

CHEROKEE METROPOLITAN DISTRICT

Draft

REGULAR MEETING OF THE BOARD OF DIRECTORS

January 16, 2024

MINUTES

The Regular Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, January 16, 2024 at 5:30 p.m. at 6250 Palmer Park Blvd., Colorado Springs, Colorado.

Board of Directors Present: Dan Wall, Michelle Marie Kinney, Tracey Fergerson, Steve Hasbrouck, Linda L. Keleher

CMD Staff Present: Amy Lathen, Connie Hughes, Kevin Brown, Sara Howard, Joshua Watkins, Matthew Mevis, Jeff Munger, Shawn Puente, Cathy Fromm, Becky Evans, Anna Lathen

Others Present: Jeremy Atkinson, Bob Lathen, Elke and Al Drayton, Roger Stolz, Lacey and Jason Keep, Kim Wilson, Tim Bouma, Carmen Serrano, Betty Carr, John Wlezien, Dennis Daniels, Jan Cederberg, Mary Shinn, Stacey Hawkins, Holly Wilder Virtual: Mark Valentine, Michael, Wendy, Chris, BB, Rene, AJ, Noah Vogel, Tina Melzo, Larry Hale, Mike, Jan Cederberg, Kim Wilson, Matt C, Al and Elke Drayton, Cathy Fromm, Mike, Chris

ITEM 1: Call to Order

The meeting was called to order by Director Kinney at 5:30 p.m. Roger Stolz was asked to lead those in attendance with the Pledge of Allegiance. All four Directors were present and there were no Directors' qualifications or disclosures.

ITEM 2: Review and Approval of the Agenda

The Agenda was reviewed for any changes. Amy Lathen requested that Agenda Item 7.B Board Vacancy be discussed right after Item 2.

Mr. Wall addressed the Board stating he was honored to be at the meeting. He had some health issues the past but now has a clean bill of health.

MOTION: DIRECTOR KELEHER MOVED, SECONDED BY DIRECTOR HASBROUCK, TO APPOINT DAN WALL TO SERVE AS BOARD OF DIRECTOR UNTIL THE NEXT REGULAR ELECTION IN 2025. TRACEY FERGERSON-YES. STEVE HASBROUCK-YES. LINDA L. KELEHER-YES. MICHELLE MARIE KINNEY-YES. MOTION PASSED (4-0).

Mr. Rufien administered the Oath of Office to Mr. Wall. The Oath was notarized, and a copy was electronically emailed to the Clerk of the County Court before Mr. Wall took his seat on the Board.

ITEM 3: Minutes

The Minutes for the November 21, 2023 Regular Board Meeting were not approved at last month’s meeting, and Director Kinney asked if anyone would like to make a motion to approve those Minutes now.

MOTION: DIRECTOR FERGERSON MOVED, SECONDED BY DIRECTOR KELEHER, TO APPROVE THE NOVEMBER 21, 2023 REGULAR BOARD MEETING MINUTES.

Before those could be approved, there needed to be a motion to add the November 21, 2023 Public Meeting Minutes to the Agenda, thereby amending the January 16, 2024 Agenda.

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR KELEHER TO ADD THE APPROVAL OF THE NOVEMBER 21, 2023 MINUTES TO THE JANUARY 16, 2024 AGENDA. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

The motion to approve the November 21, 2023 Minutes continued.

ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

The Minutes for the December 19, 2023 Regular Board Meeting with Public Hearing were brought before the Board. There were several corrections which were duly noted. Director Kinney requested a motion to approve those Minutes as corrected.

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR FERGERSON, TO APPROVE THE DECEMBER 19TH REGULAR MEETING MINUTES AS CORRECTED. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

ITEM 4: Consent Agenda

There were no items.

ITEM 5: Called Up Consent Items-Items from Consent Agenda Only

There were no items.

ITEM 6: Public Comments

There were no public comments.

ITEM 7: Action Item Requests and Staff Reports

Four resolutions were brought before the Board for review and approval. They were Resolution 2024-01, A Resolution Concerning 2024 Annual Administrative Matters, Resolution 2024-02, A Resolution Establishing the Time and Location for the Board of Directors 2024 Regular Meetings and Establishing Post Places for Those Offices, Resolution 2024-03, Notice of Regular Meetings of the Board of Directors, Cherokee Metropolitan District, and Resolution 2024-04, A Resolution of the Board of Directors of the Cherokee Metropolitan District Ratifying the Colorado Open Records ACT Policy.

Director Hasbrouck requested at this time to vote for new offices.

MOTION: DIRECTOR HASBROUCK MOVED, SECONDED BY DIRECTOR KELEHER, TO NOMINATE DAN WALL AS PRESIDENT OF THE BOARD OF DIRECTORS. STEVE HASBROUCK-YES. DAN WALL-YES. LINDA L. KELEHER-YES. TRACEY FERGERSON-NO. MICHELLE MARIE KINNEY-NO. MOTION PASSED (3-2).

