

SPECIAL MEETING OF THE BOARD OF DIRECTORS

January 30, 2024

MINUTES

The Special Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, January 30, 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, Steve Hasbrouck, Linda L. Keleher

CMD Staff Present: Amy Lathen, Jeff Munger, Kevin Brown, Shawn Puente, Sara Howard, Matthew Mevis

Others Present: Jeremy Atkinson, Bob Lathen, Kim Wilson, Roger Stolz, Jan Cederberg, Nathaniel Williams Virtual: Holly W, Eli, Larry Hale, Jeff, Guest, webdy, Mike

ITEM 1: Call to Order

The meeting was called to order by Director Wall at 5:30 p.m. Jeremy Atkinson was asked to lead those in attendance with the Pledge of Allegiance. All five 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. Director Wall asked that 3.A, Directors Comments, be added to the Agenda.

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR KINNEY, TO APPROVE THE JANUARY 30, 2024 AGENDA AS AMENDED. MICHELLE MARIE KINNEY-YES. TRACEY FERGERSON-YES. LINDA L. KELEHER-YES. STEVE HASBROUCK-NO. DAN WALL-YES. MOTION PASSED (4-1).

Director Wall wanted to pay tribute to three soldiers who were killed at their site near the Syrian border by a drone attack last Sunday. Also, he wanted to respectfully recognize two Navy Seals who were killed in action on January 11.

ITEM 3: Public Comments

There were no public comments.

ITEM 4: Action Items/Reports

The Springside parcels were brought to the table for discussion. Director Kinney stated on June 20, 2023, the Board voted 4-1 to correct the titles for two parcels, commonly known as 2386 Springside Dr and 2395 Springside Dr. She stated the vote was not honored.

Director Ferguson also stated General Counsel provided Director Kinney with the quit claim deed to obtain the authorized signatures to file with the District Court. Director Wall felt that the District should continue to maintain those parcels as they have been maintained by the District the past 20 years.

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR FERGERSON, TO RATIFY THE DISTRICT'S ACCEPTANCE OF TITLES FOR 2386 SPRINGSIDE DR AND 2395 SPRINGSIDE DR. MICHELLE MARIE KINNEY-YES. TRACEY FERGERSON-YES. LINDA L. KELEHER-NO. STEVE HASBROUCK-NO. DAN WALL-YES. MOTION PASSED (3-2).

Kevin Brown led a discussion on the PFAS pilot study and provided the Board and those in attendance with an updated report. There were six companies that provided bids: Hazen & Sawyer, Garver, Geosyntec, JVA, Inc., Burns & McDonnell, and Kimley-Horn. Of those six companies, three companies, Hazen & Sawyer, Garver, and Geosyntec have advanced to the next step of interviews which will take place starting February 2. There was discussion and questions from the audience regarding chlorine and water hardness, and other water quality concerns.

The next discussion was regarding the DEO conflict waiver and designation of the District's DEO. Director Ferguson stated that in a discussion with Wayne Williams, he informed her there was not a conflict to accept the seat of DEO, and that it was just a matter of the judge appointing him.

Director Hasbrouck questioned the present discussion of a DEO stating this year was not even an election year. It was the Board's consensus that a DEO would not need to be appointed until 2025. Mrs. Lathen stated Mr. Williams would be required to sign a Waiver of a Conflict of Interest should he be appointed the District's DEO, since he was one of the attorneys the District hired to help with the class-action PFAS lawsuit.

Mrs. Lathen provided an overview of Parcel #3500000015, which is the parcel directly south of the WRF's RIBS located at 19495 Enoch Road, Colorado Springs.

ITEM 5: Executive Session

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR KELEHER, TO CLOSE REGULAR SESSION AND MOVE INTO 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, AND §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)(a), C.R.S., PURCHASE, ACQUISITION, LEASE, TRANSFER, OR SALE OF ANY REAL, PERSONAL, OR OTHER PROPERTY INTEREST; AND THAT EXECUTIVE SESSION LAST NO LONGER THAN TEN MINUTES. MICHELLE MARIE KINNEY-YES. TRACEY FERGERSON-YES. LINDA L. KELEHER-YES. STEVE HASBROUCK-YES. DAN WALL-YES. MOTION PASSED (5-0).

Executive Session was entered into at 6:29 p.m.

MOTION: DIRECTOR KINNEY 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).

Regular Session resumed at 6:45 p.m.

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 6:48 p.m.

Tracey Ferguson, Secretary

<u>Board Members</u>	<u>Term Expires</u>
Dan Wall, President	May 2025
Michelle Marie Kinney, Vice-President	May 2025
Tracey Ferguson, 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