



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: December 15, 2020

TIME: 5:45 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 October 20, 2020 Regular Board Meeting
- B. Directors Signatures

Recess Regular Meeting

5. **Public Hearing**

- A. Approval of 2021 Budget
- B. Resolution 2020-17

Resume Regular Meeting

6. **Exclusion Petition**

City of Colorado Springs Overlap Resolution

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

- A. Water Quality Briefing – Nicholas Griffin ORC
- B. Bylaws Revision
- C. Guaranteed Maximum Price Presentation: 90% Cost Estimate
- D. MSA - Garney Construction
- E. Jetter Truck Request – Ratification
- F. Questions of Staff Reports

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

- A. October and November Monthly Financials

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 Well Field and Pipeline
 2. Colorado Springs Airport Pipeline Removal
 3. Patel Settlement
 4. Meridian Arbitration

10. **Other Business**

11. **Directors' Items/Comments**

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

1. Upper Black Squirrel Board Meeting, January 5, 2021, 6 p.m.
2. Meridian Service Metro District Board Meeting, January 6, 2021, 10 a.m.
Virtual Meeting

13. **Adjournment** **MERRY CHRISTMAS!**

CHEROKEE METROPOLITAN DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS

December 15, 2020

MINUTES

The Regular Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, December 15, 2020 at 5:45 p.m. at 6250 Palmer Park Blvd., Colorado Springs, Colorado.

BOARD OF DIRECTORS PRESENT

Steve Hasbrouck	Larry Keleher	Rene Sintas
Walt Herrley	Dennis Daniels	

CMD STAFF IN ATTENDANCE

Jeff Munger	Amy Lathen	Shawn Puente	Kent Hoadley
Julie Wells	Sara Howard	Kevin Brown	Walter Mack
Cathy Fromm	Brian Beaudette	Nicholas Griffin	Todd Laxson

OTHERS PRESENT

Assunta Manning	Paul Rufien (call-in)	Margaret Hampton	Zach Herrington
Roger Stolz	Dave Mattes	Sara Schmillen	Keith Schmillen
Art Sintas	Robert Hernandez	Heather Kinds	David Staats
William Heckard			

ITEM 1:

⇒ Call to Order

The meeting was called to order by President Steve Hasbrouck at 5:46 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. There were none.

*****MOTION*****

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

Mrs. Lathen reached counsel Mr. Rufien by phone so he would be present by call-in.

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.

Robert Hernandez approached the Board and mentioned he had earlier passed out some slides of parks, specifically of Eastridge Park. One of his main concerns was noticeable overgrowth in open areas, and he believed these areas could easily be maintained to keep fire hazards to a minimum.

The audience was advised there are plans being made to host a Parks Open House in the early part of 2021 to address issues such as this.

Assunta Manning approached the podium and asked the Board to make these meetings accessible to ALL residents, i.e., via ZOOM, call-in, to mention a few options. Mrs. Lathen has looked at all options for meetings, specifically when public hearings have been noted, in which the location, date, and time of hearing is required to be published. The meeting must be held so the public can personally review the document if they desire. Unfortunately, the evening's meeting needed be held in the District's bay because of COVID restrictions; however, there is not a dedicated phone line in the bay. These options were thoroughly reviewed beforehand.

Mrs. Manning also asked the procedure that was in place when a customer called the office and asked for their water to be tested during the COVID pandemic. Mrs. Lathen mentioned there's available staff to follow up on those types of requests, and as always, the District operates under strict adherence of PPE gear, social distancing and sanitization rules.

Lastly, she asked what the procedure was if a customer wished to submit a complaint against a District employee. Mrs. Lathen advised the customer should call the Front Desk and that the call would be referred directly to her, and she would get in touch with the customer. Also, she can address any customer concerns if someone wishes to email her at alathen@cherokeemetro.org.

ITEM 4:

⇒ Consent Agenda

The following were reviewed for approval: Minutes of the Regular Board Meeting of October 20, 2020.

*****MOTION*****

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

ITEM 5:

⇒ Public Hearing – Budget Approval

The Regular Meeting was recessed and the meeting moved into the Budget Hearing commenced at 6:02 p.m.

*****MOTION*****

MR. KELEHER MOVED, SECONDED BY MR. DANIELS, TO OPEN THE MEETING TO A BUDGET HEARING. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Cathy Fromm presented the entire 2021 proposed Budget to the Board, and Mrs. Lathen complemented her overview with input and comments. An overview of the General Fund including revenue, contracting and line-item accounts were discussed. They answered questions as they were addressed during the hearing.

