

**CROSS CREEK METROPOLITAN DISTRICT  
MINUTES  
BOARD MEETING**

Thursday June 20, 2019 12:00pm

A meeting of the Board of Directors of the Cross Creek Metropolitan District was held June 20, 2019. Board members met at Cross Creek Church, 1320 C & S Rd, Fountain, CO 80817.

Board members present: Detra Duncan, Greg Hanus, Pat Skinner and David Hamilton  
Others present: Elise Bergsten, Pete Susemihl, Jennifer Kelly  
Excused: Gerry Martinez

The meeting was convened at 12:37 pm.

**Consent Calendar**

- **Meeting Notes May 2019**
- **Financial Reports June 2019**
- **Proposed Bill Payments June 2019**

**General Fund:**

BMSC	\$ 5,403.76
City of Fountain Utilities	\$ 5,545.97
David Rudin	\$ 75.00
Haynie & Co	\$ 2,800.00
Land Management LLC	\$ 11,620.00
Special District Association	\$ 90.00
Susemihl P.C	\$ 2,573.75
Board Stipend/Payroll Taxes	<u>\$ 538.25</u>
<b>Total:</b>	<b>\$ 28,646.73</b>

*A motion to approve the Consent Calendar for June 2019 was made by David Hamilton, seconded by Greg Hanus and approved unanimously.*

**Legal Report – Pete Susemihl**

Regarding Mesa Ridge Metro Districts (MRMD): Pete had emailed and spoken with Tim Siebert. Pete has now received a letter from MRMD’s attorney, Russ Dykstra. Russ states that MRMD doesn’t owe, because they didn’t receive invoices as discussed, they don’t have the resources because they aren’t built out, and that the agreement is subject to annual appropriation. Pete countered with a letter stating CCMD’s view, and Russ responded, saying that he would take the issue to the next board meeting and get back to us. Pete suggested binding arbitration in lieu of going to court but stated that CCMD is ready to file a complaint if necessary.

Elise discussed this issue and CCMD history with Scott Trainor, Brandi Williams and Fountain attorney Troy Johnson last week. Mr. Trainor informed her that MRMD has initiated plans for future development east of the park, which may mean they will be differently motivated than in the past. Pete asked Directors if they are in consensus to file a complaint if MRMD doesn’t respond to requests for a meeting, binding arbitration or mediation. The City of Fountain could be listed as a party, since they are an IGA partner. Pete and Elise recommend a settlement regarding the calculation of the Tax Equivalent Maintenance Fee. Pete will give the board a cost estimate of the options given.

*Directors were in consensus that Pete move ahead with legal action as needed.*

**Manager Report – see packet**

- Payroll taxes are now being paid monthly through EFTPS, an IRS electronic payment portal. This facilitates the timely payment of 941 taxes.
- Elise suggests moving some of the money reserved for Hale into a CD at the bank to increase the amount of interest received.

*A motion to approve a transfer of \$700,000 of Hale funds into a CD as discussed was made by Pat Skinner, seconded by Detra Duncan and approved unanimously.*

- Bird hike is this weekend.
- Downtown Electric has been contacted regarding the restroom/pavilion lights not working.
- They will also give us a bid on other potential projects including parking lot lights, pump house, solar, etc.
- Snack Shack drainage. Pat and Elise did a site visit just before the meeting. It appears that the outlet isn't going into the detention pond but down CCMD's access road to the creek on the other side of the detention pond, which is already showing damage and erosion. One option the city offered is to move the access road to another location. Mr. Hamilton suggests getting the water tested now and then test periodically to set a baseline, in case we need to prove chemical contamination. Elise would like to consult with Rich Wray (Kiowa Eng) regarding the issue. She will also consult with Don Smith. Directors were in consensus.
- Land Management has given estimates on three of the pocket parks for mulch replacement as well as minor landscaping additions. Directors discussed options.
- Fountain Mesa Blvd conversion project cost estimate will be received soon. Plans and timelines were shared with Directors.
- During the meeting with Fountain, Brandy Williams expressed concerns about new rules and drainage criteria that might affect the current plan. She's sure the current plan will no longer be viable. Elise will schedule a meeting with Steve Smith from Applegate and Brandy Williams on how best to move forward.

**Old Business**

None

**New business**

None

The meeting was adjourned at 1:36 pm.

Respectfully submitted by

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Jennifer Kelly, Acting Secretary