

# RECORD OF PROCEEDINGS

---

## MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE FALCON HIGHLANDS METROPOLITAN DISTRICT

Held: August 14, 2017 at Falcon Fire Station No. 3  
7030 Old Meridian Road, Peyton, CO 80831 at 5:30 p.m.

Attendance                    The regular meeting of the Board of Directors of the Falcon Highlands Metropolitan District was called and held as shown above in accordance with the statutes of the State of Colorado. The following Directors, having confirmed their qualifications to serve on the Board, were in attendance:

Grace Harman, President  
Kevin Haas, Treasurer  
Timothy Dickey, Secretary  
Vacant

Others in attendance:

Cynthia Beyer and Carrie Bartow; CliftonLarsonAllen LLP  
Barbara Vander Wall; Seter & Vander Wall, P.C.  
Mike Barnes; Kennedy/Jenks Consultants  
Steve Dodd, Water System Operator

Public:  
Julie Branch  
Marcia and Jose Mujica  
Tonia Joyner  
Chris and Dani Kuhlmann  
Edward and Cory Landfair

Call to Order                Director Harman noted that a quorum of the Board was present and therefore called the regular meeting of the Board of Directors of the Falcon Highlands Metropolitan District to Order at 5:42 p.m.

Approval of Agenda        Upon a motion by Director Haas, seconded by Director Harman and upon vote, unanimously carried, the Board approved the Agenda.

Community  
Comments                    Ms. Marcia Mujica spoke to the Board. Ms. Mujica expressed concerns regarding the fences, covenant enforcement, park maintenance, water usage enforcement and businesses operating in residential areas. The Board addressed here concerns. The covenant enforcement is not a

# RECORD OF PROCEEDINGS

---

power of the metropolitan district, rather it is the responsibility of the homeowners associated that is not funded by the homeowners. The park is being renovated and the Board is considering options for upgrading the park equipment. Because of the limited funding of the District, it does not have the ability to do enforcement of irrigation violation. If a homeowner does exceed the limits, the District imposes higher water fees for the homeowner. The Board informed Ms. Mujica that if she observes code enforcement violations or trespass or businesses operating in the residential area, she can call El Paso County Code Enforcement to report those violations.

Ms. Tonia Joyner requested the Board add to the District newsletter information regarding higher rates charged for increased usage.

Ms. Julie Branch asked the Board to appoint a resident to the committee to obtain additional landscaping bids for the District. Ms. Branch stated is willing to lead the committee.

Ms. Vander Wall indicated that El Paso County does the maintenance and is responsible for the streets and sidewalks in the committee. As for a resident committee for landscaping bids, that needs to be handled by the District.

Mr. Chris Kuhlman addressed the Board about water availability in the District. He wanted to know when taps would be available. They are expanding their business and need a tap. Ms. Vander Wall stated water is the Board's number 1 priority. At this time, the Board could not state when taps would be available because of research being done by the District.

Ms. Tonia Joyner asked the board about accessing the water that is pumped out by the sump pumps. The Board indicated that water is not available for use by the District.

The Board asked for the update with the landscaping from the District Manager. Ms. Beyer stated that Turf Masters had not provided information to the District regarding costs. The District Manager will get a map reach out to other vendors.

Administrative  
Matters –  
Consent Agenda

- A. Consider Approval of July 10, 2017 Regular Meeting Minutes
- B. Ratify Approval of Previous Claims

Upon a motion by Director Haas, seconded by Director Dickey and, upon vote, unanimously carried, the Board approved the Consent Agenda.

# RECORD OF PROCEEDINGS

---

Administrative  
Matters

None.

Operator's Report –  
Steve Dodd

- A. Update on Operations
- B. Other

Mr. Dodd provided the update on operations. The lawn mower threw a belt and is in the shop for repairs. He is looking into rentals. He will contact Turf Masters to obtain an estimate for the weekly/bi-weekly mow areas.

The cameras were installed by Protection1 but we need to have the additional internet connection for an additional \$30.00 per month. Mr. Dodd is having a temporary employee to assist with work.

Ms. Carrie Bartow indicated she would send the information regarding the weed killer to Mr. Dodd.