Mrs. Lathen asked if there were questions from the Board or the audience. Mrs. Manning approached the podium. She questioned COVID costs and expenses that have been incurred by the District and attorney fees relating to the TDS project. COVID expenses are currently being requested for reimbursement through a state Coronavirus Relief Fund Grant managed by the Department of Local Governments (DOLA).

The meeting returned to Regular Session at 6:49 p.m.

*****MOTION*****

MR. DANIELS MOTIONED, SECONDED BY MR. KELEHER, TO APPROVE RESOLUTION 2020-17, ADOPTING THE 2021 BUDGET, INCLUDING SUPPLEMENTAL BUDGET REQUESTS OF: 1. TRANSMISSION AND

DISTRIBUTION – A. LINES/VALVES/HYDRANTS ADD \$100,000, TOTAL: \$250,000; B. SALARIES AND WAGES ADD \$71,000, TOTAL \$915,637, AND 2. WATER/WASTEWATER FUND – A. OVERTIME AND ON-CALL TOTAL ADD \$20,000, TOTAL \$94,000 WITH A TOTAL ADD: \$191,000 AND TOTAL ADMINISTRATION \$8,095,137, AND APPROPRIATING SUMS OF MONEY TO THE FUNDS IN THE AMOUNTS AND FOR THE PURPOSES SET FORTH HEREIN FOR THE CHEROKEE METROPOLITAN DISTRICT, EL PASO COUNTY, COLORADO, FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2021, AND ENDING ON THE LAST DAY OF DECEMBER, 2021. MR. HERRLEY-YES. MR. DANIELS-YES. MR. KELEHER-YES. MRS. SINTAS-YES. MR. HASBROUCK-YES. MOTION CARRIED (5-0).

ITEM 6:

⇒ Exclusion Petition

Kevin Brown provided a report to the Board explaining an Exclusion Petition between Cherokee Metropolitan District and the City of Colorado Springs. Several parcels of property have already been under the jurisdiction of the City since 1988; however, to make it official and duly recorded in El Paso County records, the Board was asked to review and approve Resolution 2020-18, A Resolution of the Board of the Directors of the Cherokee Metropolitan District Approving Exclusion of Parcels from its Legal Boundaries.

There was a concern from the audience that part of this parcel should not be annexed to the city on the grounds it could be potential and a benefit for the District to retain in its boundaries. The opinion of same was sought from legal counsel Paul Ruffien, and he believed it was in the best interest not to contest the annexation and further to bring it to public opinion through a Public Hearing, which was duly noticed in the *Ranchland News* legal ads on December 9, 2020. Mrs. Lathen asked if any one in the audience represented the landowner in this exclusion. There was no one present.

*****MOTION*****

MR. KELEHER MOVED, SECONDED BY MR. HERRLEY, TO OPEN THE MEETING TO A PUBLIC HEARING TO DISCUSS THE PETITION FOR EXCLUSION. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

The Regular Meeting was recessed and the meeting moved into Public Hearing at 7:05 p.m.

There were no arguments nor discussion from the Board or Public.

*****MOTION*****

MR. KELEHER MOVED, SECONDED BY MR. HERRLEY TO APPROVE RESOLUTION 2020-18, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CHEROKEE METROPOLITAN DISTRICT APPROVING EXCLUSION OF PARCELS FROM ITS LEGAL BOUNDARIES. MR. HERRLEY-YES. MR. DANIELS-YES. MR. KELEHER-YES. MRS. SINTAS-YES. MR. HASBROUCK-YES. MOTION CARRIED (5-0).

The meeting returned to Regular Session at 7:08 p.m.

ITEM 7:

⇒ General Manager's Report – Amy Lathen

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

Nicholas Griffin, the District's recently hired ORC, provided a water quality briefing and explained some challenges the District has had recently concerning brown water. Water quality issues are usually referred to him when customers have concerns or requests about their water. He stated the he or his staff would be glad to come to a customer's home to test their water and answer any questions they might have. The COVID pandemic has placed some restrictions on that procedure.

Mrs. Lathen brought to the attention of the Board a revision in the District's Bylaws, that only regular and special Board Meetings are allowed for travel reimbursement by Board Members.

