



CHEROKEE METROPOLITAN DISTRICT

6250 Palmer Park Blvd., Colorado Springs, CO 80915-2842

Telephone: (719) 597-5080 Fax: (719) 597-5145

Our mission is to exceed our customer's needs by providing safe and uninterrupted water and sewer services, high quality water supply, well-maintained parks and open spaces, and well-lit streets. We are committed in continually striving to attain the highest quality services at the lowest reasonable costs and to prepare for the anticipated needs and requirements of current and future customers through the allocation of technical, financial, operational, planning, and managerial resources necessary to ensure our service goals and expectations are met in a safe, responsible, and professional manner.

REGULAR MEETING OF THE BOARD OF DIRECTORS

PLEASE SILENCE ALL PHONES FOR THE DURATION OF THE MEETING— THANK YOU

AGENDA

Board of Directors

Michelle Marie Kinney, President
Dan Wall, Vice President
Tracey Ferguson, Secretary/Treasurer
Steve Hasbrouck, Director
Linda Keleher, Director

Term Expires

May 2025
May 2027
May 2027
May 2025
May 2025

DATE: August 15, 2023

TIME: 5:30 p.m. - 7:00 p.m.

LOCATION: Cherokee Metropolitan District – Board Room
6250 Palmer Park Blvd., Colorado Springs, Colorado 80915

1. **Call to Order**

- A. Pledge of Allegiance
- B. Roll Call of the Board of Directors/Declaration of Quorum
- C. Director Qualifications and Disclosures

2. **Review and Approval of the Agenda**

- A. Addendums
- B. Amendments
- C. Approval Motion

3. Minutes

- A. Approval of Minutes for the May 16, 2023 Regular Board Meeting (Tabled from June 20, 2023 and July 18, 2023 meetings)
- B. Approval of Minutes for the July 18, 2023 Special Board Meeting
- C. Approval of Minutes for the July 18, 2023 Regular Board Meeting

4. Consent Agenda

The Consent Agenda consists of matters that occur in the normal course of business. The following items are summarized and are approved and enacted at this time by the Board of Directors in one motion.

5. Called Up Consent Items – Items from Consent Agenda Only

6. Public Comment

- Please keep comments restricted to the topics of the District and its business. A time limit of three minutes may be imposed by the Chair. A timer may be provided for your convenience.

7. Action Item Requests and Staff Reports – 30 Minutes

- A. Mayberry Land Purchase and Sale Agreement – Mayberry Representatives Presenting (TBC)
- B. District Bylaws
- C. Amended Resolutions (Tabled from July 18, 2023 meeting and requested for discussion and approval of all changes.)
 - 1. Resolution 2023-12 – 2023 Annual Administrative Matters, Amended
 - 2. Resolution 2023-13 – 2023 Time and Location For Regular Meetings, Amended
 - 3. Resolution 2023-14 – 2023 Notice of Regular Meetings of the Board of Directors, Amended
- D. Discussion and Approval of Quit Claim Deeds for Parcels:
 - 1. #5404108025 - 2207 Jeanette Way
 - 2. #5404101009 – 2386 Springside Dr.
 - 3. #5404102056 – 2395 Springside Dr.
- E. Employee Handbook Revisions
- F. Staff Reports
 - 1. General Report
 - 2. NetDiligence Cyber Audit, Netdiligence.com
 - a. Clean desk policy
 - b. Cyber security with ITC ITCsecure.com/us/
 - c. Consumer protection
 - d. Emergency Response Plan
 - e. Formal written procedures
 - f. Future planning
 - 3. ADA website compliance, mandatory for local government
 - 4. Water Breaks

5. Contracts, excluding personnel contracts
8. **Finance and Accounting-Cathy Fromm – 15 Minutes**
 - A. July Monthly Financials
9. **Attorney Items**
 - A. Report - Inclusions
10. **Other Business/Directors Items -No Action Taken**
 - A. Other items directors wish to raise/discuss, no votes taken
 - B. Q&A Public
 - C. Executive session / daytime
 - D. Director Signatures
11. **Executive Session**
 - A. In accordance with the Colorado Open Meetings Act, the Board, in Open Session, is to determine whether it will hold an Executive Session pursuant to §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.); 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)(f), C.R.S., Personnel matters.
The Chair shall poll the Board members, and upon affirmative vote of two-thirds of the members present, may hold a Closed Executive Session. If a two-thirds affirmative vote for the Executive Session is not received, the item may be discussed in Open Session or withdrawn from consideration. No formal action or voting will take place in Executive Session.
 - a. Tamlin tank site, adjacent property acquisition
 - b. Mayberry land transfer – terms and conditions
 - c. Annual review, General Manager
12. **Other Meetings of Importance to the Cherokee Metropolitan District**

