

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
CASCADE METROPOLITAN DISTRICT NO. 1**

HELD SEPTEMBER 26, 2017

A regular meeting of the Board of Directors of the Cascade Metropolitan District No. 1 (the "Board") was duly held on Tuesday, the 26th day of September 2017, at 5:30 p.m., at the Cascade Fire Station, 8015 Severy Road, Cascade, Colorado. The meeting was open to the public.

Directors in Attendance Were:

Michael Whittemore
Mike Herr
Susan Soloyanis
Troy Eason (arrived at 5:56 on item 6)

Also in Attendance Were:

Jennifer Gruber Tanaka, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law (via telephone)
Mr. Ken White and Mr. Jason Meyer, GMS engineers
Kevin Walker, Walker Schooler District Managers
Andre Kilik and Duane Schorman, Cascade Water District Operator
Members of the public (see sign-in sheet attached)

1. **Call to Order:** The meeting was called to Order by President Whittemore at 5:34 PM.
2. **Declaration of Quorum/Director Qualifications/Reaffirmation of Disclosures:**
The Board discussed the requirements pursuant to Colorado law to disclose any potential or existing conflicts of interest to the Board of Directors and to the Secretary of State. Ms. Tanaka reported that disclosures for those directors with potential or existing conflicts of interest were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. No additional disclosures were noted.
3. **Approval of Agenda:** Mr. Walker updated the payables in the Consent Agenda to those presented below. Mr. Walker also requested that an executive session be added to the agenda to receive legal advice and to outline contract negotiation strategy, and an additional item 6.c. for approval of 7 easements already signed and approved. Director Soloyanis moved to approve the agenda and to excuse Directors Eason and Spaulding. Motion seconded by Director Herr. The motion passed unanimously.
4. **Consent Agenda Items:** (These items are considered to be routine and will be approved by one motion. There will be no separate discussion of these items unless requested, in

which event, the item will be removed from the Consent Agenda and considered in the Regular Agenda)

- a. Acknowledge Operations Report
- b. Acknowledge Manager's Report
- c. Approval of Board Meeting Minutes from the August 22, 2017 Meeting
- d. Approval of Payables for the Period Ending September 26, 2017 in the amount of:

General Fund:	\$ 37,371.60
Capital Projects Fund:	\$ 23,575.44
Grant Capital Projects Fund:	\$
Debt Service Fund:	\$ 30,953.50
Total	\$ 91,900.54

- e. Acceptance of Unaudited Financial Statements as of August 31, 2017, the schedule of cash position updated as of August 31, 2017 and bank statements (**enclosure**)
- f. Approval of Requisition No. 26 to UMB Bank, as Trustee, for payment of Working Capital Project funds from Water Enterprise Revenue Refunding and Improvement Bonds, Series 2015A and 2015 B (**enclosure**)

Motion to approve the Consent Agenda items was made by Director Soloyanis, seconded by Director Herr. Motion passed unanimously.

5. Consideration of items removed from Consent Agenda: None

10. Public Comment – President Whittemore moved the public comment period to this part of the agenda. Director Soloyanis explained that a number of the public had been at the meeting earlier about the easement packages and had been interested in asking questions; many of those questions would be answered at the October 17 Special Meeting and so many of them had left. Mr. Troy Fuhman asked if the easements would have to be signed in perpetuity and Director Soloyanis explained the need for permanent easements to facilitate repairs and operations in the future. Mr. Fuhman also wanted to know what the priority areas for improvement were and if Rampart Terrace was near the top. He was assured by all that it was a top priority. John and Cheryl Kondratow asked if the special meeting was scheduled after the easements were due and Director Soloyanis stated that the due date would be extended past that date. In response to a question regarding the bid process, President Whittemore stated that the next agenda item would address this question.

6. Management Matters

- a. Update on Construction Project – Mr. Meyer and Mr. White presented a written update (see attached handout that was presented). Director Eason arrived at this point in the meeting. Items discussed that were beyond the handout included:
 - The use of the local gravel pit may save some money.

- Use of a third contractor to do the inside meters would save some money

b. Other matters

1. Backflow report – Mr. Walker reported that there was only 1 property that was not in compliance and will be charged the monthly fee. Two properties were granted extensions to complete their backflow improvements.
2. Other matters – Mr. Walker informed the Board that the District had received a positive coliform test and had retested and received acceptance of the new negative test from the State.