MOTION: DIRECTOR HASBROUCK MOVED, SECONDED BY DIRECTOR KELEHER, TO APPOINT DIRECTOR KELEHER AS SECRETARY-TREASURER.

There was discussion to consider the Treasurer/Secretary position as two separate positions.

Director Hasbrouck withdrew his motion, and Director Keleher withdrew her motion.

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR FERGERSON, TO APPOINT DIRECTOR KELEHER AS SECRETARY. TRACEY FERGERSON-YES. STEVE HASBROUCK-YES. LINDA L. KELEHER-YES. MICHELLE MARIE KINNEY-YES. DAN WALL-YES. MOTION PASSED (5-0).

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR KELEHER, TO APPOINT TRACEY FERGERSON AS SECRETARY. TRACEY FERGERSON-YES. STEVE HASBROUCK-YES. LINDA L. KELEHER-YES. MICHELLE MARIE KINNEY-YES. DAN WALL-YES. MOTION PASSED (5-0).

MOTION: DIRECTOR FERGERSON MOVED, SECONDED BY DIRECTOR WALL, TO APPOINT MICHELLE MARIE KINNEY AS VICE-PRESIDENT. TRACEY FERGERSON-YES. STEVE HASBROUCK-NO. LINDA L. KELEHER-YES. MICHELLE MARIE KINNEY-YES. DAN WALL-YES. MOTION PASSED (4-1).

Director Kinney requested consideration to cap Board Member's per diem to \$1200 per year. After 12 meetings per year, Board Members would not receive \$100 per meeting. Discussion ensued.

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR KELEHER, TO CAP BOARD MEMBER PER DIEM AT \$1200 PER YEAR. TRACEY FERGERSON-YES. STEVE HASBROUCK-NO. LINDA L. KELEHER-YES. MICHELLE MARIE KINNEY-YES. DAN WALL-NO. MOTION PASSED (3-2).

Director Ferguson called attention to #21. Elections, in the Resolution for Administrative Matters, the Board's consideration in designating an Election Official for the District.

MOTION: DIRECTOR FERGERSON MOVED TO DESIGNATE WAYNE WILLIAMS AS DEO FOR THE NEXT ELECTION FOR THE CHEROKEE METROPOLITAN DISTRICT.

Mr. Rufien stated the Board could designate a DEO for the next general election; however, the Clerk of the District Court will be responsible for the possible recall election this year, if there is one.

Mrs. Lathen stated Mr. Williams was representing the District in the PFAS litigation and therefore there may be a conflict of interest. Director Ferguson will be reaching out to Mr. Williams for further clarification.

DIRECTOR FERGERSON WITHDREW HER MOTION.

Director Ferguson requested clarification under #22. Regular Elections, as she felt there should be flexibility in having the option of a polling place election, or a mail-in election, as determined by the Board and DEO.

MOTION: DIRECTOR FERGERSON MOVED, SECONDED BY DIRECTOR KINNEY TO APPROVE THE CHANGE IN RESOLUTION 2024-02 ADMINISTRATIVE MATTERS UNDER #22. REGULAR ELECTIONS TO, "THE BOARD HAS DETERMINED TO CONDUCT THE DISTRICT'S REGULAR ELECTION, SET FOR MAY 6, 2025, AS A POLLING PLACE OR MAIL-IN VOTE ELECTION AS DETERMINED BY THE BOARD AND DEO." TRACEY FERGERSON-YES. STEVE HASBROUCK-NO. LINDA L. KELEHER-NO. MICHELLE MARIE KINNEY-YES. DAN WALL-YES. MOTION PASSED (3-2).

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR FERGERSON, TO APPROVE 2024-01 – A RESOLUTION CONCERNING 2024 ANNUAL ADMINISTRATIVE MATTERS, AS AMENDED. TRACEY FERGERSON-YES. STEVE HASBROUCK-YES. LINDA L. KELEHER-

YES. MICHELLE MARIE KINNEY-YES. DAN WALL-YES. MOTION PASSED (5-0).

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR KELEHER, TO APPROVE RESOLUTION 2024-02 – A RESOLUTION ESTABLISHING THE TIME AND LOCATION FOR THE BOARD OF DIRECTORS 2024 REGULAR MEETINGS AND ESTABLISHING POSTING PLACES FOR THOSE NOTICES. TRACEY FERGERSON-YES. STEVE HASBROUCK-YES. LINDA L. KELEHER-YES-YES. MICHELLE MARIE KINNEY-YES. DAN WALL-YES. MOTION PASSED (5-0).

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR KELEHER, TO APPROVE RESOLUTION 2024-03 – NOTICE OF REGULAR MEETINGS OF THE BOARD OF DIRECTORS, CHEROKEE METROPOLITAN DISTRICT. TRACEY FERGERSON-YES. STEVE HASBROUCK-YES. LINDA L. KELEHER-YES. MICHELLE MARIE KINNEY-YES. DAN WALL-YES. MOTION PASSED (5-0).

