



# 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: August 17, 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 July 20<sup>th</sup> Regular Board Meeting
- B. Approval of Minutes for the August 4<sup>th</sup> Special Board Meeting
- C. Directors Signatures

5. **Staff Reports**

- A. Water/Wastewater Projects Status Report
- B. CHFD Water Use Discussion
- C. Colorado Springs Airport, Pipeline Removal Status
- D. Mayberry Service Agreement/Cherokee Water LLC
- E. Construction Update – Jeff Munger
- F. Questions of Staff Reports

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

- A. July Monthly Financials

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. Personnel Evaluation of Direct Report Employee
2. CHFD Conflict of Interest
3. Potential New Water/Wells Acquisition

8. **Other Business**

9. **Directors' Items/Comments**

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

Cimarron Hills Fire Department Board Meeting, August 18, 2021, at 5:30 p.m.  
CMD Board On-Site Work Session at the WRF – Construction Progress, August 19, 2021 at 8:30 am  
Woodmen Hills Metropolitan District Board Meeting, August 26, 2021, at 5:30 p.m.  
Upper Black Squirrel Board Meeting, September 7, 2021 at 6:00 p.m.  
SDA Annual Conference, Keystone, September 14-16, 2021

11. **Adjournment**

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

August 17, 2021

MINUTES

The Regular Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, August 17, 2021 at 5:30 p.m. at 6250 Palmer Park Blvd., Colorado Springs, Colorado.

**BOARD OF DIRECTORS PRESENT**

Steve Hasbrouck	Larry Keleher	Dennis Daniels
Walt Herrley	Rene Sintas	

**CMD STAFF IN ATTENDANCE**

Amy Lathen	Cathy Fromm	Julie Wells
Brian Beaudette	Shawn Puente	Connie Hughes
Joshua Watkins	Jeff Munger	Sara Howard

**OTHERS PRESENT**

Roger Stolz	Jason Kvols
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**ITEM 1:**

⇒ Call to Order

The meeting was called to order by President Steve Hasbrouck at 5:30 p.m. All Directors were present. There were no Directors' qualifications and disclosures. All 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 amendments to the Agenda.

**\*\*\*MOTION\*\*\***

**MR. KELEHER MOVED, SECONDED BY MR. HERRLEY, TO APPROVE THE EVENING'S 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. There were no public comments.

ITEM 4:

⇒ Consent Agenda

The following was reviewed for approval: Minutes of the Regular Board Meeting of July 20, 2021 and Minutes of the Special Meeting/Joint Work Session of August 4, 2021. Mrs. Sintas requested an amendment showing where she and Mr. Keleher recused themselves from the Executive Session noted on Page 4.

**\*\*\*MOTION\*\*\***

**MR. KELEHER MOTIONED, SECONDED BY MR. DANIELS, TO APPROVE THE CONSENT AGENDA AS AMENDED. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

ITEM 5:

⇒ General Manager's Report

Mrs. Lathen provided her monthly report to the Board identifying key projects of importance including a Water/Wastewater Projects Status Report, CHFD water use discussion, Colorado Springs Airport Pipeline Removal Status, and Mayberry Service Agreement/Cherokee Water LLC.

Legal counsel and staff are continuing to negotiate and draft several wastewater agreements for accuracy and are continuing to draft water agreements. Letters of intent are being processed.

She provided a report on the work session with the Board of County Commissioners regarding the LOOP, which is a regional water resources and opportunities project being coordinated with several other special districts.

The District's policy requires all water user customers in and out of District to have a backflow prevention device hooked up to the District's hydrants when using a hydrant meter. The

Cimarron Hills Fire Department occasionally uses Cherokee's hydrants for training purposes and, of course, fire emergencies.

The Board discussed waiving the water usage fee for the Fire Department for the first three months to determine how much they are using, then deciding whether to charge a fee.

