



# 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.

## **AMENDED REGULAR MEETING OF THE BOARD OF DIRECTORS AND PUBLIC HEARING**

**PLEASE SILENCE ALL PHONES FOR THE DURATION OF THE MEETING**  
**THANK YOU**

### **AGENDA**

#### **Board of Directors**

#### **Term Expires**

Steve Hasbrouck, President	May 2025
Walt Herrley, Vice President	May 2023
Dennis Daniels, Secretary	May 2023
Linda Keleher, Treasurer	May 2025
Michelle Marie Kinney, Director	May 2025

**DATE:** March 21, 2023

**TIME:** 10:00 a.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. **Attorney's Items**

4. **Directors' Items**

5. **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 January 17, 2023 Regular Board Meeting and March 7, 2023 Work Session of the Board of Directors
- B. Directors Signatures

**Recess Regular Meeting**

5. **Public Hearing**

- A. Discussion, Review and Approval, Amendment to 2023 Budget Resolution 2023-06 – 2023 Budget Amendment

**Resume Regular Meeting**

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

- A. January and February Monthly Financials

7. **General Manager Report**

- A. Lift Station 1 – 90% Design Report
- B. TimberRidge Development Group, LLC – License Agreement
- C. Western States Fire Protection Company MSA
- D. A&E Hood Cleaning MSA
- E. Wagner MSA
- F. Tamlin Tank – Notice of Intent to Offer and Acquire
- G. Burns & McDonnell – Change Order #5
- H. Ratification of Application to Transfer Pinyon Jay Dr Park from Claremont Ranch, LLC to Cherokee Metropolitan District
- I. Ratification of Meadowbrook Parkway Easement Transfer
- J. CMD Unusable Parcels
- K. Water Audit Report and Water Quality Discussion

8. **Public Comments**

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

- You must sign in when you arrive prior to making public comment or at the time of making your comments.
  - Your name, address and whether you reside within Cherokee Metropolitan District will be required to be disclosed before addressing the Board.
- **Please keep comments restricted to the topics of the District and its business, and limit time to a maximum of three (3) minutes. A timer will be provided for your convenience.**
- 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.
- **For the respect of all attendees, interrupting and/or interjecting comments without first adhering to the above rules AND being recognized by the President is not allowed.**
- Board action cannot be taken on items not published on the agenda.

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 1.) §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.

- a. Meridian classification of charges pursuant to 2003 IGA

10. **Other Business**

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

Meridian Ranch Metropolitan District, first Wednesday of month, 10 a.m.  
Cimarron Hills Fire Department Board Meeting, third Wednesday of month, 5:30 p.m.  
Woodmen Hills Metro District Board Meeting, fourth Thursday of month, 5:30 p.m.  
UBSCGW Meeting, Calhan, Colorado, first Tuesday of month, 6 p.m.  
Colorado Springs City Council Meetings 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of month, at 10 a.m.

12. **Adjournment**

**CHEROKEE METROPOLITAN DISTRICT**  
**REGULAR MEETING OF THE BOARD OF DIRECTORS**

March 21, 2023

MINUTES

The Regular Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, March 21, 2023, at 10:00 a.m. at 6250 Palmer Park Blvd., Colorado Springs, Colorado.

Board of Directors Present: Steve Hasbrouck, Walt Herrley, Dennis Daniels, Linda Keleher, Michelle Marie Kinney

CMD Staff Present: Amy Lathen, Julie Wells, Connie Hughes, Kevin Brown, Shawn Puente, Jeff Munger, Joshua Watkins, Tyler Dunich, Cathy Fromm, Brian Beaudette

Present: Paul Rufien, Roger Stolz, Bob Lathen, Dan Wall, Tracey Ferguson, Nathaniel Williams, Virtual: Jan Cederberg, Megan Carpenter, Tyler Drennan, J Mason, Ben G, Krystal, Jeri, Gary Barber, Robert Hernandez, Heather Galbraith

ITEM 1:     Call to Order

The meeting was called to order by President Steve Hasbrouck at 10:00 a.m. Those in attendance were asked to stand and recite the Pledge of Allegiance. He asked for a roll call from the Directors. All were present. There were no Directors' qualifications or disclosures.

