



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
Linda Keleher, Director
Michelle Marie Kinney, Director

Term Expires

May 2025
May 2023
May 2023
May 2025
May 2025

DATE: May 17, 2022

TIME: 5:30 p.m.

LOCATION: Cherokee Metropolitan District – Board Room
6250 Palmer Park Blvd., Colorado Springs, Colorado 80915

1. **Call to Order and Induction of New Board Members**

- A. Pledge of Allegiance
- B. Oaths of Office
 - a. Steven Hasbrouck
 - b. Linda Keleher
 - c. Michelle Marie Kinney
- C. Roll Call of the Board of Directors/Declaration of a Quorum
- D. Director Qualifications and Disclosures
- E. Voting of Board Positions
 - a. Resolution 2022-11: 2022 Annual Administrative Matters, Amended
 - b. Resolution 2022-12: 2022 Time and Location for Regular Meetings, Amended
 - c. Resolution 2022-13: 2022 Notice of Regular Meetings of the Board of Directors, Amended

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 March 15, 2022 Regular Board Meeting
- B. Approval of Minutes for the March 18, 2022 Regular Board Meeting
- C. Directors Signatures

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

- A. April Monthly Financials

7. **General Manager's Report**

- A. MSA for Timberline Landscaping
- B. GSA for SEMA Construction
- C. Cost Share Agreement with Meridian for Replacement Plan
- D. Water Main Break (Pinyon Jay Dr) Supplemental Payment Discussion/Approval
 - a. Claims Status Update, Possible Vote on Time Limit for Completion of Claims
 - b. Water Main Break Policy
- E. TDS Project Change Order
- F. Ellicott Springs EUC Transfer Analysis – Kevin Brown
- G. Report: Park Fees for Accounts not Currently Charged

- H. Report: Rules and Regulations Amendments: Unlawful Acts Related to Commercial Connections and Hydrants
- I. New Board Orientation/Workshop
- I. Questions of Staff Reports

8. Executive Session

9. Other Business

10. Other Meetings of Importance to the Cherokee Metropolitan District

New Board Orientation /Workshop, June 9, 2022 at 8:30 a.m.

Woodmen Hills Metropolitan District Board Meeting, May 26, 2022 at 5:30 p.m.

Meridian Service Metropolitan District Board Meeting, June 8, 2022 at 10 a.m.

Colorado Springs City Council Meetings 2nd and 4th Tuesday of each month, at 10 a.m.

11. Adjournment

CHEROKEE METROPOLITAN DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS

May 17, 2022

MINUTES

The Regular Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, May 17, 2022 at 5:30 p.m. at 6250 Palmer Park Blvd., Colorado Springs, Colorado.

Board of Directors Present: Steve Hasbrouck, Walt Herrley, Dennis Daniels, Linda Keleher, Michelle Marie Kinney

CMD Staff Present: Amy Lathen, Cathy Fromm, Julie Wells, Todd Laxson, Joshua Watkins, Brian Beaudette, Kevin Brown, Connie Hughes, Shawn Puente

Others Present: Paul Rufien, Bobby Johnson, Patti Teall, Evan Blubaugh, Larry Keleher, Jan Cederberg, Roger Stolz, Art Sintas, Rene Sintas, Kris Gregory, Ellen Nelson, Dave Nelson, Allen and Elke Drayton, Delonia Smith, Yolanda Smith, Jeff Bandy, Nathaniel Williams, Dave Mattes, Robert Hernandez, Teresa Neal, Bryant Gregory, Gary Barber, Jason Kvols

ITEM 1: Call to Order and Induction of New Board Members

The meeting was called to order by President Steve Hasbrouck. All were asked to stand and recite the Pledge of Allegiance. Connie Hughes, DEO, asked Directors Hasbrouck, Keleher, and Kinney to stand and recite the Oaths of Office. All positions are for a three-year term ending May, 2025. Documents and pertinent paperwork were acknowledged and signed by the three Directors.

President Hasbrouck asked for a roll call of the Directors. All were present.

There were no Directors' qualifications or disclosures.

New Board Offices were voted on.

MOTION: DIRECTOR KINNEY MADE A MOTION TO NOMINATE DIRECTOR HERRLEY FOR PRESIDENT. MOTION DIED FOR LACK OF A SECOND.