Loop Water Authority, Loopwater.org
Meridian Ranch Metropolitan District, first Wednesday of each month, 10 a.m.
Cimarron Hills Fire Department Board Meeting, third Wednesday of each month, 5:30 p.m.
Woodmen Hills Metropolitan District Board Meeting, fourth Thursday of each month, 5:30 p.m.
UBSCGW Meeting, Calhan, Colorado, first Tuesday of each month, 6 p.m.
Colorado Springs City Council Meetings 2nd and 4th Tuesday of each month, at 10 a.m.
SDA Conference, Keystone, September 12-14, 2023
13. **Adjournment**

CHEROKEE METROPOLITAN DISTRICT
REGULAR MEETING OF THE BOARD OF DIRECTORS

August 15, 2023

MINUTES

The Regular Meeting of the Board of Directors of the Cherokee Metropolitan District was held on Tuesday, August 15, 2023, at 5:30 p.m. at 6250 Palmer Park Blvd., Colorado Springs, Colorado.

Board of Directors Present: Michelle Marie Kinney, Dan Wall, Tracey Ferguson, Steve Hasbrouck, Linda Keleher

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

Others Present: Paul Rufien, Dennis Daniels, Jeremy Atkinson, Bob Lathen, Nathaniel Williams; Virtual: Timothy Bouma, Mark Valentine, Elke Drayton, JC, Mike, Julie Wells, Tim, David Schoemer, Christian

ITEM 1: Call to Order

The meeting was called to order by President Kinney at 5:30 p.m. Those in attendance were asked to stand and recite the Pledge of Allegiance. President Kinney asked for a roll call from the Directors. All were present. 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 if it was possible to have two sections for Public Comments – one during the meeting and then one at the end of the meeting. President Kinney stated there was a “Q&A” session at the end of the meeting. Amy Lathen stated there would not be a need for the Mayberry and Tamlin site discussions in Executive Session.

ITEM 3: Minutes

The Minutes for the May 16, 2023 Regular Board Meeting, July 18, 2023 Special Board Meeting, and July 18, 2023 Regular Board Meeting were brought to the Board for review. Director Wall believed the May 16th Minutes, after reading them again, were short and to the point; and he felt they did not need to be supplemented with the 22-page transcript prepared by Director Ferguson.

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR HASBROUCK, TO APPROVE THE ORIGINAL MAY 16, 2023 REGULAR BOARD MINUTES. DAN WALL-YES. TRACEY FERGERSON-YES. STEVE HASBROUCK-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-CONSENT BY ACQUIESCENCE. MOTION PASSED (5-0).

MOTION: DIRECTOR HASBROUCK MOVED, SECONDED BY DIRECTOR WALL, TO APPROVE THE JULY 18, 2023 SPECIAL MINUTES. DAN WALL-YES. TRACEY FERGERSON-YES. STEVE HASBROUCK-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-CONSENT BY ACQUIESCENCE. MOTION PASSED (5-0).

President Kinney stated there was one change to be made in the July 18, 2023, Regular Board Minutes. She requested the word “editorial” be changed to “transcript” on Page 2, and it was corrected with a strikethrough.

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR FERGERSON, TO APPROVE THE JULY 18, 2023 REGULAR BOARD MINUTES AS AMENDED. DAN WALL-YES. TRACEY FERGERSON-YES. LINDA KELEHER-YES. STEVE HASBROUCK-YES. MICHELLE MARIE KINNEY-CONSENT BY ACQUIESCENCE. MOTION PASSED (5-0).

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 Comments

President Kinney asked if there were any comments from the audience.

Dennis Daniels questioned Directors Ferguson and Wall about the truthfulness and transparency of statements made in campaign literature that was passed out in last month’s meeting. He stated he was personally a witness to the Pinyon Jay Dr leak that occurred last January after having spent many hours accessing the leak and talking with customers, and customers were reimbursed for their losses.