*****MOTION*****

MR. KELEHER MOVED, SECONDED BY MR. DANIELS, TO APPROVE THE REDLINE REVISION IN THE DISTRICT'S BYLAWS, ARTICLE III MISCELLANEOUS, PARAGRAPH 3. REIMBURSEMENTS. AT NO TIME MAY ANY DIRECTOR BE REIMBURSED FOR COMMUTING OR ANY OTHER TYPE OF MILEAGE OR ANY OTHER DISTRICT-RELATED EXPENSE(S) WITHOUT PRIOR APPROVAL OF SUCH EXPENSE(S) BY A MAJORITY OF BOARD MEMBERS. MR. HERRLEY-YES. MR. DANIELS-YES. MR. KELEHER-YES. MRS. SINTAS-YES. MR. HASBROUCK-YES. MOTION CARRIED (5-0).

She provided an explanation of the guaranteed maximum prices, 90% cost estimate. Bonds were issued, and it's now the time to amend the contract for construction. The construction will begin next month.

Mr. Munger gave a presentation on where the District stands in Phase II and introduced David Staats, Project Manager, with Garney Construction, and Zach Herrington with Burns and McDonnell. Donald. The Board was presented with a Master Service Agreement for Garney Construction which establishes the District's contract terms and conditions and is set up to issue Work Orders for specific work that is not defined in the MSA.

*****MOTION*****

MR. KELEHER MOVED, SECONDED BY MR. DANIELS, TO APPROVE THE MASTER SERVICES AGREEMENT FOR GARNEY CONSTRUCTION WHICH IS WRITTEN SO WORK ORDERS CAN BE ISSUED FOR SPECIFIC WORK TO BE COMPLETED. MR. HERRLEY-YES. MR. DANIELS-YES. MR. KELEHER-YES. MRS. SINTAS-YES. MR. HASBROUCK-YES. MOTION CARRIED (5-0).

The District recently purchased a Jetter truck to help with operations of water collections. Mrs. Lathen requested the Board to ratify the purchase of this truck in the amount of \$200,005.

*****MOTION*****

MR. DANIELS MOVED, SECONDED BY MR. KELEHER, TO RATIFY THE PURCHASE OF A JETTER TRUCK IN THE AMOUNT OF \$200,005. MR. HERRLEY-YES. MR. DANIELS-YES. MR. KELEHER-YES. MRS. SINTAS-YES. MR. HASBROUCK-YES. MOTION CARRIED (5-0).

Remaining staff reports were included in the evening's Board packet for their review.

Referring to November's General Manager Report, Mrs. Lathen discussed EPC approvals, the Replacement Plan with Meridian, the District's five-year budget outlook, hosting a state certification training, arbitration delays with Meridian, potential purchasers of Sundance, and gathering information for evaluation of the District's infrastructure.

ITEM 8:

⇒ Finance and Accounting – Cathy Fromm

Cathy Fromm provided an overview of the October and November Financial Statements and answered questions from the Board.

ITEM 9:

⇒ Executive Session

*****MOTION*****

MR. KELEHER MOVED, SECONDED BY MR. HERRLEY, THAT THE BOARD GO INTO EXECUTIVE SESSION CITING §24-6-402 (4)(a) C.R.S., PURCHASE ACQUISITION, LEASE TRANSFER, OR SALE OF A PROPERTY INTEREST. MR. HERRLEY-YES. MR. DANIELS-YES. MR. KELEHER-YES. MR. HASBROUCK-YES. MOTION PASSED (4-0).

Executive Session was entered into at 9:03 p.m.

*****MOTION*****

MR. DANIELS MOVED, SECONDED BY MR. KELEHER, 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), citing conference with the District's attorney regarding legal advice on purchase acquisition, lease transfer, or sale of a property interest. No votes were taken and no decisions were made.

Regular Session resumed at 9:41 p.m.

ITEM 10:

⇒ Other Business

There was no other business.

ITEM 11:

⇒ Directors' Items/Comments

There were no Directors' comments.

ITEM 12:

⇒ Other Meetings of Importance

Other meetings of interest as listed on the December 15, 2020 Regular Board Meeting Agenda.

ITEM 13:

⇒ Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 9:43 p.m.



Dennis Daniels, Secretary

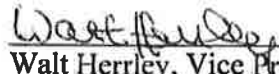
Board Members

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


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Rene Sintas, Director


Sara Howard, Transcriber