MOTION: DIRECTOR DANIELS MOTIONED, SECONDED BY DIRECTOR KELEHER, TO NOMINATE DIRECTOR HASBROUCK AS PRESIDENT FOR THE UPCOMING TERM. MR. HERRLEY-YES. MR. DANIELS-YES. MRS. KELEHER-YES. MS. KINNEY-YES. MR. HASBROUCK-YES. MOTION PASSED (5-0).

Director Hasbrouck took his seat as President.

MOTION: DIRECTOR DANIELS MOTIONED, SECONDED BY DIRECTOR KINNEY, TO NOMINATE DIRECTOR HERRLEY AS VICE-PRESIDENT FOR THE UPCOMING TERM. MR. HERRLEY-YES. MR. DANIELS-YES. MRS. KELEHER-YES. MS. KINNEY-YES. MR. HASBROUCK-YES. MOTION PASSED (5-0).

MOTION: DIRECTOR HERRLEY MOTIONED, SECONDED BY DIRECTOR KELEHER, TO NOMINATE DIRECTOR DANIELS AS THE SECRETARY FOR THE UPCOMING TERM. MR. HERRLEY-YES. MR. DANIELS-YES. MRS. KELEHER-YES. MS. KINNEY-YES. MR. HASBROUCK-YES. MOTION PASSED (5-0).

MOTION: DIRECTOR DANIELS MOTIONED, SECONDED BY DIRECTOR KINNEY, TO NOMINATE LINDA KELEHER AS TREASURER FOR THE UPCOMING TERM. MR. HERRLEY-YES. MR. DANIELS-YES. MRS. KELEHER-YES. MS. KINNEY-YES. MR. HASBROUCK-YES. MOTION PASSED (5-0).

Amy Lathen requested consideration for the Board to review a time change for meetings from 5:30 p.m. to 10:00 a.m. on Tuesday mornings. Many regional water agencies, special districts in the state, and city and county offices currently hold their meetings during the day, and having meetings during the daytime hours would eliminate the long evening meetings which sometimes extend past 9 and 10 p.m.

The new time change and elected offices of the new Board Members would affect Resolutions 2022-11, 2022-12, and 2022-13 thereby requiring all three Resolutions to be modified.

Director Kinney referred to Page 8, Paragraph 38, of Resolution 2022-11 and asked that it be removed from the modified Resolution as she is not able to ratify the past Board Minutes during the year 2021 because she was not on the Board.

MOTION: DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR KELEHER, TO REMOVE PARAGRAPH 38, PAGE 8, THEREBY MOVING FORWARD IN MODIFYING RESOLUTION 2022-11. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Director Kinney asked the Board to consider changing Page 4, Paragraph 14, Director Compensation, from “The Board of Directors of the District determines that each director *shall* receive compensation” to “The Board of Directors of the District determines that each director *may* receive compensation.”

MOTION: DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR DANIELS, TO CHANGE THE ABOVE WORDING ON PAGE 4, PARAGRAPH 14, DIRECTOR COMPENSATION, THEREBY MOVING FORWARD IN AMENDING RESOLUTION 2022-11. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

A lengthy discussion ensued regarding the requested time change from 5:30 p.m. to 10:00 a.m. Several customers in the audience were not happy about the time change stating it was not conducive for them to attend daytime meetings when they were required to work during the weekdays.

Virtual streaming was discussed as an option for those customers who are not able to attend the meetings in person. Director Kinney asked for a show of hands from audience members as to their preference.

MOTION: DIRECTOR KINNEY MADE A MOTION TO APPROVE THE MEETING TIME CHANGE TO 10 A.M. USING ZOOM, PROVIDED CUSTOMERS ARE ABLE TO PARTICIPATE IN DISCUSSIONS ON AGENDA ITEMS AND UNDER PUBLIC COMMENTS.

Many from the audience spoke out of turn and over each other which was disruptive to the order of the Board.

DIRECTOR KINNEY WITHDREW HER MOTION FOR LACK OF A SECOND.

Lunch hour meetings were discussed.

