

# 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, May 22, 2023 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  
Robert Tade, Treasurer  
John Laatsch, Secretary  
Jon Rarick, Asst. Secretary

Absent: None.

Also in attendance were: Barbara T. Vander Wall, Seter & Vander Wall, P.C.; Diane Wheeler, Simmons & Wheeler, P.C.; Cody Conry and Brandon Collins\*, IDES; James Schulze, CCMC, District Manager; Lucas Nishimoto, AdvanceHOA; and residents/members of the public: Ray Ribordy, Richard Bouton, Andrea Sidor, Ken and Cindy Schlessinger, Tom Gorman, William Raper, Karen Schrock.

[\*Participating via Zoom]

### 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 May 8, 2023 special meeting. Upon motion duly made, seconded and unanimously carried, the minutes were approved as presented.

Introduction of New District Management Team                      Director Stone reported that AdvanceHOA has been selected to provide District management services to the community, beginning June 1, 2023. He introduced Mr. Lucas Nishimoto, who will serve as the designated representative from AdvanceHOA for the community. Mr. Nishimoto shared his background and interest in working with the District residents.

Director Stone noted that with the transition to an off-site management company, the District Board does not have on-site printing capabilities. He asked whether the Board is interested in having paperless meeting packets electronically, or if there are other acceptable options. Ms. Vander Wall offered to bring paper copies in addition to sending the meeting packets electronically, and Ms. Wheeler offered to bring paper copies of the financial reports to the Board. The Board members agreed to work on transitioning away from paper meeting packets, but that it may take some time.

Public Comment                              Mr. Bouton introduced himself and his neighbor Andrea Sidor, who reside along Xanthia Way, in the far northeast corner of the development, where a sound wall is located. He noted that the wall has not yet been painted, and it appears to be an oversight. Director Stone advised that this may be an area where the developer delayed the painting to allow landscaping improvements to be installed. He agreed to follow up on the repair and painting obligation.

There was no other additional public comment offered at this time.

Financial Matters:  
- Financial Report /  
  Payment of Claims                      Ms. Wheeler reviewed the claims for the period through May 17, 2023, in the total amount of \$60,383.55 for approval, which includes accounting, legal, insurance and engineering costs. Upon motion, second and unanimous vote, the Board approved the claims as presented.

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Ms. Wheeler reviewed the financial statements with the Board, for the quarter ending March 31, 2023. She reviewed the District's general fund and debt service fund, and pointed out the reserve fund required in connection with the District's bonds. She offered to review in detail the financial report with the new Board members. She noted that the District has savings by avoiding the expense of an election, which savings may be applied toward the costs of transition to new District management. Beginning June 1, 2023, Simmons & Wheeler will take over the responsibility for payment of all expenditures.

## Committee Reports

### - Budget Committee

Director Ozanich stated that there is no budget activity to report on at this time, other than the legal fees exceeding the budget as a result of the unforeseen management transition. Ms. Wheeler advised that the District may look to other categories of funds to cover the amount.

### - Engineering Committee

Director Tade introduced the District's engineer, Cody Conry with IDES, to the new members of the Board. Mr. Conry reviewed the project status report with the Board, including the projected 2023 street repairs and maintenance project, following a walk-through of the community. He noted that this repair and maintenance work only pertains to District-owned streets, and not to those which are still under ownership and warranty by Lennar. The Board discussed 149<sup>th</sup> Avenue, and whether it should be excluded as being within Lennar's area of responsibility. Mr. Conry agreed to follow up on this item. The project has gone through a competitive bid process, with 8 contractors expressing interest. The project costs were estimated at \$119,000; the lowest responsive and responsible bidder was ABC Asphalt, in the amount of \$91,800, which may be adjusted by approximately \$2,700 if 149<sup>th</sup> Avenue is excluded. Based on the bids received, the recommendation is to award the contract to ABC Asphalt. Upon motion, second and unanimous vote, the Board authorized a notice to proceed to be issued to ABC Asphalt, based on the bids received and recommendation.

It was noted that the street sweeping project was scheduled for last week, and the company will be coming back to complete the work. An e-blast will be sent out to the residents with this information.

Mr. Conry presented the Board with task order no. 25, which extends the authorization for IDES engineering oversight

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services by \$35,000, and into 2024. The services include management of District contractors and coordination of infrastructure acceptance as needed. After discussion, and upon motion, second and unanimous vote, the Board approved the task order as presented.

Mr. Conry noted that he will provide the Board with maps to reflect the improvements that have been accepted.

Mr. Conry deferred discussion on traffic calming improvements to later in the meeting.

