

# RECORD OF PROCEEDINGS

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## MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS

OF THE

### HERITAGE TODD CREEK METROPOLITAN DISTRICT

Held: Monday, January 22, 2024 at 1:00 p.m., 8455 Heritage Drive, Thornton, CO 80602.

#### Attendance

The regular meeting of the Board of Directors of the Heritage Todd Creek 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:

Rod Stone, President  
Paul Ozanich\*, Vice President (participating by phone)  
Robert Tade, Treasurer  
John Laatsch, Secretary  
Jon Rarick, Asst. Secretary

Absent: None.

Also in attendance were: Barbara T. Vander Wall and Joel Drew, Seter & Vander Wall, P.C.; Diane Wheeler\*, Simmons & Wheeler, P.C.; Brandon Collins (by phone), IDES; Melissa Kupferer, AdvanceHOA, District Manager; and the following residents/members of the public: Jim Mudd, Tim and Leslie Jimmerson, Steve Patten, and Cathy Drozda,

[\*Arrived/departed where indicated.]

#### Call to Order

Director Stone noted a quorum of the Board was in attendance and called the regular meeting of the Board of Directors of the Heritage Todd Creek Metropolitan District to order at 1:00 p.m.

#### Conflict of Interest / Disclosure Matters

The Board had been previously advised that pursuant to Colorado law certain disclosures by the Board members may be required prior to taking official action at the meeting. Legal counsel advised that written disclosures of the conflicts of interest for each Director had been filed with the Secretary of State prior to the meeting.

# RECORD OF PROCEEDINGS

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No additional conflict disclosures were announced.

## Approval of Agenda

The Board reviewed the agenda. Upon motion, second and unanimous vote, the agenda was approved as presented.

## Approval of Minutes

The Board reviewed the draft minutes of the November 27, 2023 special meeting and the November 27, 2023 annual meeting. Upon motion duly made, seconded and unanimously carried, both sets of minutes were approved as presented.

## Public Comment

A homeowner presented a question regarding whether the meetings are made available via Zoom, and whether the District's budget is available for viewing on its website. Director Stone responded that during COVID the meetings were held via Zoom, but since that time the meetings are typically held in person. The District's budget is posted on its website.

A question was asked about sidewalk hazards in the north area. Director Stone noted that this area is still owned by the developer, and that a walkthrough is expected to take place this Spring prior to conveyance of the facilities to the District for any repairs or deficiencies.

A question was asked about pet stations in that area. Director Rarick noted that this has been requested but it remains Lennar's property. A question was asked about golf cart crossing at certain golf holes, noting the intersection may be dangerous. The homeowner will follow up with identifying the location on a map.

## Annual Administrative Matters:

Ms. Vander Wall discussed a number of administrative matters with the Board, which are generally addressed at the Board's first meeting of the year, in accordance with Colorado laws.

- Director Qualification

Ms. Vander Wall asked the Directors to complete a statement of qualification of director which she distributed to each Director, confirming the Directors' qualifications to serve on the Board. Ms. Vander Wall asked that all documents be returned to her office as soon as practicable.

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- Disclosure and Conflicts of Interest

Ms. Vander Wall asked the Directors to review the information provided to each Director by her firm, describing how to identify

# RECORD OF PROCEEDINGS

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a conflict of interest, and the requirements under Colorado law for disclosure of such conflicts of interest by each Director. Ms. Vander Wall asked each Director to review the contents of the letter, and to identify all existing and potential conflicts of interest each Director may have in connection with serving as a member of the Board of the District, and to complete the attached disclosure forms to be returned to her office.

- Annual  
Administrative  
Resolution

Ms. Vander Wall presented the annual administrative resolution for discussion.

The Board reviewed and determined to continue to use its existing newspaper publication designated for publication of legal notices, identified as the *Northglenn-Thornton Sentinel*.

Next, the Board designated its 24-hour posting place for meeting notices that are not otherwise posted under Title 32, C.R.S. as the clubhouse at 8455 Heritage Drive in Thornton, Colorado. Meeting notices will be posted on the District's website at least 24 hours prior to the meetings.

