



# 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

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:** January 17, 2023

**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 December 16, 2022 Regular Board Meeting and Public Hearing of the Board of Directors
- B. Directors Signatures

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

- A. 2023 Resolutions for Review and Approval
  - 1. Resolution 2023-01 Administrative Matters
  - 2. Resolution 2023-02 Regular Meetings
  - 3. Resolution 2023-03 Posting Location
  - 4. Resolution 2023-04 CORA with Exhibit
  - 5. Resolution 2023-05 Designated Election Official
  - 6. Oath of Designated Election Official
- B. Route Study Discussion - Options Currently Under Consideration
- C. Loop Water Authority Funding – Reimbursable Funds
  - 1. Loop Alternate Board Member Designee
- D. Backflow Prevention and Cross Connection Control Regulation Review of Changes – Brian Beaudette
- E. Electronic Messaging Center Proposal
- F. Grandview Metropolitan District IGA Amendment Request

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

- A. December Monthly Financials

**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 1.) §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.), 2.) §24-6-402(4)(b), C.R.S., Conferences with the District's attorney regarding legal advice on specific legal questions:  
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 – Condemnation Status
  - b. Grandview Metropolitan District IGA Amendment Request
  - c. Meridian classification of charges pursuant to 2003 IGA

**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**

**Cherokee Metropolitan District Work Session, March 7, 2023, at 10 a.m.**

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.

11. **Adjournment**

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

January 17, 2023

MINUTES

The Regular Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, January 17, 2023, 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, Kevin Brown, Shawn Puente, Jeff Munger, Joshua Watkins, Tyler Dunich, Cathy Fromm, Brian Beaudette

Present: Paul Rufien, Augie DeSantis, Louis DeSantis, Roger Stolz, Rene Sintas, Jan Cederberg, Dave Mattes. Virtual: Tina Melzo, Megan Carpenter, Tyler Drennan, Joseph Hodge, Jackie Hodge, Daniela-Tapia Davis, TB, Kim Wilson, Eric Guzman, Tim Bouma, Mr. Gray.

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 requested changes to the Meeting's Agenda.

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

ITEM 3:      Directors' Items/Comments

There were no Directors' comments.

ITEM 4:      Consent Agenda

The following were reviewed for approval: Minutes for the December 16, 2022 Regular Meeting and Public Hearing.

**MOTION:      DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR DANIELS, TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING AND PUBLIC HEARING FOR DECEMBER 16, 2022. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

ITEM 5:      Action Items Requests and Staff Reports

Five Resolutions were presented to the Board for their review and adoption. Although the content of the Resolutions is consistent from year to year, the Board does review them for minor changes or ratification.

Regarding Resolution 2023-01, A Resolution Concerning 2023 Annual Administrative Matters, Director Kinney requested No. 14. Director Compensation be modified to state, "For Directors serving a term of office commencing after January, 2018, Directors may receive compensation not in excess of \$2,400 per annum, not to exceed \$100 per meeting attended. *C.R.S. §32-1-902(3)(a).*"

**MOTION:      DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR KELEHER, TO APPROVE RESOLUTION 2023-01, A RESOLUTION CONCERNING 2023 ANNUAL ADMINISTRATIVE MATTERS, WHICH INCLUDED THE MODIFICATION OF NO. 14. DIRECTOR COMPENSATION. WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).**

**MOTION:      DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR DANIELS, TO APPROVE RESOLUTION 2023-02, A RESOLUTION ESTABLISHING THE TIME AND LOCATION FOR THE BOARD OF DIRECTORS 2023 REGULAR MEETINGS AND ESTABLISHING POSTING PLACES FOR THOSE NOTICES. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

**MOTION:      DIRECTOR DANIELS MOVED, SECONDED BY DIRECTOR KINNEY, TO APPROVE RESOLUTION 2023-03, NOTICE OF REGULAR MEETINGS OF THE BOARD OF DIRECTORS, CHEROKEE METROPOLITAN DISTRICT. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

**MOTION:      DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR DANIELS, TO APPROVE RESOLUTION 2023-04, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CHEROKEE METROPOLITAN DISTRICT**

**RATIFYING THE COLORADO OPEN RECORDS ACT POLICY. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

Connie L. Hughes was selected by the General Manager to be the District's DEO for the 2023 Special District Election. 2023. A Resolution was provided to the Board for their review.

**MOTION: DIRECTOR DANIELS MOVED, SECONDED BY DIRECTOR KELEHER, TO APPROVE RESOLUTION 2023-05, A RESOLUTION CERTIFYING APPOINTMENT OF DESIGNATED ELECTION OFFICIAL FOR CHEROKEE METROPOLITAN DISTRICT. WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).**

Mrs. Hughes was sworn in by Oath to be the District's 2023 Designated Election Official for the 2023 Special District Election. Her duties begin immediately, and she will be providing periodic updates of the election as May 2, 2023 draws closer.

On March 7<sup>th</sup>, the Board of Directors will have a Work Session regarding the Ellicott distribution line. A brief overview will be provided on the second alignment of the pipeline. Burns & McDonnell will be retained to do a route analysis, and pros and cons of placement and procurement will be discussed. There will be no decisions made.