7. **Operations Matters** – Mr. Kilik reported that flushing would occur next month on October 11 – 13. There will be a notice in the October billing. Mr. Kilik also reported that the chlorine pump had been replaced and that the City is putting more chlorine in the system above stream and that is helping keep that measurement in acceptable range with little additional injection.
8. **Financial Matters** - Mr. Walker reported that the preliminary budget was still in review and development and would be sent next week with a cover memo.
9. **Legal Matters** – Pursuant to Sections 24-6-402(4)(b) and (e), C.R.S., upon motion duly made by Director Soloyanis, seconded by Director Eason and, upon an affirmative vote of at least two-thirds of the quorum present, the Board convened in executive session at 6:54 p.m. for the purpose of discussing negotiations with third parties and receiving legal advice, as authorized by Sections 24-6-402(4)(b) and (e), C.R.S.

Pursuant to Section 24-6-402(2)(d.5) (II)(B), C.R.S., no record will be kept of the remaining portion of this executive session that, in the opinion of the District's attorney, constitutes privileged attorney-client communication pursuant to Section 24-6-402(4)(b), C.R.S.

The Board reconvened in regular session at 7:43PM p.m.

10. **Public Comment** – moved to earlier.

11. **Other Business - Next Meeting Special Meeting October 17, 2017.**

Next Regular Scheduled Meeting - October 24, 2017 at 5:30 PM.

12. **Adjournment** - Director Soloyanis moved for adjournment at 7:54 PM. Seconded by Director Eason. Motion passed unanimously.

Respectfully submitted,

By: _____

Secretary for the Meeting

THESE MINUTES ARE APPROVED AS THE OFFICIAL SEPTEMBER 26, 2017
MINUTES OF THE CASCADE METROPOLITAN DISTRICT NO. 1 BY THE BOARD
OF DIRECTORS SIGNING BELOW:

Mike Whitemore

Mike Herr

Troy Eason

Stephen Spaulding

Susan Soloyanis

Attorney Statement

Regarding Privileged Attorney-Client Communication

Pursuant to § 24-6-402(2)(d.5)(II)(B), C.R.S., I attest that in my capacity as the attorney representing the Cascade Metropolitan District No. 1 (the "District"), I attended the Executive Session on September 26, 2017, for the sole purpose of conferencing with the District's Board of Directors for the purpose of giving legal advice on specific legal questions and for discussing matters subject to negotiation as authorized by §§ 24-6-402(4)(b) and (e), C.R.S. I further attest that it is my opinion that all or a portion of the executive session discussion constituted attorney-client privileged communication as provided by § 24-6-402(4)(b), C.R.S., and based on that opinion, no further record, written or electronic, was kept or required to be kept pursuant to § 24-6-402(2)(d.5)(II)(B), C.R.S.

Jennifer Gruber Tanaka, Esq.

General Counsel

CASCADE METROPOLITAN DISTRICT NO. 1

September 26, 2017

Please print the requested information below. If you wish to address the Board during public comment, please indicate that by checking the box under the public comment column. Public comment will be taken in the order they appear on this sheet. Public comment is limited to three (3) minutes.

Name	Address	Telephone/Email	Public Comment Please check if you wish to address the Board. Please note comments are limited to 3 minutes.
Bill <u>Tracy Fuhman</u>	<u>8330 Hwy 24 / 803 Greenwood Canyon City CO</u>	<u>719-246-9331</u> <u>719-684-4567</u>	<input checked="" type="checkbox"/>
<u>Mandi Francie Parliament</u>	<u>8045 W Highway 4455 Fountain Ave Cascade, CO</u>	<u>719.291.8776</u> <u>80809</u>	<input type="checkbox"/>
<u>Wendy / Steve Beisel</u>	<u>4675 Fountain Ave</u>	<u>719-338-0123</u>	<input type="checkbox"/>
<u>John Scherer Kondratow</u>			<input checked="" type="checkbox"/>
<u>Diane Rossin</u>	<u>2915 Forest Rd.</u>	<u>719 494 4261</u>	<input checked="" type="checkbox"/>
<u>Bill & Marilyn Shindley</u>	<u>9845 W Hwy 24</u>	<u>719-684-2165</u>	<input type="checkbox"/>
<u>Ginny Newman</u>	<u>8390 Empire Ave</u>	<u>719-684-2472</u>	<input type="checkbox"/>
			<input type="checkbox"/>