



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: September 21, 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 August 17, 2021 Regular Board Meeting
- B. Directors Signatures

5. **Finance and Accounting-Cathy Fromm**

- A. August Monthly Financials
- B. Presentation and Approval of 2020 Audit Report -Stockman Kast Ryan & Company, LLP

6. **Staff Reports**

- A. Master Service Agreement – Velocity Plant Services
- B. Master Service Agreement – Colorado Standby LLC
- C. Water Service Agreement – Mayberry Development
- D. Tap Fee Schedule Presentation, Discussion – Kevin Brown
- E. Construction Update – Jeff Munger
- F. 2021 Planning Discussion
- G. Questions of Staff Reports

7. **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 1.) §24-6-402(4)(f), C.R.S., Personnel matters; 2.) §24-6-402(4)(b), C.R.S., Conferences with the District's attorney regarding legal advice on specific legal questions and 3.) §24-6-402(4)(a) 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.). 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. Past Inclusion Agreements, Resolutions 2018-05 and 06
2. CHFD proposed lease
3. Employment Contract

8. **Other Business**

9. **Directors' Items/Comments**

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

Cimarron Hills Fire Department Board Meeting, September 22, 2021, at 5:30 p.m.
Woodmen Hills Metropolitan District Board Meeting, September 23, 2021, at 5:30 p.m.
UBSGW Meeting, October 5, 2021 at 6 p.m.
CMD-Sponsored Vitalant Blood Drive, Thursday, October 14, 2021

11. **Adjournment**

CHEROKEE METROPOLITAN DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS

September 21, 2021

MINUTES

The Regular Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, September 21, 2021, at 5:30 p.m. at 6250 Palmer Park Blvd., Colorado Springs, Colorado.

BOARD OF DIRECTORS PRESENT

Steve Hasbrouck	Dennis Daniels
Larry Keleher	Walt Herrley

CMD STAFF IN ATTENDANCE

Amy Lathen	Jeff Munger	Kevin Brown
Brian Beaudette	Cathy Fromm	Todd Laxson
Joshua Watkins	Julie Wells	Shawn Puente

OTHERS PRESENT

Paul Rufien	Roger Stolz	Lauren Casto
Nathaniel Williams	Jason K vols	John Mick
Norma Jeanne Walker Gray		
Michelle Marie Kinney		

ITEM 1:

⇒ Call to Order

The meeting was called to order by President Steve Hasbrouck at 5:30 p.m. All Directors were present except for Director Sintas who was unable to attend due to medical reasons.

*****MOTION*****

MR. KELEHER MOVED, SECONDED BY MR. DANIELS, TO EXCUSE RENE SINTAS. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

There were no Director 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. There were no changes or amendments. Amy Lathen stated the order of some staff reports might need to be switched due to time constraints.

*****MOTION*****

MR. DANIELS MOVED, SECONDED BY MR. HERRLEY, TO APPROVE THE AGENDA. 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.

Lauren Casto, 2219 Jeanette Way, discussed concerns regarding a crumbling concrete wall at Pinyon Jay Park. She requested the District replace some of the panels that are deteriorating. Discussion commenced on whether or not the wall was, in fact, District property and whose responsibility it is to replace.

Paul Rufien and Mrs. Lathen discussed the need to determine the options available since it is not known if the wall is Cherokee property.

Michelle Marie Kinney, 1973 Dewhirst Dr., also discussed her concerns regarding the concrete wall at Pinyon Jay Park.

The Auditors called at 5:45 p.m. to discuss the 2020 Audit findings. The call was placed on hold briefly to wait for one of the Auditors to join the call.

Ms. Kinney continued her discussion and urged the Board to replace the deteriorating panels.

Public Comment was paused to continue the call with the Auditors.

After the Auditors' Report was complete, President Hasbrouck addressed Mrs. Casto and Ms. Kinney to let them know the Board will look into options for resolving the issues with the concrete wall at Pinyon Jay.