Jeremy Atkinson stated there was also a response passed out at last month’s meeting which materialized into a FAQ entitled “Myth Busters” on the District’s website. He had concerns as to why that was placed on the website as he felt the FAQs were not relevant to the operations of the District.

ITEM 7: Action Item Requests and Staff Reports – 30 Minutes

The Mayberry land purchase and sale agreement was brought before the Board for review. Mrs. Lathen was happy to announce that Cherokee Metropolitan District and Mayberry have agreed to a sale agreement, and she asked Kevin Brown to elaborate. Mr. Brown stated the District hopes to have a contingent letter of intent prepared upon the conclusion of replacement plan proceedings next Spring, with the sale hopefully going in to effect July 1, 2024.

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR FERGERSON, TO APPROVE THE LETTER OF INTENT AND MOVE FORWARD WITH THE IMPENDING SALE. MOTION PASSED (5-0).

Reconsideration of implementing the District's Bylaws was brought before the Board.

MOTION: DIRECTOR HASBROUCK MOVED, SECONDED BY DIRECTOR KELEHER, TO UNSUSPEND AND REINSTATE THE BYLAWS AS WRITTEN.

President Kinney asked if there was any discussion. Director Wall stated there were several parts of the Bylaws that needed to be reviewed and suggested the Board schedule a retreat/work session to discuss the Bylaws.

President Kinney stated the current Bylaws are not acceptable because they are impossible to follow. Director Ferguson concurred there should be a work session to discuss the Bylaws.

PRESIDENT KINNEY ASKED FOR A ROLL CALL TO REINSTATE THE BYLAWS AS PUBLISHED. DAN WALL-NO. TRACEY FERGERSON-NO. STEVE HASBROUCK-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-NO. MOTION FAILED (2-3).

Discussion from recent months' meetings continued regarding Amended Resolutions 2023-12, 2023-13, and 2023-14. The Resolutions would need to be amended to allow a meeting time change to 4:30 p.m.

At 6:27 p.m. President Kinney recessed the meeting for five minutes.

PRESIDENT KINNEY ENTERTAINED A MOTION TO TAKE NO FURTHER ACTION OF AMENDED RESOLUTIONS 2023-13 AND 2023-14. THERE WAS NOT A MOTION.

Quit claim deeds for 2207 Jeanette Way, 2386 Springside Dr and 2395 Springside Dr were brought before the Board. President Kinney updated the Board stating she got the two Springside Dr quitclaims signed and filed with the Clerk of the District Court. She stated the Jeanette Way (Pinyon Park) quit claim would be signed soon.

Mrs. Lathen stated the Board has never voted to take ownership of the properties nor has the Board discussed ownership. Directors Hasbrouck and Keleher believed there should be a separate motion for each parcel. President Kinney entertained that motion.

MOTION: DIRECTOR KELEHER MOVED, SECONDED BY DIRECTOR FERGERSON, TO ACCEPT OWNERSHIP OF PINYON JAY PARK (2207 JEANNETE WAY).

There was further discussion. Director Wall requested an historical overview of Pinyon Park, and President Kinney summarized the developments of the Park. Mrs. Lathen clarified the El Paso County Assessor's Office had confirmed the three tracts mentioned above were not legally transferred to Cherokee and were currently under the ownership of Claremont Ranch LLC. She stated the District has been maintaining the Park and feels this is still the best direction to go.

THE FIRST MOTION DID NOT MOVE FORWARD.

ANOTHER MOTION WAS MADE BY DIRECTOR WALL TO ACCEPT PARCEL #5404108025 – 2207 JEANNETE WAY, SECONDED BY DIRECTOR FERGERSON. DAN WALL-YES. TRACEY FERGERSON-YES. STEVE HASBROUCK-NO. LINDA KELEHER-YES. MICHELLE MARIE-CONSENT BY ACQUIESCENCE. MOTION PASSED (4-1).

Mrs. Lathen addressed the Board regarding the two Springside Dr parcels. Like Pinyon Park, the EPCA's Office shows ownership under Claremont Ranch LLC for the Springside parcels. They have been maintained by the District, and she reiterated the Board of Directors must vote to accept ownership of the land.