MOTION: DIRECTOR DANIELS MOVED, SECONDED BY DIRECTOR HERRLEY, TO MOVE THE 5:30 P.M. TUESDAY MEETINGS TO 10:00 A.M. THEREBY FULLY APPROVING AMENDED RESOLUTION 2022-11.

DIRECTOR KINNEY MOVED TO AMEND THE MOTION TO INCLUDE AN ELECTRONIC PLATFORM, SPECIFICALLY MICROSOFT TEAMS, TO ALLOW ACCESSIBILITY FOR PUBLIC INTERACTION IN REGULAR MEETINGS (INCLUDING PUBLIC COMMENTS AND ITEMS ON THE AGENDA), THEREBY APPROVING AMENDED RESOLUTION 2022-11 IN ITS ENTIRETY. DIRECTOR DANIELS ACCEPTED HER AMENDED MOTION, SECONDED BY DIRECTOR KELEHER. MR. HERRLEY-YES. MR. DANIELS-YES. MRS. KELEHER-YES. MS. KINNEY-YES. MR. HASBROUCK-YES. MOTION PASSED (5-0).

MOTION: DIRECTOR DANIELS MOVED, SECONDED BY DIRECTOR KINNEY, TO APPROVE AMENDED RESOLUTION 2022-12 AND FOLLOW THE GUIDELINES AS SET FORTH IN RESOLUTION 2022-11. MR. HERRLEY-YES. MR. DANIELS-YES. MRS. KELEHER-YES. MS. KINNEY-YES. MR. HASBROUCK-YES. MOTION PASSED (5-0).

In reference to the Amended Resolution 2022-13, Director Kinney requested that the dates of the Regular Board Meetings which have already taken place be removed from the modified resolution.

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR KELEHER, TO REMOVE THE DATES OF JANUARY 20 THROUGH MAY 17 BEFORE AMENDING RESOLUTION 2022-13. MR. HERRLEY-YES. MR. DANIELS-YES. MRS. KELEHER-YES. MRS. KINNEY-YES. MR. HASBROUCK-YES. MOTION PASSED (5-0).

ITEM 2: Review and Approval of the Agenda

President Hasbrouck asked if there were any additions or changes to the Agenda. Mrs. Lathen advised an additional Master Services Agreement for Kinser Membrane Solutions, LLC would be presented for Board review and would be included with the other MSA's on the meeting's Agenda.

MOTION: DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR KELEHER, TO APPROVE THE EVENING'S AGENDA AS AMENDED. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

ITEM 3: Directors Items/Comments

Director Kinney requested her monthly Board packet to be emailed to her in lieu of a hard copy in booklet form provided to her. She explained it would save some water doing so.

MOTION: DIRECTOR KINNEY MOTIONED THAT SHE MAY ACCEPT BOARD PACKETS VIA EMAIL.

Discussion continued. Director Herrley stated he personally wanted to receive a hard copy of the packet but said that was okay with him. Director Daniels stated he would not have any issues with Director Kinney receiving an electronic transmission if she would sign an affidavit stating she would not forward the packet outside of her possession as an electronic file to anyone else. Director Kinney stated the motion was on the table and thought Director Herrley gave her a second by seconding it with his eyes (said in jest). Director Keleher did not have a problem with her receiving an electronic packet. Director Kinney called for the question.

DIRECTOR HERRLEY STATED HE HAD NOT SECONDED THE MOTION. MOTION DIED FOR LACK OF A SECOND.

Director Kinney stated she was dismayed by the Board's decision and action.

Referring to Directors Comments, President Hasbrouck stated for the record that the Board of Directors guides the water district; the residents receive water and are billed for such services. This is the primary mission of the District. Although the parks are beautiful and maintained, he did not feel there was a need to make a lot of changes. The Board is continually taking the initiative to make the best decisions for 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.

Ellen Nelson, a customer residing in the Black Forest neighborhood, passed out literature and had a few questions for the Board regarding the proposed development of Flying Horse North. She wanted to know where the source of water would come from for this development, would households distinguish the difference between potable and non-potable water, and conservation practices that would be recommended for this development since the state is in a flux of extreme drought conditions. Kevin Brown answered her questions and stated he would reach out to her and provide her more information about the District's goals and desires in the future growth of this development.

