

MINUTES OF A REGULAR MEETING/BUDGET HEARING OF  
THE BOARD OF DIRECTORS OF THE  
FALCON HIGHLANDS METROPOLITAN DISTRICT (THE “DISTRICT”)  
HELD  
November 11, 2024

A regular meeting/budget hearing of the Board of Directors of the Falcon Highlands Metropolitan District (referred to hereafter as the “Board”) was convened on Monday, November 11, 2024 at 5:30 p.m., at the Falcon Fire Protection District Station #3, 7020 Old Meridian Road, Peyton, Colorado 80831. The meeting was open to the public.

**ATTENDANCE**

Directors in attendance were:

Tonia Joyner, President  
Robert Aamodt, Treasurer  
Joshua Whittle, Assistant Secretary  
Curtis O. Fletcher, Assistant Secretary

Absent: Ainsley Sinclair (absence excused).

Also, In Attendance Were:

Josh Miller, Korben Heim and Carrie Bartow, CliftonLarsonAllen LLP (“CLA”)  
Barb Vander Wall, Esq.; Seter Vander Wall & Mielke, P.C.  
Ryan Mangino; RESPEC  
Mitchell Hess; Kimley-Horn  
Debra Chase, Kyle Geitzenauer, Elizabeth Geitzenauer, Lawrence Wilson; Members of the Public

**ADMINISTRATIVE MATTERS**

**Call to Order and Agenda:**

The meeting was called to order at 5:33 p.m. by Director Joyner. The Board reviewed the Agenda for the meeting. Following discussion, upon motion duly made by Director Joyner, seconded by Director Whittle and, upon vote, unanimously carried, the Board approved the Agenda, as amended, with the addition of the Draft Hydrant Emergency Use Letter presentation and removal of the Unaudited Financial Statements.

**Declaration of Quorum/Director Qualifications/Disclosure items:**

A quorum was confirmed. The Board discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board of Directors to the Secretary of State. The members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures

made by the Board members prior to this meeting in accordance with statute. It was noted by Attorney Vander Wall that disclosures of potential conflicts of interest were filed with the Secretary of State, and no additional conflicts were disclosed at the meeting.

**October 14, 2024 Regular Meeting Minutes and October 28, 2024 Annual Meeting Minutes:**

Following discussion, upon a motion duly made by Director Joyner, seconded by Director Whittle and, upon vote, unanimously carried, the Board approved the October 14, 2024 Regular Meeting Minutes and October 28, 2024 Annual Meeting Minutes, as presented.

**Draft Hydrant Emergency Use Letter - Mitchell Hess:**

Mr. Hess presented a proposed letter regarding consent for the Colorado Springs fire department to use District fire hydrants, and noting the project is occurring in the Colorado Springs boundaries. The only available water source for a fire event is owned by the Falcon Highlands Metropolitan District, and part of the build permit for the screening wall is to be issued by the Regional Building Department. He further discussed the coordination between the Falcon Fire Protection District and the Colorado Spring Fire Department. Discussion ensued. There were questions on water usage, how to measure it and what determines emergency circumstances. Mr. Miller noted that the water counsel is of the opinion that a draft Memorandum of Understanding be prepared to establish usage and emergency conditions. Discussion followed regarding lithium fire concerns and water not being used for those events. Further discussion ensued on water usage and notifying the District of use.

Following discussion, upon a motion duly made by Director Joyner, seconded by Director Whittle, with Director Aamodt abstaining, the Board authorized management and legal to proceed with drafting the Memorandum of Understanding for the hydrant use.

**Resolution Regarding 2025 Annual Administrative Matters:**

Mr. Miller reviewed the Resolution with the Board. Discussion ensued. Director Aamodt noted he had remaining questions but needed to look into further before asking.

Following discussion, upon a motion duly made by director Joyner, seconded by Director Whittle, with Director Aamodt abstaining, the Board adopted the Resolution Regarding 2025 Annual Administrative Matters.

**Colorado Open Records Act Resolution:**

Attorney Vander Wall reviewed the Resolution with the Board, noting the increase of the retrieval fees. Following discussion, upon a motion duly made by Director Aamodt, seconded by Director Joyner and, upon vote unanimously carried, the Board adopted the Colorado Open Records Act Resolution.