ITEM 2:     Review and Approval of the Agenda

There were minor changes that needed to be made, and some of those changes occurred after the Agenda had been amended for the meeting. An additional agenda item inserted into the document resulted in a numbering duplication (Item 5); Board approval of the Minutes of the Work Session March 7<sup>th</sup> was unintentionally omitted, and since Change Order #5 for Burns & McDonnell was inserted as an Agenda Item, Exhibit A of the 2023 Amended Budget required modification.

**MOTION:     DIRECTOR DANIELS MOVED, SECONDED BY DIRECTOR HERRLEY, TO APPROVE THE TWICE AMENDED AGENDA. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

ITEM 3:      Attorney's Items

Director Daniels requested an opinion from legal counsel Paul Rufien regarding false comments made on Nextdoor regarding election fraud and statements of misinformation and requested how to proceed with these conflicts of interest with the Special District Board of Directors election approaching.

Mr. Rufien stated he had been approached with these types of questions by the Board throughout the course of the past year and stated election rules cannot be changed. Mr. Rufien stated if there was a conflict of misinformation, the Board Members needed to bring it to his attention. Director Kinney numerated several instances in last year's election whereby she felt guidelines and information were misrepresented.

ITEM 4:      Directors' Items

There were no Directors' comments.

ITEM 5:      Consent Agenda

The following were reviewed for approval: Minutes for the January 17, 2023, Regular Board Meeting and Minutes of the Board of Directors' Work Session March 7, 2023.

**MOTION:      DIRECTOR DANIELS MOVED, SECONDED BY DIRECTOR HERRLEY, TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING FOR JANUARY 17, 2023, AND THE MINUTES OF THE BOARD OF DIRECTORS' WORK SESSION MARCH 7, 2023.**

Director Kinney stated there should be no decisions made in a work session but felt because the Board agreeing on a topic of discussion was basically a decision being made. Sara Howard stated they were general statements being made in the course of a work session discussion and, therefore, felt they did not qualify as a decision as no motion was made. A small discussion pursued.

**DIRECTOR KINNEY CALLED FOR THE QUESTION. WALTER HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-NO. STEVE HASBROUCK-YES. MOTION PASSED (4-1).**

President Hasbrouck recessed the Regular Session, and the Board moved into Public Hearing at 10:39 a.m.

ITEM 5:      Public Hearing

**MOTION:      DIRECTOR DANIELS MOVED, SECONDED BY DIRECTOR HERRLEY, TO OPEN THE PUBLIC HEARING SESSION OF THE REGULAR MEETING. WALTER HERRLEY-YES. DENNIS DANIELS-YES. LINDA**

**KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).**

Julie Wells provided a detailed description of amendments and appropriations which would therefore amend the 2023 Budget by way of Resolution 2023-06.

The Loop appropriation is not a loan but is a means of reimbursement until the Loop Water Authority applies for specific reimbursements.

There were no public comments. President Hasbrouck closed the Public Hearing.

**MOTION: DIRECTOR DANIELS MOVED, SECONDED BY DIRECTOR HERRLEY, TO APPROVE RESOLUTION 2023-06, 2023 BUDGET AMENDMENT. WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).**

The meeting returned to Regular Session.

**ITEM 6:**        Finance and Accounting

Cathy Fromm provided a report on the January and February Financials.

**ITEM 7:**        General Manager Report

Cole Miller, Superintendent of Golf Operations, provided a status report on the Golf Course and Grill on the Green. He stated there were many closures based on the long winter we have experienced. Golf carts are not being rented out for a brief time to rehabilitate the turf. The Grill was updated with new equipment, and staff have worked hard to improve the menu and general upkeep.

Mrs. Lathen asked Jeff Munger to address the Board with an update on Lift Station 1. Mr. Munger stated there was a 90%-design-completion workshop held last week, and it is going to result in over a five-million-dollar project. Stanek Constructors is the Contractor, and JVA Incorporated is providing engineering services.

