



# 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

**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:** September 20, 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. **Directors' Items**

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 August 16, 2022 Regular Board Meeting
- B. Directors Signatures

**Recess Regular Meeting**

5. **Public Hearing**

- A. Resolution 2022-15
  - 1. Amendments to 2021 Budget
    - a. General Fund
    - b. Parks Fund
    - c. Water and Wastewater Enterprise Fund
    - d. Golf Course Enterprise Fund

**Resume Regular Meeting**

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

- A. August Monthly Financials
- B. Audit Report Update

7. **General Manager and Staff Reports**

- A. Solace Water Line Installation Update
- B. Ellicott Chlorinator Project Update
- C. 2023 Budget Process Update
- D. TDS Project Update – Jeff Munger
- E. Questions of Staff Reports

8. **Executive Session**

9. **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.

10. Other Business

11. Other Meetings of Importance to the Cherokee Metropolitan District

1. Woodmen Hills Metro District Board Meeting, Sept 22, 2022 5:30 p.m.
2. Upper Black Squirrel Ground Water District, Board Meeting Oct 4, 2022 6 p.m.
3. Donala Water and Sanitation District, Board Meeting Oct 13, 2022 at 1:30 p.m.
4. Colorado Springs City Council Meetings 2<sup>nd</sup> and 4<sup>th</sup> Tuesday each month, 10 a.m.

12. Adjournment

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

September 20, 2022

MINUTES

The Regular Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, September 20, 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, Kevin Brown, Connie Hughes, Shawn Puente, Jeff Munger

Others Present: Paul Rufien, Larry Keleher, Norbert Pirri, Roger Stolz, Steve Hochstetter; Virtual: Heather Galbraith, Tina Melzo, Mike Corder, Megan Carpenter, Jan C., Tyler Drennan, "Finn," Joshua Powner, Robert Hernandez, "Nathaniel," Tricia Ochinang, "Rene," Kim Krueger, "Heather"

ITEM 1:     Call to Order

The meeting was called to order by President Steve Hasbrouck. He asked for a roll call from 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. There were none.

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

ITEM 5:     Directors Items/Comments

President Hasbrouck asked if there were any Directors' comments. Director Kinney stated she had two items.

In last month's Board Minutes, it was mentioned liquor insurance coverage up to five million dollars. Director Kinney requested that it should have read, for an additional five million dollars, at the cost of approximately \$2,400/year.

Counsel Paul Ruffien stated he researched the District's liquor license requirements in respect to governmental immunity and consulted with other sources including insurance counsel. Despite the attention liquor gets by serving alcohol, he stated the District is over insured and at this time, it would not be necessary to pay the \$2,400 premium to have five million dollars additional coverage. There is no specific insurance for the liquor license.

District insurance would possibly not cover an employee who willfully and wantonly attempted to have no disregard of or has a reckless indifference in serving a customer alcohol. However, it still has no bearing on how much the District is insured; and this behavior would hold the employee responsible.

Mrs. Lathen mentioned that all Golf employees serving food and alcohol at the bar or on the beverage cart are required to partake in TIPS (Training for Intervention Procedures). All employees are currently up to date with the certification.

**MOTION: DIRECTOR KINNEY MOTIONED TO INCREASE THE GOLF COURSE LIQUOR INSURANCE AT AN APPROXIMATE COST OF \$2,400 FOR AN ADDITIONAL FIVE MILLION DOLLARS IN COVERAGE. MOTION DIED FOR LACK OF A SECOND.**

Director Kinney requested to make another Motion:

**MOTION: DIRECTOR KINNEY MOTIONED THAT THE CHEROKEE METRO BOARD OF DIRECTORS TAKE CORRECTIVE ACTION WITH 3 PARCELS OF LAND COMMONLY KNOWN AS: 2207 JEANETTE WAY (PARK) PARCEL #5404108025 – SEE PLAT 'TRACT B'; 2386 SPRINGSIDE DR PARCEL #5404101009, SEE PLAT 'TRACT C,' 2395 SPRINGSIDE DR PARCEL #5404102056, SEE PLAT 'TRACT A.'**

