

**CROSS CREEK METROPOLITAN DISTRICT
BOARD MEETING NOTES**

Thursday August 15, 2024, 12:00 pm

A meeting of the Board of Directors of the Cross Creek Metropolitan District was held on August 15, 2024, at 12:00 pm. Board members met at Cross Creek Church, 1320 C & S Road, Fountain, CO 80817 and via teleconference.

Board members present: Kim Hittle, Teresa Cain, Lamont Spear
Others present: Elise Bergsten, District Manager; Tate Crosby, District General Counsel, Gerry Martinez

The meeting was called to order at 12:07 pm.

Declaration of Quorum/Conflict of Interest Disclosures

All three directors were present, so there is a quorum. In accordance with Colorado state statute, legal counsel has filed conflict of interest disclosures prior to this meeting. No additional disclosures were made at this time.

Approval of Agenda

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

Public Comment – Gerry Martinez

The state championship race will be this weekend. BMX would like some help with additional fencing to keep motorized vehicles off the track.

Consent Agenda (see packet)

- Approval of Minutes from the July 18, 2024 board meeting
- Proposed bill payments
- Financial Reports
 - Balance Sheet
 - Budget v. Actual

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

District Management/Financial Matters

- Bank Transfers that were budgeted for 2024 have all been made.
- Meeting with Applegate this afternoon to discuss 60% design, and the pump station design, which will cost more than was expected.
- The 2023 audit will be filed late. Working with auditor Eric Miller to get it prepared as soon as possible.
- Pointed out some budget overages, including gage maintenance included in storm repairs. Much of last year's storm repairs were not invoiced until just recently, and one of the gages was vandalized this year, resulting in more repair costs.
- The first of three picnic tables has been installed at Piper Pocket Park (Brook Valley & Bentwater).
- Website edits and updates are being made slowly. Have requested a page remediation to see how that works. Have attended another Streamline training.

- Discussed the replacement of Brittany Fechko. Her actual work in 2024 mostly was as community garden manager, meeting support, library and sandbox site checks, and park reservations. There are different categories of work that are needed: 1) park management: reservations, outreach, events, volunteer coordination. 2) Tech support regarding website, social media, security cameras, parking lot lights. 3) Administrative assistant: meeting support, administrative tasks.
 - Is another full-time person needed?
 - Should this person be a Balanced Management employee? Or an independent contractor for CCMD? Or a CCMD employee? Tate spoke about WBA requirements for employees and vendors.
 - Discussed actual candidates. Tate stated that family members of directors *are* allowed to work for the district – the possible conflict would just need to be disclosed by the director.
- SDA Conference is in Keystone September 10, 11 & 12. Kim and Lamont expressed interest in attending.
- One of the pocket park names had already been used in another park in the area. Directors were in consensus to re-name this park Blue Heron Park.

Legal Matters

- The Amended and Restated Service Plan was submitted by WBA to City of Fountain on August 8th. The provision limiting the district's ability to apply for grants and other governmental funding was removed. The City of Fountain required a \$1,000 submittal fee, plus a \$5,000 legal review deposit. Those payments are included in today's bill payments, and the check will be delivered to City of Fountain today, so as to expedite matters if possible.
- WBA will be ready to present to Fountain City Council by their September 24th meeting, and have made that request. City of Fountain responded that they may not be finished with the review in time for that meeting.
- Regarding the Demand Letter, requesting mediation around the IGAs, WBA received a cursory response noting that Nor'wood's attorneys had received the letter and would get back to us. WBA had not heard from City of Fountain yet either, but Elise heard from Scott Trainor that they are amenable to this method of moving forward.
- WBA recommends that the district wait until after the Amended Service Plan has been approved to move forward.
- Resolution Ratifying Prior Actions of the Board of Directors. In response to WBA's findings that Gerry Martinez was not an eligible director, this resolution ratifies and approves all prior board actions that were made while Gerry was an acting director.

A motion to approve the above-described Resolution Ratifying Prior Actions of the Board of Directors was made by Teresa Cain, seconded by Kim Hittle and passed unanimously.

A motion to adjourn the meeting was made by Kim Hittle, seconded by Teresa Cain and approved unanimously. The meeting adjourned at 1:11 pm.

Respectfully submitted by



Elise Bergsten