



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
Larry Keleher, Treasurer
Rene Sintas, Director

Term Expires

May 2022
May 2023
May 2023
May 2022
May 2022

DATE: November 16, 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. Directors Items

- A. Consideration of Possible Letter of Censure – Draft

4. **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.

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 October 19, 2021 Regular Board Meeting
- B. Directors Signatures

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

- A. October Monthly Financials

7. **General Manager's Report**

- A. MSA with Beers Construction, LLC
- B. Poleson Well Acquisition Update
- C. Water Softener Prohibition Discussion
- D. Pinyon Jay Park Update
- E. Questions of Staff Reports

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)(e), C.R.S., Determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators. 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. Replacement Plan Review
 - 2. Grandview Metropolitan District Wastewater Service Agreement
 - 3. Fying Horse North
 - 4. CHFD Lease

9. **General Manager's Report (Continued)**

- A. Replacement Plan Authorization
- B. CHFD Lease

10. **Other Business**

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

Cimarron Hills Fire Department Board Meeting, November 17, 2021 at 5:30 p.m.
UBSGW Meeting, December 7, 2021 at 6:00 p.m.
CMD Annual Christmas Dinner Saturday, December 11, 2021

12. **Adjournment**

CHEROKEE METROPOLITAN DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS

November 16, 2021

MINUTES

The Regular Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, November 16, 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	Joshua Watkins
Joshua Watkins	Shawn Puente	Tyler Drennan
Sara Howard	Jeff Munger	Mark Cuchiara
Walter Mack		

OTHERS PRESENT

Nathaniel Williams	Lauren Casto	Michelle Marie Kinney
Robert Hernandez	Thomas Brewster	Pete Johnson (virtual)
Roger Stolz	Art Sintas	Gary Barber
Paul Rufien	Michael Casto	

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 requested changes.

*****MOTION*****

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

ITEM 3:⇒ Directors Items

Director Daniels addressed the Board by inviting discussion regarding a public reprimand against a current Board Member. A letter of censure was prepared for Director Sintas and was read in its entirety by Director Daniels. The letter was primarily the result of previous Board discussion at the Cimarron Hills Fire Department Board Meeting regarding a possible parking lease agreement between the Cimarron Hills Fire Department and Cherokee Metropolitan District, both which are adjacent to, and share, driveways and parking lots. It was believed Mrs. Sintas discussed topics of a sensitive, fiduciary nature which should have otherwise remained confident, thereby resulting in a conflict of interest as a Board Member for both special districts.

Mrs. Sintas responded to the letter of censure. She stated she has never done anything at the Fire Department to benefit her own pocketbook. She does believe Cherokee needs to pay market value for anything they use over there, and it should not be a handshake deal. She believes this is a continuation of retaliation because she reported sexual harassment. She asked Legal Counsel Paul Rufien if he wrote the letter of censure. He stated he did not write the letter but he had a hand in some of it. She said she is glad this situation is finally being discussed in open session because now she can defend herself and she can let every woman in the District know that the remaining Board Members are retaliating against her for reporting sexual harassment. A considerable amount of discussion ensued between Directors Keleher and Sintas.

Director Daniels later asked for a copy of the "petition" written on behalf of the Claremont Ranch Subdivision listing the 100 citizens who signed the document. Mrs. Kinney in the audience stated it was not a petition but rather a letter that was circulated to the Board.

Mr. Daniels also addressed a water quality concern at a residence and asked the customer if a Cherokee could go to his residence to check the water. He has not heard back from the customer. He answered another customer's question regarding fees for using credit cards as a form of payment to pay their bill and emailed the customer explaining that the charges are assessed by the credit card companies, not by the District.

ITEM 4:⇒ 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 5:

⇒ Consent Agenda

The following was reviewed for approval: Minutes of the Regular Board Meeting of October 19, 2021.

*****MOTION*****

MR. HERRLEY MOTIONED, SECONDED BY MR. DANIELS, TO APPROVE THE MINUTES FOR THE REGULAR BOARD MEETING OF OCTOBER 19, 2021. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

ITEM 6:

⇒ Finance and Accounting

Cathy Fromm provided a report on the October Monthly Financials and answered questions from the Board. Roger Stolz asked for the District's amount of cash on hand.

ITEM 7:

⇒ General Manager's Report

Mrs. Lathen provided her monthly report to the Board identifying key projects of importance including the Replacement Plan, Grandview Wastewater Service Agreement, ongoing LOOP developments, and Flying Horse North discussions. Drafting of the Grandview Reserve Metropolitan Wastewater Service Agreement continues as legal counsel and staff share their ideas and suggestions.

The Board was presented with the Master Services Agreement with Beers Construction, LLC, who is replacing two-inch water mains in the District.

*****MOTION*****

MR. DANIELS MOTIONED, SECONDED BY MR. KELEHER, TO APPROVE THE MASTER SERVICES AGREEMENT WITH BEERS CONSTRUCTION, LLC. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

An update on the Poleson Well Acquisition was presented to the Board. The District remains in the due-diligence phase.

