



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 AND PUBLIC HEARING

AGENDA

Board of Directors

Term Expires

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

May 2025
May 2023
May 2023
May 2025
May 2025

DATE: June 21, 2022

TIME: 10:00 a.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. **Board Bylaws –Rules of Procedure – Approval**
4. **Legal Review of Board Statutory Duties – Paul Rufien**
 - a. Conflicts of Interest
 - b. Public Trust
 - c. Fiduciary Duties
 - d. Board Member Authority

5. **Director’s Items**

6. **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 May 17, 2022 Regular Board Meeting
- B. Directors Signatures

Recess Regular Meeting

7. **Public Hearing**

- A. Resolution 2022-14
 - a. Amendments to 2022 Budget
 - i. Parks Fund
 1. Pronghorn Park Improvements
 2. Ventrac Tractor
 3. COLA Increase
 - ii. Water/Wastewater Enterprise Fund
 1. Stanek Contractors, Headworks Design/Engineering
 2. LRE – Replacement Plan
 3. Skid Loader
 4. Water Main Line Repairs Payments, Non-Insurance
 5. Colorado Springs Airport Pipeline Removal
 6. COLA Increase
 - iii. Golf Course Enterprise Fund
 1. COLA Increase

Resume Regular Meeting

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

- A. May Monthly Financials
- B. Review of Finance Processes and Procedures

9. **General Manager and Staff Reports**

- A. CHFD EMT Protective Gear (2 Sets)
- B. TDS Project Update – Jeff Munger
- C. Non-Insurance Supplemental Payment Policy - Discussion
- D. Non-Insurance Supplemental Payment Consideration Related to the Jan. 28, 2022 Water Main Break
- E. Reconsideration of Item 1.E. on the May 17th Regular Board Meeting Related to Online Streaming Criteria
- F. Questions of Staff Reports

10. **Executive Session**

11. **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.**
- Board action cannot be taken on items not published on the agenda.

12. **Other Business**

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

1. Woodmen Hills Metro District Board Meeting, June 23, 2022 5:30 p.m.
2. Upper Black Squirrel Ground Water District, Board Meeting July 5, 2022 6 p.m.
3. SDA Annual Conference, September 13-15, 2022, Keystone, Colorado
4. Colorado Springs City Council Meetings 2nd and 4th Tuesday each month, 10 a.m.

14. **Adjournment**

CHEROKEE METROPOLITAN DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS
AND PUBLIC HEARING

June 21, 2022

MINUTES

The Regular Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, June 21, 2022 at 10:00 a.m. at 6250 Palmer Park Boulevard, 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, Jeff Munger, Walter Mack, Megan Carpenter, Mike Corder, Noah Vogel, Heather Galbraith, Tina Melzo

Others Present: Paul Rufien, Bob Lathen, Larry Keleher, Bobby Johnson, Mary Babbitt, Rene Sintas, Jan Cederberg, Yolanda G, Jeff Bandy, Roger Stolz

ITEM 1: Call to Order

The meeting was called to order by President Steve Hasbrouck. He asked for a roll call of the Directors. All were present. There were no Directors' qualifications or disclosures. Those in attendance were asked to stand and recite the Pledge of Allegiance.

ITEM 2: Review and Approval of the Agenda

President Hasbrouck asked if there were any additions or changes to the Agenda. Amy Lathen asked that Item 9. E., Reconsideration of Item 1.E. on the May 17th Regular Board Meeting Related to Online Streaming Criteria, be placed on the Agenda before Item 3. There were no other requests for changes or additions.

MOTION: DIRECTOR HERRLEY MOTIONED, SECONDED BY DIRECTOR DANIELS, TO APPROVE THE MEETING'S AGENDA AS AMENDED. ALL IN FAVOR. MOTIONED PASSED BY GENERAL CONSENT.

ITEM 9, E.: Reconsideration of Item 1.E. on the May 17th Regular Board Meeting
Related to Online Streaming Criteria

In last month's Regular Board Meeting of May 17th, the following Motion was passed by a 5-0 vote:

"Director Daniels moved, seconded by Director Herrley, to move the 5:30 p.m. Tuesday meetings to 10 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)."

Mrs. Lathen requested the Board to reconsider this Motion based a concern from a Board Member that public participation during and throughout the meeting may not be conducive to the structure and formality of the meetings. Director Kinney stated that not everyone streaming speaks at the same time online and believes the public wants to be able to participate. She said if the meetings are going to be moved to 10 a.m., and members of the audience must remain at work, then they should have the opportunity to be part of the meeting if allowed to raise their hands and participate.

MOTION: DIRECTOR KINNEY MADE A MOTION TO RECONSIDER THE ABOVE-MENTIONED MOTION APPROVED IN LAST MONTH'S BOARD MEETING, SECONDED BY DIRECTOR DANIELS. MR. HERRLEY-YES. MR. DANIELS-YES. MRS. KELEHER-YES. MS. KINNEY-YES. MR. HASBROUCK-YES. MOTION PASSED (5-0).

