

CATHEDRAL PINES METROPOLITAN DISTRICT
BOARD MINUTES
REGULAR MEETING

MONDAY MARCH 10, 2014

2:00 P.M.

Present Board Members: Bart Atkinson
 Jason Courtright
 Laura Carno
 Dan Potter via telephone
 Don Holmes

Also Present: Peter M. Susemihl
 Brent Hawker
 Charlotte Christiansen
 Nominee Robin Koop
 Nominee Gregg Cawlfeld

The meeting was held at the Community Center at Cathedral Pines. The meeting was called to order at 2:00 p.m. by Bart Atkinson. Peter Susemihl acted as secretary.

It was further noted that posting of this meeting had occurred as required by law.

Upon motion made by Laura Carno, seconded by Don Holmes, the Board unanimously approved the minutes of December 10, 2013.

Bart Atkinson announced that he was getting bids on providing directors' liability insurance. He also reported that David Wismer declined the offer of giving him an easement for the sum of \$40,000.

The meeting was then turned over to Dan Potter and a summary book concerning the Black Forest Fire and District erosion control was distributed to the Board. Dan Potter gave a summary of the contents as it sets forth:

- what happened
- what was the damage
- what will it cost to fix
- what are the bids
- what is the role of FEMA

Dan noted that we did obtain FEMA approval and a grant of \$420,000 was delivered to the State of Colorado to be used exclusively for the Cathedral Pines project. There had been some delay to environmental issues dealing with the Prebbles Jumping Mouse. The District would owe 12.5% of the costs.

Charlotte Christiansen reviewed the financials as they relate to the erosion control and passed out financial information detailing the cost of work to be done and a profit and loss statement.

Dan Potter noted that his staff was reduced to 3 people and that it might be 4-6 weeks before the District saw any FEMA money. He noted that the construction bids will not cover unknowns discovered during cleanup. Should there be any construction or material savings it will not benefit the District as the State will keep the savings.

There was a lengthy discussion as to the need for a special assessment and whether everything on the list had to be done. It was noted that FEMA was mostly covering the costs of downstream erosion control but if the upstream erosion was not addressed spring and summer rains could ruin everything downstream making it even more costly to the District. Brent Hawker stated that previously the developers had spent \$750,000 on storm mitigation and strongly recommended that this work not be delayed. Bart Atkinson pointed out that this work was essential to protecting the value of homes.

There was discussion concerning how to get input from the homeowners and their association. The Board felt it important to emphasize the good things that have happened: there was good fire mitigation and with FEMA, \$420,000 of needed erosion control will be completed.

It was decided that the Board would review the summary plan and add input by Thursday. It was further decided to meet with the homeowners on April 3, 2014 at 7:00 p.m. in order to obtain their input afterwards which the Board would have to proceed with a decision.

There being no further old or new business, the meeting was adjourned at 3:45 p.m.

Peter M. Susemihl, Acting Secretary

**CATHEDRAL PINES METROPOLITAN DISTRICT
BOARD MINUTES
REGULAR MEETING**

MONDAY APRIL 14, 2014

2:00 P.M.

Present Board Members: Bart Atkinson
 Jason Courtright
 Laura Carno
 Don Holmes

Also Present: Peter M. Susemihl
 Brent Hawker
 Nominee Robin Koop
 Nominee Gregg Cawlfeld
 John Frerichs

The meeting was held at the Community Center at Cathedral Pines. The meeting was called to order at 2:00 p.m. by Bart Atkinson. Peter Susemihl acted as secretary.

It was further noted that posting of this meeting had occurred as required by law.

Upon motion made, the Board unanimously approved the minutes of March 10, 2014 and Dan Potter was excused.

Bart Atkinson summarized the FEMA funding and pointed out that there was no way to deviate from the FEMA funding plan. It was noted that a new drainage study would be time consuming and very costly and would require the review by numerous agencies. Bart Atkinson sent over the summary of costs and what would be paid by the District. It was noted that many logs would be needed for rip rap and that employees of the developer had already started this work which is estimated to cost \$28,000 and would consist of the logs from the burned trees. Bart stated that he excluded the cost of a new well from the estimate of costs because he thought that could be covered from regular budget funds. Brent Hawker stated that he thought Bart Atkinson was the best person most familiar with the District to manage the FEMA project.

Laura Carno departed at 2:30 and participated by phone.

Bart Atkinson noted that the district's share of the costs would be \$254,000. Don Holmes asked the Board to consider his previous e-mail in the form of a motion which he would like to make to the effect that (1) the District continue to do all of the work FEMA is paying for; (2) the District levy a maintenance fee that would cover a portion of the required match that we cannot do out of the budget; (3) the District also levy a maintenance fee to pay for a prudent flow study; and (4) the District authorize a suitable flow study in parallel with the execution of all FEMA funded work. There was not a second to this motion.

There was then much discussion concerning the pros and cons of doing further drainage studies. Bart Atkinson pointed out that he was comfortable in moving ahead without further study since the District would be following the FEMA approved plan. It was noted that at the homeowners meeting one of the residents who is a civil engineer suggested that he might volunteer to look over the existing drainage studies to see if the coefficients needed to be revised.

