

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
FALCON HIGHLANDS METROPOLITAN DISTRICT
HELD
SEPTEMBER 11, 2023

A regular meeting of the Board of Directors of the Falcon Highlands Metropolitan District (referred to hereafter as the “Board”) was convened on Monday, September 11, 2023 at 5:30 p.m. The District Board meeting was held via Microsoft Teams. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Tonia Joyner, President
Timothy Dickey, Secretary
Erin Ganaway, Director
Leo Schuhmacher, Director

Also, In Attendance Were:

Josh Miller, Korben Heim, Carrie Bartow and Curtis Bourgouin;
CliftonLarsonAllen, LLP (“CLA”)
Elizabeth Dauer, Esq. and Barbara Vander Wall, Esq.; Seter & Vander Wall, P.C.
Ryan Mangino; RESPEC
Adrien Hobson, Bertha MacMillan, Michael Best, Robert Aamodt, Carol Boone, Debra Chase, Christina Welch, Donna Chapman, Donna Green, James Onder, Jason Pestcoe, Jeni X, Joshua Whittle, Kayla Higbee, Chris Higbee, Lizzie X, Mike H, Nathan Elwick, Renee Kimble, Richard Tang, Shaun Pringle, Terence X, Walt Fee, Lisa Willoughby, Bill Irvine, Brittney Antonetty-Lizardi, Jackie X, Linda Compton, and other unidentified members of the public.

ADMINISTRATIVE MATTERS

Call to Order and Agenda: Director Joyner called the meeting to order at 5:31 p.m.

The Board reviewed the agenda for the meeting. Following discussion, upon a motion duly made by Director Joyner, seconded by Director Dickey and, upon vote, unanimously carried, the Board approved the agenda, as amended to acknowledge the resignation of Director Haas.

Quorum, Director Qualifications, Disclosure Items: It was noted that a quorum of the Board was present. 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 regarding any matters scheduled for discussion at this

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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 Ms. Vander Wall that disclosures of potential conflicts of interest were filed with the Secretary of State for all Directors; no additional conflicts were disclosed.

CONSENT AGENDA

July 10, 2023 Special Board Meeting Minutes:

Previous Claims and Current Claims:

Service Agreement between the District and Vector Disease Control International (VDCI) for mosquito control, in the amount of \$8,400.00:

Service Agreement between the District and Applied Ingenuity, LLC for repairs on hole in well casing of Well LFH2, in the amount of \$25,882.00:

Following review and discussion, upon a motion duly made by Director Dickey, seconded by Director Joyner and, upon vote, unanimously carried, the Board approved the consent agenda, as presented.

FINANCIAL MATTERS

June 30, 2023 Unaudited Financial Statements: Ms. Bartow reviewed the June 30, 2023 Unaudited Financial Statements with the Board. Following review and discussion, upon a motion duly made by Director Joyner, seconded by Director Dickey and, upon vote, unanimously carried, the Board accepted the June 30, 2023 Unaudited Financial Statements, as presented.

MANAGER MATTERS

Underdrain/Groundwater Homeowner Complaints – Executive Session: Upon a motion duly made by Director Joyner, seconded by Director Dickey and, upon a vote, unanimously carried, the Board entered into executive session pursuant to Sections 24-6-402(4)(b) and (e), C.R.S., for the purpose of (1) receiving legal advice related to questions concerning construction, conveyance, ownership, liability and related matters involving underdrain improvements and groundwater issues; and (2) determining positions relative to underdrain and ground water issues that may be subject to negotiations and developing strategy for negotiations, at 5:50 p.m.

The Board exited out of executive session at 6:43 p.m. No action was taken.

