

CHEROKEE METROPOLITAN DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS

MINUTES – MARCH 17, 2026

The Regular Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, March 17, 2026 at 5:30 p.m. at 6250 Palmer Park Blvd., Colorado Springs, Colorado.

Board of Directors Present: Dan Wall, Kim Hale, Jeremy Atkinson

Absence Excused: Jeff Bandy

CMD Staff Present: Kevin Brown, General Manager; Julie Wells, Accountant; Joshua Watkins, Wastewater Supervisor/ORC; Brandon Zembles, Water Resource Engineer

Others Present: Joan Fritsche, Fritsche Law LLC; Migdalia Letriz, and members of the public.

ITEM 1: Call to Order

The meeting was called to order by Director Wall at 5:32 p.m. A quorum of the Directors was present and there were no changes to Directors' qualifications or disclosures. Those in attendance were asked to stand and recite the Pledge of Allegiance.

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR ATKINSON, TO EXCUSE THE ABSENCE OF DIRECTOR BANDY. MOTION UNANIMOUSLY PASSED.

ITEM 2: Review and Approval of the Agenda

A. Addendums/Amendments to Agenda

The agenda was reviewed for any changes. Board discussion followed.

MOTION: DIRECTOR HALE MOVED, SECONDED BY DIRECTOR ATKINSON, TO APPROVE THE AGENDA AS AMENDED TO MOVE ITEM 6(A) – “DIRECTOR VACANCY” TO ITEM 2(B); AND TO ADD AN ADDITIONAL EXECUTIVE SESSION AS ITEM 2(C). ALL IN FAVOR. MOTION PASSED UNANIMOUSLY.

B. Director Vacancy

President Wall introduced District resident Migdalia “Dolly” Letriz, who is a qualified candidate for the Board vacancy.

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR HALE, TO APPOINT MIGDALIA LETRIZ TO A TERM ENDING MAY 2027. MOTION PASSED UNANIMOUSLY.

Oath of Office

Director Wall administered the Oath of Office to Ms. Letriz. Ms. Fritsche noted that Director Letriz will not be able to take action at this meeting because her Oath must first be filed with the El Paso County Clerk and Recorder.

C. Executive Session

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR ATKINSON, TO GO INTO EXECUTIVE SESSION AT 5:38 P.M. PURSUANT TO SECTION 24-6-402(4)(B), C.R.S., FOR A CONFERENCE WITH THE DISTRICT'S ATTORNEY REGARDING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS. NO FORMAL ACTION OR VOTING WILL TAKE PLACE IN THE EXECUTIVE SESSION.

A. Tank 5 Construction Contract Bid Review

The Directors, Mr. Brown and Ms. Fritsche attended the Executive Session.

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR HALE, TO COME OUT OF EXECUTIVE SESSION AT 5:54 P.M. MOTION UNANIMOUSLY PASSED.

ITEM 3: Public Comment

None.

ITEM 4: Consent Agenda

Items on the Consent Agenda:

- A. February 17, 2026 Regular Meeting Minutes
- B. Emergency Systems Compliance Services MSA (Generator Repair)

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR ATKINSON, TO APPROVE ITEMS A THROUGH B ON THE CONSENT AGENDA. ALL IN FAVOR. MOTION PASSED UNANIMOUSLY.

ITEM 5: Financial Report

- A. January 2026 Financial Report
- B. February 2026 Financial Report

Ms. Wells reviewed the February 2026 Financial Report and noted the District has not yet received invoices from Mountain View Electrical Association (MVEA). Ms. Wells gave an update on the progress of the 2025 audit, stating District staff is providing all requested information to the auditors and field work is expected to begin in April. The Board had no additional questions.

Mr. Brown noted the January Financial Report had not been accepted during the February Board meeting and requested the Board approve those along with the February Financial Report.

MOTION: DIRECTOR HALE MOVED, SECONDED BY DIRECTOR ATKINSON, TO APPROVE THE JANUARY AND FEBRUARY FINANCIAL REPORTS AS PRESENTED. ALL IN FAVOR. MOTION UNANIMOUSLY PASSED.

ITEM 6: Unfinished Business

- A. Consider Revised PFAS Treatment Site Purchase and Sale Agreement

Mr. Brown provided an overview of the Purchase and Sale Agreement with Arete Commons, LLC. The Board approved the Agreement during the February 17th Board meeting, subject to non-material changes. Mr. Brown reviewed a few minor revisions. The price per acre was made consistent for both parcels, which changed the share of funds in escrow and the share paid directly to the seller. The total contract price has remained the same.

MOTION: DIRECTOR HALE MOVED, SECONDED BY DIRECTOR ATKINSON, TO APPROVE THE REVISED PURCHASE AND SALE AGREEMENT WITH ARETE COMMONS, LLC. ALL IN FAVOR. MOTION UNANIMOUSLY PASSED.