**THE INTENT OF ALL PARTIES IS CLEAR. IN A LETTER TO EL PASO COUNTY PLANNING DEPARTMENT, DATED JULY 26, 2000, CHEROKEE METRO AGREED TO ACCEPT THE "PARKS AND LANDSCAPED ENTRYWAYS IN CLAREMONT RANCH."**

**ON AUGUST 10, 2000 THE BOARD OF COUNTY COMMISSIONERS HELD A PUBLIC HEARING WHICH INCLUDED "COMMENTS FROM PUBLIC OFFICIALS AND AGENCIES, AND COMMENTS FROM ALL INTERESTED PARTIES." THE BOARD APPROVED THE FINAL PLAT ON FEBRUARY 21, 2001 WITH AN EFFECTIVE DATE OF AUGUST 10, 2000 RESOLUTION 00-0324.**

**THE FINAL PLAT STATES THE DEVELOPER'S INTENT TO "HEREBY GRANT" THESE PARCELS (TRACTS) TO CHEROKEE METRO. IT READS, "TRACTS A, B, AND C AND THE NON-EXCLUSIVE UTILITY AND LANDSCAPE EASEMENT AS SHOWN IN BLOCKS 9 AND 10 ARE HEREBY GRANTED TO THE CHEROKEE METRO DISTRICT AND WILL BE MAINTAINED BY SAME, EXCEPT FOR THE DRAINAGE IN TRACTS A AND C WILL BE MAINTAINED BY EL PASO COUNTY. TRACTS A AND C SHALL BE USED FOR UTILITIES, DRAINAGE, OPEN SPACE AND PARKS. TRACT B SHALL BE USED FOR OPEN SPACE AND PARKS."**

**AS REQUIRED BY CHEROKEE METRO, THE DEVELOPER LANDSCAPED THE PARCELS AND CONVEYED THEM TO CHEROKEE METRO. CHEROKEE METRO AGREED TO ACCEPT THE PROPERTY AND THEY DID SO. CHEROKEE METRO TOOK CONTROL OF THE LANDSCAPED PARCELS AND HAS OCCUPIED AND CONTROLLED THESE PARCELS IN AN OPEN AND PUBLIC FASHION FOR OVER 20 YEARS. DURING THOSE 20 YEARS PLUS CHEROKEE METRO HAS COLLECTED PARK FEES FROM RATE PAYERS, ACCEPTED STATE FUNDS, ENACTED RULES FOR THE PARK, MADE REPAIRS, MOWED, INSTALLED PLAYGROUND EQUIPMENT, AND WATERED. AS RECENTLY AS SEPTEMBER 19, 2022 THE PARK AT JEANETTE WAY (PINYON JAY) IS FEATURED IN THE PARKS SECTION OF THE CHEROKEE METRO WEBSITE.**

**THE CURRENT CONCERN IS THAT A QUIT CLAIM DEED HAS NOT BEEN RECORDED AND IT IS NOT KNOWN IF ONE EXISTS OR NOT. AS THE GRANTOR IS DEFUNCT AND/OR DECEASED, IT MAY NOT BE POSSIBLE TO GENERATE A REPLACEMENT. THIS IS A COMMON OCCURRENCE IN REAL ESTATE. THERE ARE MANY TYPES OF DEEDS. A QUIT CLAIM DEED DOES NOT OFFER ANY WARRANTY BUT WILL SIMPLY "QUIT ANY CLAIM" OF INTEREST THE GRANTOR MAY HAVE HAD. IN ANY EVENT, A DEED IS ONLY EVIDENCE OF TITLE, BUT NOT TITLE ITSELF. AN INSUFFICIENT DEED OR EVEN THE LACK OF A DEED DOES NOT REVOKE OWNERSHIP.**

