

**CROSS CREEK METROPOLITAN DISTRICT
MINUTES
REGULAR BOARD MEETING
Thursday, January 16, 2014 12:00 pm**

The regular meeting of the Board of Directors of Cross Creek Metropolitan District was held Thursday, January 16, 2014. Board members met at 711 S. Cascade Avenue, Ste 100, Colorado Springs, CO 80903.

Board members present: Don Smith, Pat Skinner and Chuck Mayville
Excused: Karl Pfamatter
Also present: Pete Susemihl, Elise Bergsten, and Jennifer Kelly

The meeting was convened at 12:04 pm.

A motion to accept the minutes of November 2013 as well as excuse Karl Pfamatter was made by Chuck Mayville, seconded by Pat Skinner, and passed unanimously.

Developer Update

Elise shared a drawing from MRMD showing that they are developing east of the park and extending Cross Creek Avenue. Plans for a new Chick-Fil-A to go in near the new Noodles were received today.

Legal Report – Pete Susemihl

Gas Pipeline Easement

Pete discussed the current easements, their history and allowances. Don believed that the Hibbard easement had been redone a few years ago. Pete also discussed the wording used with the agreement with Magellan which states that CCMD gives Magellan an indemnification for any damages that may occur. Elise will schedule a conference call for 1/17/14 to include Pete, Steve Smith and Mike Applegate. Elise will also investigate whether a survey was done or if the SEO's requirement is valid. Directors discussed possible alternatives and solutions.

2013 Audit

Haynie and Company have been designated to perform 2013 audit services.

Financial Report

Bills paid in December are as listed below:

General Fund:

BMSC	\$ 5,052.83
City of Fountain Utilities	\$ 37.62
Land Management LLC	\$ 8,870.00
Susemihl, McDermott & Cowan	<u>\$ 800.00</u>
	\$ 14,760.45

Park Fund:

Applegate	<u>\$ 16,830.59</u>
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Total Bills Paid:	\$ 31,591.04
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Proposed January payments are as listed below:

General Fund:

BMSC	\$ 4,985.00
City of Fountain Utilities	\$ 34.89
CO Special Districts	\$ 4,034.24
Land Management LLC	\$ 8,870.00
Special District Association	\$ 556.83
Susemihl, McDermott & Cowan	\$ 800.00
	\$ 19,280.96

Park Fund:

Applegate	\$ 1,443.74
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Total Bills Paid: \$ 20,724.70

Don and Pat signed the checks from December bills as the board did not have a December meeting.

A motion to approve bill payments from December and January as presented was made by Chuck Mayville, seconded by Pat Skinner, and approved unanimously.

The EPC Treasurer's office is changing to electronic direct deposit of funds, and they need a letter of authorization signed by a director in order to make that shift. FYI, the Conservation Trust Fund payments are also deposited electronically, to the Capital Fund.

CWCB grant funds have also been direct-deposited to the Capital Fund, and need to be moved to the Park Fund, along with the most recent payment from Mesa Ridge. A transfer of \$37,761.80 will correct fund balances. Once made, the Regional Park account will still need additional funds in order to pay approved bill payments as listed above. A transfer of \$7,500 from General Fund to Regional Park Fund would cover bill payments and the minimum balance required to avoid monthly bank service charges.

A motion to transfer funds as described above was made by Chuck Mayville, seconded by Pat Skinner, and approved unanimously.

Manager Report – Elise Bergsten

Hale Reservoir – Final Design and Permitting

The original grant budget was for \$170,000 with \$50,000 from CCMD, \$34,808.30 of which has been paid thus far. The remaining \$120,000 was from the CWCB grant, \$56,735.50 of which has been paid. Elise will make another grant draw before the next board meeting.

Elise is working with MRMD to get a better projection of what to expect from MRMD for drainage and park use fees in 2014.

Drainage Fee IGA – Park Plan – Augmentation Agreement

Mesa Ridge's attorney has requested one more edit then this will go back to Fountain for final approval. All parties are ready to move forward with the agreement after Fountain's approval. The major change to the augmentation agreement states that the agreement can be cancelled if work is not performed within two years. Elise would like to see a longer timeline as it could cause unnecessary stress and cause emergency extensions and grants otherwise. A Water Supply Reserve Account grant/loan combination is the most likely funding source for the construction of

Hale Reservoir. Because of emergency grants and loans that were given to flood affected entities this fall and winter, Elise would like to aim for construction in 2015 rather than 2014.

Cross Creek BMX

Gerry Martinez and CC BMX would like to make significant improvements, including a track rebuild that would not expand the track but reconfigure it and a storage/concession building adjacent to the track. Because of O&M savings in CC Regional Park, there might be funds that could be freed up to contribute to BMX improvements. Elise will conduct a site visit with Elaine Kleckner tomorrow, to explore the possibility of El Paso County Urban Park Grant funding.

Directors discussed possible improvements, and asked for a written proposal, including possible building design, to be kept under the 120 sf building permit limit.

Metro District

The Pulte Fund currently has \$22,951.45 available to spend on pocket parks. Elise recommends that those improvements be completed in 2014.

Old Business

New business

Chuck Mayville announced his resignation from the CCMD board, effective immediately, due to health concerns. Chuck's resignation means that a quorum of two out of three board members will be required. Gerry Martinez has expressed his willingness to serve as a board member, but he may have a conflict with the meeting day and/or time. Don and Pat expressed a willingness to move the meeting, as long as meetings are not held in the evening.

The meeting was adjourned at 1:00pm.

Respectfully submitted by

Elise M. Bergsten, Acting Secretary