Robert Hernandez wanted to congratulate Director Kinney on her successful campaign. He had questions about the solar panels not functioning on the Disc Golf Park. He reiterated his passion concerning the District's parks and upkeep. He believes two of the approximately 16 parks appeared not to have been aerated, those being the District's Colorado Tech Park and Woodpark Park.

Although the Pinyon Jay Drive leak was an Agenda item for later in the meeting, Jeff Bandy made comments about his discontent about how his leak request, review process, and cost reimbursement process was being mis-managed. He congratulated Director Kinney on her successful election to the Board.

ITEM 5: Consent Agenda

The following were reviewed for approval: Minutes of the Regular Board Meeting for March 15, 2022 and Minutes of the Special Board Meeting for March 18, 2022.

MOTION: DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR DANIELS, TO APPROVE THE REGULAR BOARD MEETING MINUTES FOR MARCH 15, 2022 AND THE SPECIAL BOARD MEETING MINUTES FOR MARCH 18, 2022. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

ITEM 6: Finance and Accounting

Cathy Fromm provided a report on the April Monthly Financials.

ITEM 7: Manager's Report

Mrs. Lathen requested the Board to review an MSA for Timberline Landscaping. This is an Agreement for Timberline Landscaping to perform landscaping services at the Pronghorn Meadows Park, specifically preparing for and installing irrigation and sod.

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR DANIELS, TO APPROVE AN MSA FOR TIMBERLINE LANDSCAPING TO PROVIDE LANDSCAPING SERVICES FOR PRONGHORN MEADOWS PARK. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

A GSA for SEMA Construction was brought before the Board. SEMA Construction will be hired for services to provide placement of a 30" pipeline in the vicinity of Blaney Road.

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR DANIELS, TO APPROVE A GSA FOR SEMA CONSTRUCTION. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

An MSA for Kinser Membrane Solutions LLC was provided to the Board for review. Ms. Kinser will provide specialized services at the Wastewater Reclamation Facility for a one-year period.

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR DANIELS, TO APPROVE AN MSA FOR KINSER MEMBRANE SOLUTIONS LLC. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

The Third Addendum to the Cost-Sharing Agreement between Cherokee Metropolitan District and Meridian Service Metropolitan District was presented to the Board. In January, 2022, the parties agreed to share certain additional costs related to "Task 6" as described in Exhibit A to the Second Addendum.

As part of the work required for "Tasks 1-6," LRE Water has invoiced Cherokee for an additional \$17,715.52 for work during 2021 as shown in the Budget Summary, which LRE Water has agreed to reduce to a total additional cost of \$15,000 rather than \$17,715.52.

Also, LRE Water has provided a Change and Task Order No. 4 which sets forth a budget through August, 2022, for "Tasks 6A, 6B, and 6C" which change and task order was attached as Exhibit B. This Third Addendum is concerning the payment of costs related to Exhibits A and B.

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR DANIELS, TO APPROVE THE THIRD ADDENDUM TO THE COST-SHARING AGREEMENT BETWEEN MERIDIAN SERVICE METROPOLITAN DISTRICT AND CHEROKEE METROPOLITAN DISTRICT. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

An Agreement for Services (Exhibit C), Change and Task Order 4 for LRE Services was brought before the Board. This would be for engineering and technical support and supplements the 3rd Addendum to the Cherokee-Meridian Cost-Sharing Agreement.

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR DANIELS, TO APPROVE THE AGREEMENT FOR SERVICES, CHANGE AND TASK ORDER FOR LRE SERVICES. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Mrs. Lathen provided a claims status update for the Pinyon Jay Dr water main break which occurred in January. Pictures of leaks which occurred from the January 28th main break were shown to the Board. There was considerable discussion concerning correct, justifiable amounts of reimbursements as a result of the leak. Director Kinney offered to work with the Board and Mr. Bandy to resolve the conflict and come to a resolution in this matter. Several audience members were disruptive and engaged in repeated outbursts. Director Kinney asked Mr. Bandy how much money he wanted and articulated an incorrect amount that she thought was not represented in the amount written in the waiver and release.

MOTION: DIRECTOR KELEHER MADE A MOTION TO MAKE A FINAL PAYMENT OF \$1,596.16 TO MR. BANDY. REALIZING A MISUNDERSTANDING, SHE RESCINDED HER MOTION.

