

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

November 13, 2023

MINUTES

The Special Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Monday, November 13, 2023, at 5:30 p.m. at 6250 Palmer Park Blvd., Colorado Springs, Colorado.

Board of Directors Present: Michelle Marie Kinney, Tracey Fergerson, Linda Keleher, Steve Hasbrouck

CMD Staff Present: Amy Lathen, Sara Howard, Kevin Brown, Jeff Munger, Cathy Fromm, Joshua Watkins, Shawn Puente, Rene Hernandez, Tyler Drennan, Tyler Dunich

Others Present: Dennis Daniels, Roger Stolz, Bob Lathen, Wayne Williams, Haley Nelson, Jan Cederberg, Jeremy Atkinson, Kim Wilson, Michael Betterton, Gabe Racz; Virtual: Tina Melzo, Paul Rufien, Becky Evans, Mike Corder

ITEM 1:      Call to Order

The meeting was called to order by Director Kinney. She asked Wayne Williams to lead the group in the Pledge of Allegiance. All Directors were present. There were no Directors' qualifications or disclosures.

ITEM 2:      Review and Approval of the Agenda

The Agenda was reviewed for any amendments. There were none.

**MOTION:    DIRECTOR FERGERSON MOVED, SECONDED BY DIRECTOR HASBROUCK, TO APPROVE THE AGENDA. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

ITEM 3:      Executive Session

**MOTION:    DIRECTOR FERGERSON MOVED, SECONDED BY DIRECTOR KELEHER, THAT THE BOARD GO IN TO EXECUTIVE SESSION, CITING 1.) §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 2.) §24-6-402(4)(a), C.R.S., PURCHASE, ACQUISITION, LEASE, TRANSFER, OR SALE OF ANY REAL, PERSONAL, OR OTHER PROPERTY INTEREST. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

Executive Session began at 5:34 p.m.

Regular Session resumed at 6:45 p.m.

**MOTION:    DIRECTOR FERGERSON MOVED, SECONDED BY DIRECTOR HASBROUCK, TO RETURN TO REGULAR SESSION. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

Board Members came out of Executive Session. All Directors were present. No votes were taken and no decisions were made.

ITEM 4.      Engagement Letter Approval for Class Action Lawsuit

Amy Lathen presented the engagement letter for the class action lawsuit against 3M/Dupont to the Board. The engagement letter retains Sanders Law Firm, the Law Offices of Wayne Williams, and Stag Liuzza to perform legal services regarding the upcoming PFAS lawsuit.

The Directors were very much in agreement with retaining these law offices to represent the District in this lawsuit.

**MOTION:    DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR KELEHER TO APPROVE THE ENGAGEMENT LETTER FOR THE CLASS ACTION LAWSUIT AGAINST 3M/DUPONT. TRACEY FERGERSON-YES. STEVE HASBROUCK-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. MOTION PASSED (4-0).**

ITEM 5.      Approval of Work Order for Easements Acquisition, Ellicott Pipeline Project

Kevin Brown stated most of the work has been completed regarding the alignment of the final route of the pipeline, but the District has asked Burns & McDonnell to conduct some out-of-scope services concerning granting and research and therefore additional costs have warranted a change order.

**MOTION: DIRECTOR FERGERSON MOVED, SECONDED BY DIRECTOR KELEHER, TO APPROVE THE CHANGE ORDER FOR THE EASEMENT ACQUISITION, ELLICOTT PIPELINE PROJECT. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

**ITEM 6: Discussion and Direction, Ellicott Pipeline Alignment**

Mr. Brown recommended the Board review this item in more detail in the December Board Meeting.

**ITEM 7: Public Comment**

There were no public comments.

**ITEM 8: Action Items/Reports**

Because the deadline of November 10<sup>th</sup> for candidates to submit their letters of intent had passed, it was agreed the Board Meeting was a good time to interview those candidates for the vacant board position. Director Kinney handed the meeting over to Director Ferguson. Six candidates were in attendance. Director Ferguson asked them to keep their introductions to two to three minutes.

