

# 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, March 28, 2022 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, Secretary  
Dan Kettle, Treasurer  
Phil Anderson\*, Vice President (participating via Zoom)

Absent: Karl Wilmes (absence excused).

Also in attendance were Barbara T. Vander Wall and Conor A. Kruger, Seter & Vander Wall, P.C.; Diane Wheeler\*\*, Simmons & Wheeler, P.C. (participating via Zoom); Janell Henderson, CCMC, District Manager; Jeremy Casebolt\*\*, General Manager, Todd Creek Golf; and John Gunderson, John Laatsch, and Ivan Widom, District residents.

[\*\*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.

No additional conflict disclosures were announced.

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Approval of Agenda                      The Board reviewed the agenda. The agenda was approved as presented.

Approval of Minutes                      The Board reviewed the draft minutes of the January 24, 2022 regular meeting. One modification was offered, to correct the number of dead trees for replacement from eight to seven. Upon motion duly made, seconded and unanimously carried, the minutes were approved as presented with the modification discussed.

Public Comment                              Mr. John Gunderson, resident at 15116 Rosemary Court, spoke on irrigation issues for common area property intended to be conveyed to the District, and suggesting excessive use of water and alternative landscaping options. The Board noted that the District has no control over the watering and maintenance of this property until it is conveyed to the District, which would take place pursuant to required protocols. Ms. Henderson noted that she will follow up with Lennar for further information regarding the area.

Mr. Ivan Widom, resident at 14776 Ulster Loop, asked about District meeting minutes not yet posted on the District's website. Ms. Henderson agreed to follow up on this issue. He also asked about the District's mill levy in connection with increased property values, and whether the District's mill levy would be reduced. Ms. Wheeler reported that the District's debt service mill levy is 65.024 mills, which consists of 10.000 mills for District operations, and the remaining 55.024 mills for paying down the District's debt. Director Anderson noted that the District has considered refinancing the District's 2015 bonds to achieve savings for the community, but that it has not been financially appropriate to do so.

## Financial Matters

- Financial Report and Payment of Claims

Ms. Wheeler reviewed the Financial Statement with the Board dated January 31, 2022, and presented the engineering, accounting and legal claims payable through March 1, 2022, \$25,467.12, plus a supplemental claim in the amount of \$5,254.00 for ballot printing costs. She noted that the February financial report is not ready. Director Anderson asked for confirmation that the 2021 payment due on the 2007 bonds has been paid; which Ms. Wheeler agreed to follow up with

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confirmation. Upon motion, second and unanimous vote, the Board approved the January financial statement and the claims payable as presented for approval.

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

[\*Ms. Wheeler departed at this time.]

## Committee Reports

- Budget Committee      Director Anderson advised that there were no items to present from the budget committee at this time.
  
- Engineering Committee      Director Anderson requested that there be a walk-through with IDES / Brandon Collins in May, which typically occurs every year. Director Stone advised that the District will schedule the street sweeping services to take place a bit later, and he will coordinate this work with Brandon Collins.

Director Stone discussed the issue of snow in cul-de-sacs, which gets piled up on such locations due to there being no other place to store the plowed snow. He noted that the snow melt is coming from the center of the street and the curb, not the gutter, which may have an engineering impact to the ground underneath. He asked about options to alleviate the potential problems to the underground, such as spreading out the snow. Director Anderson agreed to follow up with IDES regarding potential solutions to the issue.

[\*Mr. Jeremy Casebolt arrived at this time.]

- Landscape Committee:      Director Stone introduced Mr. Jeremy Casebolt to the Board; Mr. Casebolt works as general manager for Todd Creek Golf. Director Stone discussed a recent issue of addressing weeds and native grasses, which is also being addressed by Todd Creek Golf using the same contractor, and noted the possibility of efficiencies by coordinating landscaping services within the community.

Mr. Casebolt provided the Board with a description of his background and experience. He shared with the Board a letter outlining ways in which there may be coordination of landscape maintenance services between the District and the Todd Creek Golf Course. Mr. Casebolt discussed areas in which a coordinated plan would improve District goals, including water

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reduction efforts, landscape and irrigation needs, subcontractor coordination, landscape and snow removal equipment storage, and xeriscape landscaping.

The Board members discussed potential pros and cons with the proposed concept. Mr. Casebolt indicated a new company would be formed to provide the services. The Board discussed timing issues for a new request for proposals (RFP), and commencement of services. After further discussion, the Board agreed to proceed with issuing a new RFP for the landscaping and snow removal services, to allow Mr. Casebolt, BrightView, and other interested contractors to submit proposals for landscaping and snow removal services, beginning with the 2022-2023 season. Ms. Vander Wall was directed to update the RFP circulated in 2021, for the services. The Board discussed holding a special meeting to include discussion of the proposals, subject to Board member availability.

[\*Mr. Casebolt departed the meeting at this time.]

It was determined that the landscape committee report would be incorporated within the District Manager's report, to occur later in the meeting.

## Special Committees:

- Community Landscaping Advisory Committee

Director Stone presented proposals from BrightView for performance of various landscaping special services recommended by the Community Landscaping Advisory Committee, at the Uinta, Heritage, and Quebec entrances. The total budget was previously set at \$150,000; the total combined services are estimated to be approximately \$150,000 based on the five proposals from BrightView. Ms. Henderson noted that the services are anticipated to be done in the Spring, 2022, as soon as is feasible.