General Counsel, Paul Rufien, attempted to stop audience members from continued outbursts.

MOTION: DIRECTOR DANIELS MADE A MOTION, SECONDED BY DIRECTOR KELEHER, TO MAKE A FINAL OFFER TO MR. BANDY INCLUDING FINAL PAYMENT AND WAIVER/RELEASE BOTH OF WHICH WOULD BE RESCINDED AFTER SEVEN DAYS IF DECLINED BY MR. BANDY. MR. HERRLEY-ABSTAIN. MR. DANIELS-YES. MRS. KELEHER-YES. MS. KINNEY-NO. MR. HASBROUCK-YES. MOTION PASSED (3-1-1).

Burns & McDonnell Engineering's Change Order #3 to the Contract Price Amendment No. 1 was addressed. This Change Order modifies Amendment No. 1 dated December 15, 2020, to the Agreement dated October 2, 2019 made by and between Burns & McDonnell Engineering and Garney Companies, Inc. The Change Order would affect six items and reflect a difference in the amount of \$190,058 which would result in a revised contract price of \$42,409,230.

MOTION: DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR DANIELS, TO APPROVE CHANGE ORDER #3 IN THE AMOUNT OF \$190,058. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

At the request of Mayberry representative, Jason Kvols, Kevin Brown provided an Ellicott Springs EUC Transfer Analysis study to determine if it would be feasible, and in the best interests of the District, to proceed with an exclusion of the Ellicott Springs subdivision.

Mr. Brown suggested an exclusion would favor both agencies but it would require EUC to forward a share of the tap fee revenue to bring the two sides of the agreement closer together. This would require EUC to pay Cherokee a \$6,300 water resource fee for every new home connected to the Ellicott Springs system. Major details still need to be negotiated, primarily final raw water cost, possible rate freezes for current customers, and the exact dimensions of the tank site.

It has been discovered, since the implementation of the park fees in 2014, Roberts Resorts and the Antelope Ridge subdivision have not been charged park fees. This affects approximately 336 accounts in Antelope Ridge and 416 accounts at Roberts Resorts. Mrs. Lathen asked for the Board's input regarding this to determine if such fees need to be charged. Staff and management cannot find any historical documentation as to why Antelope Ridge subdivision and Roberts Resorts were not charged a parks fee at the time of implementation in April, 2014. They will continue to research records to see if any exemption or waiver can be located.

The Rules and Regulations have been modified to implement a new policy, "Unlawful Acts Related to Commercial Connections and Hydrants." There has been a recent increase in illegal hydrant use, and the regulation will uphold the District's desire to charge those violators at minimal cost.

The New Board Orientation Workshop is tentatively scheduled for Thursday, June 9, beginning at 8:30 a.m. Selected staff will introduce themselves and provide a brief synopsis of their duties and requirements in specific-related fields.

Mrs. Lathen provided her monthly report to the Board which included an overview of the past Election, fire hazards and safety precautions, split rail fencing at Eastridge Park, installation of benches at selective parks and recreational areas, RIBS drainage problems, camera work in sewer lines, a future water leak policy in draft format, interconnect possibilities with CSU, and dissolution of Cherokee Water LLC.

The SDA Conference is scheduled for September 13-15. Although there is limited information on the SDA website, it is good practice to reserve the hotel rooms now. Mrs. Lathen requested Board Members who are interested in attending to Conference to let her and staff know.

Also, on June 20th a Regional Workshop is scheduled for SDA members. It will be held in Fountain, Colorado.

ITEM 8: Executive Session

There was no Executive Session.

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 9:25 p.m.



Dennis Daniels, Secretary


Board Members

Steve Hasbrouck, President
Walt Herrley, Vice-President
Dennis Daniels, Secretary
Linda Keleher, Treasurer
Michelle Marie Kinney, Director

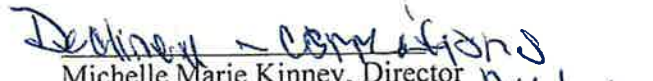
Term Expires

May, 2025
May, 2023
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Steve Hasbrouck, President


Linda Keleher, Treasurer


Walt Herrley, Vice President


Michelle Marie Kinney, Director
*Michelle Kinney - communications
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