



# CHEROKEE METROPOLITAN DISTRICT

6250 Palmer Park Blvd., Colorado Springs, CO 80915-2842

Telephone: (719) 597-5080 Fax: (719) 597-5145

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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:** December 21, 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. 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 November 16, 2021 Regular Board Meeting
- B. Directors Signatures

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.

### **Recess Regular Meeting**

5. **Public Hearing**

- A. 2022 Budget Discussion
- B. Resolution 2021-09, Adoption and Approval of the 2022 Budget

### **Resume Regular Meeting**

6. **Directors Items**

- A. Consideration of Possible Letter of Censure – Draft Review and Possible Vote

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

- A. November Monthly Financials
- B. Approval of Audit Engagement Letter for 2021

8. **General Manager's Report**

- A. Approval of Grandview Reserve Wastewater Service Agreement
- B. MSA for DeAngeles Concrete, LLC Contractors
- C. Resolution 2021-10 Appointment of DEO, 2022 Regular Election
- D. Oath of DEO, 2022 Regular Election
- E. Questions of Staff Reports

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)(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. Flying Horse North

10. **Other Business**

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

Woodmen Hills Metropolitan District Meeting, January 27, 2022, 5:30 p.m.  
Cherokee Metropolitan District Board Election, May 3, 2022

12. **Adjournment - Merry Christmas!**

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

December 21, 2021

MINUTES

The Regular Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, December 21, 2021 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
Dennis Daniels	

**CMD STAFF IN ATTENDANCE**

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

**OTHERS PRESENT**

Jay Damian	Karla Kinser	Michelle Marie Kinney
Roger Stolz	Robert Hernandez	Pete Johnson (virtual)
Art Sintas	Paul Rufien	(Executive Session)

**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. He asked that Agenda Item 6 be moved and placed on the Agenda before Item 3.

Thereafter, the Agenda would continue with Item 3 following Item 6. Amy Lathen advised she would like to discuss, in her report to the Board, an upcoming drafted payment agreement between Meridian and Cherokee. There were no other requested changes.

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

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

ITEM 6:

⇒ Directors Items

On the Agenda for Directors Items was the letter of censure for Director Sintas which was prepared in draft form and discussed in last month's meeting.

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

**MR. DANIELS MOTIONED, SECONDED BY MR. KELEHER, TO RATIFY AND SIGN THE LETTER OF CENSURE TO DIRECTOR SINTAS.**

Director Sintas rebutted the letter, stating it contained lies and untruths. She compared several statements that were made in the letter to what she believed was the truth and statements that were taken out of context whereby she stated they extensively differed.

**ROLL CALL FOLLOWED. MR. HERRLEY-YES. MR. DANIELS-YES. MR. KELEHER-YES. MRS. SINTAS-NO. MR. HASBROUCK-YES. MOTION PASSED (4-0).**

ITEM 3:

⇒ Consent Agenda

The following was reviewed for approval: Minutes of the Regular Board Meeting of November 16, 2021. Sara Howard stated a few changes of clarification under Item 5, highlighted in red, were made so Director Sintas' statements were not construed.

Director Sintas did have a question about the interpretation of the word "petition" as mentioned in Director Daniels' comments, and a healthy debate pursued between him and Mrs. Kinney, a guest in attendance in the meeting.

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

**MR. HERRLEY MOTIONED, SECONDED BY MR. DANIELS, TO APPROVE THE MINUTES FOR THE REGULAR BOARD MEETING OF NOVEMBER 16,**

**2021, AS AMENDED WITH CHANGES. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

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.

Art Sintas approached the Board and requested clarification on content recorded in the Water Service Agreement between CMD and Ellicott Utility Company, LLC (the Mayberry Development Agreement). He also wanted to address the size of pipe required to replace a water line in a residential subdivision and customer violations resulting from recreational vehicles parked on District (parcel) property.

ITEM 5:

⇒ Public Hearing – 2022 Budget Discussion

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

**MR. DANIELS MOTIONED, SECONDED BY MR. KELEHER, TO MOVE IN TO THE PUBLIC HEARING TO REVIEW AND DISCUSS THE 2022 BUDGET. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

The Regular Meeting was recessed and the Public Hearing commenced at 5:56 p.m. The purpose of the Public Hearing was to discuss the 2022 Budget, get input from the public and answer questions from the public.

Cathy Fromm provided an overview of all categories of the Budget, including the General Fund, Parks Fund, Water and Wastewater Enterprise Fund, Golf Course Enterprise Fund, and proposed 2022 Budget Capital Requests.

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

**MR. DANIELS MOTIONED, SECONDED BY MR. KELEHER, TO RETURN THE PUBLIC HEARING TO REGULAR SESSION. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

Regular Session resumed at 7 p.m.

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

**MR. DANIELS MOTIONED, SECONDED BY MR. HERRLEY, TO ADOPT AND APPROVE RESOLUTION 2021-09, THE 2022 BUDGET 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, 2022, AND ENDING ON THE LAST DAY OF DECEMBER, 2022. MR. HERRLEY-YES. MR. DANIELS-YES. MR. KELEHER-YES. MRS. SINTAS-YES. MR. HASBROUCK-YES. MOTION PASSED (5-0).**

ITEM 7:

⇒ Finance and Accounting

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

She presented the Audit Engagement Letter for 2021 from Stockman, Kast Ryan and Company to the Board and answered a few questions from the Board. Their fee for this service would be \$24,500.

