

CROSS CREEK METROPOLITAN DISTRICT
MINUTES
REGULAR BOARD MEETING
Thursday March 17, 2016, 12:00 pm

The regular meeting of the Board of Directors of Cross Creek Metropolitan District was held Thursday, March 17, 2016. Board members met at 711 N. Cascade Avenue, Ste 100, Colorado Springs, CO 80903.

Board members present: Don Smith, Gerry Martinez and Pat Skinner
Also present: Pete Susemihl, Elise Bergsten and Jennifer Kelly
The meeting was convened at 12:04 pm.

Minutes

A motion to accept the minutes of February 2016 was made by Gerry Martinez, seconded by Pat Skinner, and approved unanimously.

Developer Update – none

Legal Report – Pete Susemihl – none

Financial Report

Proposed payments for February are as listed below:

Regional Park Fund:

FF Investments	\$ 36,000.00
Total:	\$ 36,000.00

General Fund:

BMSC	\$ 5,219.46
FMIC	\$ 1,292.00
Land Management LLC	\$ 8,870.00
Susemihl, McDermott & Cowan	\$ 906.30
Total:	\$ 16,287.76

The payment to FF Investments of \$36,000 will pay the balance due one year ahead of schedule. Paperwork is also included to complete a transfer from the General Fund to the Capital Projects fund. A cover letter detailing the final payment and agreement satisfaction will accompany a transfer of the shares to the City of Fountain.

A motion to approve bill payments as discussed was made by Gerry Martinez, seconded by Pat Skinner, and approved unanimously.

Manager Report

Operations/Maintenance

Elise is meeting with representatives from the Mile High Youth Corp to discuss tamarisk removal that should be done in the spring.

A motion to cap tamarisk removal costs at \$10,000 was made by Don Smith, seconded by Gerry Martinez, and approved unanimously.

Regarding the Landscape Maintenance request for proposals; Elise described actions taken towards gathering proposals in the last month, and stated that the exercise had been extremely

valuable and educational. After emailing RFP documents, she did site visits with three vendors: Robertson's Landscaping, Timberline, All Original Landscaping and spent an hour or more with each, driving the district and describing landscape maintenance duties. A spreadsheet that compares the proposals is included with the director's packet and as an attachment to these minutes. Don and Elise talked several times over the last month, discussing the Scope of Work, and ways to attempt to ensure that we are comparing like proposals.

Robertson's Landscaping was the high bid at \$166,272 for the year. They have already been notified that they were not selected, since their bid was so much higher than the others. Timberline Landscaping was next at \$125,136. All Original was low bidder at \$94,920. Land Management's bid is \$114,000. Mike had currently been charging \$106,440 as a base fee. The 2016 Budget is \$109,362; with an additional budget for repairs totaling \$40,000: \$20k each for Metro District and Regional Park. Last year, repairs were under budget by \$18,361. Water was also under budget by \$19,068. CCMD should be okay financially to accept any of the lowest three of four proposals.

Elise's recommendation was to stay with Land Management's services. She also mentioned Mike Rothe's willingness and cooperation to assist with scope development.

Directors discussed the proposals and quickly ruled out Timberline. A lively discussion ensued, weighing the values of the two lowest proposals. Generally, the following points were made:

Don Smith

- Don recommended choosing All Original Landscaping.
- Don felt that we have a responsibility to choose the lowest estimate.
- All Original owns all their equipment straight out.
- Don thinks Mike is managing us, rather than the other way around.
- Don thought there were irregularities in Mike's proposal (Mike had priced the work at full price, and then discounted his proposal. Elise did not initially provide directors with the additional document that Mike had provided showing discounts for both Metro District and Regional Park proposals).
- All Original would be easier to manage and grateful for the work.
- They would be held to their estimate by the contract. If they cannot do the job for that amount, that is their problem.
- If we don't choose the low estimate, we will have trouble getting companies to give estimates in the future.

Pat Skinner

- Pat recommended choosing Land Management.
- The value of Mike's history and experience with the District is highly valuable.
- We know that Mike can do the job for this amount.
- We know that Mike is dependable and responsive to emergency needs. He has a history of responsiveness even on weekends and at night.
- These values outweigh the monetary savings possible with All Original.
- All Original's labor price of \$20 per hour seems too low to be sustainable.

Gerry Martinez

- Gerry recommended choosing Land Management.
- Gerry echoed Pat's comments.
- He added his personal experience working with Mike on behalf of Cross Creek BMX, and Mike's ease to work with and responsiveness, often on weekends.

The District's Attorney echoed the recommendation to stay with Land Management.

A motion to keep Land Management LLC's services, under a new contract, was made by Gerry Martinez, and seconded by Pat Skinner.

Don insisted on continuing to discuss the matter, and refused to bring it to a vote. Twice during the ensuing discussion, Pat and Gerry confirmed that they were voting for Land Management. Don was invited to provide a minority opinion for the minutes.

Pete Susemihl later confirmed that he considered the vote to be taken and the motion approved.

Old Business: none

New business: BMX paperwork has been transferred back to Gerry Martinez who plans to move forward sometime in May.

The meeting was adjourned at 1:31pm.

Respectfully submitted by

A handwritten signature in blue ink that reads "Elise M. Bergsten". The signature is written in a cursive style with a horizontal line under the name.

Elise M. Bergsten, Acting Secretary