



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: March 15, 2022

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. **Director Items**

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:

- You must sign in when you arrive prior to making public comment or at the time of making your comments.
 - Your name, address and whether you reside within Cherokee Metropolitan District will be required to be disclosed before addressing the Board.
- Please keep comments restricted to the topics of the District and its business, and limit time to a maximum of three (3) minutes. A timer will be provided for your convenience.
- 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.
- For the respect of all attendees, interrupting and/or interjecting comments without first adhering to the above rules AND being recognized by the President is not allowed.

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 February 15, 2022 Regular Board Meeting
- B. Directors Signatures

6. Finance and Accounting-Cathy Fromm

- A. February Monthly Financials

7. General Manager's Report

- A. MSAs
 - a. Weifield Electric Group
 - b. MSA Pro-Pipe, Inc
 - c. MSA All Purpose Paving
- B. Poleson Well Contract (To be considered after executive session)
- C. The Loop – MOU
- D. Sundance Report – Final Matt Bliss
- E. Replacement Plan Report Pete Johnson
- F. Water Portfolio Report Kevin Brown
- G. TDS Project Construction Report Jeff Munger
- H. 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 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. Employment Contract
2. Sundance
3. Poleson Well Acquisition

9. **Other Business**

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

WHMD Board Meeting, March 25, 2022 at 5:30 p.m.

UBSGW Meeting, April 5, 2022 at 6 p.m.

Meridian Ranch Metropolitan District, April 6, 2022, 10 a.m.

Cherokee Metropolitan District Board Election May 3, 2022

11. **Adjournment**

CHEROKEE METROPOLITAN DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS

March 15, 2022

MINUTES

The Regular Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, March 15, 2022 at 5:30 p.m. at 6250 Palmer Park Blvd., Colorado Springs, Colorado.

Board of Directors Present: Steve Hasbrouck, Walt Herrley, Dennis Daniels,
Larry Keleher, Rene Sintas

CMD Staff Present: Amy Lathen, Jeff Munger, Cathy Fromm, Julie Wells,
Sara Howard, Joshua Watkins, Walter Mack, Todd Laxson,
Kevin Brown, Connie Hughes, Shawn Puente

Others Present: Paul Rufien, Pete Johnson (Virtual), Art Sintas,
Roger Stolz, Michelle Marie Kinney, Matthew Bliss, Jeff
Hodges, Jesse Shaffer, Dave Mattes, Jan Cederberg,
Robert Hernandez, Janel Gonzales, Jeff Bandy

ITEM 1: Call to Order

The meeting was called to order by President Steve Hasbrouck at 5:31p.m. All Directors were present. There were no Directors' qualifications and disclosures. All in attendance were asked to stand and recite The Pledge of Allegiance.

ITEM 2: Review and Approval of the Agenda

Mr. Hasbrouck asked if there were any additions to the Agenda. Amy Lathen stated there were no needed changes to the Agenda except the order of items under her General Manager's Report would change and would move up in the meeting, specifically the LOOP Report and Parks discussion.

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

ITEM 3: Directors Items/Comments

There were no Directors comments.

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.

Jeff Bandy, a customer who lives in the District, addressed the Board concerning the water leak damages he incurred at his home from the January 28th Pinyon Jay Drive leak. Damages to his home have exceeded over \$28,000. He has provided all documents to the District's insurance broker and he was wanting to know how the District was going to proceed, as he stated he would be reimbursed \$10,000 of his expenses. He was advised by President Hasbrouck that staff would reach out to him again after Mrs. Lathen had another opportunity to speak with legal counsel, Paul Rufien.

Janel Gonzales, a customer who lives in the District, addressed the Board stating she was extremely frustrated with the hard water that has destroyed her house. Her whole property is being damaged, and she wants a solution. She brought pictures of the defective part and the part itself to the Board expressing her despair in needing a one-year-old water heater replaced in her home which was damage contributed by calcium buildup and hard water. She stated she would like the District to install a water softener in her home. President Hasbrouck informed Ms. Gonzales that TDS is a problem worldwide and naturally occurs in the water we drink, and the District cannot arbitrarily buy customers water softeners because of the hard water.