The Board determined that its regular meeting schedule will continue to be the fourth Monday of odd-numbered months starting in January. The meetings will be held at 1:00 p.m. at the clubhouse located at 8455 Heritage Drive, Thornton, Colorado.

The Board reviewed the existing slate of officers of the Board.

The Board reviewed the engagement of its consultants, Seter & Vander Wall, P.C. serving as the District's legal counsel, Simmons & Wheeler P.C., serving as the District's accountant, IDES, serving as the District's engineer, and AdvanceHOA, serving as the District's administrator, and determined to renew its consultants for 2024.

Finally, the Board reviewed the proposed form of resolution presented by Ms. Vander Wall which memorializes the above determinations in addition to certain other administrative actions providing direction regarding actions to be taken by the District's consultants on behalf of the Board.

Upon motion made by Director Tade, and second by Director Laatsch, and unanimous vote, the Board approved the Resolution as presented, subject to confirmation with Director Ozanich.

# RECORD OF PROCEEDINGS

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## Financial Matters:

- Financial Report

Ms. Wheeler reviewed the financial report with the Board, dated November 30, 2023. She noted that the District has closed out the last builder fee owed by Lennar. Upon motion by Director Laatsch, second by Director Rarick, and unanimous vote, the Board accepted the financial statements as presented.

[\*Director Ozanich joined the meeting by telephone during this discussion.]

There were no other financial matters brought forward at this time.

- Payment of Claims

Ms. Wheeler reviewed the claims for the period through January 17, 2024, in the total amount of \$297,547.47 for approval, which includes accounting, legal, insurance, engineering, audit, District management, gate repairs, street repairs, lighting repairs, irrigation repairs, snow removal, detention pond cleanout, and holiday lighting costs. Upon motion, second and unanimous vote, the Board approved the claims as presented.

The Board reviewed the list of the held invoices totaling \$32,262.96, for handyman, collections/postage/printing, and landscaping maintenance costs. Ms. Kupferer advised that she would provide a detailed explanation for the handyman and collection/postage/printing costs after some research. Director Stone discussed the pending October invoice for Brightview landscape maintenance costs, stating the costs exceed the services performed. The Board discussed the discrepancy in the services and amounts, and authorized Director Stone to prepare a letter to BrightView which describes the deficiencies, and to negotiate an acceptable reduction in the invoice.

[\*Ms. Wheeler left the meeting following this discussion.]

## Committee Reports

- Budget Committee

Director Ozanich stated that there was no update from the budget committee at this time.

- Engineering Committee

District engineer Brandon Collins provided an update on the traffic calming coordination for Heritage Drive; the proposed street repairs / mill and overlay for 2024; and the status of the preliminary and final acceptance procedures for Amendments 10 and 11.

# RECORD OF PROCEEDINGS

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Mr. Collins suggested that the District go out to bid for the mill and overlay work on Heritage Drive; Director Stone noted that he'd requested Lennar to fund this cost, which was rejected. Mr. Collins asked if there is continued construction traffic in this area, and was advised that the streets have a lot of use by landscape contractors but not construction traffic. Director Stone agreed with the proposal to lock in pricing now; Director Tade asked about including cul de sac areas. Mr. Collins suggested that IDES would work with the engineering committee to identify the appropriate areas for the scope of work. Director Laatsch asked about the structural integrity of the road versus the need for mill and overlay. The Board agreed to identify the appropriate contractors, and to work with AdvanceHOA regarding resident access, gate use, and similar issues in connection with the project.

The Board discussed the Amendments 14 and 16, and procedures for acceptance of landscaping in these areas. Ms. Vander Wall noted that there is a form of warranty agreement that the District has historically used in connection with the acceptance of landscaping improvements.

- Landscape Committee  
/ Community  
Landscaping  
Advisory Special  
Committee:

Director Stone reviewed the activities expected to be performed as part of the landscape refurbishment budget, including dead tree removal by Bartlett and cobble work to replace mulch. He noted that there is a lot of overlap between the Bartlett contract and the Vargas contract, which needs to be corrected; he has had conversation with Vargas about eliminating certain portions of its scope.

