



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: April 18, 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. **Attorney Items**

4. **Directors Items**

5. **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 March 21, 2023 Regular Board Meeting with Public Hearing
- B. Directors Signatures

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

- A. 2022 Audit Engagement – Stockman, Kast, Ryan & Company
- B. March Monthly Financials

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

- A. Bylaws Revisions - Approval
- B. MSA Template Revisions – Approval
 - Template, GSA for Professional Services with Auto Insurance
 - Template, GSA with Auto Insurance
 - Template, MSA for Professional Services
 - Template, MSA for Services
- C. Insituform Technologies, LLC – MSA Approval
- D. Mountain West Tank Resources, LLC – MSA Approval
- E. Ellicott Chlorinator Draft CMAR (Construction Manager at Risk) Contract-Discussion
- F. Lift Station 1 Contract Approval
- G. Election Update and Response

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. **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.

10. **Other Business**

11. **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 2nd and 4th Tuesday of each month, at 10 a.m.

12. **Adjournment**

CHEROKEE METROPOLITAN DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS

April 18, 2023

MINUTES

The Regular Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, April 18, 2023, at 10:07 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, Cole Miller

Present: Paul Rufien, Rene Sintas, Roger Stolz, Bob Lathen, Dan Wall; Virtual: Jan Cederberg, Megan Carpenter, Tyler Drennan, Jan, Joseph Hodge, Tina Melzo, Kirsten, Heather Galbraith

ITEM 1: Call to Order

The meeting was called to order by President Steve Hasbrouck at 10:07 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

President Hasbrouck asked if there were any changes that needed to be made to the Agenda. Amy Lathen stated there would not be an Executive Session.

MOTION: DIRECTOR KINNEY, MOVED, SECONDED BY DIRECTOR DANIELS, TO APPROVE THE AGENDA AS AMENDED. WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).

ITEM 3: Attorney's Items

Legal Counsel Paul Rufien stated he was asked to be more involved in meeting discussion and to make sure the Board adheres to meeting protocols. He asked if the Board would like to have an update on his projects at each meeting. Director Kinney stated she would like to have a monthly update.

ITEM 4: Directors' Items

President Hasbrouck reminded those in attendance that no one is allowed to speak out of order. If an individual speaks out of order, that person will be called out of order. He stated no motions may be made until the Chair makes the call for a motion and only after the Chair consents, can a motion be made. All members of the public must adhere to guidelines of the Public Comments, otherwise they are out of order, and all online participants need to identify themselves or they may be removed from the meeting.

ITEM 5: Consent Agenda

The following were reviewed for approval: Minutes for the March 21, 2023 Regular Board Meeting.

Director Kinney stated there was a correction that needed to be made in the Minutes. Mr. Rufien stated if there was a correction on the Consent Agenda, he stated it would be appropriate to address that correction at this time and not remove it from the Consent Agenda to be then later addressed in the meeting.

President Hasbrouck asked if there was a motion on the floor to approve the Minutes of March 21, 2023. Director Kinney objected because she stated they were incorrect. She stated under Item 3, there was an interesting omission of what she said and didn't feel she was correctly represented by "*Director Kinney enumerated several instances in last year's election whereby she felt guidelines and information were misrepresented.*" She stated that is not what she said, but rather she believed, and would like it stated for the record, that CRS §1-13.5-1002 was not followed in the 2022 election. General Counsel, Paul Rufien, stated that no election challenge occurred, and he was aware of no mishandling of any election process.

MOTION: DIRECTOR KINNEY MOVED TO AMEND THE MINUTES AS SUGGESTED IN THE ABOVE PARAGRAPH. THERE WAS NO SECOND. THE MOTION DIED FOR A LACK OF SECOND.

PRESIDENT HASBROUCK CALLED FOR A MOTION TO APPROVE THE MINUTES AS WRITTEN. DIRECTOR DANIELS MOVED, SECONDED BY DIRECTOR HERRLEY, TO APPROVE THE MINUTES OF THE REGULAR BOARD MEETING FOR MARCH 21, 2023. WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES.

MICHELLE MARIE KINNEY-NO. STEVE HASBROUCK-YES. MOTION PASSED (4-1).

Director Kinney made an objection to the record.

MOTION: DIRECTOR DANIELS MOVED, SECONDED BY DIRECTOR KELEHER TO APPROVE THE REMAINING CONSENT AGENDA ITEMS. WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-NO. STEVE HASBROUCK-YES. MOTION PASSED (4-1).

ITEM 6: Finance and Accounting

The firm Stockman Kast Ryan & Company has been hired to conduct the 2022 Audit. Cathy Fromm provided the engagement letter for their review. The firm will perform the services in accordance with applicable professional standards.

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR DANIELS TO ACCEPT AND APPROVE STOCKMAN KAST RYAN & COMPANY TO CONDUCT THE DISTRICT'S 2022 AUDIT. WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).

Mr. Rufien reminded the Board to strive for order when the Chair calls for motions and to raise hands before speaking. Director Kinney stated the correct point of order was to state the motion and then call for discussion. An angry discussion between President Hasbrouck and Director Kinney ensued, and she called for order.