**FOR OVER 20 YEARS, CHEROKEE METRO HAS HELD ALL THE RIGHTS OF OWNERSHIP INCLUDING POSSESSION AND THE OTHER ELEMENTS I HAVE MENTIONED. ANY PRUDENT PROPERTY OWNER WOULD STRIVE TO CURE THIS SIMPLE TITLE ERROR. THE BOARD IS DUTY BOUND TO HONOR OUR AGREEMENTS AND PROTECT THE PUBLIC TRUST PLACED IN US. I MOVE THAT THE BOARD TAKE ALL NECESSARY LEGAL ACTION TO CORRECT THE ERROR, RESUME MAINTENANCE OF THESE**

**THREE PARCELS, AND REINSTATE LIABILITY INSURANCE. WALT HERRLEY-NO. DENNIS DANIELS-NO. LINDA KELEHER-NO. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-NO. MOTION FAILED (1-4).**

**ITEM 4:**     Consent Agenda

The following were reviewed for approval: Minutes of the Regular Board Meeting for August 16, 2022.

**MOTION:     DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR KELEHER TO APPROVE THE MINUTES OF THE AUGUST 16, 2022 BOARD MEETING AFTER A CORRECTION WAS MADE UNDER ITEM #9, OTHER BUSINESS, WHICH ORIGINALLY STATED, “COVERAGE UP TO FIVE MILLION DOLLARS,” WOULD BE CORRECTED TO STATE “FOR COVERAGE FOR AN ADDITIONAL FIVE MILLION DOLLARS.” WALTER HERRLEY-NO. DENNIS DANIELS-NO. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-NO. MOTION FAILED (2-3).**

**MOTION:     DIRECTOR DANIELS MOTIONED, SECONDED BY DIRECTOR HERRLEY, TO APPROVE THE REGULAR BOARD MEETING MINUTES FOR AUGUST 16, 2022 AS WRITTEN. WALTER HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-NO. STEVE HASBROUCK-YES. MOTION PASSED (4-1).**

**ITEM 5:**     Public Hearing

**MOTION:     DIRECTOR DANIELS MOTIONED, SECONDED BY DIRECTOR HERRLEY, TO OPEN THE PUBLIC HEARING SESSION OF THE REGULAR MEETING. WALTER HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).**

The Regular Meeting recessed and the Public Hearing commenced at 10:27 a.m. The purpose of the meeting was to publicly address, discuss, and approve the amended budgets, year 2021, for:

<u>General Fund:</u>	\$ 140,400
<u>Parks Fund:</u>	\$ 396,073
<u>Water and Wastewater Enterprise Fund:</u>	\$ 58,725,392
<u>Golf Course Enterprise Fund:</u>	\$ 1,372,046

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

**MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR DANIELS, TO APPROVE RESOLUTION 2022-15, 2021 BUDGET AMENDMENT. WALTER HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).**

**MOTION: DIRECTOR DANIELS MOVED, SECONDED BY DIRECTOR HERRLEY, TO CLOSE THE PUBLIC SESSION. WALTER HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).**

The Regular Session resumed at 10:35 a.m.

**ITEM 6: Finance and Accounting**

Cathy Fromm provided a report on the August Monthly Financials. She also introduced Steve Hochstetter, of Stockman Kast-Ryan + CO, LLP who provided an overview of the 2021 Audit. Mr. Hochstetter explained that the 2021 audit and audit process was exceptional. The 2023 budget process is underway, and staff will soon be meeting with Mrs. Lathen, Mrs. Fromm, and Finance staff to begin review and discussion of capital and training budget requests. The Board would be receiving a draft summary of the 2023 Budget by October 15.

