



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

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

Term Expires

May 2022
May 2023
May 2023
May 2022
May 2022

DATE: August 18, 2020

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 July 21, 2020 Regular Board Meeting

5. **General Manager's Report – Amy Lathen**

- A. Selection of Board Treasurer
- B. Resolution 2020-14 – A RESOLUTION OF CHEROKEE METROPOLITAN DISTRICT, EL PASO COUNTY, COLORADO, AUTHORIZING THE ISSUANCE AND SALE OF ITS WATER AND WASTEWATER ENTERPRISE REVENUE BONDS, SERIES 2020, PROVIDING FOR THE SOURCES OF PAYMENT OF THE BONDS, AND PROVIDING OTHER DETAILS CONCERNING THE BONDS AND THE SYSTEM.
- C. SAFB Status Briefing
- a. Legal Process Discussion Regarding Late Payments
- D. CSU – Partnership Efforts – Briefing
- E. New Water Treatment ORC
- a. PAFB Chlorination System – Critical Systems Upgrades
- b. Ellicott Chlorination System – Critical Systems Upgrades
- F. New Regulation in CMD Rules and Regs to Prohibit Obstruction of Public Water Infrastructure

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

- A. July Monthly Financials
- B. Credit Card Fees Report – Discussion
- C. First Bank Report - Discussion

7. **Staff Reports – Questions of Written Reports**

- A. Parks Report
- a. Historical Data
- b. Clarification and Direction

8. **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)(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 Mediation/Arbitration Status
- b. CHFDF – Back Lot Real Estate Discussion

9. **Other Business**

10. **Directors' Items/Comments**

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

1. Woodmen Hills Metropolitan District Board Meeting, August 24, 2020 6:30 p.m.
2. Upper Black Squirrel Board Meeting, September 1, 2020 6 p.m.
3. PPRWA Directors' Meeting, Centennial Hall, September 2, 2020 9 a.m.
4. Meridian Service Metro District Board Meeting, September 2, 2020 10 a.m.

The 2020 Rocky Mountain Water Conference previously scheduled September 13-16, 2020 in Loveland, Colorado, has been cancelled.

13. **Adjournment**

CHEROKEE METROPOLITAN DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS

August 18, 2020

MINUTES

The Regular Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, August 18, 2020 at 5:30 p.m. at 6250 Palmer Park Blvd., Colorado Springs, Colorado.

BOARD OF DIRECTORS PRESENT

Steve Hasbrouck	Larry Keleher
Walt Herrley	Rene Sintas

CMD STAFF IN ATTENDANCE

Paul Rufien	Amy Lathen
Shawn Puente	Sara Howard
Cathy Fromm	Todd Laxson
Kevin Brown	Brian Beaudette

OTHERS PRESENT

Assunta Manning	Roger Stolz
Michael Persichitte	Nate Eckloff
Art Sintas	Pat Hrbacek
Gary Barber	

ITEM 1:

⇒ Call to Order

The meeting was called to order by President Steve Hasbrouck at 5:30 p.m. Dennis Daniels was ill and was not able to attend the evening's meeting.

*****MOTION*****

MR. KELEHER MOVED, SECONDED BY MR. HERRLEY, TO EXCUSE MR. DANIELS FROM THE MEETING. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

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 asked the Board's permission to add the following additional items to the evening's Agenda:

- G. Reagan Ranch Exclusion Resolution;
- H. Meridian Service Metropolitan District Emergency Water Lease Request/- Resolution, and
- I. City of Colorado Springs Airport Asbestos Pipeline Removal.

*****MOTION*****

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

Mrs. Lathen passed out a new Agenda as revised.

ITEM 3:

⇒ Public Comments on Items NOT on the Agenda

Roger Stolz requested a copy of the June 13, 2017 Regular Board Meeting Minutes. He stated they appeared on the old website but was not able to access the historical Minutes and Agendas on the District's new website. Discussion ensued regarding returning those documents to the website, and he was assured a copy of the June 13, 2017 Minutes would be provided to him.

ITEM 4:

⇒ Consent Agenda

The following were reviewed for approval: Minutes of the Regular Board Meeting of July 21, 2020.

*****MOTION*****

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

ITEM 5:

⇒ General Manager's Report – Amy Lathen

Mrs. Lathen updated the Board on monthly activities and progress by first recommending the Board select a Treasurer since the previous Treasurer had resigned.

*****MOTION*****

MRS. SINTAS MOVED, SECONDED BY MR. HERRLEY, TO ELECT MR. KELEHER AS BOARD TREASURER. MR. HERRLEY-YES. MRS. SINTAS-YES. MR. KELEHER-YES. MR. HASBROUCK-YES. MOTION PASSED (4-0).