Public Comment:

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- Robert Aamodt, 7314 Antelope Meadows: Mr. Aamodt commented on Director Haas's resignation, asking how many Board positions are allowed, will there be a special election, what is the process to fill the vacancy and will the notice of vacancy be made public?
- Christina Welch, 7225 Antelope Meadows: Ms. Welch noted it has been two months since her comments at the previous Board meeting, she has not received any response from management and sees a lack of concern from the District.
- Kayla Higbee, 7235 Antelope Meadows: Ms. Higbee commented on the Board representation of the community and community Facebook page disagreements. She noted residents have a right to be heard and the underdrain issues need to be investigated. Ms. Higbee also requested that future meetings be held in-person.
- Rosie Jacklyn: Ms. Jacklyn noted the District, County and developer had knowledge of the high groundwater for eight years. She asked where residents can find and review recordings of the meetings? Attorney Vander Wall and Mr. Miller noted that the meetings are not recorded. Only the Executive Sessions are recorded.
- Bertha MacMillan: Ms. MacMillan asked if the names, titles and addresses for the Board members are publicly available on the website, noting it would be helpful if it were more clear who the Board members are.
- Joseph Gary: Mr. Gary noted action on the underdrain needs to be taken and the Board does not seem to be doing so. He also noted that all records should be public information and reiterated the need for action.
- Kyle Geitzenauer, 7445 Antelope Meadows: Mr. Geitzenauer commented on the utilities and responsible parties. He stated there is no contract in place regarding the underdrain and the water/sewer was contracted to Woodmen Hills. He is concerned and wants to see the records regarding the underdrain and high groundwater, drainage plan, pipework installed, etc. Mr. Geitzenauer stated action is needed to fix the issues, noting the record rain statements are inaccurate and not the cause.
- Renee Kimble: Ms. Kimble requested any investigative reports on what the District has done to be made public.
- Water Fee: This issue already affects the neighborhood, will worsen and needs action regardless of documented obligation.
- Chris Higbee: Mr. Higbee noted not seeing or feeling any support from the District. It has been two months since the last meeting and will be two months until the next meeting. He stated the schedule is not acceptable. Mr. Higbee noted concern for the problems getting worse with flooding, standing water and road damage.
- Nathan Elwick: Mr. Elwick noted concerns for the surface water and impacts through the winter with ice buildup.

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- Christina Welch: Ms. Welch noted that residents know the District's "real motivations" for not accepting responsibility. The Community pressure will continue to build. Upper Black Squirrel Creek Groundwater Authority is aware of the underdrain issues, tax dollars used for necessary facilities and operations.
- Robert Aamodt: Mr. Aamodt noted the sump pumps could fail and overflow/damage the sewer lines which would increase flooding in all of the homes.
- Bill Irvine: Mr. Irvine asked if the Board is responsible to care for the community and find answers? He asked why they won't answer any questions? Mr. Irvine asked if the Board was elected and why there are no answers?
- Joshua Whittle: Mr. Whittle questioned on manager matters on the agenda regarding the detention basin.
- Lizzie X: questioned whether residents can sell water being pumped to the golf courses in the area?
- Renee Kimble: Ms. Kimble asked what the project is that is being dredged west of Golden Sage?
- Katherine Koteles: Ms. Koteles questioned the underdrain system and the District's apparent lack of obligation. Neighbors are having constant issues. Ms. Koteles has concerns regarding the previous County involvement in drainage issues in 2015. She would like District money to be used to educate residents and address the underdrain problems.
- Brittney Antonetty-Lizardi: Ms. Antonetty-Lizardi asked whether the District will fix the flood damage to the homes that have been affected?
- Unidentified Public: Noted concern for cleanliness of the surface water from the sump pumps and children playing in the water.
- Unidentified Public: The District is not treating the issue and asked if homes are sellable in this condition?
- Nathan Elwick: Mr. Elwick asked for information regarding personal information being stored or recorded during a meeting.
- Christina Welch: Ms. Welch asked if a recording of the executive session is available? She further stated it makes no sense to neglect the system. It runs along sewer lines and damage to the lines would require the District to fix them.
- Misty Hopp, 6843 Hidden Haven Way: Ms. Hopp noted several homeowners have discussed being affected by flooding, as well as several more affected that were not mentioned.

Proposal from Hammers Construction, Inc. for stormwater site cleanup in the amount of \$3,720.00: Mr. Miller and Mr. Hiem reviewed the proposal with the Board. No action taken.

