

# **RECORD OF PROCEEDINGS**

**MINUTES OF A REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
HERITAGE TODD CREEK METROPOLITAN DISTRICT  
HELD  
MONDAY, SEPTEMBER 23, 2024**

A regular meeting of the Board of Directors of the Heritage Todd Creek Metropolitan District was convened on Monday, September 23, 2024 at 1:00 p.m. at 8455 Heritage Drive, Thornton, Colorado 80602.

## IN ATTENDANCE:

Rod Stone, President  
Paul Ozanich, Assistant Secretary  
John Laatsch, Secretary  
Jon Rarick, Vice President  
Robert Tade, Treasurer

Absent: None.

Also present were:

Barbara T. Vander Wall, Esq. and Paul J. Polito, Esq., Seter, Vander Wall & Mielke, P.C.  
Georgia Harland, Simmons & Wheeler, P.C.  
Cody Conry, IDES  
Melissa Kupferer, Advance HOA, District Manager  
Stan Sheets, 14901 Quince Way; Tim and Leslie Jimmerson, 15547 Valentia St; Marc Trost, 14838 Syracuse Way; Barbara Balcazar, 15520 Xanthia Ct.; Members of the Public.

## 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.

No additional conflict disclosures were announced.

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## 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 July 22, 2024 regular meeting. Upon motion, second and unanimous vote, the minutes were approved as presented.

## PUBLIC COMMENT

Mr. Sheets stated that he is pleased with the street work. He asked about the status of tree and shrub replacement.

Ms. Balcazar expressed an interest in having more exits on Yosemite.

## FINANCIAL MATTERS

### Payment of Claims:

Ms. Harland reviewed the claims no. 3255-3295 in the total amount of \$379,351.30, through September 18, 2024. Upon motion, second and unanimous vote, the Board approved the payment of claims as presented.

### Financial Report:

Next, Ms. Harland reviewed the financial report with the Board for the period ending July 31, 2024. The Board discussed that the general fund line items for tree removal and tree replacement should be moved to tree maintenance. Following further discussion, and upon motion, second and unanimous vote, the Board accepted the financial report as presented.

### Set Public Hearing on 2025 Budget:

The Board agreed to set its public hearing on the District's 2025 budget at its next meeting scheduled for November 25, 2024.

## COMMITTEE REPORTS

### Budget Committee

Director Ozanich and Director Rarick are working on putting together projections for 2025.

### Engineering Committee

On behalf of the engineering committee, Mr. Cody Conry, IDES, updated the Board on the 2024 asphalt repairs project by DACS, which is substantially complete, subject to completion

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of some punch list items. He also noted that he is working with Lennar on punch list items in connection with the preliminary acceptance process for Amendments 14 and 16. The speed indicators have been delivered, and will be installed subject to a change order in the amount of \$2,500. He is working on confirmation of maintenance responsibilities of the drainage culvert, owned by Mile High Flood District.

### Landscape Committee/Community Landscaping Advisory Special Committee

Director Stone reported on continued frustrations and concerns regarding the current landscape contractor. He noted that the District's tree contractor, Bartlett, will begin removing dead trees and stump grinding.

The community landscaping advisory special committee has determined that work should be halted until irrigation problems are resolved. Mr. Don Jensen, committee chair, reported on the broken irrigation system, noting that it is using too much water and killing plants from drowning. He recommends the District use a satellite control system to control zones, which may result in up to 25% reduction in water use. The special committee recommends approval of irrigation repair costs, the amounts are in process of being determined. Director Stone noted that the goal of the committee is to get the system up and running. Director Laatsch discussed the importance of centralized control of each irrigation zone and control of the pressure valve. He also noted the importance of operational integrity, and asked whether all the irrigation heads are working. Currently the District spends approximately \$30,000 per month on water costs for a 6-month irrigation period. Director Stone noted that the District will need to replace controllers, which is work that should take place this winter, to be ready for Spring start-up. Director Ozanich requested the cost estimates so that the amounts may be included in the budget. More information on this topic will be presented at the District's next Board meeting.

### Traffic Calming Special Committee

Director Ozanich presented the committee's recommendation to paint a bike lane along Heritage Drive, to create a bike lane of 6.5', and the remaining traffic lane 10.5'. The Board discussed the purpose of the proposed bike lane, noting that data exists which supports the narrowing of a traffic lane results in a decrease in traffic speeds. The Board discussed the anticipated use of the bike lane by golf carts in addition to bicycles, and potential issues which would require regulation and enforcement, as well as liability exposure. After further discussion, Director Ozanich made a motion to add striping for a 10.5' width along Heritage, from Uinta to Quebec, both ways, seconded by Director Laatsch, and upon a vote of two in favor, three against, the motion failed.

