

REGULAR MEETING AND PUBLIC HEARING OF THE BOARD OF DIRECTORS

November 21, 2023

MINUTES

The Regular Meeting and Public Hearing of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, November 21, 2023 at 5:30 p.m. at 6250 Palmer Park Blvd., Colorado Springs, Colorado.

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

CMD Staff Present: Amy Lathen, Tyler Dunich, Connie Hughes, Kevin Brown, Sara Howard, Jeff Munger, Joshua Watkins, Cathy Fromm, Shawn Puente, Julie Wells

Others Present: Jeremy Atkinson, Bob Lathen, Nathaniel Williams, Elke Drayton, Holly Wilder, Grover Cassada, Kim Wilson, Jon Selken, Theresa Woods, Kiev Knight, Al Drayton, Matt Campbell; Virtual: Noah Vogel, Timothy Bouma, Mark Valentine, Wendy, Jan Cederberg, Janelle Sisneros, Wayne Williams, Pete Johnson, Stephanie Ceccato

ITEM 1: Call to Order

The meeting was called to order by Director Kinney at 5:30 p.m. Director Kinney asked Julie Wells 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 advised the Board she received a request from one of the Directors asking for a roll call vote for each motion. Director Kinney stated that needed to be requested at the time of each motion.

MOTION: DIRECTOR KELEHER MOVED, SECONDED BY DIRECTOR HASBROUCK, TO APPROVE THE NOVEMBER 21, 2023 AGENDA. TRACEY FERGERSON-YES. STEVE HASBROUCK-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. MOTION PASSED (4-0).

ITEM 3: Minutes

The revised edition of Minutes for the October 17, 2023 Regular Board Meeting was brought before the Board. There were no corrections.

MOTION: DIRECTOR KELEHER MOVED, SECONDED BY DIRECTOR HASBROUCK, TO ACCEPT THE REVISED OCTOBER 17, 2023 REGULAR BOARD MEETING MINUTES. TRACEY FERGERSON-YES. STEVE HASBROUCK-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. MOTION PASSED (4-0).

Director Kinney asked if there were any corrections to be made to the November 13, 2023 Special Board Meeting Minutes. There were none.

MOTION: DIRECTOR KELEHER MOVED, SECONDED BY DIRECTOR HASBROUCK, TO APPROVE THE NOVEMBER 13, 2023 SPECIAL BOARD 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: Distribution of Draft Budget to Board

Ms. Wells distributed the draft 2024 Budget to the Board. There were a few questions from the Board. Director Kinney asked where the increase in revenue was coming from. She advised it would be helpful to have a breakdown of number and type of accounts, i.e., residential, commercial, industrial, and out of district.

A rate increase will be proposed in the December 19th meeting, and the proposed 2024 Budget will be available for public review within the next week.

ITEM 7: Public Comments

Several guests from the audience raised questions about a customer rate increase, PFAS solutions and compliance timelines, and an ion exchange to treat PFAS. Mrs. Lathen and Kevin Brown facilitated a question-answer exchange regarding those comments.

ITEM 8: Action Item Requests and Staff Reports – 30 Minutes

Jeff Munger presented an MSA for TN Parker Construction, LLC. They work on the District's smaller projects including well house construction.

MOTION: DIRECTOR FERGERSON MOVED, SECONDED BY DIRECTOR KELEHER, TO APPROVE THE MSA FOR TN PARKER CONSTRUCTION, LLC. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

The second MSA was for Electric Service of Colorado, Inc., an on-call contractor performing electrical work and capital projects for the District.

MOTION: DIRECTOR KELEHER MOVED, SECONDED BY DIRECTOR FERGERSON, TO APPROVE THE MSA FOR ELECTRIC SERVICE OF COLORADO, INC. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

The City of Colorado Springs License Agreement was brought before the Board for continued review from last month's meeting. This is for the water line location on Marksheffel Rd and Tamlin Rd. Because the District's construction project crosses over Barnes Rd., the City is requiring a license agreement between both parties.

MOTION: DIRECTOR FERGERSON MOVED, SECONDED BY DIRECTOR KELEHER, TO APPROVE THE CITY OF COLORADO SPRINGS LICENSE AGREEMENT. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

The LRE Task Order 6, Sub Tasks 7 and 8 – Replacement Plan was summarized by Mr. Munger. This is a task order which will facilitate the District in moving forward with the Replacement Plan Trial.

MOTION: DIRECTOR KELEHER MOVED, SECONDED BY DIRECTOR HASBROUCK, TO APPROVE THE LRE TASK ORDER 6, SUB TASKS 7 AND 8 – REPLACEMENT PLAN. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Mr. Brown updated the Board on the Distribution Pipeline Phasing and Chlorinator Construction contract. Staff determined the best route for the pipeline is in Alignment 1 Option which will replace the western half of the existing pipeline over the next several years.

Mr. Brown recommended the District not engage in a chlorinator replacement at this time and instead use those funds for the future treatment of PFAS.

Discussion continued from last week's Special Meeting regarding the Director vacancy position. The matter was tabled.

Mrs. Lathen advised Item H, PFAs Class Action will be held in Executive Session.

ITEM 9: Finance and Accounting

Cathy Fromm provided the August and September Financial Reports to the Board and asked if they had any questions. Director Kinney had a question about bench purchases for Eastridge Park and a purchase for security doors in the main building.

ITEM 10: Attorney Items

There was not a report from legal counsel.

ITEM 11: Other Business/Directors Items-No Action Taken

There were no items.

ITEM 12: Executive Session

MOTION: DIRECTOR KELEHER MOVED, SECONDED BY DIRECTOR HASBROUCK, TO 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. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

Regular Session ended at 6:47 p.m.

MOTION: DIRECTOR FERGERSON MOVED, SECONDED BY DIRECTOR KELEHER, TO COME OUT OF THE EXECUTIVE SESSION.

Regular Session resumed at 7:35 p.m.

MOTION: DIRECTOR KELEHER MOVED, SECONDED BY DIRECTOR HASBROUCK, TO NOT OPT OUT OF THE TWO MDL CLASS ACTION LAWSUITS AND TO DIRECT LITIGATION COUNSEL TO WRITE AN ADDITIONAL LAWSUIT ON BEHALF OF THE DISTRICT AS IT RELATES TO PFAS. STEVE HASBROUCK-YES. LINDA L. KELEHER-YES. TRACEY FERGERSON-YES. MICHELLE MARIE KINNEY-YES. MOTION PASSED (4-0).

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 7:38 p.m.



Tracey Ferguson, Secretary/Treasurer

Board Members

Michelle Marie Kinney, President
Vacant, Vice-President
Tracey Ferguson, Secretary/Treasurer
Steve Hasbrouck, Director
Linda L. Keleher, Director

Term Expires

May 2025
May 2027
May 2027
May 2025
May 2025

Michelle Marie Kinney, President



Linda L. Keleher, Director



Steve Hasbrouck, Director

Handwritten notes:
L. Kinney
N. Ferguson
S. Hasbrouck
L. Keleher