**\*\*\*MOTION\*\*\***

**MR. DANIELS MOTIONED, SECONDED BY MR. HERRLEY, TO DETERMINE THE FIRST THREE MONTHS OF CIMARRON HILLS FIRE DEPARTMENT HYDRANT WATER USE BEFORE DETERMINING WHETHER OR NOT TO CHARGE A WATER FEE. MR. HERRLEY-YES. MR. DANIELS-YES. MR. KELEHER-ABSTAIN. MRS. SINTAS-ABSTAIN. MR. HASBROUCK-YES. MOTION PASSED (3-2-0).**

Several years ago, Colorado Springs Utilities had asked the District to remove an old and unused pipeline at the Colorado Springs Airport. The request has again resurfaced. Some of the pipeline is buried between five and 20 feet. The District agreed to pay the City \$97,568.51 for part of the removal cost along with a signed release. An Amazon-constructed facility is projected to be built on part of the property where the pipeline was removed, and the City has modified a release to Cherokee stating the District could be responsible for any future modifications and costs. Board discussion was tabled to the evening's Executive Session.

The Mayberry Service Agreement has been drafted by legal counsel Pete Johnson. The amount of water the District has committed to provide is 54.03-acre feet. The Ellicott Utility Company shall be solely responsible for all costs related to the infrastructure beyond the connect point including, but not limited to, any pipelines, meters, valves and backflow prevention devices. Approving the lease without quoting a commercial fee is acceptable.

**\*\*\*MOTION\*\*\***

**MR. KELEHER MOTIONED, SECONDED BY MR. HERRLEY, TO APPROVE THE MAYBERRY SERVICE AGREEMENT SUBJECT TO THE PROVISIONS IN PARAGRAPH II. F., NOT TO EXCEED FOUR THOUSAND DOLLARS (\$4,000.00), IN ADDITION TO THE PROVISIONS SET FORTH IN PARAGRAPH 7.2 OF THE OPERATING AGREEMENT AND SUBJECT TO THE LEGAL DESCRIPTION IN EXHIBIT A. MR. HERRLEY-YES. MR. DANIELS-YES. MR. KELEHER-YES. MRS. SINTAS-YES. MR. HASBROUCK-YES. MOTIONED PASSED (5-0).**

Mrs. Lathen advised the Board the District has received all required payments from the Meridian Service Metropolitan District through June 30, 2021.

A tour of the Wastewater Reclamation Facility's construction progress is slated for Thursday, August 19, 2021 beginning at 9 a.m. The public is invited, and most of the members of the Board are planning to attend.

TDS Project -Construction Update – Jeff Munger

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

ITEM 6:

⇒ Finance and Accounting

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

ITEM 7:

⇒ Executive Session

**MR. DANIELS MOVED, SECONDED BY MR. KELEHER, 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.**

Executive Session was entered into at 7:23 p.m.

**\*\*\*MOTION\*\*\***

**MR. KELEHER MOVED, SECONDED BY MR. DANIELS, 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)(f), §24-6-402(4)(b), §24-6-402(4)(a). No votes were taken and no decisions were made.

Regular Session resumed at 9:54 p.m.

ITEM 8:

⇒ Other Business

There was no other business to report.

ITEM 9:

⇒ Directors' Items/Comments

There were no Directors' comments.

ITEM 10:

⇒ Other Meetings of Importance to the Cherokee Metropolitan District

1. Woodmen Hills Metropolitan District Meeting, 5:30 p.m. July 22, 2021
2. UBSCGW Monthly Meeting, 5:30 p.m. July 22, 2021
3. El Paso County Board of Commissions Work Session Re: The Loop, 10 a.m., August 10, 2021
4. Annual SDA Conference, September 14-16, 2021, Keystone, Colorado

ITEM 11:

⇒ Adjournment

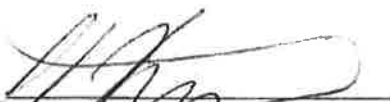
There being no further business to come before the Board at this time, the meeting was adjourned at 10:05 p.m.

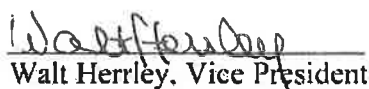
  
 Dennis Daniels, Secretary

Board Members

Term Expires

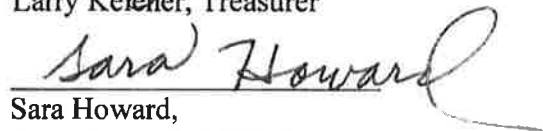
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 Walt Herrley, Vice President

  
 Larry Keleher, Treasurer

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 Rene Sintas, Director

  
 Sara Howard,  
 Executive Administrator  
 and Clerk to the Board