Water softener use in the District has been a highly contentious and discussed concern among staff and District customers. Water softeners release large amounts of total dissolved solids into the District's discharge and can affect the TDS levels over time. Customers have asked if the

water softener prohibition will be uplifted because of the construction of the new reverse osmosis plant.

Water softeners are no longer a threat to the District's wastewater system, and there was discussion by the Board to remove the prohibition.

*****MOTION*****

MR. DANIELS MOTIONED, SECONDED BY MR. HERRLEY, TO REMOVE THE DISTRICT'S PROHIBITION ON WATER SOFTENERS. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Todd Laxson updated the Board with the fence repair project and Pinyon Jay Drive and provided an overview of several bids and options for repair. The damaged parts could be replaced or mended and repair. Existing panels could be shortened to complement the linear effect of the fence.

*****MOTION*****

MRS. SINTAS MOTIONED TO REPAIR THE FENCE NOT TO EXCEED \$2,000. MOTION DIED FOR LACK OF A SECOND.

More discussion ensued with further recommendation to establish a tier effect by removing selected panels and using those panels to further repair the remainder of the fence. The customer agreed this plan would work for the repair of his fence.

*****MOTION*****

MR. DANIELS MOTIONED, SECONDED BY MR. KELEHER, TO UTILIZE IN-HOUSE STAFF TO REMOVE SELECTED PANELS AND USE THOSE PANELS TO FURTHER REPAIR THE REMAINDER OF THE FENCE BORDERING THE PINYON JAY DRIVE DISTRICT PARK. YES-MR. HERRLEY. YES-MR DANIELS. YES-MR. KELEHER. YES-MRS. SINTAS. YES-MR. HASBROUCK. MOTION PASSED (5-0).

Mrs. Lathen finished the remainder of her monthly report which included the topics of The LOOP, Sundance Ranch, the Tamlin Tank, and Flying Horse North.

ITEM 8:

⇒ Executive Session

*****MOTION*****

MR. KELEHER MOVED, SECONDED BY MR. DANIELS, THAT THE BOARD GO INTO EXECUTIVE SESSION, CITING §24-6-402(4)(e), C.R.S.,

DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND INSTRUCTING NEGOTIATORS. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

MR. KELEHER AND MRS. SINTAS RECUSED THEMSELVES FROM THE PART OF THE EXECUTIVE SESSION CONSISTING OF THE CIMARRON HILLS FIRE DEPARTMENT PARKING LOT LEASE.

Executive Session was entered into at 7:32 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 came out of Executive Session. Mr. Keleher and Mrs. Sintas returned to the Regular Session. No votes were taken and no decisions were made.

Regular Session resumed at 8:44 p.m.

*****MOTION*****

MR. DANIELS MOTIONED, SECONDED BY MR. HERRLEY, TO APPROVE THE CIMARRON HILLS FIRE DEPARTMENT PARKING LOT LEASE EFFECTIVE JANUARY 1, 2022. MR. HERRLEY-YES. MR. DANIELS-YES. MR. KELEHER-ABSTAIN. MRS. SINTAS-ABSTAIN. MR. HASBROUCK-YES. MOTION PASSED (3-2-0).

ITEM 9:

⇒ General Manager's Report (Continued)

Mrs. Lathen addressed the Board with the ongoing Replacement Plan and asked for authorization to proceed. Pete Johnson was present by video.

*****MOTION*****

MR. DANIELS MOTIONED, SECONDED BY MR. HERRLEY, TO AUTHORIZE CHEROKEE'S LEGAL COUNSEL TO FILE AN AMENDMENT TO THE REPLACEMENT PLAN FILED IN CASE NO. 08GW71 ON BEHALF OF THE CHEROKEE METROPOLITAN DISTRICT, WITH CO-APPLICANT MERIDIAN SERVICE METRO DISTRICT, IN ORDER TO UPDATE THE PLAN TO ACCOUNT FOR CHANGES THAT HAVE OCCURRED SINCE THE PLAN

WAS ORIGINALLY FILED IN 2005, INCLUDING CHANGES TO THE WATER RIGHTS OWNED BY CHEROKEE THAT WILL BE INCORPORATED INTO THE REPLACEMENT PLAN; AND TO PROSECUTE THE REPLACEMENT PLAN CASE NO. 08GW71 WITH THE ULTIMATE GOAL OF OBTAINING A REPLACEMENT PLAN APPROVED BY THE COLORADO GROUND WATER COMMISSION. MR. HERRLEY-YES. MR. DANIELS-YES. MR. KELEHER-YES. MRS. SINTAS-YES. MR. HASBROUCK-YES. MOTION PASSED (5-0).

ITEM 10:

⇒ Other Business

There was no other business to report.

ITEM 11:

⇒ Other Meetings of Importance to the Cherokee Metropolitan District

1. Cimarron Hills Fire Department Board Meeting, November 17, 2021, 5:30 p.m.
2. UBSCGW Meeting, December 7, 2021 at 6:00 p.m.

ITEM 12:

⇒ Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 8:50 p.m.

Dennis Daniels, Secretary

Board Members

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

Term Expires

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Sara Howard, Clerk to the Board