ITEM 4:

⇒ Consent Agenda

The following were reviewed for approval: Minutes for the August 17, 2021 Regular Board Meeting.

*****MOTION*****

MR. KELEHER MOVED, SECONDED BY MR. DANIELS, TO APPROVE THE REGULAR BOARD MEETING MINUTES FOR AUGUST 17, 2021. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

ITEM 5:

⇒ Finance and Accounting

Steve Hochstetter and Courtney Vance of Stockman, Kast, Ryan & Company, LLP reported their findings from the 2020 Audit. There were no questions from the Board.

*****MOTION*****

MR. DANIELS MOVED, SECONDED BY MR. KELEHER, TO APPROVE THE AUDITOR'S REPORT PENDING ANY UNFORESEEN REVISIONS OR CORRECTIONS. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Cathy Fromm provided a report on the August Monthly Financials and answered questions from the Board

ITEM 6:

⇒ Staff Reports

Tap Fee Schedule Presentation - Kevin Brown

Kevin Brown presented information on the current Tap Fee Schedule and the proposed updates.

*****MOTION*****

MR. DANIELS MOVED, SECONDED BY MR. HERRLEY, TO ADOPT THE PROPOSED TAP FEE SCHEDULE TO BE APPLIED TO NEW CONSTRUCTION DEVELOPMENT EFFECTIVE OCTOBER 1, 2021. MR. HERRLEY-YES. MR. KELEHER-YES. MR. DANIELS-YES. MR. HASBROUCK-YES. MOTION CARRIED (4-0).

Water Service Agreement – Mayberry Development

Mrs. Lathen and Pete Johnson, CMD Legal Counsel, discussed the transfer of the remainder of the 27.97 acre feet of water from Grant Langdon (Marksheffel Business Center) to the Mayberry Development, subject to affirmation from Mayberry of the appropriately transferred water interest, pursuant to the terms of the 2006 Cherokee Water, LLC Operating Agreement.

*****MOTION*****

MR. DANIELS MOVED, SECONDED BY MR. HERRLEY, TO APPROVE THE TRANSFER OF MEMBERSHIP REGARDING THE 27.97 ACRE FEET OF WATER AS OUTLINED IN THE WATER SERVICE AGREEMENT BETWEEN CHEROKEE METROPOLITAN DISTRICT AND ELLICOTT UTILITIES. MR. HERRLEY-YES. MR. KELEHER-YES. MR. DANIELS-YES. MR. HASBROUCK-YES. MOTION CARRIED (4-0).

Master Service Agreement – Velocity Plant Services

Jeff Munger discussed the need to have an MSA with this company.

*****MOTION*****

MR. KELEHER MOVED, SECONDED BY MR. DANIELS, TO APPROVE THE MASTER SERVICE AGREEMENT FOR VELOCITY PLANT SERVICES. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Master Service Agreement – Colorado Standby LLC

Mrs. Lathen discussed the reasons for an MSA with this company as an additional contractor for repairing and replacing major electrical components at Cherokee facilities when necessary.

*****MOTION*****

MR. HERRLEY MOVED, SECONDED BY MR. DANIELS, TO APPROVE THE MASTER SERVICE AGREEMENT FOR COLORADO STANDBY LLC. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Construction Update – Jeff Munger

Jeff Munger provided a project update complemented by a variety of slides and pictures of filter buildings, splitter structure, and aerial photographs and presented key dates for the project to stay on schedule.

Parks Capital Items -Todd Laxson

Todd Laxson provided some quotes for shade structures at certain parks and asked the Board to consider the best alternative.

Backflow Device Theft – Shawn Puente

Shawn reported that one of Cherokee's backflow devices near Constitution and Marksheffel was stolen. His team replaced the device and put a cage over it to prevent future theft. They are in the process of fabricating cages for Cherokee's other backflow devices.

2021 Planning Discussion – Amy Lathen

Mrs. Lathen reported that she is vetting and going through possible water and well acquisitions.

