

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, March 19, 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 Keleher, and Steve Hasbrouck

CMD Staff Present: Amy Lathen, Julie Wells, Connie Hughes, Kevin Brown, Shawn Puente, Joshua Watkins, Jeff Munger, Preston Kidwell

Others Present: Paul Rufien, Cathy Fromm, Wayne Williams, Chief Andrew York (CHFD), Erika Gass (CHFD Board), Katarra Taylor (CHFD Board), Virpi Mattson (CHFD), Matt Gortner (CHFD), Bob Lathen, Roger Stolz, Jan Cederberg, Jeremy Atkinson, Kim Wilson, Clayton Nelson, H.W., WTP, Carmen S., Jon Selken, Grover Cassada, Paula Schofield, Mary Shinn, Tim Bouma, Patti Teall, Nathan Williams
Virtual: Jim C., Larry Hale, Frank Medina, Guest, SC, CM, Jeff Bandy

ITEM 1: Call to Order

The meeting was called to order by President Dan Wall at 5:27 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 KINNEY MOVED, SECONDED BY DIRECTOR FERGERSON, TO APPROVE THE MARCH 19, 2024 AGENDA AS WRITTEN. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

ITEM 3: Cimarron Hills Fire Department Project Concept – Chief Andrew York

Chief York presented a proposal to subdivide approximately 2.5 - 3 acres at the south end of Eastridge Park facing Palmer Park Blvd. The fire station on Peterson Blvd is at or above capacity

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

Water Resources Engineer, Kevin Brown, gave a PowerPoint presentation on water quality in the District. He provided background information on the chlorination process and chlorination standards set by the State. He presented 3 options in detail for improving water quality and the approximate costs for each. Questions from the public were answered.

Kevin also presented a multi-year capital project plan that prioritizes the projects into 3 tiers. He discussed the capital planning process and various funding sources, including bonds, federal grants, and loans, as well as customer rate increases and selling Sundance.

The Employee Handbook revisions approval was briefly discussed. Directors Wall said, “The insubordination part is kind of draconian”, and Director Ferguson said, “maybe a special meeting to discuss but not tonight.” Director Wall said some things seem really harsh and we have some issues. Director Kinney said she felt there were many things in the handbook that were unworkable. “Eyerolling, direct questioning should not be considered insubordination.” Director Ferguson, and Kinney voiced concerns with some sections and stated that they hadn’t received the handbook in time to review more thoroughly. Director Ferguson suggested having a special meeting to discuss the revisions.

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR FERGERSON, TO DECLINE TO ACCEPT THE REVISIONS AS PUBLISHED. LINDA KELEHER-NO. MICHELLE MARIE KINNEY-YES. TRACEY FERGERSON-YES. STEVE HASROUCK-NO. DAN WALL-YES. MOTION PASSED (3-2).

Amy Lathen asked the Board if they have any preferences or ideas on how to spend Parks capital money for 2024. Director Ferguson stated they will need more time to consider this.

Roberts Resorts and Antelope Ridge have never paid parks fees. Discussion ensued as to why and how CMD would charge these fees.

MOTION: DIRECTOR WALL MOVED, SECONDED BY DIRECTOR KELEHER, TO BEGIN CHARGING PARKS FEES TO ROBERTS RESORTS AND ANTELOPE RIDGE. LINDA KELEHER-YES. MICHELLE MARIE KINNEY-NO. TRACEY FERGERSON-YES. STEVE HASROUCK-YES. DAN WALL-YES. MOTION PASSED (4-1).

There were no questions about written staff reports.

ITEM 10: Finance and Accounting – Cathy Fromm

Cathy was asked to forego a presentation on February financials and to explain current cash reserves.

ITEM 11: Attorney Items

Paul Rufien asked if there were any questions on his report previously provided. He then asked if there were any questions or discussion on amended Resolution 2024-01 Administrative Matters, regarding annual payment limits for Directors. Director Wall stated he was more concerned about payment to two previous Board members for attending a meeting in May 2023 at which they were no longer Board members due to being voted out.

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR FEGERSON, TO NOT APPROVE THE AMENDED RESOLUTION 2024-01. LINDA KELEHER-NO. MICHELLE MARIE KINNEY-YES. TRACEY FERGERSON-YES. STEVE HASROUCK-NO. DAN WALL-YES. MOTION PASSED (3-2).

ITEM 12: Other Business/Directors Items-No Action Taken

There were no other business or Directors' items.

ITEM 13: Executive Session

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR WALL, THAT THE BOARD GO INTO EXECUTIVE SESSION CITING §24-6-402(4)(b), C.R.S., CONFERENCE WITH THE DISTRICT'S ATTORNEY REGARDING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS, LINDA KELEHER-YES. MICHELLE MARIE KINNEY-YES. TRACEY FERGERSON-YES. STEVE HASROUCK-YES. DAN WALL-YES. MOTION PASSED (5-0).

1. WHMD Arbitration
2. Litigation Updates

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR WALL, TO COME OUT OF EXECUTIVE SESSION. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

All were present in 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. No votes were taken, and no decisions were made.

ITEM 14: Other Meetings of Importance – As Listed on Agenda

MOTION: DIRECTOR KINNEY MOVED, SECONDED BY DIRECTOR FERGERSON, TO ADJOURN. ALL IN FAVOR. MOTION PASSED BY GENERAL CONSENT.

ITEM 15: Adjournment

There being no further business to come before the Board at this time, the meeting adjourned at appx. 8:00p.m.

Tracey Ferguson, Secretary

<u>Board Members</u>	<u>Term Expires</u>
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