Director Anderson requested that there be a long-term plan for the landscaping needs at the entrances; he noted that the District will need to budget for annual plantings once it commits to the proposed landscaping plan. Director Stone stated that a long-term plan will be the next charge for the special committee. Director Kettle asked about water reduction planning. Ms. Henderson stated that the plants were selected such that once they are established, they should need little water.

After further discussion, and upon motion by Director Stone,

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second by Director Ozanich, and one abstention (Director Anderson) the Board approved the five proposals submitted by BrightView for the landscape services, as recommended by the Community Landscaping Advisory Committee. Ms. Vander Wall stated that the proposals would be the scope of work which would be done as a “Work Order” for additional services under the existing landscape services agreement with BrightView.

- Entrance Gate Committee  
Director Kettle stated that there was no additional information to present from the Entrance Gate Committee, and requested that the updated gate policy be posted on the District’s website.
  
- Traffic Calming Committee  
Director Ozanich provided an update from the recent meeting of the Traffic Calming Committee members on March 18, 2022.

The committee discussed the Heritage at Quebec entrance, where the committee suggests the placement of a pedestrian sign with an arrow to show the crossing at the location. The committee looked at areas along Heritage, and proposed a raised crosswalk at the golf cart crossing near the Quebec gate. The committee has received an estimate from the engineer for \$37,000 for design services, but needs to refine the information for a revised estimate. The committee is also looking into the installation of a small island on Heritage at Rosemary, and is in the process of getting a cost estimate for this project.

A traffic report prepared two years ago indicated where the highest speeds were within the community. The committee will be taking into consideration Thornton’s criteria for emergency vehicles. It will also address related issues of costs, landscaping, water needs, etc. The next meeting of the committee is scheduled for April 1, 2022.

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

## Manager’s Report

Ms. Henderson presented the manager’s report. She reported on the landscape enhancement proposals received from BrightView that were discussed by the Community Landscape Advisory Committee, and which include the proposal for the replacement of the seven dead trees in conformance with Thornton City Code.

She reported on the list of items to be addressed by Lennar in the

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new area, including detention pond #7, reseeding around hole no. 4, change in some of the landscape plans from native grass to rock, grading and finishing of landscaping along the white fence, landscape repairs at the construction entrances, and re-seeding of native grass at Quince Court.

Ms. Henderson noted that the weeds will be addressed by the contractor Weed Wrangler, and BrightView will allocate a credit for these services.

Western Access is completing the gate assessments pursuant to the contract work scope. Snow damage to the concrete at Xenia has been repaired by BrightView, with additional repairs still needed.

Ms. Henderson presented a proposal from Commercial Fence and Iron Works for the amount of \$3,820 for gate repairs. Upon motion, second and unanimous vote, the Board approved the proposal from Commercial Fence, to be incorporated into the District's form of services agreement.

All of the monument lights have been repaired.

Ms. Henderson reported that the repairs for the Toro golf cart are \$925, which are to be shared with the Master HOA based on the agreement between the two entities. Upon motion, second and unanimous vote, the Board approved the expenditure as presented.

Director Kettle inquired about the status of the dog station. Ms. Henderson noted that it has been fixed by staff. Director Kettle asked about review of the water bill; Ms. Henderson stated that the water bill is checked closely with BrightView, and will be revisited when the irrigation system is turned back on.

## Legal Status Report

Ms. Vander Wall presented the legal status report. The Board discussed the updated status of acceptances in Amendment 11, and 13.

Ms. Vander Wall reported on her research related to the street lights installed along Yosemite as part of the original development plans, which are owned by United Power, and maintained by the District. The discussion regarding acceptance of the lights was deferred pending County acceptance of the

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Yosemite roadway, bridge and drainage improvements, which were completed and accepted in October 2021. The Board requested legal counsel follow up with Adams County regarding acceptance of the street lights along Yosemite, as part of the improvements to be accepted by the County with the roadway, bridge and drainage improvements in that area.

## Old Business

Director Stone advised that Lennar has agreed to provide solar street lights for the community, from the manufacturer “First Light Technologies.’ There is an approximate 10-week lead time. It is unclear if Lennar’s commitment includes the installation of the lights; Director Stone will follow up. The Board discussed participating in the “Dark Sky Community” – which allows for reduction in lights to enhance the night sky.

## New Business

There was no new business presented at this time.

## Public Comment

Mr. John Laatsch spoke on water conservation, and ways in which the community may be more mindful about saving on water consumption.

Mr. Ivan Widom inquired about new Board members. Ms. Vander Wall reported that the election is scheduled for May 3, 2022; there are a total of four candidates for two slots.

No other public comment was offered at this time.

## Other Business

Director Stone extended his appreciation to Director Dan Kettle for the public service he has provided to the community over the last six years that Director Kettle has served on the District Board.

There was no other business presented at this time.

The next regular meeting of the Board of Directors is scheduled for Monday, May 23, 2022, at 1:00 p.m. A special meeting may be scheduled prior to this date to accommodate landscape proposals, if appropriate and feasible.

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Adjournment

The meeting was adjourned at approximately 4:14 p.m.



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Secretary for the Meeting