

**CHEROKEE METROPOLITAN DISTRICT**  
**REGULAR MEETING OF THE BOARD OF DIRECTORS**

April 16, 2024

MINUTES

The Regular Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, April 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 Ferguson, Linda L. Keleher, Steve Hasbrouck-absent (excused by Director Wall)

**MOTION:** DIRECTOR WALL MOVED TO EXCUSE STEVE HASBROUCK FROM THE MEETING FOR A FAMILY EMERGENCY, SECONDED BY DIRECTOR KELEHER. ALL IN FAVOR. MOTION PASSED (4-0).

CMD Staff Present: Amy Lathen, Connie Hughes, Julie Wells, Kevin Brown, Joshua Watkins, Matthew Mevis, Jeff Munger, Shawn Puente, Cathy Fromm, Heather Galbraith, Rene Hernandez.

Others Present: Kim Wilson, H.W., Roger Stolz, WTP, Carmen S., Jan O., Bob Lathen, Dave Mattes, Jon Selken, Wayne Williams, Bobby Johnson  
Virtual: Larry Hale, Mike, Sara Howard, Guest , Brian Beaudette, Peter Johnson, Ed, Megan, Concerned h/o

ITEM 1: Call to Order

The meeting was called to order by Director Wall at 5:30 p.m. Those in attendance were asked to stand and cite the Pledge of Allegiance. All Directors with the exception of Director Hasbrouck (excused) 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 Kinney agreed to approve with modifications.

**MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR FERGERSON, TO APPROVE THE APRIL 16, 2024 AGENDA WITH MODIFICTIONS. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

ITEM 3: Recall Election Update – Report Only, Including Presentation of Mail Ballot Plan

Wayne Williams discussed how the mail ballot plan was laid out and where ballots could be dropped off. He went over the allowable times for early voting and the hours of election on June

4<sup>th</sup>, 7:00AM – 7:00PM, at the District office. Election will be certified on June 13/14 due. Mr. Williams explained how the canvass board will be elected. Since all directors have played a role in the recall either as circulators or subjects of the recall, the canvass board will include one person who is partisan to one side, and he will pick the other member of the canvass board based on recommendations from the other two directors being recalled for fairness.

ITEM 4: Public Comment

There were no items.

ITEM 5: Minutes

Minutes for the March 19, 2024 regular meeting of the Board of Directors and minutes for the March 21, 2024 special meeting of the Board of Directors were reviewed.

**MOTION: DIRECTOR KINNEY MOVED TO ACCEPT THE MARCH 19, 2024 MINUTES WITH CORRECTIONS, SECONDED BY DIRECTOR FERGERSON. MICHELLE MARIE KINNEY-YES. TRACEY FERGERSON-YES. LINDA KELEHER-YES. DAN WALL-YES.**

**MOTION: DIRECTOR KINNEY MOVED TO ACCEPT THE MARCH 21, 2024 MINUTES, SECONDED BY DIRECTOR FERGERSON. MICHELLE MARIE KINNEY-YES. TRACEY FERGERSON-YES. LINDA KELEHER-YES. DAN WALL-YES.**

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: Finance and Accounting – Cathy Fromm

Cathy Fromm provided a report on the March Financial Statements. Director Kinney inquired about the cost of the Citizen’s Academy. Director Kinney said it did not have to be to the dime, but this was a first try and it probably wouldn’t be a flattering number but thought it would be useful for future use. Director Kinney also inquired about our current auditor, Stockman, Kast, and Ryan.

First quarter update presented by Julie Wells.

ITEM 9: Action Item Requests and Staff Reports

Billing and meter presentation tabled by Director Ferguson.

Kevin updated the Directors on the Loop Project, the Lead and Copper rule, and pipeline easement acquisition.

The Western States MSA was presented to the board.

**MOTION: DIRECTOR KINNEY MOTIONED, SECONDED BY DIRECTOR WALL, TO APPROVE THE MSA FOR WESTERN STATES, TO BEGIN SEARCHING FOR SITES FOR THE PFAS FACILITY. MICHELLE MARIE KINNEY-YES. TRACEY FERGERSON-YES. LINDA L. KELEHER-YES. DAN WALL-YES. MOTION PASSED (4-0).**

The CSU Willowind Wastewater service agreement was presented to the board with updated wastewater service contract.

**MOTION: DIRECTOR KINNEY MOTIONED TO ACCEPT, SECONDED BY DIRECTOR FERGERSON, TO APPROVE THE CSU WILLOWIND WASTEWATER SERVICE AGREEMENT. MICHELLE MARIE KINNEY-YES. TRACEY FERGERSON-YES. LINDA L. KELEHER-YES. DAN WALL-YES. MOTION PASSED (4-0).**

The employee handbook tabled for discussion.

**MOTION: DIRECTOR FERGERSON MOTIONED TO TABLE THE EMPLOYEE HANDBOOK UPDATES, SECONDED BY DIRECTOR KINNEY. MICHELLE MARIE KINNEY-YES. TRACEY FERGERSON-YES. LINDA L. KELEHER-NO. DAN WALL-YES. MOTION PASSED (3-1).**

Mrs. Lathen presented her report to the Board updating on the Lift Station 1 project, screw press design and installation, brine pump completion (part of TDS project), MBR covers, blower replacement, and RIBs maintenance.

The CMMS implementation continues to expand with continued uploads of District assets and requirements.

We've contracted with Streamline, a company that will bring both the Cherokee Metropolitan District and the Cherokee Ridge Golf Course websites into compliance for ADA requirements.

PFAS has now been made an MCL and is now an official regulation.

Mrs. Lathen presented the board with an updated organization chart which includes extra staff members. A new water resource engineer is in negotiations.

**ITEM 10: Attorney Items**

Mr. Rufien apologized for sending his legal report late to the Board.

ITEM 11: Other Business/Directors Items

Director Kinney inquired about any service agreements with Robert's Resorts to Amy. There is no known agreement. They are considered a consecutive system.

ITEM 12: Executive Session

**MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR KINNEY TO CLOSE THE REGULAR SESSION AND MOVE IN TO EXECUTIVE SESSION PURSUANT TO §24-6-402(4)(b), C.R.S., CONFERENCE WITH THE DISTRICTS 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)(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.). DAN WALL-YES. MICHELLE MARIE KINNEY-YES. LINDA L. KELEHER-YES. TRACEY FERGERSON-YES. MOTION PASSED (4.0).**

1. Replacement Plan Update
2. WHMD Mediation/Arbitration Status
3. Norwood Condemnation

Executive Session was entered at 06:54 p.m.

**MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR FERGERSON TO COME OUT OF EXECUTIVE SESSION. MICHELLE MARIE KINNEY-YES. TRACEY FERGERSON-YES. LINDA L. KELEHER-YES. DAN WALL-YES. MOTION PASSED (4-0).**

All were present in Executive Session; no votes were taken; direction was given to staff.

ITEM 13: Other Meetings of Importance – As Listed on Agenda

ITEM 14: Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 8:35 p.m.

By Tracey Fergerson

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

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Dan Wall, President

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Michelle Marie Kinney, Vice President

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Linda L. Keleher, Treasurer

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Tracey Fergerson, Director