



CHEROKEE METROPOLITAN DISTRICT

6250 Palmer Park Blvd., Colorado Springs, CO 80915-2842

Telephone: (719) 597-5080 Fax: (719) 597-5145

Our mission is to exceed our customer's needs by providing safe and uninterrupted water and sewer services, high quality water supply, well-maintained parks and open spaces, and well-lit streets. We are committed in continually striving to attain the highest quality services at the lowest reasonable costs and to prepare for the anticipated needs and requirements of current and future customers through the allocation of technical, financial, operational, planning, and managerial resources necessary to ensure our service goals and expectations are met in a safe, responsible, and professional manner.

REGULAR MEETING OF THE BOARD OF DIRECTORS

AGENDA

Board of Directors

Term Expires

Steve Hasbrouck, President	May 2022
Walt Herrley, Vice President	May 2023
Dennis Daniels, Secretary	May 2023
Larry Keleher, Treasurer	May 2022
Rene Sintas, Director	May 2022

DATE: April 20, 2021

TIME: 5:30 p.m.

LOCATION: Cherokee Metropolitan District – Board Room
6250 Palmer Park Blvd., Colorado Springs, Colorado 80915

1. Call to Order

- A. Roll Call of the Board of Directors/Declaration of a Quorum
- B. Director Qualifications and Disclosures
- C. Pledge of Allegiance

2. Review and Approval of the Agenda

- A. Addendums
- B. Amendments
- C. Approval Motion

3. Public Comments on items NOT on the agenda

The Board and District staff value the public's input. Please respect the following when making formal comments to the Board of Directors:

- Please sign in when you arrive prior to making public comment or at the time of making your comments.
- Please keep comments restricted to the topics of the District and its business, and limit time to a maximum of three (3) minutes.
- Please keep comments respectful of others and organized for understanding. It is further requested that civility is maintained when addressing the Board, District staff, news media, law enforcement, and the public.

4. Consent Agenda

The Consent Agenda consists of matters that occur in the normal course of business. The following items are summarized and are approved and enacted at this time by the Board of Directors in one motion.

- A. Approval of Minutes for the March 16, 2021 Regular Board Meeting
- B. Directors Signatures

Recess Regular Meeting

5. Public Hearing

- A. Incorporation of an Out-of-District Bulk Water Rate Fee for Domestic Water Service, Mayberry Colorado Springs LLC

Resume Regular Meeting

7. General Manager's Report – Amy Lathen

- A. Parks Rules and Regulations
- B. Parks 2021 Capital Recommendations
 - a. Report on Work and Improvements
- C. Parks/Street Lighting Fee Offset Adjustment Discussion
- D. Questions of Staff Reports

8. Finance and Accounting-Cathy Fromm

- A. February and March Monthly Financials

B. Bond Refinancing – Resolution 2021-07

9. **Executive Session**

- A. In accordance with the Colorado Open Meetings Act, the Board, in Open Session, is to determine whether it will hold an Executive Session pursuant to §24-6-402(4)(a), C.R.S., Purchase, acquisition, lease, transfer, or sale of any property interest. (Note: Not available where a member of the Board has a personal interest in the transaction.) and §24-6-402(4)(b), C.R.S., Conferences with the District's attorney regarding legal advice on specific legal questions The Chair shall poll the Board members, and upon affirmative vote of two-thirds of the members present, may hold a Closed Executive Session. If a two-thirds affirmative vote for the Executive Session is not received, the item may be discussed in Open Session or withdrawn from consideration. No formal action or voting will take place in Executive Session.
1. Sundance

10. **Other Business**

11. **Directors' Items/Comments**

12. **Other Meetings of Importance to the Cherokee Metropolitan District**

1. Annual SDA Conference, September 14-16, 2021.

13. **Adjournment**

CHEROKEE METROPOLITAN DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS

With Public Hearing

April 20, 2021

MINUTES

The Regular Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, April 20, 2021 at 5:30 p.m. at 6250 Palmer Park Blvd., Colorado Springs, Colorado.

BOARD OF DIRECTORS PRESENT

Steve Hasbrouck	Larry Keleher	Dennis Daniels
Walt Herrley	Rene Sintas	

CMD STAFF IN ATTENDANCE

Amy Lathen	Cathy Fromm	Julie Wells
Brian Beaudette	Shawn Puente	Sara Howard
Todd Laxson	Jeff Munger	

OTHERS PRESENT

Assunta Manning	Art Sintas	John Mick
Roger Stolz	Jason Kvols	Roger Kowash
Robert Hernandez		

ITEM 1:

⇒ Call to Order

The meeting was called to order by President Steve Hasbrouck at 5:30 p.m. All Directors were present. There were no Directors' qualifications and disclosures. All those present were asked to stand and recite the Pledge of Allegiance.