ITEM 7: New Business

- A. Alderman Bernstein Engagement Letter

Mr. Brown presented the engagement letter from Alderman Bernstein LLC. The firm will serve as special counsel for any condemnation actions the District may need to bring in order to secure easement rights along approximately 17 miles for the proposed Ellicott Pipeline. Staff recommends consulting with Alderman Bernstein prior to initiating any condemnation proceedings.

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR ATKINSON, TO APPROVE THE ENGAGEMENT LETTER WITH ALDERMAN BERNSTEIN LLC. ALL IN FAVOR. MOTION PASSED UNANIMOUSLY.

- B. Filanc Solids Handling Project Change Order 3

Mr. Brown presented Change Order No. 3 from Filanc Construction in the amount of \$16,822 and request for an extension of contractual dates due to delays in equipment deliveries. This Change Order addresses the remaining contractual issues to close out the contract.

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR ATKINSON, TO APPROVE CHANGE ORDER NO. 3 IN THE AMOUNT OF \$16,822.00. ALL IN FAVOR. MOTION PASSED UNANIMOUSLY.

C. Tank 5 Construction Contract

Mr. Brown noted staff interviewed two finalists for the Tank 5 site development construction contract and is recommending the Board award the contract to Glacier Construction Co., Inc. Although Glacier's bid was higher, staff considered Glacier's prior work experience with DN Tanks. An established relationship with the DN Tanks is important factor due to the tight frame for the Tank installation and collaboration needed between the contractors. In addition, Glacier provided limited substantive changes to the District's standard contract, allowing for minimal negotiations to reach an agreement on the contract terms and impact on the tight project schedule. Board discussion followed.

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR ATKINSON, TO AWARD THE CONTRACT FOR CONSTRUCTION OF TANK 5 SITE DEVELOPMENT TO GLACIER CONSTRUCTION CO., INC., IN THE AMOUNT OF \$3,134,356.21. ALL IN FAVOR. MOTION PASSED UNANIMOUSLY.

ITEM 8: Staff Reports

Mr. Brown presented his Manager's Report. Mr. Brown provided an update on the PFAS Treatment Grant funding. On March 12th, CDPHE informed the District that it recommended the grant application for \$299,868 for the PFAS treatment facility design be fully funded. The District is also eligible to apply for another design grant up to \$300,000 in July and up to \$10 million of 2027 construction funds if the project design can reach 60% by July.

Mr. Brown provided an update on parks projects. The two major parks capital projects approved by the Board in February are under way. The ballfields will be closed for the month of April to allow Timberline to complete their work. The Plower Court project will be completed on a similar schedule though the sidewalk may take some additional time to cure. Mr. Brown noted the Timberline team has been great to work with so far.

Mr. Brown updated the Board on the possible need to review the District's watering restriction levels due to the warm and dry winter and spring seasons. Mr. Brown noted the District's existing policies may need to be reviewed and updated. Currently, the District allows outdoor sprinkler irrigation three days per week under normal conditions and hand irrigation anytime. The next levels restrict outdoor irrigation to two days per week, then one, then hand watering only. Mr. Brown noted the District may want to consider updating its regulations to match the City of Colorado Springs. He also recommended the District provide education and outreach this summer on how to prevent high water bills. This matter will be added to the April meeting agenda for further review and discussion.

There were no additional questions from the Board.

ITEM 9. Executive Session

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR ATKINSON, TO GO INTO EXECUTIVE SESSION PURSUANT TO SECTION 24-6-402(4)(B), C.R.S., FOR A CONFERENCE WITH THE DISTRICT’S ATTORNEY REGARDING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS; SECTION 24-6-402(4)(E), C.R.S., DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND INSTRUCTING NEGOTIATORS; AND SECTION 24-6-402(4)(A), C.R.S., REGARDING THE PURCHASE, ACQUISITION, LEASE, TRANSFER, OR SALE OF ANY REAL, PERSONAL, OR OTHER PROPERTY INTEREST. NO FORMAL ACTION OR VOTING WILL TAKE PLACE IN THE EXECUTIVE SESSION.

- A. Meridian Service Metropolitan District Intergovernmental Agreement Discussion
- B. Cherokee Water LLC Discussion
- C. Neighboring Property Acquisition Discussion

There was a short break from 6:21 - 6:30 p.m. before the Executive Session convened. The Directors, Mr. Brown and Ms. Fritsche attended the Executive Session. Attorney Pete Johnson attended for a portion of the Executive Session.

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR HALE, TO COME OUT OF EXECUTIVE SESSION AT 7:01 P.M. MOTION UNANIMOUSLY PASSED.

ITEM 10. Adjournment

There being no further business to come before the Board, the meeting adjourned at 7:03 p.m.

Secretary

Attorney Fritsche certified for the record that the Executive Session was not recorded, as the matters discussed in Executive Session constituted privileged attorney-client communications.

Joan M. Fritsche, Esq.