

**CROSS CREEK METROPOLITAN DISTRICT
MINUTES
REGULAR BOARD MEETING**

Thursday, February 20, 2014, 12:00 pm

The regular meeting of the Board of Directors of Cross Creek Metropolitan District was held Thursday, February 20, 2014. Board members met at 711 N. Cascade Avenue, Ste 100, Colorado Springs, CO 80903.

Board members present: Don Smith, Pat Skinner

Also present: Gerry Martinez, Pete Susemihl, Elise Bergsten, and Jennifer Kelly

The meeting was convened at 12:15 pm.

Minutes

Pat Skinner suggested an amendment to the January 2014 minutes.

A motion to accept the minutes of January 2014 as amended was made by Pat Skinner, seconded by Don Smith, and passed unanimously.

A motion to excuse Karl Pfamatter from this meeting as well as accept the formal resignation of Chuck Mayville as a board member was made by Don Smith, seconded by Pat Skinner, and passed unanimously.

A motion to appoint Gerry Martinez as a board member was made by Pat Skinner, seconded by Don Smith, and passed unanimously.

Gerry will fill the seat vacated by Kevin Walker, and will run for a four (4) year term in May 2014. To accommodate Gerry's schedule, monthly meetings will be moved to 11:00 am on the third Thursday of each month, beginning in March. Lunch will be provided. Directors agreed to add Gerry as a signer on district bank accounts.

Developer Update - none

Legal Report – Pete Susemihl

Pete and Elise participated in a phone conference with Mike Applegate and Steve Smith regarding the gas line issue. Pete gave Applegate suggested language for the indemnification as follows: "Pursuant to the Colorado Governmental Immunity Act, and without waiving the provisions of the same."

Mike Applegate convinced Pete and Elise that the SEO would not approve the board's suggestion regarding spillway design. Directors discussed the details of the change order and work authorization. Concern about letting Magellan manipulate the district was expressed. The extra work for gas line design and coordination brings the project total budget to \$179,470; and additional \$9,470.

A motion to approve the change order was made with the qualifying statement that CCMD will not be pressured or blackmailed by the gas line company was made by Don Smith, seconded by Pat Skinner and passed unanimously.

Financial Report

Proposed payments are as listed below:

General Fund:

BMSC	\$ 5,034.21
City of Fountain Utilities	\$ 1,850.00
FMIC	\$ 1,178.00
Land Management LLC	\$ 8,870.00
Susemihl, McDermott & Cowan	\$ <u>1,680.00</u>
Total:	\$ 18,612.21

Regional Park Fund:

Applegate Group	\$ 1,722.50
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Elise suggested holding the Applegate invoice until next month's meeting, expecting a grant draw to be received in the meantime. Funds in the Regional Park account are sufficient to pay this invoice, but payment would cause the account to fall below the minimum balance required to avoid service charges. Don proposed signing the check for Applegate today with the understanding that Elise will delay mailing it until she thinks it should be paid.

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

Elise shared a cash flow spreadsheet for each of the accounts which will be included in future board packets. The worksheets show actuals to-date as well as projected and budgeted numbers.

Manager Report

Augmentation Agreement

Next up, a meeting with Doug Hollister, Water Commissioner; Curtis Mitchell, Gary Barber and Elise.

Cross Creek BMX

Elise toured the BMX site with Elaine Kleckner who thinks it is a good fit for an EPC Urban Park Grant. A proposal and cost estimate for improvements was included in the board packets. The top priority for CC BMX is a track rebuild. Don Smith suggested funding the rebuild now and looking at the other items at a later date.

A motion to release \$3,000 to rebuild the BMX track was made by Don Smith, seconded by Pat Skinner and passed unanimously.

2013 Audit

The Audit Engagement letter has been signed and returned to Haynie and Company, and audit field work has been scheduled for May 21st & 22nd. Pete asked whether CCMD should file an audit exemption instead of having a full audit. Elise will check the CWCB grant contract to ensure that an audit is not required by those terms.

Old Business

None

New business

None

A motion to adjourn was made by Pat Skinner, seconded by Don Smith, and approved unanimously.

The meeting was adjourned at 12:55pm.

Respectfully submitted by

Elise M. Bergsten, Acting Secretary