

CHEROKEE METROPOLITAN DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS

MINUTES

A Regular Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, February 20, 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, Linda Keleher, and Steve Hasbrouck

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

Others Present: Paul Rufien, Cathy Fromm, Wayne Williams, Conner Muray, Jason Curl, Rahul Subramanian, Aidan Peebles, Tammy Biggs, Bob Lathen, Roger Stolz, Jan Cederberg, Jeremy Atkinson, Kim Wilson, Clayton Nelson, Holly Wilder, Kristi Davis, Bobby Parra, Howard Ertle, Yvette Ertle, Grover Cassada, Judith Ledean, Tim Bouma, Nathan Williams
Virtual: Mike, Larry Hale, Noah Vogel, Guest, Rene, Robert, Jeni, Chris, Ed

ITEM 1: Call to Order

The meeting was called to order by President Dan Wall at 5:30 p.m. Those in attendance were asked to stand and recite the Pledge of Allegiance. All 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. There were none.

MOTION: DIRECTOR WALL MOTIONED, SECONDED BY DIRECTOR KINNEY, TO APPROVE THE FEBRUARY 20, 2024 AGENDA AS WRITTEN. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

ITEM 3: Minutes

The Minutes of the January 16, 2024 Regular Meeting and Minutes of the January 30, 2024 Special Meeting were reviewed. No changes or corrections were noted.

MOTION: DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR FERGERSON, TO APPROVE THE JANUARY 16, 2024 REGULAR MEETING MINUTES AND THE JANUARY 30, 2024 SPECIAL MEETING MINUTES. 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 Comment

There were no public comments.

ITEM 7: Action Item Requests and Staff Reports

Rahul Subramanian and Conner Murray, from Hazen and Sawyer, DPC, introduced themselves and provided a presentation to the Board regarding their company being selected to conduct the PFAs pilot study for the District. Many questions from the public were answered.

MOTION: DIRECTOR WALL MOTIONED, SECONDED BY DIRECTOR KELEHER, TO APPROVE THE MSA FOR HAZEN AND SAWYER, DPC, TO BEGIN THE PFAs PILOT STUDY. MICHELLE MARIE KINNEY-YES. TRACEY FERGERSON-YES. LINDA KELEHER-YES. STEVE HASROUCK-YES. DAN WALL-YES. MOTION PASSED (5-0).

Director Kinney stated that she wanted to ensure that specific parameters, such as improvement of water quality, in the Scope of Work are brought to the Board for review within 30 days.

Jeff Munger provided the MSA for Miller Pipeline, LLC, which is a business name change from Swerdfeger Construction Company. The District contracts with them for welding services.

MOTION: DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR FERGERSON, TO APPROVE THE MSA FOR MILLER PIPELINE, LLC. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Change Order #2 for the Ellicott Pipeline Easement Acquisition Phase 2, which is for the route study and 17 miles of pipeline and easement, was provided to the Board.

MOTION: DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR FERGERSON, TO APPROVE CHANGE ORDER #2, ELLICOTT PIPELINE EASEMENT ACQUISITION-PHASE 2, IN THE AMOUNT OF \$503,000. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

The Agreement for Environmental Services, Environmental Site Assessments, was brought before the Board for consideration.

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR FERGERSON, TO APPROVE THE AGREEMENT FOR ENVIRONMENTAL SERVICES, ENVIRONMENTAL SITE ASSESSMENTS. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Mr. Munger provided a template for the Agreement and Bill of Sale for Water or Wastewater Facilities. The template would be used for future agreements and bills of sale for water or wastewater.

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR FERGERSON, TO APPROVE THE USE OF THE TEMPLATE FOR AGREEMENTS AND BILL OF SALE FOR WATER AND WASTEWATER FACILITIES. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Resolutions 2024-5 and 2024-6, 2024 Budget Amendments, were brought before the Board for review. These were for the budget appropriations of \$1,272,000 for land purchase and \$100,000 for costs of recall election, respectively.

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR FERGERSON, TO APPROVE RESOLUTION 2024-05 2024 BUDGET AMENDMENT - \$1,272,000 LAND PURCHASE. MICHELLE MARIE KINNEY-YES. TRACEY FERGERSON-YES. LINDA KELEHER-YES. STEVE HASROUCK-YES. DAN WALL-YES. MOTION PASSED (5-0).

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR FERGERSON, TO APPROVE RESOLUTION 2024-06 2024 BUDGET AMENDMENT - \$100,000 RECALL COSTS. MICHELLE MARIE KINNEY-YES. TRACEY FERGERSON-YES. LINDA KELEHER-NO. STEVE HASROUCK-NO. DAN WALL-YES. MOTION PASSED (3-2).