The Grandview (fka Four Way Ranch) draft wastewater agreement is nearing completion.

Discussions for water/wastewater agreements with other developers near the Sundance wellfield are in progress.

Mrs. Lathen provided an update on the status of the Loop Project.

Sewer line cleaning continues and is projected to be completed by the end of the year.

On-call rotations have been streamlined and staff over-time has been reduced. Employee training is ongoing. There are a couple of conferences in the coming months that operators will be attending.

The Feathergrass lawsuit has been dismissed.

The Colorado Springs Airport has come back with a pretty favorable response to our last response to the mutual release.

Discussions on bond issuance costs continue between Mrs. Lathen, Cherokee’s Legal counsel, Meridian Service Metro District’s General Manager and Meridian’s legal counsel.

The 2022 budget process is underway. Discussions with division managers will begin next month. Mrs. Lathen asked the Board to provide input on the changes and improvements they’d like to see in the next five years.

ITEM 7:

⇒ Executive Session

MR. KELEHER RECUSED HIMSELF FROM THE PORTION OF THE EXECUTIVE SESSION INVOLVING §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).

*****MOTION*****

MR. DANIELS MOVED, SECONDED BY MR. HERRLEY, THAT THE BOARD GO INTO EXECUTIVE SESSION CITING §24-6-402(4)(f), C.R.S., PERSONNEL MATTERS; §24-6-402(4)(b), C.R.S., CONFERENCES WITH THE DISTRICT’S ATTORNEY REGARDING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS; AND §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). ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

After a short break, Executive Session was entered in to at 8:04 p.m.

*****MOTION*****

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

Board Members Hasbrouck, Daniels and Herrley were present in Executive Session pursuant to §24-6-402(4)(a), citing purchase, acquisition, lease, transfer or sale of any property interest. All Board members were present in Executive Session pursuant to §24-6-402(4)(f), citing personnel matters and §24-6-402(4)(b), citing conferences with District’s attorney regarding legal advice on specific legal questions. All Board Members returned to the regular session. No votes were taken and no decisions were made.

Regular Session resumed at 8:56 p.m.

*****MOTION*****

MR. DANIELS MOVED, SECONDED BY MR. KELEHER, TO ACCEPT CHEROKEE'S GENERAL MANAGER CONTRACT RENEWAL-OPTION A1. MR. HERRLEY-YES. MR. KELEHER-YES. MR. DANIELS-YES. MR. HASBROUCK-YES. MOTION CARRIED (4-0).

ITEM 8:

⇒ Other Business

There was no other business.

ITEM 9:

⇒ Directors' Items/Comments

Mr. Keleher stated he enjoyed the SDA conference earlier in the month.

ITEM 10:

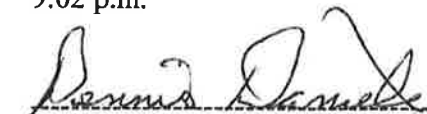
⇒ Other Meetings of Importance to the Cherokee Metropolitan District

1. Cimarron Hills Fire Department Board Meeting, September 22, 2021 at 5:30 p.m.
2. Woodmen Hills Metropolitan District Board Meeting, September 23, 2021 at 5:30 p.m.
3. UBSGW Meeting, October 5, 2021 at 6 p.m.
4. CMD-Sponsored Vitalant Blood Drive, Thursday, October 14, 2021

ITEM 11:

⇒ Adjournment

There being no further business to come before the Board at this time, the meeting adjourned at 9:02 p.m.



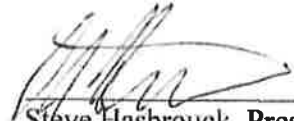
Dennis Daniels, Secretary

Board Members

Term Expires

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

May 2022
May 2023
May 2023
May 2022
May 2022



Steve Hasbrouck, President



Walt Herrley, Vice President



Larry Keleher, Treasurer

Julie Wells, Transcriber