MOTION: DIRECTOR FERGERSON MOVED, SECONDED BY PRESIDENT KINNEY, TO ACCEPT OWNERSHIP OF #5404101009 – 2386 SPRINGSIDE DR, AND #5404102056 – 2395 SPRINGSIDE DR.

Discussion continued. Director Keleher stated she did not feel the District should take on these extra parcels.

THE FIRST MOTION DID NOT MOVE FORWARD.

MOTION: DAN WALL MOVED, SECONDED BY TRACEY FERGERSON, TO TABLE THE DISCUSSION OF THE SPRINGSIDE PARCELS TO THE NEXT MEETING. DIRECTOR WALL-YES. TRACEY FERGERSON-YES. STEVE HASBROUCK-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-CONSENT BY ACQUIESCENCE. MOTION PASSED (5-0).

Redline revisions for the Employee Handbook were brought to the Board for discussion and review. Connie Hughes answered questions from the Board.

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR FERGERSON, TO APPROVE THE UPDATED VERSION OF THE EMPLOYEE HANDBOOK. DAN WALL-YES. TRACEY FERGERSON-YES. STEVE HASBROUCK-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. MOTION PASSED (5-0).

Staff reports and the General Manager's report consisted of a NetDiligence Cyber Audit, ADA website compliance, and water breaks. Mrs. Lathen asked Noah Vogel to provide a report on the NetDiligence Cyber Audit. The District received a 'good' rating score after completion of the audit. The audit, consisting of a variety of levels, is recommended every three years. The clean desk policy, cyber security, consumer protection, emergency response plan, and future planning were provided in Mr. Vogel's report.

State law has mandated ADA website compliance for agencies like Cherokee Metropolitan District to be in place by July, 2024. This is based on House Bill 21-0111 and requires agencies to have ADA tools programmed onto the company's website so those features are readily accessible to help customers who may have disabilities. Mrs. Lathen said they will start pursuing the right contractor for this project.

Water break reports were provided to the Board in their Board packet.

President Kinney had some general questions regarding contracts which were answered by Mr. Brown and Mr. Munger.

Mrs. Lathen was proud to announce the performance testing for the RO was completed and finished on this date which adds another milestone to this project.

ITEM 8: Finance and Accounting

Cathy Fromm provided an overview of the July Financial Report.

ITEM 9: Attorney Items

Paul Rufien provided a legal report for their review and discussion. The two drainage issues near Meadowbrook Pkwy were discussed. It was noted the electrical transmission line was already erected before development began and the drainage near Plowers Ct was altered when the development of the school began.

ITEM 10: Other Business/Directors Items-No Action Taken

MOTION: DIRECTOR FERGERSON MOVED TO SELECT WAYNE WILLIAMS AS THE DISTRICT'S DESIGNATED ELECTION OFFICIAL GOING FORWARD IN THE 2025 SPECIAL DISTRICT BOARD ELECTIONS.

Mr. Rufien said there would be ample time to move forward with that item and at such a time when a Resolution is required to elect a DEO. Mrs. Lathen explained there could be no action items voted on unless they were on the meeting Agenda. She stated she would place this item on next month's Agenda.

MOTION DIED.

President Kinney asked if there were any "Q/A."

Mr. Atkinson approached the Board with additional comments. He wanted the Board to know what happened at the end of last month's meeting when he had a discussion with Director Hasbrouck and former Director Daniels outside the building. He said he was drilled with questions as to what his motive was by being at the meeting. He provided his opinion of what he thought about Director Hasbrouck and accused Director Keleher of hesitating to vote until she got the silent approval from Director Hasbrouck.

ITEM 11: Executive Session

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR KELEHER, TO GO IN TO EXECUTIVE SESSION. DAN WALL-YES. TRACEY FERGERSON-YES. STEVE HASBROUCK-YES. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. MOTION PASSED (5-0).

Executive Session was entered into at 8:00 p.m.

The Board returned to Regular Session at 8:45 p.m.

An email will be sent to the Board regarding the date of the Work 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 8:48 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

May 2025
May 2027
May 2027
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May 2025

Michelle Marie Kinney, President

Dan Wall, Vice-President

Steve Hasbrouck, Director

Linda Keleher, Director

Unapproved Draft