She asked the Board if they were willing to look at the pictures. Director Sintas asked to look at the pictures. Mr. Rufien addressed the District's legal responsibility as it relates to water hardness. He stated everything that had been explained to Ms. Gonzales was so far correct. He said it wasn't a matter of the District not wanting to do anything, it was a matter of the District not being able to do anything. Cherokee is a governmental entity that cannot, from a liability perspective, buy its customers water softeners.

Mr. Rufien advised Ms. Gonzales to not expect an outcome outside of what the District is legally able to do. Ms. Gonzales said she will continue to spread word about her discontent with the District.

She again asked for direction from the Board. Mr. Rufien stated he always encourages communication with the Board. She said she just wants resolution. She stated Art Sintas was the only kind person who has ever been to her property and cared. She said Cherokee's water is terrible, it's expensive, and Cherokee is her only option for water.

President Hasbrouck encouraged to keep the line of communication open. He asked her to mail Mrs. Lathen the receipt for the purchase of the water heater. District staff said they would run a TDS sample on Mrs. Gonzales' spigot outside of her house and do some further testing.

Dave Mattes asked if the District had records of all water leaks occurring in the District over the past five years. Mrs. Lathen said the District did have records, and he asked if he could stop by the office and pick up a copy of the list.

Mrs. Lathen continued with discussion on The LOOP. A preliminary group is working on a study for a water delivery system outside of the CSU infrastructure. As a working group, efforts to do this are continuing, and she wanted to introduce a couple of the members of the project. Jeff Hodges, General Manager with Donala Water and Sanitation District, and Jesse Shaffer, Woodmoor Water and Sanitation District General Manager, introduced themselves and presented a purposeful plan to take the strain of water consumption off the Denver Basin. Mrs. Lathen has been actively involved in meetings and updates with other Special District and agency colleagues regarding the planning and implementation of The LOOP.

El Paso County could receive up to 20 million dollars in water projects funding, and the District provided a letter of interest in order to move forward. The County is currently developing processes and procedures to determine project responsibilities. A Memorandum of Understanding (MOU) was provided to the Board for review and will continue to be reviewed at an upcoming Special Meeting.

Mrs. Lathen showed the Board a Master Plan prepared by Thomas and Thomas in December, 2013, that previously articulated ten capital projects. All ten projects have since been developed or addressed, with nine of them being finished.

Todd Laxson stated an RFP is currently being prepared so the District can finish the renovation and rebuild of the Pronghorn Meadows Park. A survey initially sent out to Pronghorn Meadows customers resulted in 84 responses. Structures and benches will be erected; however, the benches, exceeding \$60,000, will take about 18-20 weeks to arrive.

MOTION: MR. KELEHER MOTIONED, SECONDED BY MR. HERRLEY, TO PROCEED WITH AN RFP TO MOVE FORWARD WITH THE DESIGN AND RENOVATION OF THE PRONGHORN MEADOWS PARK. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

April 6th is the anticipated return date on the bids.

The Golf Course and Parks have been considering a capital equipment purchase of a new Ventrac tractor with multiple attachments for snow removal, mowing, and post-hole digging as options which result in a total purchase price of approximately \$45,000. These options will be further addressed at the next Board Meeting.

ITEM 5: Consent Agenda

The following was reviewed for approval: Minutes of the Regular Board Meeting for February 15, 2022.

MOTION: MR. KELEHER MOTIONED, SECONDED BY MR. DANIELS, TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING FOR FEBRUARY 15, 2022. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

ITEM 6: Finance and Accounting

Cathy Fromm provided a report on the February Monthly Financials. There were no questions from the Board.

President Hasbrouck asked for a short break. The Regular Session resumed at 7:26 p.m.

Matthew Bliss, an expert water resources engineer with DiNatale Water Consultants, Inc., was present in the meeting and provided the second half report of an extensive overview of the Sundance well field identifying key components in non-tributary water rights, well field, storage tanks, pump stations, and the 16-mile Sundance Pipeline valuation. There were no questions from the Board.

Legal counsel Pete Johnson was present virtually and gave an update on the District's Replacement Plan.