## MANAGER'S REPORT

### Manager's Report:

Ms. Kupferer reviewed her monthly report with the Board. The Board requested Ms. Kupferer to follow up on irrigation issues at Quebec, north of Ehler, where there are regular

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water flooding events.

### Holiday Lighting:

Ms. Kupferer reviewed two proposals received from Keesen and Mile High Lighting & Events for holiday lighting services. Following discussion, and upon motion by Director Tade seconded by Director Rarick, the Board approved the proposal from Mile High Lighting, subject to a 48-hour maintenance response time, in an amount not to exceed \$6,300.

### 2025 Landscape Services Proposals:

Ms. Kupferer reported that the District received three proposals following the issuance of the RFP for 2025 landscape services, including CoCal Landscape Services Inc., JC Landscapes, and Rocky Mountain Custom Landscapes, with a recommendation from the landscape interview committee to engage CoCal based on responsiveness and pricing, in the amount of \$176,000. It was noted that CoCal has capabilities to address the wireless irrigation system upgrades previously discussed, and other problem-solving opportunities, which will allow the District to bring its watering and irrigation system up to current standards. After further discussion, and upon motion, second and unanimous vote, the Board ratified the RFP and interview committee, and approved the proposal from CoCal, subject to a final contract satisfactory to the District.

### DGO Access Gate Repairs:

The Board authorized the proposed gate repairs presented by DGO Access.

### Termination of Tendit Group Services Agreement:

Ms. Kupferer presented a recommendation for termination of the street sweeping contract with Tendit Group Services based on deficient performance. Following discussion, and upon motion, second and unanimous vote, the Board approved the termination and proposed notice.

### Amendment to AdvanceHOA District Management Services Agreement:

Ms. Kupferer presented a proposed amendment to the existing services agreement with AdvanceHOA. The purpose of the amendment is to include website accessibility services related to compliance requirements with an additional charge of \$300 per month, an increase in the management services fee by \$75 per month, and an increase in certain administrative costs, including paper and envelopes. Upon motion, second and unanimous vote, the Board approved the proposed modifications to be incorporated into the District's form of amendment to the agreement.

### Website/Accessibility Compliance Progress:

Mr. Lane Melott was introduced from AdvanceHOA, presenting on an update on website {00759138}

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accessibility. Mr. Melott reviewed the changes made to the District’s website and discussed documentation required or recommended to be posted, and related costs. After further discussion, and upon motion by Director Stone, second by Director Ozanich, the Board designated Director Rarick to work with AHOA and legal counsel on recommendations for documents to be posted to the website and other issues related to technological accessibility for District documents.

### LEGAL REPORT

#### Legal Status Report:

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

#### Ratification of RFP for 2025 Landscape Services:

This item was previously addressed.

#### Update regarding Perimeter Trail Research:

Mr. Paul Polito updated the Board on the research regarding the perimeter trail, including pending issues of ownership and maintenance involving the District and the City of Thornton. He has not yet been able to communicate with Thornton, which is needed to collaborate on the final outcome.

#### Other:

##### DACS Change Order:

Upon motion, second and unanimous vote, the Board approved the proposed change order with DACS Asphalt and Concrete for the installation of the District’s speed indicators, in the amount of \$2,500.

##### IDES Task Order:

Upon motion, second and unanimous vote, the Board approved the proposed Task Order No. 26 with IDES, to increase the contract authorization amount by \$50,000. Director Laatsch requested that IDES prepare a base map for the District. Mr. Conry stated that he would put together a proposal for preparation of a base map, which will also include serving as a repository for various engineering-related maps.

### OLD BUSINESS

There was no old business presented at this time.

### NEW BUSINESS / OTHER BUSINESS

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## Statutory Annual Meeting:

The Board agreed to hold its statutory annual meeting following its next meeting, to take place on November 25, 2024 at 4:00 p.m.

## 2023 Annual Report:

The Board reviewed the proposed 2023 annual report required by statute. Upon motion, second and unanimous vote, the Board approved the annual report as presented.

## PUBLIC COMMENT

A member of the public reported that there are four concrete slabs in front of his house marked for removal since June. He would like to get the markings removed. Mr. Conry stated that the area was initially marked for potential repairs to be completed by the District's contractor, which was later rejected. The Board agreed that additional notice and communication would be helpful, and directed Mr. Conry to revisit the site.

There was no additional public comment presented at this time.

## ADJOURNMENT

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

The meeting was adjourned at approximately 4:10 p.m.

John Laatsch  
Secretary for the Meeting

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