



# CHEROKEE METROPOLITAN DISTRICT

6250 Palmer Park Blvd., Colorado Springs, CO 80915-2842

Telephone: (719) 597-5080 Fax: (719) 597-5145

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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

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

**DATE:** November 15, 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. 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 October 18, 2022 Regular Board Meeting
- B. Directors Signatures

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

- A. JVA Consulting Engineers Presentation – Construction Stage for New Chlorinator
- B. Application for Change of Water Rights – Poleson Well
- C. FMLIA – Board Review
- D. MSA – Boyer & Seeley Pumps & Process Inc.
- E. TDS Project Update
- F. Questions of Staff Reports

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

- A. Budget Status Report
- B. In-District and Out-of-District Water Rates Presentation – Report Only
- C. October Monthly Financials

7. **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.**

8. **Other Business**

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

Meridian Ranch Metropolitan District, first Wednesday of each month, 10 a.m.  
Cimarron Hills Fire Department Board Meeting, third Wednesday of each month, 5:30 p.m.  
Woodmen Hills Metropolitan District Board Meeting, fourth Thursday of each month, 5:30 p.m.  
UBSCGW Meeting, Calhan, Colorado, first Tuesday of each month, 6 p.m.  
Colorado Springs City Council Meetings 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month, at 10 a.m.

10. **Adjournment**

**CHEROKEE METROPOLITAN DISTRICT**  
**REGULAR MEETING OF THE BOARD OF DIRECTORS**

November 15, 2022

MINUTES

The Regular Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, November 15, 2022 at 10:00 a.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, Julie Wells, Connie Hughes, Cole Miller, Kevin Brown, Shawn Puente, Jeff Munger, Joshua Watkins, Jonah Purcell, Tyler Dunich, Cathy Fromm

Others Present: Paul Rufien, Roger Stolz, Larry Keleher, Richard Hood, Josh McGibbon *Pete Johnson in attendance*  
Virtual: ~~Pete Johnson~~, J. Cederberg, Michael Corder, Tina Melzo, Tyler Drennan, Pinyon Jay Guest, Rene, Halyna, Noah Vogel, Megan Carpenter

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ITEM 1:      Call to Order

The meeting was called to order by President Steve Hasbrouck at 10:00 a.m. 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 Directors' qualifications or disclosures.

ITEM 2:      Review and Approval of the Agenda

Mrs. Lathen stated there were no changes or amendments that needed to be made to the Agenda.

**MOTION:    DIRECTOR DANIELS MOTIONED, SECONDED BY DIRECTOR HERRLEY, TO APPROVE THE MEETING'S AGENDA. WALTER HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASROUCK-YES. MOTION PASSED (5-0).**

ITEM 3:      Directors Items/Comments

President Hasbrouck stated there were no words for what the Lathen family has endured over the last month. He encouraged all to keep the meeting short. Director Kinney offered her condolences.

She also wanted to address one more item, which she read as follows: "At the last meeting, management stated that the proposed 2023 budget was emailed to the board members. I was not included. I respectfully request and require that a copy of the proposed budget emailed to me no later than the close of business on 11/15/2022.

I am advised that the open meeting law, requires that deliberation be done in public. Apart from matters eligible for executive session, the open meeting law generally requires that deliberations (discussions) are done in meetings that are open to the public. Additionally, emailing, or texting multi members of the board may constitute a meeting and may run afoul of the open meeting law. Meeting with two board members at a time, and then conveying the discussion with other board members is problematic and may constitute a meeting and be a violation of the law."

**ITEM 4:**     Consent Agenda

The following were reviewed for approval: Minutes for the October 18, 2022 Regular Board Meeting. Director Kinney mentioned that on Page 2, last paragraph, the Minutes should read *'that the Board will have to OPT OUT by January 1, 2023, not November.'* The correction will be noted in the Minutes.

**MOTION:     DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR DANIELS TO APPROVE THE REGULAR BOARD MEETING MINUTES FOR OCTOBER 18, 2022, AS AMENDED. WALTER HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASROUCK-YES. MOTION PASSED (5-0).**

**ITEM 5:**     Action Item Requests and Staff Reports

Josh McGibbon and Richard Hood, Professional Engineers from JVA Consulting Engineers, were in attendance to provide a presentation for the Construction Manager at Risk Project Delivery for the construction stage of the new chlorinator in Ellicott Springs. This is an approach defined by the Design Build Institute of American in which the Construction Manager is committed to deliver a project within defined schedules and guaranteed maximum pricing. The procurement process includes an RFP for a defined budget, bid for design phase, bid for general conditions, bid for percentage overhead and profit, valued engineering ideas, and initial price based on design available.

JVA Consulting Engineers is currently undertaking CMAR projects with Woodmoor WSD, Crested Butte South MD WWTP, West Jefferson County Metro District WWTP, Evergreen MD WTP, among other metropolitan districts' wastewater treatment plants.

