

# RECORD OF PROCEEDINGS

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## MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE FALCON HIGHLANDS METROPOLITAN DISTRICT HELD JANUARY 26, 2013

A special meeting of the Board of Directors of Falcon Highlands Metropolitan District was held on Saturday, January 26, 2013 at the Water Treatment Plant, 7464 Antelope Meadows Circle, Peyton, CO 80831 at 6:00 p.m. The meeting was open to the public.

**Attendance** Directors in attendance were:

Al Smith  
Timothy Ladd  
Mark Albright

Absent and excused was Director Knuffke.

Others in attendance:

David Peak; CliftonLarsonAllen LLP  
Carrie Bartow; CliftonLarsonAllen LLP  
Barbara Vander Wall, Esq.; Seter & Vander Wall, P.C.  
Jeffrey Erb, Esq.; Seter & Vander Wall, P.C.

### **Call to Order / Verify Quorum**

Director Albright called the meeting to order and confirmed a quorum.

### **Approval of Agenda**

Following review, upon a motion duly made by Director Smith, seconded by Director Ladd and, upon vote, unanimously carried, the Board approved the agenda as amended and excused the absence of Director Knuffke.

### **Accept Resignation**

Following review, upon a motion duly made by Director Albright, seconded by Director Ladd and, upon vote, unanimously carried, the Board accepted the resignation of Dan Poremba.

### **Vacancy on Board**

The Board discussed filling the vacancy on the Board. They would like to interview interested candidates at the March 4<sup>th</sup> regular board meeting.

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## Approval of Minutes

Following review and discussion, upon a motion duly made by Director Albright, seconded by Director Smith and, upon vote, unanimously carried, the Board approved the December 3, 2012 special board meeting minutes as presented.

## Legal Matters

### A. Legal Report

Ms. Vander Wall reviewed the legal report with the Board. She advised that the Developer is performing certain punch list repair items in the Rolling Thunder Subdivision, and the Developer has indicated the District may be responsible for a portion of the cost of the repairs based on representations made several years ago. CDOT may take over the Meridian / Highway 24 intersection project as an eligible PPRTA project. The Board discussed that it has already spent some funds on emergency repairs, which may qualify as a District contribution toward the project.

Ms. Vander Wall also advised that following some research and additional inquiries, the District's prior bond counsel has identified 1-2 boxes of files that are available to be released to the District. She noted that the Board will be requested for authorization later in the agenda. Mr. Erb explained that in the process of putting together the well site and access easement documents, it was discovered that the water line does not lie within the right of way, and that now an additional easement will need to be created for conveyance to the District.

### B. Review and Consider Adoption of Emergency Repairs to Laramie/Fox Hills Wells No. 1 Resolution

Mr. Erb briefed the Board on the Resolution. Following review and discussion, upon a motion duly made by Director Albright, seconded by Director Ladd and, upon vote, unanimously carried, the Board adopted the Resolution for Emergency Repairs to Laramie/Fox-Hills Well No. 1 as presented.

### C. Consider Request to Polsinetti Law Firm

Following discussion, upon a motion duly made by Director Smith, seconded by Director Ladd and, upon vote, unanimously carried, the Board authorized the release of District legal files from prior bond counsel, Polsinetti & Shugart, P.C. to District's Legal Counsel, Seter & Vander Wall, P.C., and the execution of the letter presented directing such release.

## Financial Matters

### A. Ratify Approval of Claims Totaling \$36,921.74, Represented by Check Numbers 1591 through 1612

Upon a motion duly made by Director Smith, seconded by Director Ladd and, upon vote, unanimously carried, the Board ratified approval of claims totaling \$36,921.74, represented by check numbers 1591 through 1612.

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### B. Review and Consider Approval of Current Claims

Mr. Peak presented the current claims to the Board. Following review and discussion, upon a motion duly made by Director Smith, seconded by Director Ladd and, upon vote, unanimously carried, the Board approved the claims totaling \$128,361.88, represented by check numbers 1613 through 1628.

### C. Review and Consider Approval of Cash Position as of January 25, 2013

Ms. Bartow reviewed the cash position as of January 25, 2013 with the Board. The Board accepted as presented.

### Manager Items

#### A. Managers Report and Water Plant Operations Report

Mr. Peak reviewed the Managers Report and Water Plant Operations Report with the Board. No action was taken.

#### B. LFH #2 Legal Description for Water Line

District Attorney, Jeffrey Erb, has been working with the developer, Cygnet, to obtain the legal description for the utility easement for the well.

#### C. Review and Consider Adoption of 2013 Annual Administrative Matters Resolution

Following review and discussion, upon a motion duly made by Director Smith, seconded by Director Ladd and, upon vote, unanimously carried, the Board adopted the 2013 Annual Administrative Matters Resolution and appointed Director Ladd to the office of Secretary/Treasurer. The Board requested that the Resolution be posted on the District's website.

### Director Items

There was discussion regarding preparation of the list of priorities and financial obligations for 2013.

### Other Business

#### A. Set Next Board Meeting – Monday, March 4, 2013 at 6:00 p.m.

The Board confirmed a quorum for the next meeting.

**Adjournment** There being no other business to come before the Board, upon a motion duly made by Director Albright, seconded by Director Ladd and, upon vote, unanimously carried, the Board adjourned the meeting at 11:20 a.m.

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Respectfully submitted,

By: David Peck  
Secretary for the Meeting