Discussion ensued. Ms. Howard read the motion in question that was passed in the May 17th Regular Board Meeting. The reconsideration component of this Motion was to either allow or not allow participation from the member audience regarding Public Comments on items that are not on the Agenda and public comments to items that are listed on the Agenda.

MOTION: DIRECTOR KINNEY MADE A MOTION TO MAKE THE MEETINGS EASILY ACCESSIBLE TO THE MEMBER AUDIENCE WHEREBY THEY CAN MAKE PUBLIC COMMENTS FOR ITEMS THAT ARE NOT ON THE AGENDA (AGENDA ITEM#) AND ALSO BE ABLE TO MAKE PUBLIC COMMENTS ON ITEMS THAT ARE ON THE AGENDA (WHICH WOULD BE AN AGENDA ITEM#), SECONDED BY DIRECTOR KELEHER.

DIRECTOR DANIELS REQUESTED TO AMEND THE MOTION TO ALLOW FOR STREAMING OPTIONS/PARTICIPATION DURING PUBLIC COMMENTS. DIRECTOR KINNEY ACCEPTED HIS AMENDED MOTION. SECONDED BY DIRECTOR HERRLEY. MR. HERRLEY-YES. MR. DANIELS-YES. MRS. KELEHER-YES. MS. KINNEY-YES. MR. HASBROUCK-YES. MOTION PASSED (5-0).

ITEM 3: **Board Bylaws – Rules of Procedure**

Amy Lathen presented a drafted, red-lined copy of the Bylaws of the Board of Directors (which included changes under #7. Rules of Procedure – Room Configuration, Procedure for Discussions, and Conclusion of Any Public Meeting) to the Board for their review and consideration for approval. These rules, if approved, would be upheld in every public meeting to protect the proceedings from interruptions and disruptive behavior and would also be upheld to protect the safety of the Board members, staff members, and members of the public.

Under Item 7 of the Bylaws, Conclusion of Meetings, Director Kinney stated she had spoken with the Cimarron Hills Fire Department Chief who stated thirty-three chairs was not actually the maximum number of seats for the Board Room. She stated she believed it was not necessary to tell members of the audience they cannot take up more than one chair, it would not be fair to exclude tripods. She stated many things can be managed by common sense.

Mr. Rufien stated, that although this is a very formal process, the Bylaws format is legally correct and although it is rigid and formal that, if adopted, the Bylaws need to be fully adhered to with no exceptions.

MOTION: **DIRECTOR KINNEY MADE A MOTION TO TABLE THE APPROVAL OF THE BYLAWS UNTIL FURTHER DISCUSSION AT NEXT MONTH'S MEETING.**

Director Keleher stated she likes the meetings to be orderly and formal.

MOTION DIED FOR LACK OF A SECOND.

MOTION: **DIRECTOR DANIELS MOVED, SECONDED BY DIRECTOR KELEHER, TO ACCEPT THE BYLAWS OF THE BOARD OF DIRECTORS OF THE CHEROKEE METROPOLITAN DISTRICT AS MODIFIED ON JUNE 21, 2022. MR. HERRLEY-YES. MR. DANIELS-YES. MRS. KELEHER-YES. MS. KINNEY-NO. MR. HASBROUCK-YES. MOTION PASSED (4-1),**

ITEM 4: Legal Review of Board Statutory Duties – Paul Rufien

As part of the orientation for new Directors Keleher and Kinney, and as a refresher course for existing Directors, legal counsel Paul Rufien provided an in-depth review of Board statutory duties for Directors including conflicts of interest, public trust, fiduciary duties, and Board Member authority.

ITEM 5: Directors Items/Comments

Director Daniels said it is not illegal to take pictures or videos of employees at work, but if there is harassment of employees, the District can take action to terminate that harassment.

Director Kinney said there are approximately ten organizations who post Agendas and meeting packets online, some which are the City of Avon, Steamboat Springs, Greeley, Centennial Water and Sanitation. She believes there can be a lot learned from these agencies regarding transparency and getting information out to the public.

ITEM 6: Consent Agenda

The following were reviewed for approval: Minutes of the Regular Board Meeting for May 17, 2022.

Director Kinney stated she had a few corrections she wanted to address. On Page 4, it was noted Director Herrley “gave her a second by seconding it with his eyes.” She stated that was made in jest and requested the Minutes to reflect the same.

On Page 7, she stated she offered to work with the Board of Directors and Mr. Bandy to come a resolution with the conflict. She requested the Minutes to reflect the same. Ms. Howard noted those corrections for the record.

