



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

PLEASE SILENCE ALL PHONES FOR THE DURATION OF THE MEETING– THANK YOU

AGENDA

Board of Directors

Term Expires

Steve Hasbrouck, President	May 2025
Walt Herrley, Vice President	May 2023
Dennis Daniels, Secretary	May 2023
Linda Keleher, Treasurer	May 2025
Michelle Marie Kinney, Director	May 2025

DATE: August 16, 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. Pledge of Allegiance
- B. Roll Call of the Board of Directors/Declaration of a Quorum
- C. Director Qualifications and Disclosures

2. Review and Approval of the Agenda

- A. Addendums
- B. Amendments
- C. Approval Motion

3. **Director Items**

- A. Correction of motion to excuse Board member from the June 21, 2022 Board Meeting

4. **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 July 19, 2022 Regular Board Meeting
- B. Approval of Minutes for the August 8, 2022 Special Meeting of the Board
- C. Directors Signatures

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

- A. July Monthly Financials

6. **Staff Reports and Action Item Requests**

- A. Loop Update
- B. Sundance Ranch Augmentation Agreement – Pete Johnson
- C. JVA MSA
- D. Burns & McDonnell MSA – Paul Rufien
 - a. New Ellicott Pipeline Route Study & Easement Acquisition
- E. Mayberry Exclusion Request
- F. Liquor License Update
- G. Golf, Parks Update
 - a. Ownership Corrections in Claremont Ranch Filing No. 1
 - i. Maintenance Options for Owner
 - b. Pronghorn
 - c. Parks Capital Requests for 2023 - Discussion
- H. TDS Project Update
- I. Questions of Staff Reports

7. **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)(a), C.R.S., Purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest. (Note: Not available where a member of the Board has a personal interest in the transaction.); and §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; and §24-6-402(4)(f), C.R.S., Personnel matters.

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.

- a. Tamlin tank site, adjacent property acquisition
- b. Mayberry exclusion action – terms and conditions
- c. Sundance Ranch Augmentation Agreement – terms and conditions

- d. Annual review, General Manager
- e. Land acquisition – wastewater treatment maintenance

8. **Public Comment**

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.

9. **Other Business**

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

Cimarron Hills Fire Department Board Meeting, August 17, 2022, 5:30 p.m.
Woodmen Hills Metropolitan District Board Meeting, August 25, 2022, 5:30 p.m.
UBSCGW Meeting, Calhan, Colorado, September 6, 2022, 6:00 p.m.
Colorado Springs City Council Meetings 2nd and 4th Tuesday of each month, at 10 a.m.
2022 SDA Conference, September 13-15, 2022

11. **Adjournment**

CHEROKEE METROPOLITAN DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS

August 16, 2022

MINUTES

The Regular Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, August 16, 2022, at 10 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, Todd Laxson, Brian Beaudette, Shawn Puente, Jeff Munger, Connie Hughes, Julie Wells, Kevin Brown

Others Present: Paul Rufien, Rene Sintas, Bob Lathen, Larry Keleher, Jeff Hodges, Tom Tharnish, Roger Stolz, Eugene Johnson, Jan Cederberg, Norbert Pirri, MB Anderson, Asia Stewart, Dave Mathes; Virtual: Pete Johnson, Megan Carpenter, Heather Galbraith, Tina Melzo, Nathaniel Williams, Elke Drayton, Mike Corder, Michael Turner, Alan Greaves, mtnview@hotmail.com, Pinyon Jay Guest

ITEM 1: Call to Order

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

ITEM 2: Review and Approval of the Agenda

President Hasbrouck asked if there were any additions or changes to the Agenda. Amy Lathen addressed the Board that there were a few item changes. She asked that a land acquisition discussion be added to the Executive Session. Two representatives from neighboring districts were present to discuss The LOOP project, and she asked the Board if Agenda Item 6 A. The LOOP could be moved up to allow the two gentlemen to leave after their presentation.

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

Representatives from the LOOP working group were in the meeting. Jeff Hodges, General Manager of the Donala Water and Sanitation District, and Tom Tharnish, Director of Public Works, Monument, made introductions before the Board regarding the LOOP project which has been under discussion and initial planning stages the past two years. Kevin Brown interjected helpful comments throughout the presentation.

ITEM 3: Director Items/Comments

Director Daniels asked for the status of the fire protective gear the District was going to purchase and donate to the Cimarron Hills Fire Department. Mrs. Lathen stated progress was being made to purchase those kits and she would contact staff to get an update.

Director Kinney wanted to let the Board know that she had a critically ill friend and may be required to step out of the meeting.