ITEM 2:

⇒ Review and Approval of the Agenda

Mr. Hasbrouck asked if there were changes or amendments that needed to be made to the Agenda. Amy Lathen requested Item 8 to be moved before Item 7 on the Agenda.

*****MOTION*****

MR. DANIELS MOVED, SECONDED BY MR. KELEHER, TO APPROVE THE EVENING'S AGENDA AS AMENDED. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

ITEM 3:

⇒ Public Comments on Items NOT on the Agenda

President Hasbrouck asked if there were any public comments from the audience. A three-minute time limit would be enforced. There were no public comments.

Robert Hernandez wanted to publicly thank Josh Stewart, Todd Laxson, and Cole Miller for improving on parks this last month. He believed if the public had nice parks to enjoy, they would be patient with construction projects, etc., to be completed. The frisbee park looks awesome, and the signage helps a lot.

ITEM 4:

⇒ Consent Agenda

The following were reviewed for approval: Minutes of the Regular Board Meeting of March 11, 2021.

*****MOTION*****

MR. KELEHER MOVED, SECONDED BY MR. HERRLEY, TO APPROVE THE CONSENT AGENDA. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

ITEM 5:

⇒ Public Hearing

The Regular Meeting was recessed and the Public Hearing commenced at 5:35 p.m. The purpose of the meeting was to publicly discuss the incorporation of an out-of-District bulk water rate fee for domestic water service for Mayberry Colorado Springs, LLC and to establish consistency of such rates for all out-of-District bulk customers.

A large, multi-phased development community called Mayberry Colorado Springs totaling 9.5 acres is located south of Highway 94 and approximately 1.3 miles west of the intersection of Highway 94 and North Ellicott Highway. Mrs. Lathen has issued a Letter of Intent to the developer. Three of the agents from the Mayberry Development were present in the meeting: Jason Kvolts, John Mick, and Roger Kowash.

Approximately 54-acre feet of sustainable water was previously guaranteed for possible future development, and most of this water would be utilized by this development. They also have 29-acre feet onsite groundwater at their disposal. A Water Commitment Letter has not yet been issued, and a fair and equitable bulk water rate to charge the developer has not been reached.

A short-term requirement of an additional 40-acre feet would be needed for the developer to phase the first phase, 550-home project. Currently 98 homes have been approved to build; 80 will be finished by the end of 2021, and eight will be built by the end of January, 2022. So far 40 homes have been sold by Mayberry development. It is hoped multiple phases would be developed thereafter.

Wheeling charges, relatable costs, and water resources were discussed in detail, and the Board instructed the General Manager and staff to continue pursuing this opportunity and exchange.

The Regular Session resumed at 6:25 p.m.

ITEM 8:

⇒ Finance and Accounting

Cathy Fromm provided a report on the February and March Financial Statements and answered questions from the Board.

Last month Nate Eckloff and Marc Ragan from Piper Sandler Companies gave a presentation and provided refinancing packages for Series 2021A and Series 2021B Bonds to the Board. Their company creates competition for direct placements by selectively utilizing their network of more than 2,000 potential lenders throughout the U.S. They received bids from ten institutions and have recommended Midwest One bid to the Board. By their calculations, the District would be saving over \$1,301,000 over the life of both loans. They solicit 30 to 40 banks across the country to match their customer's investment objectives including geographical location, sector, and security and often receive nearly a dozen proposals.

In the Bond Resolution, under Article II, Section 11.12, (6), requires a change as follows: *Maximum Principal and Interest Payments. The maximum annual principal and interest coming due on the 2021A Bonds shall not exceed \$1,700,000 annually, and the total repayment cost shall not exceed \$8,750,000 and the maximum annual principal and interest coming due on the 2021B Bonds shall not exceed \$2,350,000 annually, and the total repayment cost shall not exceed \$9,250,000.*

*****MOTION*****

MR. KELEHER MOVED, SECONDED BY MR. DANIELS, TO APPROVE THE RESOLUTION 2021-07, A RESOLUTION OF THE CHEROKEE METRO-

POLITAN DISTRICT, EL PASO COUNTY, COLORADO, AUTHORIZING THE ISSUANCE AND SALE OF ITS WATER AND WASTEWATER ENTERPRISE REVENUE BONDS, TAXABLE (CONVERTIBLE TO TAX-EXEMPTS), SERIES 2021A AND SERIES 2021B, PROVIDING FOR THE SOURCES OF PAYMENT OF THE BONDS, AND PROVIDING OTHER DETAILS CONCERNING THE BONDS OF THE SYSTEM, WITH THE AMENDMENT OF THE ABOVE-REFERENCED SECTION IN ARTICLE II. MR. HERRLEY-YES. MR. DANIELS-YES. MR. KELEHER-YES. MRS. SINTAS-YES. MR. HASBROUCK-YES. MOTION PASSED (5-0).