Financial Matters

- A. Review and Consider Approval of Financial Statements as of June 30, 2017

Ms. Bartow explained the Financial Statements as of June 30, 2017. Upon a motion by Director Haas, seconded by Director Harman and, upon vote, unanimously carried, the Board accepted the Financial Statements as presented. The Board will need to do a budget amendment for the contingency and the upcoming election.

- B. Other

None.

Legal Matters

- A. Legal Status Report

Mr. Vander Wall presented the Legal Status Report to the Board. There is no change to the bonds or the litigation matters at this time.

- B. Discuss 2017 November Election
  - a. Review and Discuss Town Hall Presentation
  - b. Review and Discuss Town Hall Invitation
  - c. Update Re: 3<sup>rd</sup> Party Election Support

Ms. Vander Wall went through the Town Hall presentation.

- C. Update on Park Place Enterprises vs. Falcon Highlands Metropolitan District

# RECORD OF PROCEEDINGS

---

Ms. Vander Wall provided the update on the litigation. Ms. Beyer informed Ms. Vander Wall that Mr. Harris had called her.

- D. Executive Session Pursuant to Section 24-6-402(4) (b) & (e), C.R.S. related to the receipt of legal advice on specific legal questions, strategy, and negotiations related to the litigation in *Park Place Enterprises, LLC v. Falcon Highlands Metropolitan District*, El Paso County District Court Case no. 2016 CV 032406

Upon a motion duly made by Director Harman, seconded by Director Haas the Board entered into Executive Session pursuant to Section 24-6-402(4)(b) & (e), C.R.S. related to the receipt of legal advice on specific legal questions, strategy, and negotiations related to the litigation in *Park Place Enterprises, LLC v. Falcon Highlands Metropolitan District*, El Paso County District Court case No. 2016 CV 032406, at 7:17 p.m.

Upon a motion duly made by Director Haas, seconded by Director Harman the Board came out of executive session at 7:42 p.m.

No action was taken.

## Engineering Matters A. Water Engineer Report

Mr. Barnes presented the Water Engineering Report.

## B. Status Report for Facility Plan – Supply & Demand Analysis

Mr. Barnes presented the current information regarding the Facility Plan and the Supply & Demand Analysis.

## C. Arapahoe Well No. 1 Rehabilitation Update

Mr. Barnes gave his update regarding the Telemetry. Applied Ingenuity should be at the plant by August 22, 2017 to complete this work. Mr. Barnes will work with Mr. Napolilli on this matter.

## D. Other

None.

## Manager Matters

- A. Manager's Report
- B. Director Vacancy Status
- C. GOCO Grants – Application/Information

# RECORD OF PROCEEDINGS

---

Ms. Beyer presented the Manager Report. She will attend the El Paso County McLaughlin Road Roundabout meeting. Ms. Beyer presented the information related to the two Director candidates. The Board requested Ms. Beyer ask Ms. Joyner to attend the Board's September 6, 2017 meeting.

Ms. Beyer presented the information regarding the GOCO grants. The Board directed the Manager to proceed with applying for the grant.

The Board asked Ms. Beyer to contact the Cygnet Company landowners and Challenger Homes to take care of issues on their property.

The Board asked Ms. Beyer to contact Chuck Rodovich regarding the next scheduled mosquito spraying.

D. Other

None.

## Director Items

A. Playground Update

Director Dickey presented the playground proposals to the board. Director Dickey will have the playground people at the next board meeting on September 6, 2017.

B. Other

Upon a motion made by Director Harman, seconded by Director Haas and upon vote, unanimously carried, the Board excused the absence of Director Davis.

## Other Business

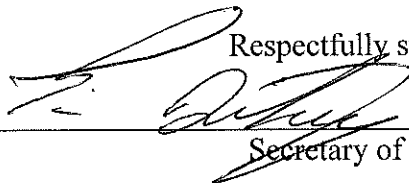
The Board confirmed a quorum for the next Board meeting on September 6, 2017 at 5:30 p.m. and for the August 26, 2017 town hall meeting.

There was no further business to come before the Board.

## Adjournment

Following discussion, upon a motion made by Director Harman, seconded by Director Dickey, the Board adjourned at 8:25 p.m.

Respectfully submitted,



---

Secretary of Meeting