Paul Ruffien wanted to address a motion that was made last month regarding a Director's excused absence from the meeting. He stated the Motion to excuse was not necessary -- Director Herrley did leave the meeting, but it was towards the end of the meeting after discussions and Motions were addressed. In his opinion, he stated it was not a necessary Motion to make.

MOTION: DIRECTOR DANIELS MOTIONED, SECONDED BY DIRECTOR KELEHER, TO RESCIND THE MOTION FOR AN EXCUSED ABSENCE FOR DIRECTOR HERRLEY FROM THE JULY 19, 2022 MINUTES. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Mrs. Keleher stated she would not attend next month's meeting as she would be traveling out of state to visit relatives. The Motion to excuse Director Keleher will be discussed at that meeting.

ITEM 4: Consent Agenda

The following were reviewed for approval: Minutes of the Regular Board Meeting for July 19, 2022 and Minutes for the Special Board Meeting for August 8, 2022.

MOTION: DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR DANIELS, TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING FOR JULY 19, 2022 AND APPROVE THE MINUTES OF THE SPECIAL BOARD MEETING FOR AUGUST 8, 2022. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

ITEM 5: Finance and Accounting

Cathy Fromm provided a report on the July Monthly Financials and was available to answer questions from the Board.

ITEM 6: General Manager's Report

Mrs. Lathen addressed the Board with her monthly report.

Todd Laxson, Director of the Golf Course, introduced himself to the new Board Directors and gave a short presentation of services offered by the Cherokee Ridge Golf Course and Grill on the Green. Mr. Laxson will be leaving the District in the next few weeks as he has accepted the position as Head Golf Professional at the Country Club of Colorado at Cheyenne Mountain Resort. He will be missed, but the District wishes him the best.

Jeff Munger provided an update on the Pronghorn Meadows Park.

It has been learned there are three parcels (one being a District park) that were not correctly transferred in title on the El Paso County Assessor's website. The website shows a sale date of 3/1/2001 for 54041-02-056 Tract A, 54041-08-025 Tract B, and 54041-01-009 Tract C specifically, both corners of 2386 Springside Dr and 2395 Springside Dr at the intersection of Constitution Avenue and the Pinyon Jay Dr Park located at the intersection of Pinyon Jay Dr and Jeanette Way. The website has recorded a plat with the Grantor identified as Claremont Ranch LLC. The Assessor's office has since correctly identified the Owners of these parcels as Claremont Ranch LLC.

Mrs. Lathen has prepared a letter to the last-known agent of Claremont Ranch LLC, who is Eric Howard, an attorney representing the developer. She has asked the Board for their direction to mail the letter providing those representatives with options to contract a maintenance agreement, convey equipment to them for ownership, or remove the equipment from the park.

Director Kinney advised she retrieved title paperwork on those specific tracts. She said the Assessor's Office does not set ownership -- the title does. She will be going through additional title paperwork to hopefully reach some conclusions concerning ownership.

MOTION: DIRECTOR DANIELS MOTIONED, SECONDED BY DIRECTOR HERRLEY, TO AUTHORIZE THE GENERAL MANAGER TO MAIL A LETTER TO LAST-KNOWN AGENT OF CLAREMONT RANCH LLC TO OFFER A MAINTENANCE AGREEMENT FOR THE PINYON JAY DR PARK. WALT HERRLEY, DENNIS DANIELS, LINDA KELEHER, STEVE HASBROUCK- (AYE) IN FAVOR. MICHELLE MARIE KINNEY- (NAY) NOT IN FAVOR. MOTION PASSED (4-1).

Park capital requests have begun. The draft budget will be prepared for the Board on or before October 15. Mrs. Lathen has asked the Board to consider options for capital improvements for the park. Input from the public will be encouraged.

Connie Hughes provided an update on the renewal of liquor licenses from 2017 to present. Mrs. Hughes stated all paperwork is processed to the state through El Paso County. Director Kinney stated she was glad staff were looking into the registrations and encouraged them to routinely check licensing with the state. According to the state, the District's liquor license expires on

October 9th but does have an extended grace period without penalty if the application has been filed with the county.

Jeff Munger provided a TDS reduction report update. OSHA safety recordables continue to remain at one incident. Work completed through July was the pond road work, mechanical headworks, headworks wire pull, chemical and air piping in filter building, filtrate pumps and blowers installed, and RO membranes have been received. February 28, 2023 is considered the milestone date for potential completion. The headworks testing will be in September. Startup and testing the RO system will begin approximately November 22.

