

**CROSS CREEK METROPOLITAN DISTRICT
MINUTES
BOARD MEETING**

Thursday February 17, 2022, 12:00pm

A meeting of the Board of Directors of the Cross Creek Metropolitan District was held on February 17, 2022. Board members met at Cross Creek Church, 1320 C & S Rd, Fountain, CO 80817.

Board members present: Pat Skinner, Gerry Martinez, and Kim Hittle

Excused: Greg Hanus, Teresa Cain

Others present: Elise Bergsten, Laurel Bergsten, Pete Susemihl, and Gary Barber

The meeting was convened at 12:07 pm.

Consent Calendar (see packet)

Items were removed from the Consent Calendar, as several items had changed since reports were sent to the directors. Bill payments and financial reports were reviewed.

Elise reviewed the Profit and Loss Budget Vs. Actual report as compared to the Cash Flow Report used in 2021. Board Members liked the format of this report.

A motion to approve the prior month's meeting notes, bill payments and financial reports was made by Kim, seconded by Pat and approved unanimously.

Legal Report – Pete Susemihl

Pete reported that at the time of the meeting there had been no nominations for the CCMD board, with eight days remaining to nominate, meaning there may not be a need for an election this year.

Manager Report- Elise Bergsten

Stormwater meetings with Brandy Williams and Ben Sheets have continued. They claim that any time that “clean” water has mixed with “dirty” water, it is all considered dirty and must be treated with full spectrum detention for water quality. At this time, the water coming from outside CCMD boundaries is untreated or not treated enough. They are saying that we are responsible for cleaning that water. The triggering event is that we are doing this Hale Reservoir project. The places where the water is coming from are not being held accountable retroactively.

This issue may interfere with the funding Intergovernmental Agreement (IGA), which has some stormwater language.

Elise found a lawyer, Jane Fredman, who would be able to work on stormwater specific issues.

Other developments where this water is coming from have agreements that deal with volume of water, but not the quality of the water. Treating the quality of water is a new standard, which is why this issue has come up.

There is question as to whether a metro district has the fiduciary authority to treat water from outside the district.

Fountain can take ownership of the park at any time but would lose the mill levy that pays for maintenance.

There could be a feasibility study that examines all the options.

Elise demonstrated on a map the range of stormwater treatment that is proposed for treatment in the Hale project, current treatment areas, and where treated water is mixing with untreated water.

Gary demonstrated the old plan for the project, and several new options.

This issue puts us into a holding pattern until we determine what we are responsible for and how to accomplish that.

A motion to approve the use of the lawyer Jane Fredman was made by Gerry Martinez, seconded by Kim Hittle and approved unanimously.

A motion to conditionally pre-approve the IGA and funding package based on committee decision to recommend approval was made by Pat Skinner, seconded by Gerry Martinez and approved unanimously.

A motion to engage Applegate's services to conduct a feasibility study was made by Gerry Martinez, seconded by Pat Skinner, and approved unanimously.

A motion to approve the scope of services for installation of gages to monitor flows for Hale Reservoir was made by Gerry Martinez, seconded by Kim Hittle and approved unanimously.

Elise and Greg agreed to let the BMX track install a shipping container shed. i9 Sports has been pushing for a storage shed that people renting the park can use. CCMD could consider a shipping container shed as well for this use.

Garret with the BMX track has been hoping to install split rail fencing around the track. CCMD has agreed to five thousand dollars in improvements to the BMX track, so this would fill that commitment. The board agreed that idea sounded okay.

Kim emphasized the importance of signage and pointed out that signs have been damaged, and there are areas where signage is lacking, particularly the "No motorized vehicles," sign. Kim informed the board that there had been a person with a snowmobile on the multiuse field.

The meeting was adjourned at 1:02 pm.

Respectfully submitted by

Laurel Bergsten, Acting Secretary