**Public Comment:**

Kyle Geitzenauer raised questions regarding the underdrain/service line project at his home. Mr. Miller reviewed the discussion from the previous meeting. The Board reviewed this as part of the Rolling Thunder cleanout-raising project, but did not take action with the proposed cost. Mr. Geitzenauer discussed his vendor proposal on the scoping service line. There was further discussion on cost, included services, and costs not included in the proposal. Further discussion ensued regarding the cleanout location, installation cost and scope of the service line. Mr. Geitzenauer shared his concerns about water pooling under the home and being at a low point in Filing 1. He discussed his costs to assess issues, and damage to the property. Further discussions on the connection to the underdrain main line, pumping of the water and private property/District responsibilities ensued.

Mr. Mangino noted the NTE \$15,000.00 would likely be sufficient for installation of the cleanout at the location. The Board previously declined to authorize this at the previous meeting. Discussion ensued. Following discussion, upon a motion duly made by Director Joyner, seconded by Director Fletcher and, upon vote unanimously carried, the Board authorized modifying the existing cleanout contract to include the NTE \$15,000.00 to install new cleanout and scope resident's service line at 7745 Antelope Meadows Circle.

## FINANCIAL MATTERS

### **Previous claims and current claims:**

Ms. Bartow reviewed the claims with the Board for the period of October 12, 2024 through October 31, 2024. Following discussion, upon a motion duly made by Director Joyner, seconded by Director Aamodt and, upon vote, unanimously carried, the Board approved and/or ratified approval of claims of previous claims and current claims totaling \$230,043.60.

### **Ratify acceptance of the 2023 Audit:**

Following review, upon a motion duly made by Director Joyner, seconded by Director Aamodt and, upon vote unanimously carried, the Board ratified the acceptance of the 2023 Audit.

### **Public Hearing to consider amendment of the 2024 Budget; Resolution to Amend the 2024 Budget:**

Director Joyner opened the public hearing to consider an amendment to the 2024 Budget at 6:48 p.m.

It was noted that publication of Notice stating that the Board would consider an amendment of the 2024 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to the public hearing.

No public comments were received, and Director Joyner closed the public hearing at 6:50 p.m.

Ms. Bartow reviewed the amendment with the Board, noting that the Debt Service Fund will need to be amended. Following discussion, upon a motion duly made by Director Joyner, seconded by Director Whittle and, upon vote unanimously carried, the Board approved the amendment of the 2024 Budget and adopted the Resolution to Amend the 2024 Budget.

**Public Hearing on the proposed 2025 budget; Resolution to Adopt the 2025 budget and appropriate Sums of Money and Resolution to Set Mill Levies:**

Director Joyner opened the public hearing to consider the 2025 Budget at 7:02 p.m.

It was noted that publication of Notice stating that the Board would consider the 2025 Budget and the date, time and place of the public hearing was made in a newspaper having general circulation within the District. No written objections were received prior to the public hearing.

No public comments were received, and Director Joyner closed the public hearing at 7:03 p.m.

Ms. Bartow reviewed the 2025 Budget with the Board. Following discussion, upon a motion duly made by Director Joyner, seconded by Director Whittle and, upon vote unanimously carried, the Board approved the 2025 Budget and adopted the Resolution to Adopt the 2025 Budget and Appropriate Sums of Monay and the Resolution to Set Mill Levies.

**Execution of the DLG-70 Certification of Tax Levies:**

Ms. Bartow discussed the execution with the Board. Following discussion, upon a motion duly made by Director Joyner, seconded by Director Whittle, with Director Aamodt abstaining, the Board appointed the District Accountant to execute the DLG-70 Certification of Tax Levies.

**Engagement letter with Dazzio & Associates to prepare the 2024 Audit:**

Ms. Bartow reviewed the engagement letter with the Board. Following discussion, upon a motion duly made by Director Joyner, seconded by Director Whittle and, upon vote unanimously carried, the Board approved the engagement letter with Dazzio & Associates to prepare the 2024 Audit.

**MANAGER MATTERS**

**Property and Liability Coverage renewal for 2025. Discuss changes needed to property schedule:**

Mr. Miller reviewed the coverage with the Board and recommend renewal of the property and liability policy. Following discussion, upon a motion duly made by Director Aamodt, seconded by Director Fletcher and, upon vote unanimously carried, the Board approved renewal of the Property and Liability Coverage for 2025.

**Worker's Compensation for 2025:**

Mr. Miller reviewed the worker's compensation for 2025 with the Board. Following discussion, upon a motion duly made by Director Aamodt, seconded by Director Fletcher and, upon vote unanimously carried, the Board approved renewal of the worker's compensation for 2025.