- Landscape Committee / Community Landscaping Advisory Special Committee: Director Stone reported that the District's contractor Brightview will be completing the refurbishment project by the end of May, including irrigation, cobble, new plants, etc. The special committee is looking at Brightview's work to confirm that it follows the current year and last year's plans. The temporary patch of mulch on Ehler will be filled in by Mr. Casebolt's company JC Landscapes, LLC, pursuant to the recently approved contract, after the irrigation repairs are completed. Questions were asked about the landscaping around the gates, and replacement of trees. It was noted that the perennial flowers have been installed, and that the irrigation controllers have been put in. Director Stone agreed to follow up with Brightview regarding the removal of some of dead trees along Highway 7, and regarding the overwatering observations as discussed at the last meeting.

Mr. Schulze reported that the electrical line was pulled which will allow electricity to go directly to the gates, in lieu of using the extension cord. He noted that he is still dealing with the emergency vehicle access issue, which sometimes gets stuck and prohibits the gates from closing. He will work with Advance HOA for transition of the gate transmitters and fobs.

- Traffic Calming Special Committee: Mr. Conry stated that he has reached out to contractors for the installation of the traffic calming improvements previously authorized by the Board. ABC Asphalt was able to complete the work, including back-to-back stop signs, stop bar striping, thermoplastic stop striping, and a pedestrian crossing sign along Heritage Drive, in the amount of \$13,276. The work was completed on May 4, 2023. Director Ozanich noted that the traffic calming committee is planning to do an updated traffic study; the study was originally done in 2020 by MJ Wall &

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Associates, for approximately \$4,000. The study will be repeated. The committee will be meeting on June 2, 2023, and will be looking at new proposed speed indicators. A member of the public asked about providing input to the committee regarding traffic calming; Director Ozanich stated that they can provide comments in advance or attend the committee meeting. It was also noted that there are trees blocking the stop signs. Mr. Schulze responded that the tree company has done some trimming, and it will continue to be monitored.

- Other: There were no other committee items presented at this time.

## Manager's Report

Mr. Schulze reported that he and his team are working with AdvanceHOA for the transition of District management services. The gate at Yosemite has been repaired and is now working, although there continue to be hurdles to be addressed regarding the gates. The light pole is scheduled to be removed from the homeowner's yard. As previously reported. Director Stone reported on a big hole on Heritage Drive; Mr. Schulze agreed to follow up.

## Legal Status Report:

- Resolution regarding Golf Cart Right of Way Rules on District Streets  
Ms. Vander Wall reviewed research regarding golf cart right of way rules, prior discussions, and legal liability considerations. She presented a draft resolution and simple rules regarding right of way for golf carts relative to vehicles, bicyclists and pedestrians traveling on District-owned streets. The Board discussed certain changes to be made to the rules, such that an exception was made for use of golf carts on District-owned streets for District-related maintenance purposes. The Board also discussed that the rules should be communicated to the community via website, rather than signage posting of the rules. Upon motion, second and a vote of four in favor, one against (Director Rarick), the Board approved the resolution with the changes discussed.

Additional discussion was held regarding whether to add more cross walks and whether to install "yield" signs at appropriate locations. This was determined to be further discussed as part of the traffic calming committee scope.

- 2023 Committee Resolution  
Ms. Vander Wall presented a form of resolution for designation of committee members to the existing "standing" committees.

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Following discussion, it was determined that Director Laatsch would serve on the Landscape Committee; Director Rarick would serve on the Budget and Engineering Committees. In addition, Director Laatsch would serve on the Traffic Calming “special” committee. Upon motion, second and unanimous vote, the Board approved the committee designations as discussed and directed legal counsel to revise the resolutions to reflect the updates.

- Gate Access Policy Statement

Ms. Vander Wall distributed for the Board’s review a draft policy statement for posting on the District’s website regarding the District’s gate access policy. The Board suggested certain changes, including the addition of the word “vehicle” to “Access Gate Hours,” adding the specific dates for the transition from summer to winter hours, and identifying the access gates with reference to Yosemite, Ehler and Quebec.

- Other

Ms. Vander Wall referred Board members to the legal status report regarding an update on other items in process. The Board discussed the District’s initial and final acceptance of facilities procedures.

Other Business

There was no other business presented at this time.

Public Comment

There was no additional public comment presented at this time.

Adjournment

The next regular meeting of the Board of Directors is scheduled for Monday, July 24, 2023, at 1:00 p.m.

The meeting was adjourned at approximately 3:25 p.m.

  
Secretary for Meeting