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR FERGERSON, TO APPROVE RESOLUTION 2024-04 – A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CHEROKEE METROPOLITAN DISTRICT RATIFYING THE COLORADO OPEN RECORDS ACT POLICY. TRACEY FERGERSON-YES. STEVE HASBROUCK-YES. LINDA L. KELEHER-YES. MICHELLE MARIE KINNEY-YES. DAN WALL-YES. MOTION PASSED (5-0).

Mrs. Lathen presented her report to the Board highlighting on the Tamlin Tank acquisition, the WRF blower replacements, screw press design, brine pump system, bioreactor covers, 048 generators, the RFP pilot study for the water treatment facility.

She introduced Matthew Mevis, the Interim ORC, water treatment and distribution.

The CMMS implementation is underway, there will be some improvements to the ballfields this spring, acquisition on the Poleson well, the Willowind Wastewater Agreement is in the finalization stage, and the Replacement Plan is ongoing and is scheduled for trial July 6- 28.

The Citizens Academy is having its first class on January 25th with a second class on February 1st and a tour of the facilities on February 2.

ITEM 8: Finance and Accounting-Cathy Fromm

Cathy Fromm provided a report on the December Financial Statements.

ITEM 9: Attorney Items

Mr. Rufien provided a legal report to the Board consisting of the Norwood-Tamlin Tank acquisition and condemnation resolution which was adopted by the Board at least two years ago, and the recall election.

ITEM 10: Other Business/Directors Items-No Action Taken

There were no items.

ITEM 11: Executive Session

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR FERGERSON TO CLOSE REGULAR SESSION AND MOVE IN TO EXECUTIVE SESSION PURSUANT TO §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., CONFERENCE WITH THE DISTRICT'S ATTORNEY REGARDING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS. TRACEY FERGERSON-YES. STEVE HASBROUCK-YES. LINDA L. KELEHER-YES. MICHELLE MARIE KINNEY-YES. DAN WALL-YES. MOTION PASSED (5-0).

Executive Session was entered into at 7 p.m.

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR KELEHER, TO COME OUT OF THE EXECUTIVE SESSION. TRACEY FERGERSON-YES. STEVE HASBROUCK-YES. LINDA L. KELEHER-YES. MICHELLE MARIE KINNEY-YES. DAN WALL-YES. MOTION PASSED (5-0).

ITEM 12: Other Meetings of Importance – As Listed on Agenda

ITEM 13: Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:22 p.m.

Tracey Fergerson, Secretary

Board Members

Term Expires

Dan Wall, President	May 2025
Michelle Marie Kinney, Vice-President	May 2027
Tracey Fergerson, Secretary	May 2027
Linda L. Keleher, Treasurer	May 2025
Steve Hasbrouck, Director	May 2025

Dan Wall, President

Michelle Marie Kinney, Vice President

Linda L. Keleher, Treasurer

Steve Hasbrouck, Director

SARA K HOWARD
 4122 PIONEER CREEK DRIVE
 COLORADO SPRINGS CO 80922

PERSONAL AND CHECK INFORMATION			EARNINGS		BASIS OF PAY	DESCRIPTION	HRS/UNITS	RATE	CURRENT (\$)	YTD HRS/UNITS	YTD (\$)
Sara K Howard 4122 Pioneer Creek Drive Colorado Springs, CO 80922 Employee ID: 1051						BACKP					71.60
Home Department: 10120 Admin / 10 Water/Wastewater						Salary			2966.05		5789.24
Pay Period: 01/08/24 to 01/21/24 Check Date: 01/26/24 Check #: 2094						Holiday	M8.0000			M32.0000	
NET PAY ALLOCATIONS						Sick	M5.0000			M5.0000	
DESCRIPTION	THIS PERIOD (\$)	YTD (\$)				Total Hours	13.0000			37.0000	
Check Amount	0.00	0.00				Total Hrs Worked					
Chkg 880	931.09	1826.44				Gross Earnings		2966.05			5860.84
Savg 989	200.00	400.00									
NET PAY	1131.09	2226.44									
			OTHER ITEMS		DESCRIPTION	HRS/UNITS	RATE	CURRENT (\$)	YTD HOURS	YTD (\$)	
			<i>Do not increase Net Pay</i>		457(B) Employer			237.28		463.14	
			WITHHOLDIN GS		DESCRIPTION	FILING STATUS		CURRENT (\$)		YTD (\$)	
					Social Security			183.89		363.37	
					Medicare			43.01		84.98	
					Fed Income Tax	S 0 +\$400		811.49		1607.31	
					CO Income Tax	SMS +\$200		322.00		641.00	
					CO PFML	Exempt					
					TOTAL			<u>1360.39</u>		<u>2696.66</u>	
			DEDUCTION		DESCRIPTION			CURRENT (\$)		YTD (\$)	
					457 Roth			474.57		937.74	
					TOTAL			<u>474.57</u>		<u>937.74</u>	
			NET PAY					THIS PERIOD (\$)		YTD (\$)	
								1131.09		2226.44	