Reis and Bryan Webinger.

“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 to coordinate his evaluation with Directors Broughton and Steele prior to the November Board meeting.

**Meeting Schedule** The next Regular Board Meeting is scheduled for November 20, 2020 at 8:30 a.m. via Zoom Meeting.

**Adjournment** There being no further business to come before the Board, by motion duly made by Director Reis and seconded by Director Broughton, 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 23rd day of October 2020, at 10:25 a.m.

Respectfully Submitted,

BY: Thomas J. Malmgren

Thomas J. Malmgren  
President of the District

ATTEST: David Steele

David Steele  
Secretary of the District