

**CHEROKEE METROPOLITAN DISTRICT**

**REGULAR MEETING OF THE BOARD OF DIRECTORS**

June 25, 2024

MINUTES

The Regular Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, June 25, 2024 at 5:30 p.m. at 6250 Palmer Park Blvd., Colorado Springs, Colorado.

Board of Directors Present: Dan Wall, Michelle Marie Kinney, Tracey Ferguson, Jeremy Atkinson, Kimberly Wilson

CMD Staff Present: Amy Lathen, Connie Hughes, Julie Wells, Joshua Watkins, Matthew Mevis, Jeff Munger, Shawn Puente, Brandon Zembles, Anna Lathen.

Others Present: Jeff Hodge, Roger Stolz, Bob Lathen, Nicholas Lathen, Pete Johnson, Nate Williams, Wayne Williams, Gary Barber, H.W., Jason Curl, Natalia H.

ITEM 1: Call to Order

The meeting was called to order by Director Wall at 5:31 p.m. Those in attendance were asked to stand and cite the Pledge of Allegiance. All Directors were present and there were no Directors' qualifications or disclosures.

ITEM 2A: No addendums

ITEM 2B: Review and Approval of the Agenda

Michelle Marie Kinney moved to omit the Public Hearing, second by Dan Wall. Items #8 and #9 were tabled for another meeting.

**MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR WALL, TO APPROVE THE JUNE 25, 2024 AGENDA WITH MODIFICATIONS. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

Michelle Marie Kinney suggested omitting the General Manager discussion from item #15A, Executive session and item #16, Action Items Requests Continued.

**MOTION: DIRECTOR WALL MOVED TO OMIT 15A AND 16 FROM THE AGENDA, SECONDED BY DIRECTOR FERGERSON. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

ITEM 3:      Recall Election Update – Report

Wayne Williams updated the recall election status. He presented the recorded Oaths of Office for Directors Atkinson and Wilson to Mrs. Lathen. New board members Director Atkinson and Director Wilson introduced themselves.

ITEM 4:      Administrative Resolution Amendment

Director Wall moved to elect Director Kinney to president of the board.

**MOTION:      DIRECTOR WALL MOVED FOR DIRECTOR KINNEY TO BECOME PRESIDENT OF THE BOARD, SECONDED BY DIRECTOR WILSON. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

Director Kinney moved to elect Director Wilson to Treasurer of the board.

**MOTION:      DIRECTOR KINNEY MOVED FOR DIRECTOR WILSON TO BECOME TREASURER OF THE BOARD, SECONDED BY DIRECTOR ATKINSON. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

Director Kinney moved to elect Director Wall to Vice-President of the board.

**MOTION:      DIRECTOR KINNEY MOVED FOR DIRECTOR WALL TO BECOME VICE-PRESIDENT OF THE BOARD, SECONDED BY DIRECTOR FERGERSON. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

Director Wall noted that Director Fergerson will remain as Secretary.  
Administrative Resolution 2024-01 to be updated with new board members/positions.

ITEM 5:      Public Comment

There was no public comment in person or online.

ITEM 6:      Minutes

Minutes for the May 21, 2024 regular meeting of the Board of Directors was reviewed but need corrections. Director Kinney suggested the Board revisit the minutes.

**MOTION:      DIRECTOR KINNEY MOVED TO TABLE APPROVAL OF THE MAY 21, 2024 MINUTES. SECONDED BY DIRECTOR WALL. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

ITEM 7:      Consent Agenda

There were no items.

ITEM 8:      Called Up Consent Items – Items from Consent Agenda Only

Public meeting omitted per agenda changes.

ITEM 9:      Reconsideration of resolutions: tabled.

ITEM 10:    Finance and Accounting – Julie Wells

A: The May financial statements were discussed, and questions were asked about the layout of the reports and terminology.

B: CFO Replacement: Mrs. Lathen stated that 3 of the 4 invitations to bid were declined. Staff are reaching out to a couple of other firms including Stockman Kast Ryan, the District’s audit firm.