Following a lengthy discussion it was moved by Bart Atkinson, seconded by Jason Courtright that a resolution be adopted setting a Fire and Flood Mitigation Fee of \$1,500 per residential lot provided that any contingency sums in the FEMA plan not be spent without further board approval. The motion passed unanimously and Don Holmes abstained. The Resolution was signed by the President. Gregg Cawlfeld and Robin Koop said that they would also support the motion once they became board members. The

Board also recommended that the resident be contacted to see if he would volunteer to update the coefficients in the exiting drainage study.

There being no further old or new business, the meeting was adjourned at 3:30 p.m.

Peter M. Susemihl, Acting Secretary

**RESOLUTION OF THE BOARD OF DIRECTORS OF
CATHEDRAL PINES METROPOLITAN DISTRICT IMPOSING
FIRE AND FLOOD MITIGATION FEES**

WHEREAS, Cathedral Pines Metropolitan District, El Paso County, Colorado (the "District"), is a quasi-municipal corporation duly organized and existing as a metropolitan district under the laws of the State of Colorado (the "State"), including particularly Title 32, Article 1, C.R.S. (the "Special District Act"); and

WHEREAS, the District is authorized by the Special District Act and its Service Plan to provide and operate open space and drainage facilities within the District; and

WHEREAS, pursuant to Section 32-1-1001(1)(j), C.R.S., the District is authorized to fix, and from time to time increase or decrease, fees, rates, tolls, penalties, or charges for services, programs or facilities furnished by the District which, until paid, shall constitute a perpetual lien on and against the property served, and which lien may be foreclosed in the same manner as provided by the laws of the State for the foreclosure of mechanics' liens; and

WHEREAS, the Black Forest Fire and the subsequent flooding in 2013, caused considerable damage to detention pond facilities and erosion of the upstream drainage system of the District which will require substantial mitigation at a total estimated cost of \$550,000 a portion of which can be paid by the Federal Emergency Management Agency in the amount of \$410,000 which will be primarily used for downstream erosion control; and

WHEREAS, the District has to pay the additional cost of upstream erosion control and detention pond repairs in order to mitigate future erosion and damage to downstream drainage;

WHEREAS, the Board has determined that there needs to be a one time fire and flood mitigation fee on all property in the District; and

WHEREAS, the Board has determined and hereby determines that the imposition of this fee is authorized by Section 32-1-1001(1)(j), C.R.S., and is reasonably related to the provision of the services provided by the District, is fair and reasonable for the type and quality of services provided by the District, will serve a public purpose and will promote the health, safety and general welfare of the residents of the District by providing for the orderly payment of the costs of providing for fire mitigation;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF CATHEDRAL PINES METROPOLITAN DISTRICT, EL PASO COUNTY, COLORADO, AS FOLLOWS:

Section 1. Imposition of Fire and Flood Mitigation Fee. A one-time fire and flood mitigation fees is hereby established on all properties within the District from and after the effective date of this Resolution. The Fire and Flood Mitigation Fee shall be imposed at the rate of \$1,500.00 per residential lot and shall be due and payable on or before September 30, 2014.

Section 2. Noncompliance. The District may impose such delinquency charges for noncompliance herewith as may be permitted by law, including, without limitation, Part 11 of Article 1 of Title 29, C.R.S.

Section 3. Lien for Payment. The Fire and Flood Mitigation Fee imposed hereby shall, until paid, constitute a perpetual lien on and against the property against which it imposed, and any such lien may be foreclosed in the manner as provided by the laws of the State for the foreclosure of mechanic's liens, pursuant to Section 32-1-1001(1)(j), C.R.S.

Section 4. Modification/Future Events. The Fire and Flood Mitigation Fee and the rate thereof have been established based on projected budgetary requirements of the District using various assumptions regarding cost of improvements, bond issues and interest rates therefor, together with operations expenses and maintenance expenses. Actual costs may differ from projections and the District may decide to modify the Fee in the future based on actual circumstances.

Section 5. Repealer. All bylaws, orders, resolutions or parts thereof inconsistent with this Resolution are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order or resolution, or part thereof, heretofore repealed.

Section 6. Severability. If any clause or provision of this Resolution is determined to be invalid and/or unenforceable by a court of competent jurisdiction or by operation of any law, such determination shall not affect the validity of this Resolution as a whole, but shall be severed herefrom, leaving the remaining provisions intact and enforceable.

Section 7. Authentication. This Resolution, immediately on its adoption, shall be authenticated by the signatures of the President and the Secretary of the District and recorded in the District book of resolutions kept for that purpose.

Section 8. Applicability and Recording. The Fire and Flood Mitigation Fee imposed by this Resolution shall apply to all residential property within the District's boundaries, and any additional property included into the District after the date of this Resolution but shall not apply to properties owned by the District.

Section 9. Effective Date. This Resolution and the Recreational Facility Fee shall be effective immediately, and shall continue in effect until repealed or amended by the District.

ADOPTED AND APPROVED this 14th day of April 2014.

