

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
HERITAGE TODD CREEK METROPOLITAN DISTRICT
HELD
MONDAY, JULY 22, 2024

A regular meeting of the Board of Directors of the Heritage Todd Creek Metropolitan District was convened on Monday, July 22, 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., Seter, Vander Wall & Mielke, P.C.
Diane Wheeler, Simmons & Wheeler, P.C.
Cody Conry, IDES
Melissa Kupferer, Advance HOA, District Manager
Dan Daywalt; Tim and Leslie Jimmerson, 15547 Valentia St; Lori Benjamin, 14805 Quince Way; Brenda Anderson, 8092 Tamarac 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 May 20, 2024 special meeting. There was one correction noted on page 5 to remove “Willow Bridge.” Upon motion by Director Laatsch; second by Director Ozanich and unanimous vote, the minutes were approved with the correction noted.

PUBLIC COMMENT

Mr. Dan Daywalt reported that a link on the AdvanceHOA portal is wrong. He reported a comment shared to him by Ms. Eve Johnson regarding mailboxes located at 15802 Willow Street and a question about reporting to Lennar. Another member of the public noted a comment about landscaping that will be brought up later in the meeting.

FINANCIAL MATTERS:

Financial Report:

Ms. Wheeler reviewed the financial report with the Board for the period ending May 31, 2024. She reminded the Board that the District has a loan with Western Alliance Bank which requires the District maintain its accounts at its bank as part of the loan transaction. She is making a request that the bank authorize moving the funds into a favorable interest-bearing account. Ms. Wheeler reviewed the District’s general fund and debt service funds, and the claims listing for the current period. Director Stone noted that he is still reviewing the Bartlett Tree invoice for \$12,000, which may be impacted by certain trees which are dying and are subject to replacement. Upon motion, second and unanimous vote, the Board accepted the financial report as presented, and approved the payments of claims as presented, subject to confirmation of the Bartlett invoice.

2023 Audit:

Ms. Wheeler reviewed the draft 2023 audit and footnotes with the Board. She noted that the auditor review is delayed and there may be a need to extend the deadline. After further discussion, and upon motion by Director Laatsch, second by Director Rarick, and unanimous vote, the Board accepted the 2023 audit as presented (with the correction noted on p. 10), and further approved an extension if necessary.

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

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COMMITTEE REPORTS:

Budget Committee

Director Ozanich stated there was no update from the budget committee. He requested that other committees submit their proposed estimated expenditures for 2025, including engineering cost estimates for the roadway work, mill and overlay, and detention pond projects.

Engineering Committee

On behalf of the engineering committee, Mr. Cody Conry, IDES, updated the Board on the 2024 asphalt and concrete repairs project. The recommended bidder was DACS with a bid of \$86,949.28. He will coordinate the start date of the work with Ms. Kupferer so that notice can be provided to the homeowners.

Mr. Conry provided an update on the public improvement acceptances, including Amendments 14B, 16A & 16B which still need punch list items to be addressed prior to preliminary acceptance. Amendments 10 and 11 will be recommended for preliminary and final acceptance, and will be discussed later in the meeting.

Landscape Committee/Community Landscaping Advisory Special Committee

Director Stone reported on frustrations with landscaping services, including timely billing, communication and contracted services. Director Stone reported on the installation of the Highway 7 monument plants. Bartlett Tree is getting rid of stumps and will replace with new trees. Irrigation continues to be an issue monitored by the landscape advisory committee; the committee expects to develop an improved irrigation plan for 2025. The landscape scope of services for 2025 has been modified, including the frequency of mowing, tree care services, and dead plant removal. There are a number of problematic turf areas that are in the process of being worked on.

A member of the public commented on the area on Yosemite and Quebec, where mulch has been removed and replaced with cobble, and expressed interest in doing a similar project along Highway 7. Another member of the public asked about plans for the area at Ehler and Quebec. Director Stone stated that the advisory committee has agreed to defer work here until after construction is complete, and to allow for improvements to be made to the irrigation for this area. Mr. Daywalt asked about plans for the corner of Heritage and Roslyn; Director Stone stated that this is part of the Rosemary Hill project, which will be discussed later in the meeting. Director Ozanich asked about the native mowing; it was noted that Golf is responsible for mowing of native grass in the subject area, and the County does the mowing for its half of the ditch area along Yosemite.

Traffic Calming Special Committee

On behalf of the traffic calming special committee, Ms. Brenda Anderson presented the results of a new survey that was performed, covering 318 homes in the new Willow area. The survey included 6 questions, and was submitted to 450 email addresses; 226 responses were received, with 139 comments. The Board reviewed the questions and responses presented. Director Stone agreed to

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talk with a representative from Golf about taking steps to decrease golf cart speeds on the cart paths. It was requested that the traffic study reports be posted to the District's website. The Board discussed the District's gates and vehicle sensors to cause the gates to open, and options in the event of a power outage. The Board discussed resident concerns regarding increasing ingress and egress in the community, which could only take place at the City or County level, if it is an option at all. After further discussion, and upon motion by Director Rarick, second by Director Laatsch and unanimous vote, the Board agreed to proceed with procurement of two speed indicators, to be installed at the recommended locations: on Willow north-bound across from the existing signage, subject to Golf permission, and on the grassy area going south. The Board also agreed to continue to provide information and educate the community residents about ways to reduce traffic speeds.