Michael Betterton, Haley Nelson, Kim Wilson, Jan Cederberg, Dennis Daniels, and Jeremy Atkinson provided their experience and qualifications to the Board. Discussion ensued among the Directors as to the best candidate for the position. Afterwards Director Kinney stated all candidates had certain strengths that would complement the Board. Directors Hasbrouck and Keleher recommended Dennis Daniels. Directors Ferguson and Kinney considered Kim Wilson the best candidate for the position.

**MOTION: DIRECTOR FERGERSON MOVED, SECONDED BY DIRECTOR KINNEY TO SELECT KIM WILSON TO FILL THE VACANT BOARD POSITION. TRACEY FERGERSON-YES. LINDA KELEHER-NO. STEVE HASBROUCK-NO. MICHELLE MARIE KINNEY-YES. MOTION FAILED (2-2).**

Director Kinney stated the Board vacancy will be revisited at the November meeting.

The GSA for Burns & McDonnell for the blower replacement, which was discussed in length at the last Board meeting, was brought again before the Board for review. The GSA has been revised and both staff and legal counsel are agreeable to the revisions. In the future, it was recommended by legal counsel these types of agreements should not be considered for approval.

**MOTION: DIRECTOR FERGERSON MOVED, SECONDED BY DIRECTOR KELEHER, TO APPROVE THE GSA FOR THE BURNS & MCDONNELL, BLOWER REPLACEMENT. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

Another GSA for Burns & McDonnell for the Bioreactor Covers, which was also discussed in last month's meeting, was brought forward for discussion. It has also been revised by both staff and legal counsel; and in the future, it was recommended by legal counsel these types of agreements should not be considered for approval.

**MOTION: DIRECTOR FERGERSON MOVED, SECONDED BY DIRECTOR KELEHER, TO APPROVE THE GSA FOR BURNS & MCDONNELL, BIOREACTOR COVERS. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.**

The audience had questions about the PFAS concern which were answered by water counsel Gabe Racz, Mrs. Lathen, and Mr. Brown.

The PFAS letter which was recently inserted into the District customers' billing statements was written by CDPHE, and the District volunteered to participate in the Colorado State testing for PFAS compounds earlier this year. Out of the 20 compounds tested, Cherokee detected two compounds above the State's interim lifetime health exposure limits and only one sample that was above the EPA proposed limits.

Cherokee detected PFOA at 8.7 parts per trillion (PPT) and PFOS at 2.8 PPT at two locations out of 15 sampled locations during one testing period. The EPA's proposed limit for both is 4.0 PPT. Cherokee is engaging in additional testing to confirm PFAs levels and identify any major sources.

The District is repeating the two tests that showed levels slightly higher than the proposed limits for validation of the test results. Cherokee is considering a new water treatment facility to remove PFAS from its system and will provide additional information to the public as it becomes available.

The drafted budget for 2024 was presented to the Board by Cathy Fromm.

**ITEM 9. Other Business/Directors Items-No Action Taken**

The Directors signed documents at this time.

**ITEM 10. Other Meetings of Importance – As Listed on Agenda**

ITEM 11. Adjournment

The meeting was adjourned at 8:47 p.m.



Tracey Ferguson, Secretary/Treasurer

Board Members

Michelle Marie Kinney, President

Dan Wall, Vice President

Tracey Ferguson, Secretary/Treasurer

Steve Hasbrouck, Director

Linda Keleher, Director

Term Expires

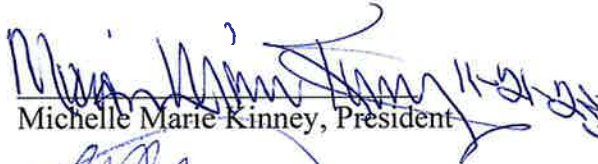
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Michelle Marie Kinney, President



Dan Wall, Vice President



Steve Hasbrouck, Director



Linda Keleher, Director