(SEAL)

President

ATTEST:

Secretary

**CATHEDRAL PINES METROPOLITAN DISTRICT
BOARD MINUTES**

TUESDAY, October 13, 2014

2:00 P.M.

Present Board Members: Bart Atkinson
 Robin Koop
 Dan Potter

The meeting was held at the Community Center at Cathedral Pines. The meeting was called to order at 2:05 p.m. by Bart Atkinson.

It was further noted that posting of this meeting had occurred as required by law.

A general discussion about the rental rates of the Cathedral Pines Lodge occurred. Bart Atkinson discussed the analysis done comparing other reception center venues. It was discussed that the CP Lodge was a very unique venue both because we don't offer a full service (food, linen, bar, etc) venue but was comparable in location and overall aesthetics to other venues in the area. Bart Atkinson presented an increase in overall pricing for the lodge (see attached) and was accepted by the Board.

Another discussion was had about our current budget and 2015 draft budget. It was noted that we are on track to meet our 2014 budget and that the Lodge was projecting a large increase in revenues of approximately \$30,000 over budget. The 2015 draft budget (see attached) was discussed and all parties felt good about the projected budget for 2015. It was also discussed that next summer we will be utilizing more outside contractors and have a much smaller full time staff.

The board also discussed the FEMA project and Bart Atkinson presented the current expenditures and the progress of collection of the fire and flood fee. It was noted that we have collected 91% of the authorized fees and that those that have not paid are being aggressively pursued and are incurring late fees. In addition, the District will begin the process of leaning properties for non- payment after November 15th. It was also discussed the FEMA reimbursements and the difficulties of getting payments from both the Federal and State agencies. We have received approximately \$52K from FEMA that was paid to our construction vendor. In addition, it was noted that approximately 92% of the FEMA project is completed to date.

Robin Koop requested more advance notice of Board Meetings at least 2 weeks advanced notice. Bart Atkinson agreed that he would send an email in advance of meetings. He also mentioned that the regular November meeting would be our Budget Hearing. The Board also discussed that Warren Mgt. will send out the HOA/Metro/El Paso County responsibilities out to the community in email and we will also cover this in the Annual Meeting.

There being no further old or new business, the meeting was adjourned at 3:00 p.m.

Bart Atkinson, Acting Secretary

**CATHEDRAL PINES METROPOLITAN DISTRICT
BOARD MINUTES
REGULAR MEETING**

MONDAY NOVEMBER 10, 2014

2:00 P.M.

Present Board Members: Bart Atkinson
 Jason Courtright
 Robin Koop
 Dan Potter

Also Present: Peter M. Susemihl

The meeting was held at the Community Center at Cathedral Pines. The meeting was called to order at 2:00 p.m. by Bart Atkinson. Peter Susemihl acted as secretary.

It was further noted that posting of this meeting and publication of of a budget notice had occurred as required by law.

Upon motion made by Robin Koop, seconded by Bart Atkinson, the Board unanimously approved the minutes from October 13, 2014 and Gregg Cawlfeld was excused.

Bart Atkinson summarized the FEMA funding and noted as follows:

- all work has been done;
- \$255,000 was authorized to be collected by the fee and \$243,899 has been received;
- there was a general discussion of the unpaid fees and collection of the same;
- basically everything has been paid for the restoration and mitigation;
- still waiting the final payment of \$53,000 from FEMA;
- everything is within budget;
- summarized a meeting with FEMA lawyers.

The meeting was then opened to a public hearing with regard to the 2015 budget and amended 2014 budget. Bart Atkinson reviewed in detail each budget item of revenue and expense. At the close of the budget hearing upon motion made by Dan Potter, seconded by Jason Courtright, the Board unanimously approved the budgets.

With regard to the question of directors' insurance, Bart Atkinson agreed to investigate the cost of coverage from the Special District Association (SDA).

There being no further old or new business, the meeting was adjourned at 3:15 p.m.

Peter M. Susemihl, Acting Secretary

Cathedral Pines Metro District

Meeting Minutes for May 11, 2015

Meeting Called to Order -- Bart Atkinson -- approx. 3:40 pm
Posting Requirements had been met with in the District

Board Members Present: Bart Atkinson
 Jeff Parker
 Jason Courtwright

Board had a discussion on the D&O Insurance and that we had secured the D&O Insurance that had been approved and that Bart would send a copy of the policy to all the Board Member.

Board had a discussion on the spring maintenance and what had been accomplished to date (Pond's treated for weeds, cattails being cut, algaecide applied, medians fertilized, sprinklers system turned on). In addition, the board discussed that more outside vendors would be implemented for mowing and that we would hire fewer Summer Laborers.

Board had a discussion on FEMA and that the Audit we discussed last meeting was not necessary since we didn't meet the total dollars expended threshold, no audit was done. We are still working through the FEMA issues and requests for additional information. We also discussed the fact that we are only missing the Fire and Flood Fee for Acuff Homes and that his accountant had contacted me about payments.

Meeting was adjourned by Bart Atkinson at approximately 4:15 pm.