A Change Order for the JVA MSA Agreement was submitted to the Board for their review and approval. Change Order #2 was in the amount of \$68,700.

**MOTION:     DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR DANIELS, TO APPROVE WORK ORDER #2 IN THE AMOUNT OF \$68,700. WALTER HERRLEY-YES. LINDA KELEHER-YES. DENNIS**

**DANIELS-YES. MICHELLE MARIE KINNEY-YES. STEVE HASROUCK-YES. MOTION PASSED (5-0).**

Legal counsel Pete Johnson provided a status update of the Application for Change of Use and/or Change in Place of Use within a Designated Groundwater Basin. He asked the Board to take the next step and file the application.

**MOTION: DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR DANIELS, TO AUTHORIZE AMY LATHEN, GENERAL MANAGER, TO SIGN THE APPLICATION FOR CHANGE FOR FILING WITH THE GROUND WATER COMMISSION. WALTER HERRLEY-YES. LINDA KELEHER-YES. DENNIS DANIELS-YES. MICHELLE MARIE KINNEY-YES. STEVE HASROUCK-YES. MOTION PASSED (5-0).**

Employees of the District were officially notified by email November 10, 2022, regarding the Colorado Paid Family and Medical Leave Insurance Act which is an additional state benefit that would provide paid leave over and above the benefits of FLMA. The benefit would start collecting premiums from employees no later than April, 2023; however, the benefit is not usable until January, 2024. The Board was presented with documentation last month to review and decide this month whether to OPT OUT on this additional benefit. Discussion ensued regarding whether the FMLA was sufficient or whether added premiums would be incurred to employees to add extra coverage.

**MOTION: DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR DANIELS, TO NOT APPROVE THE COLORADO PAID FAMILY AND MEDICAL LEAVE INSURANCE ACT AND THEREFORE APPROVE RESOLUTION 2022-16, A RESOLUTION DECLINING PARTICIPATION IN THE COLORADO PAID FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM. WALTER HERRLEY-YES. LINDA KELEHER-YES. DENNIS DANIELS-YES. MICHELLE MARIE KINNEY-YES. STEVE HASROUCK-YES. MOTION PASSED (5-0).**

An MSA for Boyer & Seeley Pumps & Process, Inc., who supplies parts and services, was presented to the Board for their review and approval.

**MOTION: DIRECTOR DANIELS MOTIONED, SECONDED BY DIRECTOR KINNEY, TO APPROVE THE MSA FOR BOYER & SEELEY PUMPS & PROCESS, INC. WALTER HERRLEY-YES. LINDA KELEHER-YES. DENNIS DANIELS-YES. MICHELLE MARIE KINNEY-YES. STEVE HASROUCK-YES. MOTION PASSED (5-0).**

Jeff Munger provided a status update on the TDS project. Severe wind and weather conditions the past week have blown in an abundance of tumble weeds to the WRF. Tumble weeds damaging the NBR membranes would be detrimental to the District. Staff are looking at solutions, including

covering the tops of the RIBs, to stop this from happening. Mrs. Lathen also explained the damage H2S can cause in the WRF's ventilation system and structure.

There will be a grand opening of the RO plant at some point in time. Media, customers, and staff will be invited to attend the festivities.

A possible IGA with El Paso County regarding the District's medians is still undergoing.

The District is planning for the organization of a Citizens' Academy. This is an opportunity for the public to become involved in more in-depth activities that are associated with the District. Evening meetings, a tour of the facilities and wells, refreshments and transportation are being discussed.

A theft occurred at the Maintenance Shed at the Golf Course, and the District is currently filing an insurance claim.

The final invoice has been signed off for Pronghorn Meadows Park. The District's new vac truck is arriving approximately November 17.

The Fire Department may be putting in a building on the back lot property, and there may be a possibility whereby the District could share some of that space. The shield kits have arrived for delivery to the Fire Department. Mrs. Lathen introduced Tyler Dunich, the District's new water ORC.

ITEM 6:        Finance and Accounting

Cathy Fromm provided a report on the October monthly financial reports.

The 2023 draft proposed Budget is continuing to be refined, and work sessions have been scheduled with all divisions to finalize capital project requests and operating and maintenance requests.

Mrs. Lathen gave a lengthy presentation of the District's operational costs projection, including electrical and gas costs for 2023, which have astronomically increased since last year. The Public Hearing is scheduled for December 16<sup>th</sup> rather than December 20. She also stated the District is not able to stay on top of the operating and maintenance costs without looking at an increase in rates for the oncoming year.

ITEM 7:        Public Comment

There were no public comments.

ITEM 8:        Other Business

Director Keleher commended Mrs. Lathen for going to the WRF to help with the tumbleweeds clean up.

ITEM 9: Other Meetings of Importance to the Cherokee Metropolitan District

As listed on the Agenda.

ITEM 10: Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 12:20 p.m.


  
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Dennis Daniels, Secretary

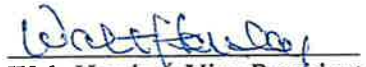
Board Members

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