MOTION: DIRECTOR DANIELS MOTIONED, SECONDED BY DIRECTOR KINNEY, TO APPROVE THE REGULAR BOARD MEETING MINUTES FOR MAY 17, 2022, AS AMENDED WITH THE ABOVE CORRECTIONS. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

ITEM 7: Public Hearing

The Regular Meeting was recessed and the Public Hearing commenced at 11:19 a.m. The purpose of the meeting was to publicly address, discuss, and consideration to approve, the amended budgets for:

Park Fund: Pronghorn Park improvements, Ventrac tractor, COLA increase;

Water/Wastewater Enterprise Fund: Stanek Contractors, Headworks design/engineering; LRE Replacement Plan, skid loader, water main line repairs, payments, non-insurance; Colorado Springs Airport pipeline removal, COLA increase, and

Golf Course Enterprise Fund: COLA increase.

Ms. Lathen asked Joshua Watkins to present additional documentation in pursuit of the request for a skid loader for the WRF.

Audience members were asked if they had any comments, input, or questions. There were no questions or comments.

MOTION: DIRECTOR DANIELS MOVED, SECONDED BY DIRECTOR HERRLEY, TO APPROVE RESOLUTION 2022-14, 2022 BUDGET AMENDMENT – (4% COLA) FOR CMD FULL-TIME -EMPLOYEES. MR. HERRLEY-YES. MR. DANIELS-YES. MRS. KELEHER-YES. MS. KINNEY-YES. MR. HASBROUCK-YES. MOTION PASSED (5-0).

The Regular Session resumed at 11:42 a.m.

ITEM 8: Finance and Accounting

Cathy Fromm provided a report on the May Monthly Financials. Afterwards, as part of the orientation for new Board Directors, she provided an overview of the District's finance processes and procedures.

The meeting recessed at 11:59 a.m. for a ten-minute break.

ITEM 9: Manager's Report

A settlement offer was offered to resident Jeff Bandy regarding the damage he incurred in his home as the result of a water main break on January 28, 2022. Although Mr. Bandy declined the District's offer to settle, in the amount \$9,555.18, and the deadline passed with no mutual agreement. Mrs. Lathen asked the Board if they would like to reconsider their offer to Mr. Bandy because the District received an email from Mr. Bandy prior to the termination of deadline. There was no response from the Board.

Discussion followed regarding a non-insurance supplemental payment policy resulting from a January 28, 2022 water main break. Mrs. Lathen provided a rough outline of guidelines to follow in case there was a water main break in the future like the one that occurred last January. This drafted policy will continue to be refined and discussed. No actions were requested at this time.

Director Kinney stated she did quite a bit of research on this specific topic. A policy is especially important to have and she used as an example the website, <http://www.DenverWater.org>. It has been her experience that contractors are not good options to use, and independent adjustors are the better option to go. There will be more discussion concerning the leak supplement policy in the next few months.

Director Daniels presented to the Board with an opportunity for CMD to purchase two EMT protective gear sets for Cimarron Hills Fire Department to staff their ambulance. This is a wonderful partnering gesture to our neighbor fire department who services the Cherokee Metro District community. The suits are approximately \$2,500 per set.

MOTION: DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR DANIELS, TO PURCHASE TWO SETS OF EMT GEAR FOR A TOTAL PRICE NOT TO EXCEED \$6,000 FOR THE CIMARRON HILLS FIRE DEPARTMENT. MR. HERRLEY-YES. MR. DANIELS-YES. MRS. KELEHER-YES. MS. KINNEY-YES-MR. HASBROUCK-YES. MOTION PASSED (5-0).

Director Daniels thanked the Board for their consideration.

Jeff Munger provided a monthly update on the TDS project at the WRF. The timeline for completion of the RO facilities is on schedule.

At 12:42 p.m. Mr. Herrley requested to leave the meeting, and he was excused.

Mrs. Lathen wanted to address a digital marquee outside and wanted the Board to take time to review those options.

Pavilion reservations have been streamlined to meet customer demands.

ITEM 10: Executive Session

There was no Executive Session.

ITEM 11: 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.

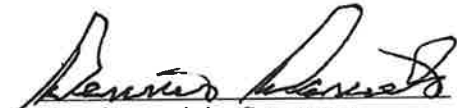
Jan Cederberg asked if the meeting recording was going to be posted to the website. The meetings are streamed live and not posted.

ITEM 12: Other Meetings of Importance to the Cherokee Metropolitan District

As listed on the evening's Agenda.

ITEM 13: Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 1:04 p.m.



Dennis Daniels, Secretary


Board Members

Term Expires

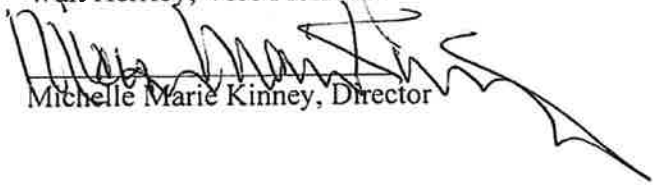
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