

# RECORD OF PROCEEDINGS

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

- Held March 11, 2019 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:
- Kevin Haas, Treasurer  
Tim Dickey, Secretary
- Absent: Tonia Joyner
- Others in attendance:
- Josh Miller, Chelsea Gondeck & Carrie Bartow; CliftonLarsonAllen LLP  
Barbara Vander Wall; Seter & Vander Wall, P.C.  
John McGinn; JDS-Hydro Consultants, Inc.  
Sherrie Tix, Rolling Thunder Business Park Property Owner
- Call to Order Director Haas noted that a quorum of the Board was present and called the regular meeting of the Board of Directors of the Falcon Highlands Metropolitan District to order at 5:37 p.m and excused Director Joyner.
- Approval of Agenda Upon a motion duly made by Director Haas, seconded by Director Dickey and, upon vote, unanimously carried, the Board approved the agenda as presented.
- Community Comment Sherrie Tix introduced herself to the Board as a property owner in the Rolling Thunder Business Park and noted her interest in water for potential development in the Business Park.
- Consent Agenda
- A. Consider Approval of January 14, 2019 Regular Meeting Minutes
  - B. Review and Consider Approval of December 31, 2018 and January 31, 2019 Unaudited Financial Statements
  - C. Review and Consider Approval of Current Claims

# RECORD OF PROCEEDINGS

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

Manager Matters A. Manager Report

Mr. Miller reviewed the Manager's Report with the Board. Director Haas questioned the need to re-evaluate water capacity of the District. Mr. McGinn recommended revisiting after further development and for updated reporting data due to changes in monitoring and operations of the plant.

B. Review and Consider Approval of Timberline Proposal for Weed Mitigation

Following discussion, upon a motion duly made by Director Haas, seconded by Director Dickey and, upon vote, unanimously carried, the Board approved the Timberline Landscaping Inc. proposal for weed mitigation.

C. Other

None.

Financial Matters None.

Legal Matters A. Legal Report

Ms. Vander Wall reviewed the legal report with the Board.

B. Review and Consider Approval of Operations Intergovernmental Agreement with Woodmen Hills Metro District

Ms. Vander Wall reviewed the intergovernmental agreement between the District and Woodmen Hills Metropolitan District with the Board. The IGA provides an arrangement for WHMD to provide water operations and landscape operations on behalf of Falcon. WHMD currently provides such services to other nearby areas. The proposed agreement would allow the costs to be spread out over a larger area, provide efficiencies and reduction in costs to benefit the constituents.

The Board discussed the proposed IGA, including the services to be provided and the compensation arrangement. Following discussion,

# RECORD OF PROCEEDINGS

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upon a motion duly made by Director Dickey, seconded by Director Haas and, upon vote, unanimously carried, the Board approved the Operations Intergovernmental Agreement with Woodmen Hills Metro District with flexibility to make necessary modifications as appropriate.

## C. Discussion of Rules and Regulations and Collection Policy

Ms. Vander Wall discussed the need for the District Board to adopt an official set of Rules and Regulations to provide guidance to developers, property owners, and customers within the District on operations and activities. The proposed Rules and Regulations would incorporate such rules and guidelines previously adopted by the Board through resolutions and standard practice, including standards for the District's collection of unpaid charges and fees. The Board agreed to proceed with the drafting of the rules and regs, and discussed making the District's rules and regulations compatible with those of Woodmen Hills Metropolitan District, as appropriate, based on the similarities in their operations. A draft is expected to be presented at the May meeting.

(The Executive session was deferred until after Engineering Matters discussion.)

Engineering  
Matters

## A. Engineering Report

Mr. McGinn reviewed the engineering report with the Board. He noted that the District has resolved the compliance notification regarding lead and copper. The engineers are currently working on catching up on the water pumping data. Mr. McGinn provided a summary of the initial walk-through of the plant. He noted that there are problems with the District's wash tank, that may cost between \$10,000 and \$50,000, depending upon further findings. Director Haas described his assessment of the District's computer system and components. The Board discussed the placement of meters on residential properties.

Legal Matters  
(Cont'd)

## A. Executive Session.

Upon a motion duly made by Director Haas, seconded by Director Dickey and, upon vote, unanimously carried, the Board approved the motion to enter into executive session, pursuant to §§ 24-6-402(4)(a) & (b), C.R.S. for the purpose of considering and receiving legal advice and discussion of offers and negotiations related to the eminent domain acquisition of District-owned real property by El Paso County. The Board, including legal, management, and financial consultants entered

## RECORD OF PROCEEDINGS

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executive session at 6:55 p.m. The executive session ended at 7:08 p.m.; the Board confirmed that no actions were taken during the executive session.


The Board authorized the consultants to negotiate with El Paso County on offers for District-owned property based on the discussions held.

Director Items           None.

Other Business       A. Set Next Board Meeting – Monday, May 13, 2019 at 5:30 p.m.

A quorum for Monday, May 13, 2019 was confirmed.

Adjournment       Upon a motion duly made by Director Dickey, seconded by Director Haas and, upon vote, unanimously carried, the Board adjourned the meeting at 7:09 p.m.

  
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Secretary for the Meeting