Mrs. Lathen asked Cathy Fromm, Finance CEO, to present Resolution 2020-14 – A Resolution of Cherokee Metropolitan District, El Paso County, Colorado, authorizing the Issuance and Sale of Its Water and Wastewater Enterprise Revenue Bonds, Series 2020, Providing for the Sources of Payment of the Bonds, and Providing Other Details Concerning the Bonds and the System, to the Board. The Resolution was discussed in great length, and Michael Persichitte and Nate Eckloff were available to answer questions.

*****MOTION*****

MR. KELEHER MOVED, SECONDED BY MRS. SINTAS, TO APPROVE RESOLUTION 2020-14, A RESOLUTION OF CHEROKEE METROPOLITAN DISTRICT, EL PASO COUNTY, COLORADO, AUTHORIZING THE ISSUANCE AND SALE OF ITS WATER AND WASTEWATER ENTERPRISE REVENUE BONDS, SERIES 2020, PROVIDING FOR THE SOURCES OF PAYMENT OF THE BONDS, AND PROVIDING OTHER DETAILS CONCERNING THE BOND AND THE SYSTEM. MR. HERRLEY-YES. MRS. SINTAS-YES. MR. KELEHER-YES. MR. HASBROUCK-YES. MOTION PASSED (4-0).

Mrs. Lathen provided a SAFB Status Briefing, discussing the legal process regarding late payments, CSU partnership efforts, new ORC water treatment, and a new regulation regarding CMD Rules and Regs to Prohibit Obstruction of Public Water Infrastructure.

There were a few revisions in CMD's Rules and Regulations, Part 4, 1-401, specifically Legal Action, highlighted in red, which she asked the Board to consider amending:

- A. The remedies of the District as set forth in this Part shall be cumulative and not alternative and the District may pursue any such remedy either singly or in combination as it may deem necessary and appropriate.
- B. Any use of or connection to the water supply or wastewater systems of the District in violation of any provision of this Ordinance, or any act or condition which damages, injures, or threatens to damage or injure, *or which intentionally or unintentionally in any way restricts full operational access* to the water supply or wastewater systems of the District shall be considered a public nuisance and the District may commence an action for appropriate legal and/or equitable relief *administratively or* in the District Court in and for the county of El Paso or in any other appropriate court. In any such action, the District may recover reasonable attorney fees, costs, court reporter fees and other expenses of litigation.

These requested modifications are a result of customers parking vehicles over driveway curb boxes to prevent their water being shut off on disconnect days for non-payment.

*****MOTION*****

MR. KELEHER MOVED, SECONDED BY MR. HERRLEY TO MODIFY THE MINOR CHANGES IN CMD'S RULES AND REGULATIONS, PART 4, ENFORCEMENT AND GENERAL PENALTY, 1-401. LEGAL ACTION AS WRITTEN. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Pat Hrbacek, representing the law office of Spencer Fane, approached the Board at the request of Mrs. Lathen and provided an overview of the adoption of a service plan for Reagan Ranch Metropolitan District. Cherokee Metropolitan District's boundaries would overlap the boundaries of Reagan Ranch; however, Cherokee is not now, and would not be, providing public improvements or services that would duplicate those improvements of Reagan Ranch. This parcel is located near the intersection of Hwy 94 and Marksheffel Road.

*****MOTION*****

MR. KELEHER MOVED, SECONDED BY MR. HERRLEY, TO APPROVE RESOLUTION 2020-15, RESOLUTION CONSENTING TO THE ADOPTION OF A SERVICE PLAN FOR REAGAN RANCH METROPOLITAN DISTRICT NOS. 1-3, WHOSE BOUNDARIES AND SERVICES WILL OVERLAP WITH THE BOUNDARIES AND SERVICES OF CHEROKEE METROPOLITAN DISTRICT. MR. HERRLEY-YES. MRS. SINTAS-YES. MR. KELEHER-YES. MR. HASBROUCK-YES. MOTION PASSED (4-0).

Mrs. Lathen brought to the Board's attention an emergency water lease with Meridian Service Metropolitan District which would be a short-term water lease charging a bulk,

out-of-District rate to Meridian and delivering to them emergency use water on a short-term basis. The Agreement would terminate on October 31, 2020.

*****MOTION*****

MR. KELEHER MOVED, SECONDED BY MRS. SINTAS, TO APPROVE A TEMPORARY EMERGENCY 2020 WATER LEASE AGREEMENT BETWEEN CHEROKEE METROPOLITAN DISTRICT AND MERIDIAN SERVICE METROPOLITAN DISTRICT EFFECTIVE AUGUST 18, 2020 AND TERMINATING OCTOBER 31, 2020. MR. HERRLEY-YES. MRS. SINTAS-YES. MR. KELEHER-YES. MR. HASBROUCK-YES. MOTION PASSED (4-0).

The meeting recessed for a five-minute break and returned to Regular Session at 7:33 p.m.