Director Stone suggested the addition of "landscape snow" to the Board's meeting agenda. He has had a complaint about clearing streets, which is subject to a 2" trigger depth for removal. He believes it is better to leave snow on the streets where possible, to eliminate the pile-up of snow in the community, with safety issues taken into consideration. Director Rarick suggested a re-check on the sidewalk for blowing snow.

Director Stone thanked Ms. Denise Stovall for her service on the landscape committee. He noted the priorities for the committee to have a "sustainability" focus, and include dead tree replacement, irrigation audit, cobble replacement of existing mulch, drainage issues.

# RECORD OF PROCEEDINGS

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He has asked Golf Acquisitions (“Golf”) to provide a” beauty band” along the north and south entrance.

- Traffic Calming  
Special Committee

Director Ozanich presented the traffic calming committee report to the Board, noting that the committee has prepared a report without recommendations on costs at this time, resulting from the review of the speed study performed. He noted that in general, traffic is not too bad, with certain exceptions.

Ms. Leslie Jimmerson and Ms. Cathy Drozda, noted that the committee met on January 5, 2024, with not all members present. On behalf of the traffic calming committee, Ms. Jimmerson and Ms. Drozda presented the recommendations made by a majority of the committee for 2024, to include (1) maintaining current mobile speed indicators; (2) pruning trees to increase visibility; (3) conducting a survey of residents along Uinta regarding their concerns; (4) purchasing two additional mobile speed indicators to move throughout the community as needed; (5) asking the City to borrow a trailer-based speed indicator; (6) employing a traffic engineer to study a raised platform for speed reduction on Uinta.

The Board discussed the recommendations, including potential problems such as the impact of speed bumps on emergency vehicles, and costs. There was consensus by the Board that the first four items were acceptable, subject to research regarding cost and identifying locations for the mobile speed indicators which may be borrowed from the City. The Board discussed whether to modify the scope of the committee, and noted that the current scope should remain in place as the committee fine tunes things. Ms. Jimmerson noted her personal concern regarding Ehler Parkway as a main arterial, versus fixes on Uinta which accommodate a limited number of residents. It was suggested that concerns be considered on a global basis.

Manager’s Report:

Ms. Kupferer reviewed her monthly report with the Board, including maintenance activities, current projects and action items. She reviewed the spreadsheet of current open items, and noted the recently added items. She is waiting on additional pricing from Vargas for the cobble replacement project. She has a work order in place with DGO for the Yosemite gate to allow it to lock open during snow events. She is looking into the ownership of the mailbox cluster for potential repairs. She is looking into a proposal for new key pads for the gates.

# RECORD OF PROCEEDINGS

---

The Board discussed the need to make the “man gates” accessible to the public, noting that they are currently locked with keys available to residents. The Board agreed to make keys available to non-residents for a fee; Director Laatsch agreed to work with legal counsel on appropriate signage.

The Board discussed a policy for meeting materials and distribution to Board members. It was agreed that legal counsel would work with AdvanceHOA for having meeting packets done and out by close-of-business on the Wednesday prior to the Monday meeting.

- Vargas Proposal for Ornamental Grass Cutting

Ms. Kupferer presented Vargas’ proposal for ornamental grass cutting, in the amount of \$13,104, to be performed as an “Additional Service” under its contract. The Board discussed the possibility of a reduction in price to be negotiated by Director Stone. Upon motion, second and unanimous vote, the Board authorized the proposal subject to any negotiated price reductions.

- Page Specialty Proposal for Cluster Mailbox Repairs

Ms. Kupferer presented a proposal for cluster mailbox repairs from Page Specialty Co., in the amount of \$2,579.90. She noted that she is still researching the maintenance and repair responsibilities for the cluster mailbox, to confirm District versus HOA responsibilities. She will get back to the Board on this research.

## Legal Status Report:

Ms. Vander Wall referred the Board to her legal status report, and reviewed the pending items.

- 2024 Bartlett Tree Experts Agreement for Tree Services

The Board reviewed the proposed agreement for 2024 basic tree services to be performed by Bartlett Tree Experts, in the amount of \$84,860. Upon motion, second and unanimous vote, the Board approved the agreement for the basic tree services as presented.