Director Keleher stated that had she known it was going to cost the District this much money for the recall election, she would have resigned. She only wishes the best for the District.

Kevin Brown, Water Resources Engineer, and Matthew Mevis, Water ORC, led a discussion concerning the District's water quality, specifically the water that is produced from alluvial aquifers in the Upper Black Squirrel Basin. Mr. Brown gave a PowerPoint presentation on the composition of hard water and how it relates to other water sources produced above ground.

Wayne Williams, appointed DEO for the Board recall election, gave a brief overview of the steps and processes taken in a Board recall election. He provided a timeline for the process and answered questions.

After Mr. Williams' presentation, Director Wall called for a five-minute break at 8:00 p.m., and the meeting went back into session at 8:05 p.m.

Amy Lathen, General Manager, gave a quick report concerning the District's check signing policy, projects updates, and the Pronghorn Meadows streetlighting process. Mr. Munger added his comments regarding the streetlight process and steps for approval.

Paul Rufien, legal counsel, provided his report containing the WHMD arbitration and the Norwood inverse condemnation.

An amended resolution for Administrative Matters, Annual Director Compensation, was discussed. Director Wall requested a motion to table this item until the next Board Meeting.

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR KELEHER, TO TABLE THE REVIEW OF AMENDED RESOLUTION 2024-01 ADMINISTRATIVE MATTERS ANNUAL DIRECTOR COMPENSATION UNTIL THE NEXT SCHEDULED BOARD MEETING. MICHELLE MARIE KINNEY-YES. TRACEY FERGERSON-YES. LINDA KELEHER-NO. STEVE HASROUCK-NO. DAN WALL-YES. MOTION PASSED (3-2).

ITEM 8: Finance and Accounting – Cathy Fromm

Cathy Fromm provided a report on the January Financial Statements.

ITEM 9: Attorney Items

Paul 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 other business or Directors' items.

ITEM 11: Executive Session

There was no Executive Session.

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 8:35 p.m.

Tracey Ferguson, Secretary

Board Members

Term Expires

Dan Wall, President

May 2025

Michelle Marie Kinney, Vice President

May 2025

Tracey Ferguson, Secretary

May 2027

Linda Keleher, Treasurer

May 2025

Steve Hasbrouck, Director

May 2025

Dan Wall, President

Michelle Marie Kinney, Vice President

Linda Keleher, Treasurer

Steve Hasbrouck, Director

and his Board has discussed plans to build a bigger facility to combine the headquarters staff and fire station staff into one large public safety facility. Directors Wall and Kinney had questions re: subdividing/re-zoning and timing of building new facility. Directors Hasbrouck and Keleher voiced their support. Directors Wall and Ferguson mentioned needing community buy-in from the surrounding residents and asked if the Eastridge property was donated. Chief York stated there may be an option to trade the Eastridge property for the lots and CHFD headquarters building to the north of the CMD office. Directors Wall, Ferguson and Kinney asked Chief York for additional time to review the proposal and determine best way forward. No direction was given. ~~at this time.~~

ITEM 4: Recall Report – Wayne Williams, DEO

Mr. Williams provided updates on the recall process. He talked about dates for the recall election. Clerk and Recorder declined to combine this election with the primary election. We also cannot use county ballot boxes. Mr. Williams recommended a special election date of June 25th and a special meeting date of Wednesday, Apr 3rd, or Thursday, Apr 4th. Director Keleher asked what she had to do for rebuttal. Mr. Williams answered Directors Kinney's and Hasbrouck's questions about the format and language of the ballots. He assured the Board that all ballots returned to the wrong county will be sent from the clerk of that county to the correct county/special district.

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR FERGERSON, TO HOLD THE SPECIAL MEETING WEDNESDAY, APRIL 3, 2024, AT 5:30 P.M. MOTION PASSED (4-1).

ITEM 5: Minutes

Minutes for the February 20, 2024 regular meeting of the Board of Directors were reviewed.

MOTION: DIRECTOR KELEHER MOVED, SECONDED BY DIRECTOR HASBROUCK, TO APPROVE THE FEBRUARY 20, 2024 REGULAR MEETING MINUTES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-NO. TRACEY FERGERSON-YES. STEVE HASROUCK-YES. DAN WALL-NO MOTION PASSED (3-2).

ITEM 6: Consent Agenda

There were no items.

ITEM 7: Called Up Consent Items – Items from Consent Agenda Only

There were no items.

ITEM 8: Public Comment

There were no public comments.

ITEM 9: Action Item Requests and Staff Reports