MANAGER'S REPORT:

Ms. Kupferer reviewed her monthly report with the Board, including updates on communications with Vargas, and follow up requirements for the street sweeper contract services, noting that the area on Xenia does not appear to have been covered. She reported that Victor, from AHOA, is back on-site for maintenance services. Director Stone requested to have an opportunity to meet with Victor to walk the community and review the location of the chase drains.

LEGAL STATUS REPORT:

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

JC Landscapes Proposal for Snow Clearing Services (2024-2027)

The Board reviewed the proposal and District form of services agreement with JC Landscapes for snow clearing services for the period of 2024 through 2027, subject to annual budget and appropriation. The proposal includes no increase for the initial term in the amount of \$230,000, and a 2.5% increase in the subsequent two seasons through 2027. Following discussion, and upon motion, second, and unanimous vote, the Board approved the proposal and agreement as discussed.

JC Landscapes Proposal for Installation of Cobble on Quebec Street and Replacement of Gorilla Mulch at Heritage Drive/Uinta

The Board reviewed the proposal and District form of services agreement with JC Landscapes for the project for the installation of cobble on Quebec Street and replacement of gorilla mulch at Heritage Drive and Uinta, in the amount of \$5,100. Following discussion, and upon motion, second and unanimous vote, the Board approved the proposal and agreement as discussed.

Ratification of Agreement with JC Landscapes regarding Removal of Landscape Edging and Installation of Rock

The Board reviewed the agreement with JC Landscapes regarding removal of landscape edging and installation of rock, in the amount of \$2,400. Director Stone noted that this relates to work at the

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Yosemite monument area performed in June. Following discussion, and upon motion, second and unanimous vote, the Board approved and ratified the agreement as presented.

Ratification of Asphalt and Street Repair Agreement with DACS

The Board discussed the asphalt and concrete street repair services performed by DACS, noting that it had authorized funds for the project at the May meeting. DACS provided the lowest responsible and responsive bid for the project in the amount of \$86,949.28 for the roadway, sidewalk, curb and gutter maintenance and repair work. Upon motion, second and unanimous vote, the Board approved and ratified the contract as presented.

Proposals from Vargas for Work Orders for Landscape and Irrigation Services

The Board reviewed and discussed two proposals from Vargas for work orders to be performed as additional services under the current landscape services agreement: (1) landscaping and cobble installation at the southwest corner of Heritage Drive and Rosemary Street, with two options for pricing, and (2) irrigation work at the corner of Rosemary Street and Heritage Drive. After further discussion, and upon motion, second and unanimous vote, the Board agreed to defer having the work performed until the Spring of 2025, and to reject the work orders as presented at this time.

Resolution regarding Final Acceptance of Street and Right-of-Way Public Improvements, Amendment 11

Ms. Vander Wall reported the Amendment 11 public improvements, including streets, sidewalks and right of way improvements (E. 148th Drive and Ulster Loop) are ready for final acceptance, following final walk through and receipt of the engineer's letter of recommendation. The Board reviewed the proposed Resolution regarding final acceptance. Upon motion, second and unanimous vote, the Board approved the Resolution authorizing the final acceptance of the public improvements presented.

Resolution regarding Preliminary Acceptance of Street and Right-of-Way Public Improvements, Amendment 10

Ms. Vander Wall reported that the Amendment 10 (Amendments 10A & 10B) public improvements, including streets, sidewalks and right of way improvements at Quince Street, Roslyn Street, Quince Circle, and East 154th Court), have been recommended for preliminary acceptance by the District's engineer. The Board reviewed the warranty, bill of sale and costs, and proposed Resolution regarding preliminary. Upon motion, second and unanimous vote, the Board approved the Resolution authorizing the preliminary acceptance of the public improvements presented. The improvements will be eligible for final acceptance after completion of the two-year warranty period.

Resolution Adopting Digital Accessibility Policy and Designating Compliance Coordinator

Ms. Vander Wall presented a form of resolution regarding the adoption of a digital accessibility policy, and designation of a compliance coordinator, related to the District's website and

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accessibility of posted items, in compliance with recent laws. Upon motion, second and unanimous vote, the Board approved the resolution as presented.

Other

The Board reviewed a draft Request for Proposal (RFP) for use in contractor selection for the District's 2025 landscape services. Various changes were suggested to be made, including removal of the cedar mulch requirement (Sec. I.F.), changing "opposite side" to "west side" (Sec. I.A.), and corrections to the map exhibit. Director Laatsch requested additional time to review the RFP. The Board agreed to revisit the proposed RFP at its September board meeting for approval.

The Board discussed erosion issues occurring on or around the perimeter trail, and inquired into responsibility for maintenance. The Board also discussed the box culvert area, and whether this is the responsibility of Mile High Flood District. It was agreed that legal counsel and the District's engineer would research these issues.

OLD BUSINESS

Director Rarick inquired about the District's response to the croquet court request. Director Laatsch reported on his research noting that the official size of a croquet court is 50' x 100', it can be down-sized. The proposed location is a strip park along Heritage Drive. A croquet court requires mowing at 2". The District currently makes its public areas available for use by the community, and specifies no damage, no change in irrigation, cutting or grass types. He suggested that the property remain in an as-is status, without change to District current policies. The Board agreed.

NEW BUSINESS

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

PUBLIC COMMENT

There was no additional public comment presented at this time.

ADJOURNMENT

The next meeting of the Board of Directors is scheduled for September 23, 2024 at 1:00 p.m.

The meeting was adjourned at approximately 3:40 p.m.

/s/ John Laatsch

Secretary for the Meeting

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