**Renewal of SDA membership:**

Mr. Miller discussed the membership renewal with the Board. Following discussion, upon a motion duly made by Director Aamodt, seconded by Director Fletcher and, upon vote unanimously carried, the Board approved the renewal of the SDA membership.

**CliftonLarsonAllen LLP Statement(s) of Work for 2025:**

Mr. Miller reviewed the Statements of Work with the Board. Director Aamodt requested a copy of the Master Services Agreement. Attorney Vander Wall noted the MSA was reviewed and approved in 2023, and not renewed annually like the Statements of Work. Following discussion, upon a motion duly made by Director Joyner, seconded by Director Whittle, with Director Aamodt opposing without review of the MSA, the Board approved the CliftonLarsonAllen LLP Statements of Work for 2025 for management, accounting, billing and payroll services.

**Board member or committee to work with district staff to transition website to ADA compliant hosting platform:**

Mr. Miller discussed the need for the website platform change, noting SIPA has limitations for Board members' interest in a more functional website, and recommended Streamline for ADA accessibility compliance. Discussion ensued, noting that Director Sinclair has experience in the area and would be a good resource for the website transition.

Following discussion, upon a motion duly made by Director Joyner, seconded by Director Whittle and, upon vote unanimously carried, the Board authorized Director Sinclair to work with management to authorize the switch to Streamline, subject to Director Sinclair's input.

**2025 Landscaping Services Agreement with Landscape Endeavors:**

Mr. Miller discussed the renewal of the Agreement with the Board, noting no change in costs. Following discussion, upon a motion duly made by Director Joyner, seconded by Director Whittle and, upon vote unanimously carried, the Board authorized the renewal of

the 2025 Landscaping Services Agreement with Landscape Endeavors through December 31, 2025.

**2025 Mosquito Control Services Agreement with VDCI:**

Mr. Miller reviewed renewal of the Agreement with the Board, noting no change in costs. Director Aamodt requested a copy of the contract. Following discussion, upon a motion duly made by Director Joyner, seconded by Director Whittle and, upon vote unanimously carried, the Board authorized the renewal of the 2025 Mosquito Control Service Agreement with VDCI.

**Agreement for Services between the District and Cummins, Inc. dba Cummins Sales and Service for annual inspection and planned maintenance of the booster station and filter plant located at 1 Rolling Thunder Way:**

Mr. Miller reviewed the Agreement with the Board. Discussion ensued regard the cost per inspection and the number of inspections per year. Mr. Miller is to confirm the details. Following discussion, upon a motion duly made by Director Joyner, seconded by Director Whittle and, upon vote unanimously carried, the Board approved the Agreement for Services between the District and Cummins, Inc. dba Cummins Sales and Service for annual inspection and planned maintenance of the booster station and filter plant located at 1 Rolling Thunder Way, subject to details confirmed.

**ENGINEER MATTERS**

**Engineer Report:**

Mr. Mangino reviewed the report included in the meeting packet.

**LEGAL MATTERS**

**Resolution regarding 2025 Water Rates and Charges - Non-Residential Properties, Effective January 1, 2025:**

Mr. Miller and Attorney Vander Wall reviewed the Resolution with the Board, noting there are no rate changes and is made effective for 2025. Following discussion, upon a motion duly made by Director Whittle, seconded by Director Joyner and, upon vote unanimously carried, the Board adopted the of Resolution regarding 2025 Water Rates and Charges - Non-Residential Properties, Effective January 1, 2025.

**DIRECTOR MATTERS**

There were no Director matters presented for discussion at this time.

**OTHER BUSINESS**

Director Aamodt noted the technical letter was submitted to the State Ground Water Commission. Discussion ensued.

### EXECUTIVE SESSION

Upon a motion duly made by Director Joyner, seconded by Director Whittle and, upon vote, unanimously carried, the Board entered into Executive Session at 7:45 p.m. for the purpose of consultation with legal counsel concerning underdrain system operations, groundwater compliance issues, discussion of related matters subject to negotiation with El Paso County, and fee negotiations with Woodmen Hills Metropolitan District, pursuant to C.R.S. § 24-6-402(4)(b) and (e).

Upon a motion duly made by Director Joyner, seconded by Director Aamodt and, upon vote, unanimously carried, the Board exited from Executive Session at 8:05 p.m.

Upon a motion duly made by Director Joyner, seconded by Director Whittle and, upon vote unanimously carried, the Board approved the Intergovernmental Agreement with El Paso County based on management and legal recommendations, and subject to and based on the terms of the El Paso County letter.

### ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Director Joyner, the Board adjourned the meeting 8:09 p.m.