**ITEM 7: Manager's Report**

In last month's meeting Asia Stewart, a project manager for SUB4 Development Company, for Cimarron Hills Filing-#1, advised they had received significant price increases on construction and materials since the District had an agreement with them to credit \$111,000 in their tap fee and in return assist the District in the installation of a water line near Galley Road. The District has mailed her a letter offering the costs the District is willing to pay over the \$111,000, as some costs are not the District's responsibility. Kevin Brown assisted Mrs. Lathen with answering Board questions.

Mr. Brown updated the Board on the Ellicott chlorinator project and stated progress was going well. He also provided an update on the selection of a route for a second pipeline and it will be narrowed down with one selection in addition to subsequently acquiring easements.

Jeff Munger advised the District is in the final stages of the TDS project. Total hours worked are 130,554. The project is running 28 days behind schedule mostly due to material deliveries and COVID, and the contract has \$4,324,720 on hand to finish the project.

Line damage incurred on a pipeline east of the Hannah Ridge subdivision, and the District is working with the County of El Paso concerning responsibility, maintenance and associated costs.



An enormous project was finished on one of the District's lift stations which included a motor change out, upgrades, etc., which took the course of one day to complete.

Mr. Rufien wanted to take a moment to tell the Board and staff to pat themselves on the back for all the accomplishments the District has had. President Hasbrouck seconded those compliments.

Mrs. Lathen stated there is always ample time to resolve District concerns and procedural inconsistencies in person and before any meeting and does not condone nor support hearsay and rumors that are reported on all forms of social media. Later she addressed some of the accusations made on a Nextdoor social media post that were untrue and unfounded.

She introduced David Fandrei who is the interim Water ORC replacing Nicholas Griffin who terminated employment a few weeks ago. She also advised Cole Miller is the interim Superintendent of Golf Operations. He was not able to be in attendance.

Dumping trash in open spaces has been a problem in the District, and staff are looking at options to reduce that.

There was discussion between Mrs. Lathen and the Board regarding the Pinyon Jay Park ownership and conveyance of titles and ownership and maintenance of the medians located within the District.

Norbert Pirri, a customer who was in the audience, was recognized and made a comment. He stated he was responsible for bringing inconsistencies of ownership with the parks and medians to the attention of the District. Discussion ensued between Mr. Pirri and Director Kinney. He stated the information about the Board and District, and the accusations made by individuals on social media, were untrue, misleading, and misconstrued. Mrs. Lathen stated if the District finds a unique way to manage the transition with Pinyon Jay, staff will work with the Board to do this.

Mrs. Lathen stated the LOOP project, which Cherokee Metro is a contributor, was awarded four million dollars to begin design engineering and legal details.

Director Daniels was concerned about the trash and debris being thrown over District-property fences, and Mrs. Lathen said she would look at the options to stop this from happening.

ITEM 8:      Executive Session

There was no Executive Session.

ITEM 9:      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. There were none.

ITEM 10: Other Business

There was no other business.

ITEM 11: Other Meetings of Importance to the Cherokee Metropolitan District

As listed on the evening's Agenda.

ITEM 12: Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 12:36 p.m.


  
Dennis Daniels, Secretary

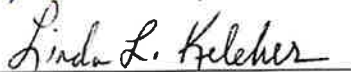
Board Members


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

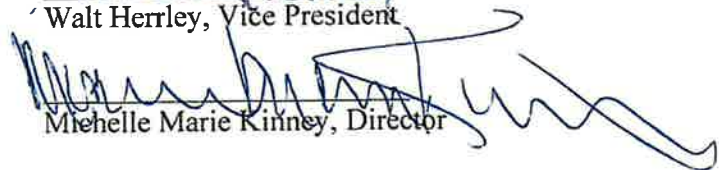
Term Expires

May, 2025  
May, 2023  
May, 2023  
May, 2025  
May, 2025

  
Steve Hasbrouck, President

  
Linda Keleher, Treasurer

  
Walt Herrley, Vice President

  
Michelle Marie Kinney, Director