The first public meeting of the Loop Water Authority will be held Thursday, January 18. Mrs. Lathen asked for Board approval to set aside monies in a bank account and use them to make reimbursement payments by the Authority. This would be done by approving a \$250,000 budget appropriation and a Budget Amendment Resolution in the next upcoming Board Meeting.

Mrs. Lathen will be designated as a member of the Board of Directors of the newly formed Loop Water Authority by the District's Board Members. She requested Kevin Brown be designated as an alternate Board of Director representing the District.

**MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR KELEHER, TO ELECT KEVIN BROWN AS THE DISTRICT'S ALTERNATE BOARD OF DIRECTOR FOR THE LOOP WATER AUTHORITY. WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).**

**MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR DANIELS TO APPROVE SETTING ASIDE FUNDS IN A BANK ACCOUNT TO MAKE LOOP WATER AUTHORITY PAYMENTS. WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES; MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).**

Brian Beaudette updated the Board on the District's cross-connection program. In December, the District met the CDPHE requirements for the year in testing and surveying of commercial, industrial, and multi-family sites.

A change is requested in the Backflow Prevention and Cross Connection Control Regulation. The change will require sites that test annually in October, November, and December to test before October 1<sup>st</sup> of each year. This will allow staff time to contact customers early who may have missed testing in the last quarter of the year and ensures Cherokee's program meets CDPHE regulation requirements.

If the Board approves this change, there will be a mailing to the customers who will be affected which is approximately 74 sites.

**MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR DANIELS, TO APPROVE CHANGES IN THE BACKFLOW PREVENTION AND CROSS CONNECTION CONTROL REGULATION SPECIFICALLY REQUIRING SITES TO TEST THEIR PRODUCTS PRIOR TO OCTOBER 1<sup>ST</sup> OF EACH YEAR. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

Augie and Louis DeSantis, representing Sign Shop Illuminated, were in attendance to assist Sara Howard with a presentation proposing a new outdoor electronic messaging system for the District.

Four quotes were provided to the Board with emphasis in cost differentials being a messaging board with or without an overhead cabinet, messaging in all color versus one color, and cloud-based internet access compared to pc-based internet access.

The components for construction and cloud-based software are supported by Watchfire, who guarantees a five- to ten-year warranty with their products.

**MOTION: DIRECTOR DANIELS MOVED THE DISTRICT PROCEED WITH SECURING AN ELECTRONIC MESSAGING SYSTEM, MODEL #3727.**

Discussed continued. Director Daniels stated the full color aspects would be advantageous in alerting customers with repairs and projects occurring within the District. Director Kinney stated Sign Shop Illuminated was a reputable company to work with but didn't feel it was an opportune time to make this type of purchase, especially when the District just had a rate increase effective January 1.

**MOTION DIED FOR LACK OF A SECOND.**

It was the consensus of the Board to continue this discussion to a later date. Mr. DeSantis graciously offered a 90-day grace period on prices to give the Board ample time to further discuss the purchase.

An Upper Black Squirrel Board Meeting was held January 11<sup>th</sup>, and Cherokee Metro was placed on their Agenda. There was incorrect information released to the public stating Cherokee was going to drill 200 new wells in the Basin. More correctly, however, the District's Replacement Plan allows for possibly 20 new wells to be drilled. Mrs. Lathen reached out to a news outlet source to clarify the accurateness of the Replacement Plan. The next status conference for the Replacement Plan is January 20.

Jeff Munger provided an update on the TDS project. Mrs. Lathen provided the status of another burglary that took place in the Golf Course Maintenance Shop.

ITEM 6:        Finance and Accounting

Cathy Fromm provided a report on the December financial reports.

ITEM 7:        Executive Session

**MOTION:    DIRECTOR DANIELS MOVED, SECONDED BY DIRECTOR KINNEY, 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, AND §24-6-402(4)(b), C.R.S., CONFERENCES WITH THE DISTRICT'S ATTORNEY REGARDING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS. WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).**

Executive Session was entered at 11:33 a.m.

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

Regular Session resumed at 12:52 p.m.

Last month the Board approved an extension to Grandview Metropolitan District to make their first capital payment by February 28, 2023. This extension was requested to allow time for Grandview to consider additional changes in their developments. However, Mrs. Lathen asked the Board to allow Grandview to make their first capital payment by March 21, 2023.

**MOTION:    DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR DANIELS, TO ALLOW GRANDVIEW METROPOLITAN DISTRICT TO MAKE THEIR FIRST CAPITAL PAYMENT BY MARCH 21, 2023 INSTEAD OF FEBRUARY 28, 2023. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**



8: Public Comment


There were no public comments.

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

As listed on the Agenda.


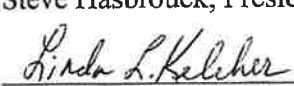
ITEM 10: Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 12:56 p.m.

  
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Dennis Daniels, Secretary

Board Members

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

  
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Steve Hasbrouck, President  
  
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Linda Keleher, Treasurer

Term Expires

May 2025  
May 2023  
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Walt Herrley, Vice President  
  
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Michelle Marie Kinney, Director