

**CROSS CREEK METROPOLITAN DISTRICT
BOARD MEETING NOTES**

Thursday October 17, 2024, 12:00 pm

A meeting of the Board of Directors of the Cross Creek Metropolitan District was held on October 17, 2024, at 12:00 pm. Board members met at Cross Creek Church, 1320 C & S Road, Fountain, CO 80817 and via teleconference. The September 2024 board meeting was cancelled.

Board members present: Kim Hittle, Lamont Spear

Board member excused: Teresa Cain

Others present: Elise Bergsten, District Manager; Tate Crosby, District General Counsel

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

Declaration of Quorum/Conflict of Interest Disclosures

Two of 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 Kim Hittle, seconded by Lamont Spear and approved unanimously.

Public Comment – none present

Consent Agenda (see packet)

- Ratify 2023 Annual Report
- Approval of Minutes from the August 15, 2024 board meeting
- Proposed bill payments and ratification of September bill payments
- Financial Reports

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

Legal Matters

- Have not received comments back yet from the City of Fountain regarding the Amended and Restated Service Plan for CCMD. Troy Johnson is no longer the city attorney for City of Fountain. We are hoping to have comments back before the end of the year and the district's mill levy certification deadline, which is December 15th.
- We met with the litigation attorneys during the last month, and they think it would be beneficial to speak with the board directly about what options are and appropriate next steps. We propose scheduling a special meeting, which would consist specifically of an executive session with Law of the Rockies to have a strategy meeting, in order to have the board determine how you would like to proceed. This could be a virtual meeting via zoom.

District Management/Financial Matters

- The 2023 Audit is still in process. The auditor, Eric Miller, has discovered some issues with the prior year's audit that have been difficult to reconcile. We are working to resolve these issues so that future audits will be much simpler.

- Budget Workshop – Elise presented the 2025 Budget and 2024 Estimated Actuals for discussion and guidance.
 - Budget Notes are at the back of the budget and describe the activities of the district for the past few years and the year to come.
 - The only transfer between funds that is being recommended is from General Fund to the new Reserve Fund, in the amount of \$10,000.
 - The Reserve Fund was established in 2024 and is designed to save for emergency repairs and for future capital replacement projects. It is part of the General Fund.
 - The Hale Fund is the most restricted fund – restricted to Planning, Engineering and Construction of Hale Reservoir. \$150,000 is budgeted for these activities, but CCMD may be slowing the progress towards the design completion, as the funding of Hale reconstruction is still not determined.
 - The Capital Fund contains funds that can be spent on capital projects anywhere within the district: pocket parks, trail access tracts, open space, streetscapes and the regional park. It is unlikely that all of the funds that were budgeted to be spent in 2024 will be spent, so those figures were reduced. Showing the expenditure of almost all remaining capital funds in 2025. This would allow the demonstration garden to be constructed, and other possible capital improvements made to pocket parks.
 - The General Fund includes administrative costs for the districts, landscape maintenance and park operations. Mill levy, specific ownership tax, and the MRMD O&M cost share all contribute to the income of that fund. For the years 2020 – 2023, CCMD received funds from MRMD towards the cost of operating and maintaining Cross Creek Park. Although payment to CCMD is in the MRMD #2 budget for 2024, CCMD has not received any funds yet this year.
 - The first section within the General Fund is administrative costs, including district management, legal fees, audit, board meeting expenses, website, and the SDA conference costs.
 - The second section is Landscape Maintenance of all metro district areas outside the big park.
 - The third section is maintenance and operations of the regional park. This budget is separated out since the O&M costs are shared with Mesa Ridge Metro District.
 - Have increased Land Management, District management and park management fees by 2.5%, which matches the SSA COLA for 2024.
 - As discussed, I have increased the amount for Brittany’s former position and expanded the job description for those activities. This is titled Assistant Manager-Park Operations on the budget, and the budgeted amount is split between Admin and Regional Park on the budget. The total budget for this position is \$46,800, up from \$15,000 last year. The amount was based on \$25 per hour x 30 hours per week.
 - Assistant manager/park operations position could be an employee of the district, or an employee of the district manager’s firm Balanced Management Services Co. Or, a qualified independent contractor could perform these duties.
 - The budget for legal in 2024 was \$30,000. We are likely to spend \$50,000 or more on that this year. We have been told that once we are in a monthly groove legal costs should go down.
 - Directors discussed the BMX budget line item and the future of that park feature, as they have concerns. Some notes regarding those concerns follow.

- When it was built, public use was encouraged. Since then, there has been regular misuse by the public – motorcycles and other OHVs on the track, bicycle use when the track is muddy, vandalism.
- Track operators seem to have become less tolerant of use by the general public for these reasons.
- This is a prime spot within the park. Is it justified by the amount of riders benefiting? It hosts one large annual event.
- Track operators and volunteers do a lot of work on the track themselves, we want to acknowledge that.
- Land Management does some maintenance around the track. The track now has lights and electricity. CCMD has budgeted \$5,000 per year to support the track for many years.
- The group just seems unable to build stability. Use has gone down over the years. Is it sustainable into the future?
- Directors gave guidance to ask for a detailed update and plan for 2025.
- The front two pages are all the funds combined. It removes some of the detail that is on the general fund pages.
- No edits to the budget were suggested by directors.

The meeting was adjourned at 1:32 pm.

Respectfully submitted by

A handwritten signature in blue ink that reads "Elise M. Bergsten". The signature is written in a cursive, flowing style.

Elise Bergsten