Kevin Brown provided a 2021 water audit to the Board which examined water production and use trends, quality consumption, quantify production, and quantify system losses. Total water produced was 3,096-acre feet, water billed as 2,917-acre feet. Total new accounts were 144. The peak month for consumption was in September at 356.6. acre feet. Exportable water delivered was 2,330-acre feet.

Jeff Munger gave a brief presentation of a 12-inch water line supplied to the area near Galley Road and Powers Boulevard whereby a piece of property is currently being developed which already has three utility connections to the District.

It is hoped, through collaboration and cost savings, the water line can be designed by the developer and the District in return can credit the developer's improvement fee (approximately \$111,000).

MOTION: MR. KELEHER MOVED, SECONDED BY MR. DANIELS, TO DIRECT STAFF TO PROCEED TO ACCOMPLISH THE DESIGN OF A WATER LINE INSTALLATION NEAR GALLEY ROAD AND POWERS BOULEVARD WHICH WOULD RESULT IN A TAP FEE CREDIT FOR THIS PROJECT. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Mr. Munger provided a TDS construction update to the Board. There have been 85,421-man hours tallied on the project with one OSHA recordable incident. Subcontractor work hours were

26,236. RO skids have arrived from Israel. The mechanical crew is starting to process the installation in the filter building. The installation of the MBR system is under way.

Mr. Munger addressed the Board with a MSA from Weifield Electric Group. They have been selected to do electrical work on the TDS project.

MOTION: MR. DANIELS MOVED, SECONDED BY MR. KELEHER, TO APPROVE A MSA FOR WEIFIELD ELECTRIC GROUP TO PERFORM ELECTRICAL WORK ON THE TDS PROJECT. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Mr. Munger provided a MSA from Pro-Pipe, Inc., who has been selected to undertake a CCTV assessment of approximately 31.40 miles of sanitary sewer line for 2022.

MOTION: MR. KELEHER MOVED, SECONDED BY MRS. SINTAS, TO APPROVE A MSA FOR PRO-PIPE, INC. WHO HAS BEEN SELECTED TO UNDERTAKE A CCTV ASSESSMENT OF THE SANITARY SEWER LINE. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Mr. Munger presented a MSA to the Board for All Purpose Paving.

MOTION: MR. DANIELS MOVED, SECONDED BY MR. KELEHER, TO APPROVE A MSA FROM ALL PURPOSE PAVING. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Mrs. Lathen brought the Board up to date on the leak and repair on Omaha Blvd.

Staff and management cannot find any historical documentation as to why Antelope Ridge subdivision and the Springs Mobile Home were not charged a parks fee at the time of incorporation in April, 2014. They will continue to research records to see if any exemption and waiver can be found.

In the remainder of her report, Mrs. Lathen stated valve turning is underway.

Parts are delayed, so the line on Kachina Drive has not yet been replaced.

Mrs. Lathen wanted more time for the Board to review the Stanek contract, and it will be brought to the table again at the Special Meeting.

The District is attempting to get the Tamlin Tank acquisition underway.

There will be a Board work session to discuss the wheeling rates for The Loop. A Work Session for candidates running for the Board has been considered. There will be orientation after the Election and a tour on wheels for the new Directors to visit the District's facilities.

AUCOVA ballots will be mailed Friday, March 18.

ITEM 8: Executive Session

MOTION: MR. KELEHER MOVED, SECONDED BY MR. DANIELS, 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. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Before going into Executive Session, President Hasbrouck asked for a five-minute break.

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

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

Regular Session resumed.

MOTION: MR. DANIELS MOVED, SECONDED BY MR. KELEHER, TO APPROVE THE POLESON AGREEMENT TO PURCHASE WATER RIGHTS. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

ITEM 9: Other Business

There was no other business.

ITEM 10: Other Meetings of Importance to the Cherokee Metropolitan District

As listed on the evening's Agenda.


ITEM 11: Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 10:15 p.m.


Dennis Daniels, Secretary

Board Members

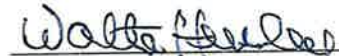
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Term Expires

May, 2022
May, 2023
May, 2023
May, 2022
May, 2022


Walt Herrley, Vice President


Rene Sintas, Director


Michelle Marie
Kennedy
5-17-22