Mrs. Fromm provided a report on the March financials.

ITEM 7: General Manager Report

The revision of the Bylaws was first for discussion on the General Manager's Report. Mrs. Lathen provided an overview of Board Member recommended changes, referring to the redline version that was included for distribution in the Board's handbook.

MOTION: DIRECTOR DANIELS MOVED, SECONDED BY DIRECTOR HERRLEY, TO ACCEPT THE BYLAWS AS REVISED.

Mr. Rufien reminded the Chair to call for discussion.

Director Kinney stated when these Bylaws were recently revised, Mr. Rufien stated he didn't like Bylaws, and speaking with other attorneys involved in Title 32, she believed they were not legal as Special Districts were covered by statutes.

MOTION: WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-NO. STEVE HASBROUCK-YES. MOTION PASSED (4-1).

Jeff Munger reported there have been minor changes made on Engineering's MSA Agreements, specifically: The template for GSA for Professional Services with Auto Insurance; GSA with Auto Insurance; MSA for Professional Services, and MSA for Services. Mr. Munger went over the changes with the Board.

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR DANIELS, TO APPROVE THE REVISIONS AND UPDATE THE TEMPLATES FOR GSA FOR PROFESSIONAL SERVICES WITH AUTO INSURANCE; GSA WITH AUTO INSURANCE; MSA FOR PROFESSIONAL SERVICES, AND MSA FOR SERVICES. WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).

A Master Services Agreement for Insituform Technologies, LLC was presented to the Board. Insituform Technologies, LLC routinely works with the District to clean the sewer lines located throughout the subdivision.

MOTION: DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR DANIELS, TO APPROVE THE MSA FOR INSITUFORM TECHNOLOGIES, LLC. WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).

An MSA for Mountain West Tank Resources, LLC was presented to the Board for review. Mountain West Tank Resources, LLC will replace CW Divers, who is no longer in business, and will be contracted to clean the District's water tanks and water storage facilities.

MOTION: DIRECTOR DANIELS MOTIONED, SECONDED BY DIRECTOR HERRLEY, TO APPROVE THE MSA FOR MOUNTAIN WEST TANK RESOURCES, LLC. THERE WAS NO DISCUSSION. WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).

The Design-Build Contract for the integrated public project of Lift Station 1 additions, Sand Creek Facility of Cherokee Metropolitan District, Amendment No. 1, was brought before the Board for

discussion. Amendment No. 1 modifies the Design-Build Contract for the Integrated Public Project of Lift Station 1. Mr. Munger asked the Board to review and approve for final signature.

MOTION: DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR DANIELS, TO APPROVE AMENDMENT NO. 1 OF THE DESIGN-BUILD CONTRACT FOR LIFT STATION 1. THERE WAS NO DISCUSSION. WALT HERRLEY-YES. DENNIS DANIELS-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. STEVE HASBROUCK-YES. MOTION PASSED (5-0).

Kevin Brown provided an update on the Ellicott Chlorinator Draft CMAR (Construction Manager at Risk) Contract. Proposals for CMAR are due in May. Currently the District is negotiating with Mayberry Colorado Springs for development of site access from the side street.

The Special District Election of the Board of Directors will be held on May 2, 2023. The polls will be open from 7 a.m. to 7 p.m., and judges have been trained. Mrs. Hughes, the elected DEO of Cherokee, provided the status of the election.

Mr. Munger provided an update on TDS. He stated the project was substantially completed by March 31, and the District has already seen improvements with water quality. TDS levels have dropped. Final completion date is May 31. The Grand Opening is projected for July. Joshua Watkins complemented Mr. Munger's report by going into further discussion of the RO process District.

Mrs. Lathen stated the stolen Golf Course truck was located, but it was returned to the District as unusable. Drug paraphernalia was found in the cab, and the interior was destroyed.

There was a power outage over the weekend; and when the pumps were engaged, it created a sediment stir in the water lines. All issues were being addressed and are ongoing.

Mrs. Lathen updated the Board on the Replacement Plan.

ITEM 8: Public Comment

Dan Wall stated the Work Session held recently was informative, he appreciated the update on Tank 1 and pumps, and made comments regarding the meeting Minutes, legal counsel, and the General Manager. Kevin Brown and Mr. Dunich responded to Mr. Walls' comments.

Sara Howard provided an overview of how she interpreted the Minutes to be written. She explained she simply summarized the lengthy comments made by Director Kinney, accurately describing the gist of her comments. She encouraged the Board to provide any corrections to the Minutes *before* the Board Meeting, so if they were minor in nature, they could be revised before the meeting.

ITEM 9: Executive Session

There was no Executive Session.

ITEM 10: Other Meetings of Importance to the Cherokee Metropolitan District

As listed on the Agenda.

ITEM 11: Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 11:32 a.m.

unsigned ^{SKH}
5-16-2023

Dennis Daniels, Secretary

Board Members

Term Expires

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

May 2025
May 2023
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May 2025
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SKH
Steve Hasbrouck, ~~President~~ Director

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5-16-2023
Walt Herrley, Vice President

Linda L. Keleher
Linda Keleher, Treasurer

Michelle Marie Kinney
Michelle Marie Kinney, Director