**MOTION: DIRECTOR DANIELS MOTIONED, SECONDED BY DIRECTOR KINNEY TO PROCEED WITH PHASE II OF THE CONTRACT AND MOVE FORWARD WITH THE DESIGN-BUILD PROJECT. WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).**

TimberRidge Development Group, who is building homes in the vicinity of Black Forest and Volmer Road, has requested the District's assistance in installing a water pipeline relocation and fire hydrant. Mr. Munger provided their License Agreement to the Board for review.

**MOTION: DIRECTOR DANIELS MOTIONED, SECONDED BY DIRECTOR KINNEY TO APPROVE THE LICENSE AGREEMENT WITH TIMBERRIDGE DEVELOPMENT GROUP, LLC. WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).**

A Master Agreement for Services for Western States Fire Protection Company was presented to the Board for review. Contractor would perform a semi-annual inspection on the Grill hood at the Golf Course. The effective date of this Agreement would be changed from February 21, 2023 to March 21, 2023.

**MOTION: DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR DANIELS, TO APPROVE THE MSA FOR WESTERN STATES FIRE PROTECTION COMPANY. WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).**

An MSA for A&E Hood Cleaning was presented to the Board for consideration and approval. The effective date of this Agreement would be changed from February 21, 2023, to March 21, 2023.

**MOTION: DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR DANIELS, TO APPROVE THE MSA FOR A&E HOOD CLEANING. WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).**

Wagner Equipment Co has been recommended to contract an MSA with the District. They perform maintenance on the District's generators.

**MOTION: DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR DANIELS, TO APPROVE THE MSA FOR WAGNER EQUIPMENT CO. WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).**

On February 9, 2023, the District's legal counsel mailed a Notice of Intent and Offer to Acquire to BLH No. 2 LLC, c/o Norwood Limited, Inc., regarding land at the Tamlin Tank site. Negotiation is currently underway, and the next steps are to involve legal counsel in conversations regarding the clarity of their letter. This is a slow, ongoing process; and any developments will be brought before the Board.

Change Order #5 from Burns & McDonnell Engineering Company was presented to the Board. This change order results mostly from the tumbleweed issue. The date of the Change Order would be corrected from February 21, 2023, to March 21, 2023. The change order totals \$134,000.

**MOTION: DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR DANIELS, TO ACCEPT CHANGE ORDER #5 FROM BURNS & MCDONNELL IN THE AMOUNT OF \$134,000 FOR A REVISED CONTRACT PRICE OF \$42,554,874. WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).**

Mrs. Lathen requested action and ratification from the Board regarding moving forward in acquiring ownership of the Pinyon Jay Park, stating it would be in the District's best interest to obtain a title transfer and ownership.

**MOTION: DIRECTOR DANIELS, SECONDED BY DIRECTOR KINNEY, TO RATIFY THE TRANSFER OF OWNERSHIP OF PINYON JAY PARK FROM CLAREMONT RANCH LLC TO CHEROKEE METROPOLITAN DISTRICT. WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).**

Walker Schooler District Managers, on behalf of DR Horton, are requesting transfer of ownership of a selected parcel of tract, Claremont Ranch Fil No 7, Meadowbrook Parkway which was brought before the Board in a March 7<sup>th</sup> Board Workshop. It was now on the table for ratification.

**MOTION: DIRECTOR DANIELS MOTIONED TO RATIFY THE TRANSFER OF OWNERSHIP OF A MEADOWBROOK PARKWAY TRACT OF LAND FROM CHEROKEE METROPOLITAN DISTRICT TO WALKER SCHOOLER DISTRICT MANAGERS, ON BEHALF OF DR HORTON, SECONDED BY DIRECTOR KINNEY, WITH A REQUEST FROM DIRECTOR KINNEY FOR FURTHER DISCUSSION.**

Director Kinney stated the tract was originally in the development plan, and it is anticipated the easement which buffers up to existing homes will be constructed into a breeze walk with trees to enhance the residential development as open space in that area. Director Kinney encouraged the Board to vote in the affirmative.

**WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).**

Mrs. Lathen received a phone call from the Central Marksheffel Metropolitan District regarding selected open space parcels that were not transferred properly between home builders and developers which resulted in those records not being correctly recorded. With Cherokee having similar concerns, Central Marksheffel was inquiring on how to correct these issues. Also, they had an interest in acquiring one or more parcels under the District's authority. Mrs. Lathen will further research these findings and will provide a more consistent report in a future meeting.



Using a power point presentation, Kevin Brown provided a water audit report. This year's usage has remained closely the same as compared to last year with a low loss rate. There has been 1.7% growth in taps during the last year. The UBS water levels remain stable. The District currently has 208-acre feet of water available, and there are about 211 acres of undeveloped land in the District.

Tyler Dunich, Water ORC, provided a report to the Board, including an update concerning a website called Environmental Working Group. He stated that EWG is a nonprofit environmental group formed in 1993 and is funded by individual donations and grants from charitable foundations. Their mission is to retrieve articles, reports, and data, mostly off the internet, and use those to their advantage to produce data-driven publications and reports. Mr. Dunich advised the most reliable, trustworthy water report for the District is generated yearly through the Drinking Water Quality Report.

Joshua Watkins provided a report on the Reverse Osmosis project.

Mrs. Lathen updated the Board on the Replacement Plan stating that the hearing is scheduled in April, 2024, in Colorado Springs.

Grandview Metropolitan District No. 1 unfortunately had to remove their partnership interest in the purchase of wastewater treatment capacity at the Cherokee WWTP. There were no costs associated with this move except for legal fees which they are more than willing to pay.

Jeff Munger updated the Board with the status of the TDS project.

Ms. Howard asked the Board to consider amending a motion that was erroneously recorded in the September 20, 2022, Regular Board Minutes and provided a correction for the Board review.

**MOTION: DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR DANIELS, TO AMEND THE MOTION IN THE SEPTEMBER 20, 2022 MINUTES, REGARDING THE THREE PARCELS IN THE DISTRICT, TO CORRECTLY READ THAT, 'FOR LACK OF A SECOND TO DIRECTOR KINNEY'S MOTION, THE MOTION DIED.' WALTER HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTIONED PASSED (5-0).**

**ITEM 8: Public Comment**

Roger Stolz from the audience asked if the state was reversing their opinion on the TDS limit. Mrs. Lathen stated there was no reversal on TDS and it remains at 400 mg/meter.

**ITEM 9: Executive Session**

**MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR DANIELS, THAT THE BOARD GO INTO EXECUTIVE SESSION, CITING §24-6-402(4)(b), C.R.S., CONFERENCES WITH THE DISTRICT'S ATTORNEY REGARDING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS.**

**WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).**

Executive Session was entered at 12:31 p.m.

**MOTION: DIRECTOR DANIELS MOVED, SECONDED BY DIRECTOR HERRLEY, THAT THE BOARD COME OUT OF EXECUTIVE SESSION. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

Regular Session resumed at 12:43 p.m.

**ITEM 10: Other Meetings of Importance to the Cherokee Metropolitan District**

As listed on the Agenda.

**ITEM 11: Adjournment**

There being no further business to come before the Board at this time, the meeting was adjourned at 12:45 p.m.


  
Dennis Daniels, Secretary

Board Members

Steve Hasbrouck, President  
Walt Herrley, Vice President  
Dennis Daniels, Secretary  
Linda Keleher, Treasurer  
Michelle Marie Kinney, Director

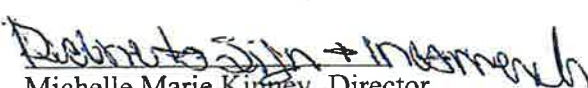
Term Expires

May 2025  
May 2023  
May 2023  
May 2025  
May 2025

  
Steve Hasbrouck, President

  
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Walt Herrley, Vice President

  
Michelle Marie Kinney, Director