Discussion is ongoing with Mayberry, Colorado Springs for an exclusion of Ellicott Springs. The District currently services water needs to the subdivision of approximately 98 customers. Mr. Rufien stated there are options to exclude a development from the District. Some options would be an exclusion with 100% approved vote of taxpayers, or there could even been an exclusion election. There were no questions from the Board.

On the table for Board review was Burns & McDonnell one-time Agreement for Services for the new Ellicott pipeline route study and easement acquisition. Mr. Rufien and Mr. Munger went over the changes that will take place in this one-time Agreement, specifically Section L. Limitation of Liability for this Agreement and Section M. Limitation of Damages for this Agreement.

MOTION: DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR HERRLEY, TO APPROVE THE AGREEMENT FOR SERVICES FOR BURNS & MCDONNELL FOR THE NEW ELLICOTT PIPELINE ROUTE STUDY AND EASEMENT ACQUISITION. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Up next for discussion was the MSA for JVA, Incorporated, who would be providing engineering services for the District. Mr. Munger went over the details of the Agreement.

MOTION: DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR HERRLEY, TO APPROVE AN MSA FOR JVA FOR ENGINEERING SERVICES FOR YHE DISTRICT. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

The District is gearing up for the preparation of the 2023 budget, and Mrs. Lathen and Mrs. Fromm will start coordinating with key staff to begin discussions and planning.

Another item included on the Agenda was the Sundance Augmentation Agreement. Legal water counsel Pete Johnson was in attendance virtually and addressed the Board with a lengthy presentation on the historical aspect of the Agreement Regarding Augmentation of Dawson Aquifer Water Rights. This Agreement would be implemented between the Sundance Ranch Property Owners Association and the Cherokee Metropolitan District.

MOTION: DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR DANIELS, TO ACCEPT THE AGREEMENT REGARDING AUGMENTATION OF DAWSON AQUIFER WATER RIGHTS AS WRITTEN. WALTER HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).

Mrs. Lathen stated the District is working with SDA to assess security safety issues including cyber security and SCADA security systems.

There are new legislative issues as it relates to technologically enhanced naturally occurring radioactive material (TENORM) which involves regulating the District's screening and collecting treatments. Mrs. Lathen believes it will take approximately eight weeks to run this testing process.

The Cimarron Hills Fire Department is having their 50th annual open house on Saturday, September 10th, and everyone is invited to attend.

ITEM 7: Executive Session

MOTION: DIRECTOR DANIELS MOVED, SECONDED BY DIRECTOR HERRLEY, THAT THE BOARD GO INTO EXECUTIVE SESSION CITING §24-6-402(4)(a), C.R.S., PURCHASE, ACQUISITION, LEASE, TRANSFER, OR SALE OF ANY REAL, PERSONAL, OR OTHER PROPERTY INTEREST; §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, AND §24-6-402(4)(f), C.R.S., PERSONNEL MATTERS. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

A ten-minute recess took place at 12:10 p.m. before Executive Session commenced.

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

Regular Session resumed at 1:17 p.m.

ITEM 8: Public Comments

President Hasbrouck asked if there were any comments from the audience. A three-minute time limit would be enforced.

Asia Stewart, a project manager for Cimarron Hills Filing-#1, addressed the Board regarding the construction of an ongoing utility connection located near Galley Road and Powers Boulevard.

Boulevard. The water line was going to be designed and constructed by the developer, and the District would utilize the extension of the water line by issuing a tap fee credit.

Ms. Stewart stated the project has been delayed, and because of price increases experienced on their part, the costs have increased significantly from \$111,000 to \$158,000. Mrs. Lathen requested a legal opinion from Mr. Rufien as to the feasibility of issuing the credit back to the developer. It was concluded that the additional expenditure could be resolved through administrative channels. Mrs. Lathen would be researching and then contacting Ms. Stewart to find a mutual resolution.

There were no other public comments.

ITEM 9: Other Business

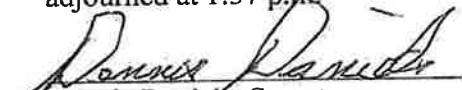
Director Kinney stated she found the District's liquor license insurance was inadequate and believes it could be increased significantly at very little cost. For coverage up to five million dollars, it would cost the District approximately \$2,400. Mrs. Lathen stated this would be added to the budget process for consideration.

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 1:37 p.m.



Dennis Daniels, Secretary

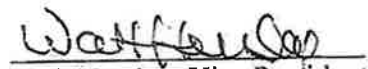
Board Members

Term Expires

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

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