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Proposal from Bailey Land Solutions, LLC for the extended detention basin maintenance and repair in the amount of \$6,952.00: Mr. Miller and Mr. Heim reviewed the proposal with the Board. Following discussion upon a motion duly made by Director Dickey, seconded by Director Joyner and, upon vote, unanimously carried, the Board approved the proposal from Bailey Land Solutions, LLC for the extended detention basin maintenance and repair in the amount of \$6,952.00, subject to legal review and District form contract.

Snow Removal Services Agreement with Landscape Endeavors for 2023-2024 season: Mr. Miller reviewed the Agreement with the Board. Following discussion, upon a motion duly made by Director Dickey, seconded by Director Joyner and, upon vote, unanimously carried, the Board approved the Snow Removal Services Agreement with Landscape Endeavors for 2023-2024 season.

Manager Report: Mr. Miller reviewed management items not previously discussed.

ENGINEERING MATTERS

Engineer Report: Mr. Mangino reviewed the Engineer Report with the Board. He noted that the LFH2 test pumping is complete and the electric disconnect in the well is complete.

LEGAL MATTERS

IGA with Woodmen Hills Metropolitan District; Executive Session, pursuant to Section 24-6-402(4)(b) and (e), C.R.S., for the purpose of (1) receiving legal advice related to questions concerning intergovernmental agreement(s) for the provision of sewer and water taps / services between the District and Woodmen Hills Metro District; and (2) determining positions that may be subject to negotiations and developing strategy for negotiations: Upon a motion duly made by Director Joyner, seconded by Director Ganaway and, upon a vote, unanimously carried, the Board entered into executive session pursuant to Section 24-6-402(4)(b) and (e), C.R.S., for the purpose of (1) receiving legal advice related to questions concerning intergovernmental agreement(s) for the provision of sewer and water taps / services between the District and Woodmen Hills Metro District; and (2) determining positions that may be subject to negotiations and developing strategy for negotiations at 7:35 p.m.

The Board exited out of executive session at 7:54 p.m. No action taken.

2023 Legislative Updates:

- i. Annual Meeting
- ii. Annual Report

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Attorney Vander Wall provided an update on recent legislative changes and the District's obligations.

DIRECTOR MATTERS

The Board acknowledged the resignation of Kevin Haas. Discussion ensued regarding the process to fill the vacancy. The Board directed management and legal to post the Notice of Vacancy on the website and facilitate interested individuals.

Ms. Bartow requested Directors Schuhmacher and Ganaway be added as signers to the District's bank account, and that Director Joyner be added to the systems to approve District invoices in order to replace Mr. Haas.

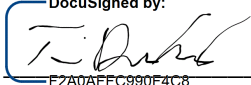
OTHER BUSINESS

None.

ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Director Joyner, seconded by Director Dickey, the Board adjourned the meeting at 7:57 p.m.

Respectfully submitted,

By  Secretary

Certificate Of Completion

Envelope Id: B6D4D157643340DFA10917F218B67B80	Status: Completed
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Client Name: Falcon Highlands MD	
Client Number: 50085A0	
Source Envelope:	
Document Pages: 15	Signatures: 4
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Kathy Suazo
Time Zone: (UTC-06:00) Central Time (US & Canada)	220 S 6th St Ste 300
	Minneapolis, MN 55402-1418
	Kathy.Suazo@claconnect.com
	IP Address: 24.9.186.151

Record Tracking

Status: Original	Holder: Kathy Suazo	Location: DocuSign
12/29/2023 4:36:34 PM	Kathy.Suazo@claconnect.com	

Signer Events

Tonia Joyner
 tjoyner.fhm@gmail.com
 President
 Security Level: Email, Account Authentication (None)

Signature

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 Signature Adoption: Drawn on Device
 Using IP Address: 174.234.20.3
 Signed using mobile

Timestamp

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Electronic Record and Signature Disclosure:
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Timothy Dickey
 tdickey3@gmail.com
 Secretary
 Security Level: Email, Account Authentication (None)

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Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp

Catherine Bright
 cbright@svwpc.com
 Security Level: Email, Account Authentication (None)

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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Certified Delivered	Security Checked	1/1/2024 11:44:50 AM
Signing Complete	Security Checked	1/1/2024 11:49:45 AM
Completed	Security Checked	1/2/2024 12:45:19 PM

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