ITEM 7:

⇒ General Manager's Report

Mrs. Lathen updated the Board on monthly activities and departmental progress occurring over the past month.

Mrs. Lathen has been receiving complaints about the loud noise generated from boom boxes and songs at the Eastridge Park which has prompted her to consider incorporation of bylaws for the Parks and Open Spaces. She provided Part IV Parks and Open Spaces for the Board to review and approve as an addendum to the Cherokee Metropolitan Districts Rules and Regulations.

Director Daniels requested the following change in the aforementioned document: On Page 4, Paragraph J. add '*with the exception of motorized wheelchairs*' after '*including all motorized vehicles...*' On Page 2, Paragraph A, the Board also requested a change from '*8 a.m. to 8 p.m.*' to '*from dawn to dusk.*'

*****MOTION*****

MR. KELEHER MOVED, SECONDED BY MR. DANIELS, TO APPROVE THE ADDITION OF PART IV PARKS AND OPEN SPACES INTO THE DISTRICT'S RULES AND REGULATIONS WITH THE ABOVE-AMENDED CHANGES. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Josh Stewart, in Todd Laxson's absence, provided a report to the Board concerning the work and improvements on the District's Park.

Since last month's Town Hall Meeting, three "Capital Packages" were introduced to the Board. Packages A, B, and C all had differing priorities and a few different construction projects. After lengthy discussion, the Board concluded Package C seemed to be the best option to proceed except for removing the Dog Park Shade Structures at present time.

The parks and street lighting fees were discussed. It had been previously discussed to transfer \$.15 from the street light fees to an additional \$.15 to the parks fees to which would add additional revenue to the parks fund and decrease a minimal amount in the

street light fund which currently is receive ample revenue to justify District costs. After recomputing those figures a second time, Mrs. Lathen noted the amount was actually very close to \$.14, not \$.15. Since there was not a change in rates, there was no need for a published notice of meeting, motion, or resolution.

Customers would not see any changes on their monthly statements as the increase and decrease in the respective fees would not alter a change nor reflect an increase or decrease in their monthly bill.

*****MOTION*****

MR. DANIELS MOVED, SECONDED BY MR. HERRLEY, TO TRANSFER \$.14 PER CUSTOMER, PER MONTH, FROM THE LIGHTING FUND TO THE PARKS FUND FROM THIS DATE FORWARD. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Mrs. Lathen mentioned a piece of parcel located adjacent to Tamlin Tank that was executed in 2014 for Cherokee; however, the transaction was never finalized. The transaction will continue to be honored, and a price will be negotiated.

The District will be moving forward with a new bank to become more productive and resourceful in its financial transactions.

ITEM 9:

⇒ Executive Session

*****MOTION*****

MR. KELEHER MOVED, SECONDED BY MR. DANIELS, THAT THE BOARD GO INTO EXECUTIVE SESSION CITING §24-6-402(4)(a), C.R.S., PURCHASE, ACQUISITION, LEASE, TRANSFER, OR SALE OF ANY PROPERTY INTEREST. (NOTE: NOT AVAILABLE WHERE A MEMBER OF THE BOARD HAS A PERSONAL INTEREST IN THE TRANSACTION) AND §24-6-402(4)(b), C.R.S., CONFERENCES WITH THE DISTRICT'S ATTORNEY REGARDING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Executive Session was entered into at 8:11 p.m.

*****MOTION*****

MR. KELEHER MOVED, SECONDED BY MR. HERRLEY, TO COME OUT OF EXECUTIVE SESSION. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Board Members came out of Executive Session. All were present in Executive Session, pursuant to §24-6-402(4)(a), and §24-6-402(4)(b). No votes were taken and no decisions were made.

Regular Session resumed at 8:45 p.m.

ITEM 8:

⇒ Other Business

By next month's Board Meeting Director Daniels stated he will have prepared a spreadsheet of the parks with an outline of the status and will compare it to the 2013 Parks Master Plan checklist.

ITEM 9:

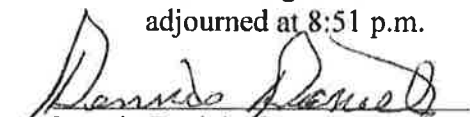
⇒ Directors' Items/Comments

There were no Directors' comments.

ITEM 10:

⇒ Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 8:51 p.m.



Dennis Daniels, Secretary


Board Members

Term Expires

Steve Hasbrouck, President
Walt Herrley, Vice-President
Dennis Daniels, Secretary
Larry Keleher, Treasurer
Rene Sintas, Director

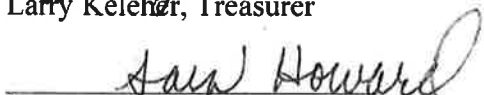
May, 2022
May, 2023
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Steve Hasbrouck, President


Walt Herrley, Vice President


Larry Keleher, Treasurer


Rene Sintas, Director


Sara Howard, Clerk to the Board