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

**MRS. SINTAS MOTIONED, SECONDED BY MR. DANIELS, TO APPROVE THE AUDIT ENGAGEMENT LETTER FROM STOCKMAN, KAST AND RYAN AND COMPANY FOR A SERVICE FEE IN THE AMOUNT OF \$24,500. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

ITEM 8:

⇒ 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 has been completed and was presented to the Board for their review. She went into more detail of the agreement by highlighting important points and referring to significant notes from the IGA Agreement.

Mr. Sintas had several questions regarding the magnitude of the IGA Agreement which Mrs. Lathen answered.

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

**MR. DANIELS MOTIONED, SECONDED BY MR. KELEHER, TO APPROVE THE CHEROKEE METROPOLITAN DISTRICT AND GRANDVIEW RESERVE METROPOLITAN DISTRICT NO. 1 INTERGOVERNMENTAL AGREEMENT.**

**MR. HERRLEY-YES. MR. DANIELS-YES. MR. KELEHER-YES. MRS. SINTAS-YES. MR. HASBROUCK-YES. MOTION PASSED (5-0).**

The Board was presented with the Master Services Agreement with DeAngeles Concrete, LLC Contractors, who is contractor pouring the cement footers for the shade structures at the Dog Park and other areas in the District.

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

**MR. DANIELS MOTIONED, SECONDED BY MR. KELEHER, TO APPROVE THE MASTER SERVICES AGREEMENT FOR DeANGELES CONCRETE, LLC CONTRACTORS. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

Although Brian Beaudette was the most likely candidate for selection of the DEO Designated Official in the 2022 Board Election, his unfortunate illness and recovery has placed the District into a situation of having to select a new DEO for the District. The 2022 Regular Election is May 3, 2022, and deadlines begin January 1<sup>st</sup> to conform to statutory requirements and processes.

Connie L. Hughes was selected by the General Manager to be the District's DEO for 2022. A Resolution was provided to the Board for their review and adoption.

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

**MR. DANIELS MOTIONED, SECONDED BY MR. KELEHER, TO APPROVE RESOLUTION 2021-10, A RESOLUTION CERTIFYING APPOINTMENT OF CONNIE L. HUGHES AS DESIGNATED ELECTION OFFICIAL. MR. HERRLEY-YES. MR. DANIELS-YES. MR. KELEHER-YES. MRS. SINTAS-YES. MR. HASBROUCK-YES. MOTION PASSED (5-0).**

Mrs. Hughes was sworn in by Oath to be the District's 2022 Board Election Designated Election Official. Her duties begin immediately and she will be providing periodic updates of the election as May 3<sup>rd</sup> draws near.

Karla Kinser, on behalf of Burns & McDonnell, and along with Jeff Munger, provided helpful information regarding a brand of turbo blowers that have been on the market for several years and compared those advantages and performance features to the less efficient turbo blowers. If the Board would consider purchasing these new blowers, money could be saved as the blowers could be maintained with little maintenance, result in higher efficiency, and fewer number of blowers would be required. Also, the company currently onsite could install these blowers at minimal cost.

Mrs. Lathen finished the remainder of her monthly report which included the topics of the diesel leak at SAFB which took place approximately December 14<sup>th</sup>. Processes at the WRF have since stabilized.



She also updated the Board with the Replacement Plan process and the Meridian payment agreement which is currently in draft form and will be presented to the Board for review next month. This agreement puts in to writing their terms of payments made to the District.

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

**MR. DANIELS MOTIONED, SECONDED BY MR. KELEHER, TO DIRECT MRS. LATHEN TO MOVE FORWARD IN THE DRAFTING OF THE IGA BETWEEN MERIDIAN SERVICE METROPOLITAN DISTRICT AND CHEROKEE METROPOLITAN DISTRICT REGARDING RESPONSIBILITY FOR FINANCING OF REQUIRED CAPITAL IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

ITEM 9:

⇒ Executive Session

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

**MR. DANIELS MOVED, SECONDED BY MR. KELEHER, 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.**  
**Flying Horse Ranch North**

Executive Session was entered into at 7:59 p.m.

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

**MR. DANIELS MOVED, SECONDED BY MR. HERRLEY, TO COME OUT OF EXECUTIVE SESSION. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

All Board Members came out of Executive Session. No votes were taken and no decisions were made.

Regular Session resumed at 9:12 p.m.

ITEM 10:

⇒ Other Business

There was no other business to report.

ITEM 11:

⇒ Other Meetings of Importance to the Cherokee Metropolitan District

1. Woodmen Hills Metropolitan District Meeting, January 27, 2022, 5:30 p.m.
2. Cherokee Metropolitan District 2022 Board Election, May 3, 2022.

ITEM 12:

⇒ Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 9:17 p.m.


  
 Dennis Daniels, Secretary

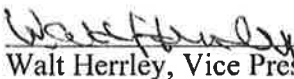
Board Members

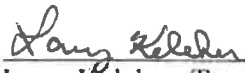
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Term Expires

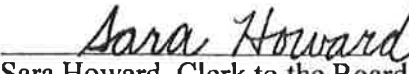
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 Steve Hasbrouck, President

  
 Walt Herrley, Vice President

  
 Larry Keleher, Treasurer

  
 Rene Sintas, Director

  
 Sara Howard, Clerk to the Board  
 Executive Administrator