ITEM 11:    Action Item Requests and Staff Reports

Director Wall discussed forming a Parks Committee to work on park improvements and capital spending. The number of committee members will be determined by interest. Attorney Ceccato reminded the Board that the Parks Committee wouldn’t be able to take official action but will meet to discuss the needs for all the parks and come up with recommendations to present to the Board.

**MOTION:    DIRECTOR WALL MOVED TO FORM A PARKS COMMITTEE. SECONDED BY DIRECTOR ATKINSON. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

Director Wall asked for motions regarding forming a finance committee. Director Ferguson recommended delaying the decision until discussions can take place.

The Chief of the Falcon Fire Department approached Director Wall about a letter he had received that indicated Cherokee would be charging them for use of a construction meter. Mrs. Lathen confirmed that the District does not charge fire departments a deposit for using construction meters. Director Wall suggests better communication. No action at this time but will follow up next month.

Director Wall brought up for discussion using the original logo versus the new logo. Discussion ensued. Ramifications of new logo include the lamppost looking like a noose, difficult to read and doesn’t translate very well. Director Atkinson stated if we were going to have a new logo, the Board members should come together and decide on a logo that better fits the image of the District.

**MOTION:    DIRECTOR ATKINSON MOVED TO CHANGE THE CHEROKEE LOGO BACK TO THE ORIGINAL LOGO. SECONDED BY DIRECTOR WILSON. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

Discussion was held about developing a policy for how the District should handle fundraisers and accepting donations from vendors. Discussion was held about asking for suggested donations from anyone who wishes to paint decommissioned fire hydrants and helping customers with payment of their bills by creating a “donate” button on the bill pay page of the website.

**MOTION: DIRECTOR WALL MOVED TO DEVELOP A POLICY FOR FUNDRAISERS AND DONATIONS. SECONDED BY DIRECTOR FERGERSON. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

There was discussion that BBQs and special events need to be done in all parks to incorporate all citizens. Staff and Board members were cautioned about avoiding the appearance of campaigning on Cherokee property.

**MOTION: DIRECTOR WALL MOVED TO INCLUDE SPECIAL EVENTS UNDER THE PARKS COMMITTEE FOR FUTURE ENDEAVORS. SECONDED BY DIRECTOR KINNEY. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

Hazen and Sawyer representative, Jason Curl, talked about drinking water issues, such as hardness, sediment, chlorine, smell, etc. He presented three options for water treatment. Asked how the Board wishes to address all these issues so they can develop the scope of work.

Director Wall suggested having a work session to discuss all of these options with Hazen and Sawyer and going over another scope of work.

**MOTION: DIRECTOR WALL MOVED THAT HAZEN AND SAWYER DEVELOP AN ADDITIONAL SCOPE OF WORK WHICH INCLUDES OPTIONS, IMPACTS TO THE CURRENT SYSTEM AND COSTS FOR TREATING WATER HARDNESS IN ADDITION TO PFAS TREATMENT. SECONDED BY DIRECTOR ATKINSON. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

Streamline is the new host for our ADA compliant website. Demo website is forthcoming. Attorney Ceccato confirmed the District has until July 1, 2024 to become compliant and that there is a grace period until July 2025 to complete this project. Mrs. Lathen stated that the District’s website is at or near compliance.

Director Wall noted that all board meetings will now be online via Zoom virtual meetings. Director Kinney suggested putting the meeting number and password along with link on the agenda. Mrs. Lathen noted additional costs for Zoom meetings.

Meeting paused for a break at 07:31 p.m.

Director Wilson talked about her packet being different than the other Directors and asked that all revision changes and dates be noted on the document. She requested having all reports a week prior to the board meetings for their review.

Director Atkinson directed staff to get laptops for all board members. Mrs. Lathen noted adding the cost to the budget appropriations. He also suggested updating the marquee sooner than the night before to announce upcoming board meetings and moving the sign-in sheet from the lobby to the podium only for those wanting to speak publicly. Create a better customer experience. Director Atkinson also suggested getting new boardroom furniture (smaller tables) and chairs and providing refreshments at the meetings. Mrs. Lathen discussed asking the Board to approve new carpeting in the hallway and offices.

