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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 29, 2021

A Regular Meeting of the Board of Directors of the Copper Mountain Consolidated Metropolitan District, Summit County, Colorado was held on October 29, 2021 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:

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

Staff in attendance was:

- Bryan Webinger, District Manager
- Rob Martin, 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 (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 October 29, 2021 at 8:30 a.m. noting a quorum was present.

### **Old Business**

#### **Minutes**

The Board reviewed the minutes of the September 24, 2021 Regular Board Meeting. Upon motion duly made by Director Broughton and seconded by Director Reis it was unanimously

**AGREED** to approve the minutes of the September 24, 2021 Regular Board Meeting with correction on lines 45 and 49.

### **Community Updates**

Peter Siegel, Copper Mountain Resort Association Executive Director, reported that they have not heard from CDOT since their September meeting. The Resort Association is shifting from summer/fall to winter and is focusing on repairing, replacing, and adding signage. The final road report is complete and will be distributed to the District Board and staff. Bryn Webinger, District Manager, commented that the county mentioned providing Copper/CMCMTD about \$13,000 annually from highway user tax funds to assume maintenance responsibility for the roads although they still have not delivered a proposal. CMCMD currently pays for enhanced services from the county in the winter. The county is supposed to be responsible for year-round preventative maintenance, but they are not doing

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it. A meeting with the county is tentatively scheduled in mid-January. Overflow parking passes for homeowners and guests are available at the Transportation Center. The Parks and Recreation Master Plan proposal will be distributed to the Resort Association Board for approval. All POLA, Village at Copper and Resort Association Board positions were uncontested. Copper Mountain Resort will require that all employees be vaccinated. The Resort Association would like to require the same and is having their attorney review a policy. Mr. Webinger reported that nine of ten District employees are vaccinated. Missy Stabile, Clerk-Treasurer, secured 96 COVID tests for District employees.

### **Public Comment**

#### **and**

#### **Concerns**

No public comments and concerns.

#### **Financial**

The September 30, 2021 financial report and preliminary 2022 budget was prepared by Marchetti & Weaver and provided to the Board for review prior to the meeting.

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

**AGREED** to receive the September 30, 2021 Financial Statement and cash disbursement reports as presented.

### **Amended 2021 and Proposed**

#### **2022 Budget**

Eric Weaver, Marchetti & Weaver, reported that the District will amend the 2021 Cable and Internet budget. HR Green provided a financial model to help estimate the 2022 Cable and Internet budget. District staff will propose a 2% increase in Water and Sanitation fees. There will also be additional Water and Sanitation revenue from the A-Lift project. The 2022 budget assumes that the SFE mill levy will pass. If it does, the 2022 budget proposes an additional 4.0 mill temporary mill levy reduction plus a the already forecasted temporary voluntary reduction of 3.25 totaling a 7.25 mill reduction. This will leave the District with 15 mils and a ~\$700,000 increase in revenue. Mr. Weaver recommends paying off both fire apparatus in 2022 and the Board is in favor. The Board requested that Mr. Webinger provide detailed 2022 salary information prior to the next Board Meeting.

#### **Recess**

#### **Meeting**

The Regular Meeting of the Board of Directors was recessed by Director Malmgren at 10:21 a.m.

#### **Reconvene**

#### **Meeting**

The Regular Meeting of the Board of Directors was reconvened by Director Malmgren at 10:30 a.m.

### **Amended 2021 and Proposed**

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### **2022 Budget**

#### **cont.**

Mr. Webinger reported that one new employee will be hired for Internet Services so the District can provide seven days of service. ResortInternet has proposed fees for cable television content, monitoring, call desk, and response services. The District will bill and collect fees for ResortInternet. The Board would like to see fees remain neutral for customers in 2022 while providing the same or better cable options and improved internet service.

### **Public Hearing Amended 2021 and Proposed 2022 Budget**

Director Malmgren formally opened the public hearing regarding the amended 2021 budget and proposed 2022 budget at 11:14 a.m.

Hearing no public comment, the budget hearing was recessed at 11:15 a.m. and will reconvene at the December 3, 2021 meeting.

### **New Business Rate and Fee**

#### **Increases**

The District is recommending a 2% increase in Water and Sanitation fees in 2022. Additional changes to the rate structure include backflow noncompliance fees will be charged quarterly and the District personnel billable hourly rate will be increased to \$100 per hour. The fees and rate structure will be finalized at the at the December 3, 2021 meeting.

### **Staff Updates**

Mr. Webinger reported that Snowbridge Square Unit 209 is listed for \$269,000 plus commission. It is a two-bedroom 1 bathroom deed restricted employee occupied unit, similar to other District owned properties. An offer of \$255,000 without commission was accepted. Some flooring and bathroom work will be necessary.

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

**AGREED** to authorize the District Manager to enter into a contract to purchase Snowbridge Square Unit 209 at \$255,000 without commission with 4 Board Members in favor and Director Malmgren abstaining.

Mr. Webinger reported that he is waiting for legal comment on the responsibility of the utility service lines for Lewis Ranch lots 24 and 25. Mr. Martin will request a quote from Stan Miller so that the District is prepared if need be.

Rob Martin, Public Works Director, reported that there is a water loss issue that has not been identified. Unmetered construction water and bulk water account for some volume loss but not all of it. The discrepancy between what is produced and what is coming back into the plant is significant. A meeting is scheduled in December with representatives from Tucker Mountain to discuss water quality. The District has

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always been in compliance for water quality and does not believe the issues at Tucker Mountain stem from the Districts water quality or chemistry.

Water rights for wells is still being investigated. Mr. Webinger is working with District counsel to see if other water rights can be transferred.

Two District fire hydrants are still nonoperational. Necessary parts have not arrived and may be months before they do.

The Board requested that Mr. Martin provide them with copies of the Risk & Resilience Report and the Emergency Response Plan.

#### **Other Business**

No other business to come before the Board.

#### **Meeting Schedule**

The next Regular Board Meeting is scheduled for December 3, 2021 at 8:30 a.m.

#### **Recess Meeting**

The Regular Meeting of the Board of Directors was recessed by Director Malmgren at 12:33 p.m.

#### **Reconvene Meeting**

The Regular Meeting of the Board of Directors was reconvened by Director Malmgren at 12:40 p.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)(f) of the Colorado Open Meetings Law. The discussions are related to the District Manager’s 2021 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 Broughton. 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 12:41 p.m., and the Board will go into executive session.”

#### **Return to Open Session**

Director Malmgren stated, “The time is now 1:22 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, 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

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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 execute changes and adjustments to the budget as discussed and based upon the Board’s guidance.

**Adjournment**

There being no further business to come before the Board, by motion duly made by Director Broughton and seconded by Director Sprinkle, 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 29<sup>th</sup> day of October 2021, at 1:24 p.m.

Respectfully Submitted,

BY:           *Thomas J. Malmgren*          

Thomas J. Malmgren  
President of the District

ATTEST:           *David Steele*          

David Steele  
Secretary of the District