Mrs. Lathen advised the Board that the Colorado Springs Airport has asked the District to remove an old, concrete asbestos pipeline that is situated under their business development park. The pipeline is obsolete and has not been used in recent memory. The District is obligated to remove the pipeline and is determining options for removal. CSU contractors on site have offered to remove the pipeline in the amount of approximately \$50,000 which the District has agreed to.

ITEM 6:

⇒ Finance and Accounting – Cathy Fromm

Cathy Fromm provided an overview of the July Financial Statements and answered questions from the Board. There were discussions concerning credit card fees paid by the District and the District's financial institution.

In continuing discussion with the Parks fees and fund, Mrs. Lathen suggested last month's motion regarding work being completed at the Pronghorn Meadows Park perhaps should be more clearly defined, and discussion ensued. A more clearly stated motion followed.

*****MOTION*****

MRS. SINTAS MOVED, SECONDED BY MR. KELEHER, TO DIRECT MANAGEMENT AND PARKS STAFF TO PROVIDE SCOPE AND COSTS FOR ADDITIONAL IMPROVEMENTS AT PRONGHORN MEADOWS PARK. SUCH IMPROVEMENTS SHALL BE PRESENTED TO THE BOARD AS SPECIFIC AND SEPARATE EXPENDITURES SO THAT THE BOARD MAY CHOOSE EXACTLY WHAT IMPROVEMENTS TO FUND. STAFF WILL ALSO PROVIDE THIS SAME SCOPE AND COST INFORMATION TO THE PRONGHORN MEADOWS HOA SO THEY MAY CHOOSE TO PARTICIPATE IN THE PARK IMPROVEMENTS ALONG WITH THE DISTRICT. SUCH CAPITAL EXPENDITURES WILL NOT EXCEED

\$8,856.00 IN 2020 AND ANY ADDITIONAL IMPROVEMENTS AT THE PRONGHORN MEADOWS PARK IN 2020 WILL NEED A SUPPLEMENTAL BUDGET ALLOCATION AND/OR WILL CARRY OVER FOR APPROVAL IN THE 2021 PARKS CAPITAL BUDGET. THIS MOTION IS INTENDED TO CLARIFY AND REPLACE THE MOTION MADE DURING THE BOARD MEETING ON JULY 21, 2020 REGARDING FUNDING FOR PRONGHORN MEADOWS PARK, IN ORDER TO ADVANCE THE WILL OF THE BOARD. MR. HERRLEY-NO. MRS. SINTAS-YES. MR. KELEHER-YES. MR. HASBROUCK-YES. AFTER FURTHER DISCUSSION, MR. HERRLEY REVERSED HIS ANSWER. MR. HERRLEY-YES. MRS. SINTAS-YES. MR. KELEHER-YES. MR. HASBROUCK-YES. MOTION PASSED (4-0).

Mrs. Sintas brought to the Board's attention a concern from some residents in the District that there were safety concerns at the Disc Golf Course in Claremont Ranch. The area around the course is not sufficiently lit, and there have been requests to put in lights in and around the parking lot area. It was learned Mountain View Electric would be the company putting any lights in that area and the location would first have to be approved by El Paso County. This item will require further review.

ITEM 7:

⇒ Staff Reports – Questions of Written Reports

ITEM 8:

⇒ Executive Session

*****MOTION*****

MR. KELEHER MOVED, SECONDED BY MR. HERRLEY, 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. MR. HERRLEY-YES. MRS. SINTAS-YES. MR. KELEHER-YES. MR. HASBROUCK-YES. MOTION PASSED (4-0).

Executive Session was entered into at 9:28 p.m.

*****MOTION*****

MR. KELEHER MOVED, SECONDED BY MR. HERRLEY, TO COME OUT OF EXECUTIVE SESSION. MR. HERRLEY-YES. MRS. SINTAS-YES. MR. KELEHER-YES. MR. HASBROUCK-YES. MOTION PASSED (4-0).

Board Members came out of Executive Session. All were present in Executive Session, pursuant to §24-6-402(4)(b), citing conferences with the District’s attorney regarding legal advice on specific legal questions. No votes were taken and no decisions were made.

Regular Session resumed at 9:52 p.m.

ITEM 9:

⇒ Other Business

There was no other business.

ITEM 10:

⇒ Directors Items/Comments

There were no Directors items or comments.

ITEM 11:

⇒ Other Meetings of Importance

Other meetings of interest as listed on the August 18, 2020 Regular Board Meeting Agenda.

ITEM 12:

⇒ Adjournment


There being no further business to come before the Board at this time, the meeting adjourned at 9:56 p.m.

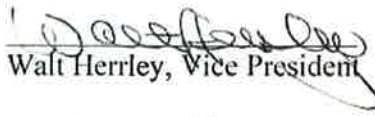
Dennis Daniels, Secretary

Board Members


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


Steve Hasbrouck, President


Walt Herrley, Vice President


Larry Keleher, Treasurer


Rene Sintas, Director


Sara Howard, Transcriber