

MINUTES OF A REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
FALCON HIGHLANDS METROPOLITAN DISTRICT (THE “DISTRICT”)  
HELD  
October 14, 2024

A regular meeting of the Board of Directors of the Falcon Highlands Metropolitan District (referred to hereafter as the “Board”) was convened on Monday, October 14, 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  
Ainsley Lyra Sinclair, Secretary  
Robert Aamodt, Treasurer  
Joshua Whittle, Assistant Secretary  
Curtis O. Fletcher, Assistant Secretary

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  
Bret Swigle\*, W.W. Wheeler & Associates, Inc.  
Carter Bullion\*; Woodmen Hills Metropolitan District  
Myra Hale, Debra Chase, Debbie Shay, Tony Porter, Cristina Welch; Members of the Public

[\*Arrived / departed where indicated.]

ADMINISTRATIVE MATTERS

**Call to Order and Agenda:**

The meeting was called to order at 5:34 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 Aamodt and, upon vote, unanimously carried, the Board approved the Agenda, as presented.

**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.

**September 9, 2024 regular Board meeting minutes:**

Following review, upon a motion duly made by Director Joyner, seconded by Director Whittle and, upon vote, unanimously carried, the Board approved the September 9, 2024 regular Board meeting minutes, as presented.

**Public Comment:**

There were no public comments.

**Woodmen Hills Metropolitan District Presentation:** Carter Bullion presented the sewer rate change, and discussed a proposed Amended and Restated Intergovernmental Agreement, which includes certain revisions to the rate structure for commercial property. Discussion ensued regarding savings for homeowners and expectations to commercial property owners. There was further discussion regarding the draft IGA to replace the current Intergovernmental Agreement with the Woodmen Hills Metropolitan District. Mr. Bullion reported there is a \$67,000.00 difference in the commercial service costs to the residential costs. The commercial gap is covered by the residential costs across Falcon Highlands and Woodmen Hills.

Mr. Bullion discussed tap fees, noting Woodmen Hills currently receives \$5,000.00 per SFE, and does not distinguish between residential and commercial. He noted the tap fees do not impact existing taps, only new builds.

Mr. Bullion discussed the Woodmen Hills Metro District Rules and Regulations, noting they were updated in 2023, and track CSU's policies. He discussed the benefits of having rules and regulations, which provide policies and procedures to follow and can be used by the Districts' shared water operators. Ms. Vander Wall reported the District does not have written rules and regulations currently in place for Falcon Highlands, with certain exceptions, and noted the intent has been to adopt Woodmen Hills' rules, to the extent they are compatible with Falcon Highlands' needs. It was noted that Falcon Highlands has adopted the Woodmen Hills specifications.

Discussion ensued regarding the process for shutting off water connections to non-paying customers, meter replacements, lack of reading data, water tap fees and services. There was further discussion regarding the timeline to adopt Rules and Regulations.

[\*Mr. Bullion departed at this time.]

**FINANCIAL MATTERS**

**Previous claims and current claims:**

Ms. Bartow reviewed the claims with the Board for the period of September 4, 2024 through October 11, 2024. Discussion ensued regarding ratifying the previous months' claims for the prior three periods that have been deferred. Director Aamodt asked about outstanding invoices from before joining the Board. Ms. Bartow and Mr. Bourgouin will address. Director Aamodt asked about additional detail for the RESPEC invoices. Discussion ensued. 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 from the prior periods as previously presented, and the current claims.

### **September 30, 2024 Unaudited Financial Statements, Cash Position Schedule and Property Tax Schedule:**

Ms. Bartow reviewed the Unaudited Financial Statements, Cash Position Schedule and Property Tax Schedule with the Board. Following discussion, upon a motion duly made by Director Fletcher, seconded by Director Joyner and, upon vote, unanimously carried, the Board accepted the September 30, 2024 Unaudited Financial Statements, Cash Position Schedule and Property Tax Schedule, as presented.

### **Review and Discuss Draft 2025 Budget:**

Ms. Bartow presented the draft 2025 budget to the Board. She noted that it is structured as revenue neutral for property taxes. She reviewed the budget timeline under Colorado statutes, which include deadlines to certify a mill levy by December 15, and file the approved budget by January 30, 2025. A public hearing on the 2025 budget is scheduled to be held at the District's November board meeting.

## **MANAGER MATTERS**

Mr. Miller updated the Board on the underdrain and cleanout. He noted that \$75,000.00 was authorized on the Rolling Thunder Way cleanout work, the Beers' contract is executed and the plan is for the work to start the last week of October; the services are expected to come in at approximately \$75,000, with the UMI scoping included. Discussion ensued regarding the costs associated with the scoping and installation of a cleanout in the roadway outside the Geitzenauer residence, to avoid accessing private property. The plan is to add cleanout in the street and scope up the service line to determine where the issues may exist. Mr. Miller questioned the cleanout cost. Mr. Mangino discussed the breakdown of costs, which may be greater due to the depth of drilling required for cleanout installation.

Discussion ensued regarding the Geitzenauer connection, noting the service line along the property and potential issues are from the street to under the driveway or along the north side of the home. The additional work would require an amendment to the contract to add the Rolling Thunder Way cleanout with an increased not-to-exceed compensation amount.

There was further discussion regarding including additional cleanout (install and set at grade), and the costs. The Board directed management and engineering to obtain a proposal

for the cleanout install and scoping up the drive line before the additional authorization can be made.

Mr. Miller discussed working on proposals for pest control. Discussion ensued regarding pocket gophers, voles and prairie dogs.

## ENGINEER MATTERS

### **Engineer Report:**

Mr. Mangino reviewed the report included in the meeting packet, noting Beers/UMI are expected to start Rolling Thunder Way work at the end of October. There was discussion of cleanout lifts and County paving of Rolling Thunder Way to follow.

### **September 24<sup>th</sup> site visit of treatment plant and District facilities:**

Mr. Miller discussed the site visit and the noted concerns for IT infrastructure improvements.

## LEGAL MATTERS

There were no legal matters presented at this time.

## DIRECTOR MATTERS

There were no Director matters presented at this time.

## OTHER BUSINESS

There were no other items of business presented at this time.

[\*Mr. Swigle arrived prior to this time.]

## EXECUTIVE SESSION

Upon a motion duly made by Director Joyner, seconded by Director Fletcher and, upon vote, unanimously carried, the Board entered into Executive Session at 7:25 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 8:37 p.m., noting that no action had been taken.

**OTHER BUSINESS (cont.):**

Upon a motion duly made by Director Aamodt, seconded by Director Joyner and, upon vote, unanimously carried, the Board directed its water engineer to file the proposed technical memo with the State, authorized delivery of a response letter to El Paso County, and to consider the proposed Woodmen Hills Metropolitan District commercial usage rate changes at its next meeting.

**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 Whittle, the Board adjourned the meeting 8:38 p.m.