Director Wilson asked about getting registered for the SDA Conference. Connie will make reservations for directors except Director Kinney. Three staff members will attend as well. Cherokee is presenting but those costs for registration will be comped by SDA.

Mrs. Lathen requested approval from the Board to make Brandon Zembles the alternate to attend the Loop Water Authority Board meetings in her absence.

**MOTION: DIRECTOR WALL MOVED TO HAVE BRANDON ZEMBLE AS THE ALTERNATE FOR THE LOOP WATER AUTHORITY PROJECT BOPARD MEETINGS. SECONDED BY DIRECTOR KINNEY. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

**ITEM 12: Staff Reports**

Mrs. Lathen spoke of the effluent at the WRF now at 195 and monitoring well C is testing at 110. In discussions with CDPHE as to their point of compliance to see if they want the monitoring well at the RIBS or coming off the system.

**ITEM 13: Attorney Items**

Pete Johnson spoke on the replacement plan project and how the preparation for litigation was moving forward.

Stephanie Ceccato spoke on the condemnation status. The property owner agreed to allow possession.

Colorado Springs annexation attempt of Air Lane Drive. Mrs. Lathen let the Board know we spoke with legal and Chief York about this issue. Legal is corresponding with the Cimmaron Hills Fire Department legal counsel and the City of Colorado Springs to determine the purpose of the annexation request and the impacts to both Districts.

ITEM 14:     Other Business/Directors Items -No Action Taken

ITEM 15:     Executive Session

**MOTION:**     **DIRECTOR WALL MOVED, SECONDED BY DIRECTOR FERGERSON, TO CLOSE THE REGULAR SESSION AND MOVE IN TO EXECUTIVE SESSION PURSUANT TO §24-6-402(4)(b), C.R.S., CONFERENCE WITH THE DISTRICT’S ATTORNEY REGARDING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS, §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), PERSONNEL MATTERS, IDENTIFYING THE PERSON OR POSITION TO BE DISCUSSED. 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. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

- A. General Manager Discussion (removed)
- B. Norwood Inverse Condemnation and Counteroffer

Executive Session began at 08:19 p.m.

**MOTION:**     **DIRECTOR FERGERSON MOVED, SECONDED BY DIRECTOR KINNEY TO COME OUT OF EXECUTIVE SESSION. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

Executive Session ended at 08:51 p.m.

Dan Wall, Michelle Marie Kinney, Kimberly Wilson, Jeremy Atkinson, and Tracey Ferguson were all present in Executive Session; no votes were taken; direction was given to staff.

ITEM 16:     Other Meetings of Importance – As Listed on Agenda

ITEM 17:     Adjournment

There being no further business to come before the Board at this time, the meeting adjourned at 8:55 p.m.

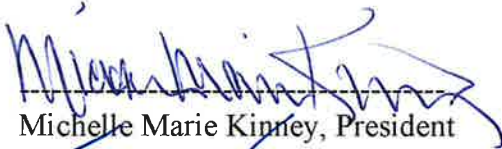
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Tracey Fergerson, Secretary

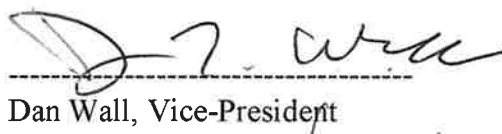
Board Members

Term Expires

Dan Wall, President  
Michelle Marie Kinney, Vice-President  
Tracey Fergerson, Secretary  
Kimberly Wilson  
Jeremy Atkinson, Director

May 2025  
May 2025  
May 2027  
May 2025  
May 2025

  
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Michelle Marie Kinney, President

  
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Dan Wall, Vice-President

  
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Tracey Fergerson, Secretary

  
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Kimberly Wilson, Treasurer

  
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Jeremy Atkinson, Director