

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

MINUTES

The Board of Directors Regular Meeting was held on Tuesday, March 18, 2025, at 5:30 p.m. at 6250 Palmer Park Boulevard, Colorado Springs, Colorado.

#1. Call to Order

Director Wall called the meeting to order at 5:30 p.m. Directors Wall, Kinney, Bandy, Wilson, and Sintas were present, and there were no Directors' qualifications or disclosures.

Also present: Kevin Brown, Interim General Manager; Julie Wells; Sara Howard; Troy Slocum; Brandon Zembles; Joshua Watkins; Joan Fritsche, Fritsche Law LLC; Wayne Williams, and Peterson Johnson and Bradley Kershaw, Vranesh and Raisch, LLP.

#2. Review and Approval of Agenda

The Agenda was reviewed for changes. Director Wall requested an update on the upcoming Special District Election to be moved under Item #2. Review and Approval of the Agenda. Kevin Brown requested the introduction of the District's newest engineer, Troy Slocum, to be added to the Agenda before Public Comments. Director Kinney requested a November 16, 2021, censorship discussion to be added under #6. Old Business.

Motion: Director Kinney motioned, seconded by Director Sintas, to accept the March 18, 2025, agenda as amended. Motion unanimously passed.

Director Wall asked Director Bandy to lead the Pledge of Allegiance.

#3. Public Comments

There were no public comments.

#4. Consent Agenda

Items on the Consent Agenda:

1. February 18, 2025, Regular Board Meeting Minutes
2. February 24, 2025, Special Board Meeting
3. Goodbee & Associates Engineering – unmodified MSA

Motion: Director Kinney motioned, seconded by Director Bandy, to approve the Consent Agenda as published. Motion unanimously passed.

Mr. Brown introduced Mr. Slocum to the Board. Mr. Slocum stated he has 29 years of experience in a variety of projects including gray water, wastewater, and stormwater quality design and has lived in Colorado Springs the entire time. He looks forward to working with Cherokee.

Wayne Williams, DEO for the District, provided an update on the upcoming election May 6, 2025. The Written Plan for the Conduct of a Mail Ballot Regular Election and a draft of the Official Ballot has been posted on the District's website. Ballot boxes will be strategically located near the Department of Transportation on Akers Drive, near the Meadowbrook Elementary School in the Claremont Ranch subdivision, and at the Cherokee main office drive through.

#5. Financial Report

Ms. Wells asked the Board if they had any questions regarding the February Financial Report. She is anticipating a budget amendment midyear. The Golf Course is gearing up for summer retail sales. She stated interest rates are gradually coming down from an increase earlier in the year.

Mr. Brown reported CLA has submitted another audit update to the District's auditor. Director Kinney proposed that, within 20 days from the current meeting, if the audit is not complete and ready to be approved by the Board, she would recommend Director Wall contact the Colorado Special Districts Property and Liability Pool to investigate why the audit is not finished. Director Wall believed the request for an investigation needed to be related to something specific. Discussion continued.

Motion: Director Kinney motioned, seconded by Director Wilson, to contact the Colorado Special Districts Property and Liability Pool to conduct a financial forensic investigation if the audit is not completed within 20 calendar days from March 18. Motion unanimously passed.

#6. Old Business/Follow Up

Peak Fencing, the vendor selected to build the concrete wall at Pinyon Jay Park, submitted a lower quote based on using three existing concrete pillars. They have stated these pillars are in acceptable condition. As a result, they have provided two separate quotes: (1) \$25,730.00 using existing pillars, and (2) \$30,080.00 with complete replacement.

Motion: Director Kinney motioned, seconded by Director Bandy, to move forward with the construction of the Pinyon Jay Park approving the original bid of \$30,080.00. There was no further discussion. Director Wall-yes. Director Kinney-yes. Director Bandy-yes. Director Wilson-no. Director Sintas-yes. Motion passed 4-1.

Mr. Brown presented an Addendum to the Peak Fencing Quote Agreement for the Board's review and consideration.

Motion: Director Kinney motioned, seconded by Director Sintas, to approve the Addendum to the Peak Fencing Quote Agreement. Motion unanimously passed.

