

**CROSS CREEK METROPOLITAN DISTRICT
MINUTES
BOARD MEETING**

Thursday March 21, 12:00 pm

A meeting of the Board of Directors of the Cross Creek Metropolitan District was held on March 21, 12:00 pm. Board members met at Cross Creek Church, 1320 C & S Road, Fountain, CO 80817.

Board members present: Kim Hittle, Teresa Cain, Lamont Spear

Board Members, Excused: Gerry Martinez

Others present: Elise Bergsten, Brittany Fechko

The meeting was convened at 12:10 pm.

Legal Report

Cross Creek Metro District directors and staff would like to recognize Pete Susemihl for all he has done for the Cross Creek Metropolitan District. Pete Susemihl was legal counsel for Cross Creek as it was formed on July 8, 2003, and has been legal counsel ever since. Pete Susemihl helped the district through its early growing pains, from its being a developer-controlled district to a homeowner-controlled board of directors. We thank him for his guidance and assistance over the past 20 plus years.

A motion to terminate the services of Susemihl, McDermott & Downie as legal counsel for the Cross Creek Metropolitan District effective immediately was made by Lamont Spear, seconded by Kim Hittle, and approved unanimously.

Consent Calendar (see packet)

A motion to approve the Consent Calendar was made by Teresa Cain, seconded by Lamont Spear, and approved unanimously.

Financial Reports (see packet)

- Points of interest in the packet: the district is still paying some bills from 2023.
 - Colorado Water Civil Contractors was paid this month for last summer's storm repairs.
 - Utility Support, LLC. (Curtis Mitchell) who was used as a consultant to lease the Fountain Mutual Water Irrigation shares.
 - Applegate was paid for 2 months for their 30% design for Hail Reservoir.
- \$100,000 was moved out of the General Fund to a Money Market Account (Hale Fund).

Manager Report - Elise Bergsten

- The website is continually being updated to meet ADA compatibility and new Colorado compliance rules.
- Cross Creek will be assigning all board members a public email address through Google Workspace.
- In the matter of replacing the Law Council of Pete Susemihl, Elise has consulted with White Bear Ankele Tanaka & Waldron (hereinafter referred to as WBA).
 - <https://whitebearankele.com/>

- This firm will assign a senior attorney, junior attorney, paralegal, and legal assistant to Cross Creek Metro District.
- WBA will prepare memorandums, agreements or other documents based on current legislative state and federal law concerns to the district.

A motion was made to engage White Bear Ankele Tanaka & Waldron as the district's general and special counsel, until such a time when the board feels it appropriate for a review. The motion was made by Teresa Cain, seconded by Lamont Spear, and approved unanimously.

- The district has received an updated PDPA number (Public Deposit Protection Act). Elise will help get the board members the correct signature cards.
- Hale Reservoir's pump station is at 30% design with the help of the subcontracting company RESPEC. The current estimate is \$470,000 + 20% contingency. This will benefit Cross Creek and the City of Fountain in the long run, by watering the field with non-potable reservoir water, instead of the city's potable water.
 - The new pump station will be controlled manually. Field irrigation water source will be variable, depending on reservoir water levels. This will require monitoring by existing landscape maintenance staff or a separate contractor.
 - Cross Creek has a \$100,000 grant from Colorado Water Conservation Board to help build the pump station.
 - The physical pump station will be a large concrete box placed on the east side of the reservoir.
- Ray Dunn is continuing to repair the gages in the reservoir and at C&S Road. They also need continuous weekly monitoring (measuring the water in the reservoir). He has quoted this at \$10,000 a year.
- Steve Smith from Applegate will use Ray's gage calculations to report monthly evaporative losses from the reservoir. His report is used by the Fountain Mutual Irrigation Canal Company, who releases water from Big Johnson Reservoir to replace the evaporative loss. This will also be an ongoing annual cost to the district (estimated at \$10,000). This work is what is laid out in our Substitute Water Supply Plan (SWSP), which is required by the Division of Water Resources.
- Monthly Piezometer tube readings will need to be taken. This measures general ground water levels.
- The park's lights need to have a scheduled update. We would like to prepare a written manual that can be referenced.
- The park has lost the partnerships from last years "Food Turck Fridays" and "Movie Nights". The board would like to explore the option of finding different sponsors and partnerships to continue these events. We would like to reach out to the commercial retailers included in the Metro District.
- The board thinks it would be appropriate to add "Park Rules" and "Attention Rattlesnake" signs on the south and east side of the reservoir.

The Meeting was adjourned at 1:25 pm.

Respectfully submitted by

Brittany Fechko