- Dead Tree Removal (Additional Services under Bartlett Agreement)

The Board next reviewed the Additional Services for the removal of dead trees and stump grinding in the amount of \$15,050, to be performed by Bartlett pursuant to the terms and conditions of the 2024 agreement.

# RECORD OF PROCEEDINGS

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Upon motion, second and unanimous vote, the Board approved the proposal for additional services to remove dead trees, as presented.

- Cobble Project / Flower Project

The Board discussed the refurbishment projects, noting that it needed to review the specific projects and their costs for approval, within the overall refurbishment budget. Director Stone stated that the removal of the dead trees and stump grinding, the cobble replacement project, and the spring flower planting, have the highest priority at this time. After additional discussion including projected cost estimates for the cobble work, the Board authorized the amount of up to \$80,000 for the cobble replacement project, and up to the amount of \$25,000 for the annual flowers planting project. It was noted that the contracts for services would be presented to the Board at the next meeting for ratification.

- Golden Painting Agreement for Stucco Fence

The Board discussed the proposal for the crack fill and painting services to be performed by Golden Paining in the amount of \$3,200. Director Stone noted that this project was deferred from a year ago, pending completion of Lennar landscape activities. Lennar has agreed to reimburse the District the amount of \$600 for fixing the stucco cracks. Upon motion, second and unanimous vote, the Board approved the agreement for services as presented.

- Streamline Website Services

Ms. Vander Wall presented the form of web services agreement to be performed by Streamline for an annual fee of \$960 and no cost for the migration of the website. Upon motion, second and unanimous vote, the Board approved the Streamline website services agreement as presented.

## Other Business:

- Board Officers / Annual Admin Resolution

The Board discussed the officers of the Board; Director Ozanich suggested that due to his circumstances, he would like to step down from vice presidency, and take on the role of assistant secretary; he recommended Director Rarick take over the vice presidency role. After further discussion and upon motion, second and unanimous vote, the Board approved a modification of the officers of the Board as follows:

Rod Stone, President/Chair  
Jon Rarick, Vice President  
Robert Tade, Treasurer  
John Laatsch, Secretary  
Paul Ozanich, Asst. Secretary



# RECORD OF PROCEEDINGS

---

It was agreed that the annual administrative resolution would be updated to modify the officers as discussed.

- Golf Cart

Director Stone reported that the golf cart that the District shares with the HOA no longer serves any purpose to the District; he has identified a potential buyer of the golf cart. The Board agreed, noting that this will affect the District's insurance and will require an amendment to the golf cart sharing agreement with the HOA. Ms. Vander Wall agreed to review the appropriate agreement changes for approval by the Board and the HOA. Upon motion by Director Rarick, second by Director Laatsch, the Board authorized the sale of the golf cart for \$500 or best offer.

- Other

It was noted that the District owns 7 containers of holiday lights currently in storage. AdvanceHOA will review to see what works and what can be discarded. Director Rarick suggested looking into getting power to the District's gates for the next holiday season.

Director Stone reported that he has asked JC Landscapes about the finish of the gates, which includes take down, sandblast and power coat. Ms. Kupferer stated that she will get pricing from DGO Access for this.

It was noted that the District now has keys to the pet stations; the District will order bags to be delivered to Vargas for installation, as a more cost-effective solution.

Director Ozanich asked about electricity for the gates, and whether this requires going through back yards. The project monument lights at Yosemite are now working.

Public Comment

There was a comment regarding the speed limit signs, noting that there is one going south, but not one going north.

There was no additional public comment presented at this time.

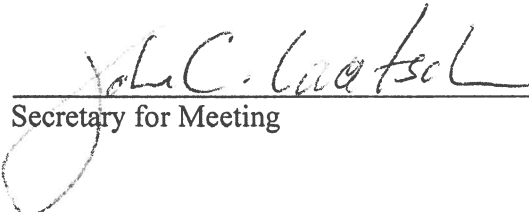
## RECORD OF PROCEEDINGS

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### Adjournment

The next regular meeting of the Board of Directors is scheduled for March 25, 2024 at 1:00 p.m.

The meeting was adjourned at approximately 4:03 p.m.

  
Secretary for Meeting

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