
RECORD OF PROCEEDINGS

Minutes of the Regular Meeting of the Board of Directors Copper Mountain Consolidated Metropolitan District February 25, 2022

A Regular Meeting of the Board of Directors of the Copper Mountain Consolidated Metropolitan District, Summit County, Colorado was held on February 25, 2022 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 (by phone)
- Rob Martin, Public Works Director
- Ed Pankevicius, Chief Plant Operator
- Eric Hookanson, Cable & Internet Services
- Missy Stabile, Clerk-Treasurer (by phone)

Also in attendance was:

- Eric Weaver, Marchetti & Weaver (by phone)
- Peter Siegel, Copper Mountain Resort Association Executive Director
- Bryon Wentzlaff, ResortInternet (by phone)
- Tim Flynn, Collins Cole Flynn Winn & Ulmer (joined Executive Session 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 February 25, 2022 at 8:30 a.m. noting a quorum was present.

Old Business

Minutes

The Board reviewed the minutes of the January 28, 2022 Regular Board Meeting and the February 14, 2022 Special Board Meeting. Upon motion duly made by Director Broughton and seconded by Director Sprinkle it was unanimously

AGREED to approve the minutes of the January 28, 2022 Regular Board Meeting with correction on line 89 and to approve the minutes of the February 14, 2022 Special Board Meeting as presented.

Community Updates

Peter Siegel, Copper Mountain Resort Association Executive Director, reported capital expenditures include replacing old street light fixtures with new ones. Street names in East Village will be renamed. Signage is being updated where needed. There will be a merger meeting on March 14, 2022 to focus on the makeup of the Board and membership categories.

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Public Comment

and

Concerns

No public comments and concerns.

Financial

The January 31, 2022 financial report was prepared by Marchetti & Weaver and provided to the Board for review prior to the meeting. Eric Weaver, Marchetti & Weaver, reported that there are two major variances in the budget. The first variance is a technical issue with Water and Sanitation payroll. The budget will be updated and resubmitted to the state. The second variance is due to coding issues in Cable and Internet expenses. Once new codes are created, the expenses will be recoded.

Mr. Weaver suggested that Cable and Internet services for quarters one and two be billed as soon as possible and that quarter three be billed in advance. We need to get back on track on not bill in arrears.

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

AGREED to receive the January 31, 2022 Financial Statement and cash disbursement reports as presented.

New Business

Election

Update

Melissa Stabile, Clerk-Treasurer, reported that the District received three self-nominations for the two available Board positions. The candidates are Ben Broughton, Kim Casey, and Stan Sprinkle. The District will proceed with a mail-ballot election. The Mail Ballot Plan was submitted for review and will be posted on the District website.

Resolution

2022-03

The 2022 CATV & HSIS Fee and Penalty Schedule was fine-tuned and updated for approval, however, the version provided for review did not include the updated resolution.

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

AGREED to approve the 2022 CATV & HSIS Fee and Penalty Schedule as amended and with the removal of the irrelevant last paragraph.

The associated resolution 2022-03 will be presented at the next Board meeting for adoption.

Staff Updates

Bryan Webinger, District Manager, reported that he is still not clear about the Lewis Ranch utility easements. The Board requested that Mr. Webinger reach out to District counsel and ask if his findings have been reviewed. They requested that

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correspondence and communications be documented. They also requested that Mr. Martin contact a contractor to be prepared but do not sign any contracts or authorize any work.

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 for the purpose of receiving legal advice on specific legal questions concerning the District Manager. Those present at the outset of the executive session shall be members of the Board of Directors as present at this meeting and Tim Flynn.” 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 10:01 a.m., and the Board will go into executive session.”

Return to Open Session

Director Malmgren stated, “The time is now 10:52 a.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 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.”

Executive Session Action

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

AGREED to authorize legal counsel to implement actions discussed in Executive Session.

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

AGREED to reschedule the grievance hearing for March 11, 2022 at 9:00 a.m. in the Metro District meeting room.

Other Business

No other business to come before the Board.

Meeting Schedule

The next Regular Board Meeting is scheduled for March 25, 2022 at 8:30 a.m.

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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 25th day of February 2022, at 10:55 a.m.

Respectfully Submitted,

BY: Thomas J. Malmgren

Thomas J. Malmgren
President of the District

ATTEST: David Steele

David Steele
Secretary of the District