

# RECORD OF PROCEEDINGS

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## MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE FALCON HIGHLAND METROPOLITAN DISTRICT

Held: June 9, 2014 at the Falcon Fire Station No. 3,  
7030 Old Meridian Road, Peyton, CO 80831  
at 6:00 p.m.

### Attendance

The special 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:

Al Smith  
Chris Barnett  
Heather Knuffke  
Lauren Swenson

Absent: Director Albright was absent and excused

Others in attendance:

David Peak and Carrie Bartow, CliftonLarsonAllen LLP; Carrie Bartow; CliftonLarsonAllen LLP; Barbara Vander Wall and Jeffrey Erb; Seter & Vander Wall, P.C.; Lindsey Harrison, The New Falcon Herald; and the following members of the public: Julie Branch; Gail Sewell; Trever Clark; and Christina Elliot.

### Call to Order/Declaration of Quorum

Director Smith called the meeting to order and confirmed a quorum. Following review, upon a motion duly made by Director Smith, seconded by Director Knuffke, upon vote, unanimously carried, the Board excused Director Albright.

### Community Comment

Ms. Sewell introduced herself to the Board. She had earlier e-mailed some written questions to Director Knuffke regarding the District. Ms. Sewell raised questions about the adjustment to the "base" water rate and what is included in that number. Ms. Sewell also asked about what constitutes a legal publication. Ms. Vander Wall explained that a legal publication is determined by statute and not all newspapers qualify for this status.

Ms. Branch noted that a phone number on the District's website

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appears to be incorrect. Ms. Branch also inquired into the repair schedule for the sidewalk at the park. Mr. Peak stated that the sidewalk is scheduled for repair the day after the meeting. Ms. Branch also asked about the District's mill levy and how it can be adjusted above the maximum amount set forth in the service plan. Ms. Vander Wall and Ms. Bartow explained the concept of "Gallagherization" to Ms. Branch, which allows, in part, the adjustment of the maximum mill levy if there are changes in the method of calculating the assessed valuation of property in the District.

Mr. Clark stated that he called the billing department and did not feel that the persons he spoke to were knowledgeable enough about the District's bills to answer his questions.

Ms. Elliot stated she was at the meeting to discuss the monuments.

Ms. Harrison was at the meeting to listen.

## Administrative Matters

### A. Consider Approval of May 12, 2014 Special Meeting Minutes

Following review and discussion, upon a motion duly made by Director Knuffke, seconded by Director Barnett and, upon vote, unanimously carried, the Board approved the May 12, 2014 special meeting minutes as presented.

### B. Other

None.

## Financial Matters

### A. Review and Ratify Approval of Claims Totaling \$25,088.09 Represented by Check Numbers 1956 through 1972

Mr. Peak reviewed the claims list for ratification with the Board. Following review and discussion, upon a motion duly made by Director Knuffke, seconded by Director Smith and, upon vote, unanimously carried, the Board ratified approval of claims totaling \$25,088.09 represented by check numbers 1956 through 1972.

### B. Review and Consider Approval of Current Claims Totaling \$39,035.20, Represented by Check Numbers 1973 through 1994

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Mr. Peak reviewed the current claims with the Board. Following review and discussion, upon a motion duly made by Director Knuffke, seconded by Director Barnett and, upon vote, unanimously carried, the Board approved claims totaling \$39,035.20 represented by check numbers 1973 through 1994.

## C. Review and Consider Acceptance of Unaudited Financial Statements as of April 30, 2014

Ms. Bartow presented the unaudited financial statements as of April 30, 2014 to the Board. Following review and discussion, upon a motion duly made by Director Knuffke, seconded by Director Smith and, upon vote, unanimously carried, the Board accepted the financial statements as presented.

## D. Other

Ms. Bartow reported that the 2012 Audit was filed on June 2<sup>nd</sup> and the preparation of the 2013 Audit has begun by the accounting staff and auditor. She is hopeful that the 2012 audit will be satisfactory to the state and that the District's property tax revenue will be released.

## Legal Matters

### A. Legal Report

#### 1. Water Issues- Research Conveyance of Water Rights under Tract C:

Ms. Vander Wall briefed the Board regarding Tract C water rights following analysis from the District's water attorneys, Petrock & Fendel, P.C.

#### 2. NextEra Energy Easement:

Mr. Peak reported that NextEra Energy had not yet responded to the District's compensation request in exchange for consideration to permit through the District's property an easement which would allow above ground transmission lines.

#### 3. Emergency Interconnect Agreement with Woodmen Hills:

Ms. Vander Wall explained that due to engineering concerns with having a mutual connection, Woodmen Hills has requested

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that the agreement revert to the original proposal, where water is provided to Falcon Highlands from Woodmen Hills in emergency situations. Negotiations have reverted to the original form of contract.

B. Other: Resolution Regarding the Colorado Open Records Act

Ms. Vander Wall distributed a draft Resolution regarding the Colorado Open Records Act which is to take effect on July 1<sup>st</sup>. Following review and discussion, upon a motion duly made by Director Smith, seconded by Director Swenson and, upon vote, unanimously carried, the Board adopted the CORA Resolution as presented.

Engineering Matters

A. Engineer Report

Mr. Peak reviewed the engineer's report with the Board. There were no significant changes from the prior month.

B. Discussion Regarding Antelope Meadows Circle Drainage Issue

District's water operator met on site with El Paso County and Woodmen Hills in May. It was determined that a perforated pipe under drain was constructed under the sanitary sewer line in Antelope Meadow Circle. With further investigating it is hoped that the under drain maybe located and then connected to the homeowner's sump pump.

Manager Items

A. Review and Approve E-Payment Services Agreement (enclosed)

Upon motion made, seconded, and unanimously carried, the E-Payment Services Agreement with Point & Pay, LLC was approved as presented. Point & Pay will allow District customers to make payments electronically for a small fee.

Director Items

A. Monument Committee Report and Update

Director Smith briefed the Board and introduced resident, Christine Elliot, owner of a sign company. Ms. Elliot expressed interest in manufacturing and installing the proposed two monument signs should the District decide on where and how

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they are to be built. The Board also clarified that the contract will require the contractor to obtain all permits and ensure compliance with El Paso County code.

B. Other: Minutes

The Board requested that the meeting minutes be posted on the District's website soon after they have been reviewed and approved by the Board.

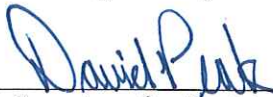
Other Business

- A. Set Next Board Meeting – Saturday, July 19, 2014 at 9:00 a.m. at the Falcon Fire Station No. 3 or Saturday, July 12, 2014 at 8:00 a.m. at the Water Plant.

The Board will need to confirm a quorum for the July meeting date.

Adjournment

There being no further business to come before the Board, and upon motion duly made, seconded and unanimously carried, the meeting was adjourned at 8:10 p.m.



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Secretary for the Meeting