Director Kinney presented a previous Board-approved censorship, dated November 16, 2021, against Rene Sintas while she was then a Director of the Board. She felt it was improperly done and did not coincide with the facts.

Motion: Director Kinney requested a motion for the current Board to repeal the former action against then-Director Sintas. There was further discussion. Seconded by Director Wilson. Director Wall-yes. Director Kinney-yes. Director Bandy-yes. Director Sintas-abstain. Director Wilson-yes. Motion passed 4-1-0.

#7. New Business

The Fredricksburg Park slide has been damaged and needs to be replaced. The project, however, exceeds the \$2,000 threshold above which the Board asks to be consulted on parks projects. The District has received a bid from Churchich Recreation in the amount of \$4,193.30, and Mr. Brown requested the Board's consideration in approving this purchase.

Motion: Director Kinney motioned, seconded by Director Bandy, to award Churchich Recreation the bid for a new slide at Fredricksburg Park in the amount of \$4,193.30, plus installation. Motion unanimously passed.

Mr. Brown advised the WRF Blower Replacement project has been completed; however, the new high voltage electrical equipment requires an arc flash study to be conducted to meet safety standards.

Rather than seeking an outside contractor to complete this work, the engineering staff provided a competitive quote of \$8,500.00 to complete the work. He requested the Board's consideration in approving Burns and McDonnell Change Order #1.

Motion: Director Wall motioned, seconded by Director Kinney, to approve the Burns & McDonnell Change Order #1 in the amount of \$8,500.00. Motion unanimously passed.

#8. Staff Reports

Mr. Brown advised the credit card policy discussed in last month's board meeting has been implemented. The policy acknowledgement document is being prepared by general counsel and will be used as a basis to modify the District's authorized buyer policies.

Mr. Brown's March report on operator tiers and advancement provided greater detail for the proposed advancement system. He stated the final position descriptions and pay scales for 2025 still required some adjustment but would be broadly in line with the pay scales offered by the District's regional peers.

The fundamental concept of the advancement structure consists of three main operator grades each corresponding to greater experience with Cherokee's system and higher certifications. Each grade

would have a pay range whereby operators could advance within that range by more advanced certifications.

Mr. Brown provided an overview of eastern and north wellfield developments and projects including the Karman Line, Flying Horse East, Mayberry/Ellicott Utilities Company, and the Harding Nursery water line crossing.

#10. Executive Session

Executive Session of the Board of Directors pursuant to Section 24-6-402(4)(b), C.R.S., for a conference with the District's attorney regarding legal advice on specific legal questions; Section 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 Section 24-6-402(4)(a), C.R.S., regarding the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest.

1. WHMD Arbitration
2. Water Rights Change Application Amendments and New Application
3. Treatment Facility Site Acquisition
4. January 16th Water Intrusion Update

Ms. Fritsche cited the statutes and reasons for the Executive Session.

Motion: Director Wilson motioned, seconded by Director Sintas, to close the Regular Session and move into Executive Session. Motion unanimously passed.

There was a short break at 6:40 p.m. before the Executive Session convened.

Motion: Director Wall motioned, seconded by Director Wilson, to come out of Executive Session at 7:18 p.m. Motion unanimously passed.

Mr. Brown requested the Board consider and approve the Application for Change of Type of Use and/or Change in Place of Use Within a Designated Groundwater Basin for Cherokee Metropolitan District Wells 9-12, Well 13, Wells 15-17, and Well 21.

Motion: Director Kinney motioned, seconded by Director Wilson, to approve the Application for Change of Type of Use and/or Change in Place of Use Within a Designated Groundwater Basin for Cherokee Metropolitan District Wells 9-12, Well 13, Wells 15-17, and Well 21. Motion unanimously passed.

#11. Adjournment

There being no further business to come before the Board, the meeting adjourned at 7:28.



Jeff Bandy, Secretary

Attorney Fritsche certified for the record that the Executive Session was not recorded, as the matters discussed in Executive Session constituted privileged attorney-client communications.



Joan M. Fritsche, Esq.