

# 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, July 22, 2019 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:

Phil Anderson, Vice President  
Dan Kettle, Treasurer  
Bill Gomer, Secretary

Absent: Rod Stone (absence excused);  
William Gomer (absence excused).

Also present were Cameron J. Richards, Seter & Vander Wall, P.C.; Diane Wheeler, Simmons & Wheeler, P.C.; Ross Dudley, CCMC, District Manager; and Michael Amaloo, Susan Baker, Pamela Dobrowolski; Paul Domenico, Sharon Gray, Michael Jackson, Bernice Pratt, Steven Pratt, and Debbie Wickham, members of the public.

### Call to Order

Director Anderson noted a quorum of the Board was present 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 might 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 not changed.
Approval of Minutes	The Board reviewed the minutes of the June 5, 2019 special meeting. Upon motion duly made, seconded and unanimously carried, the minutes were approved as presented.
Public Comment	<p>Michael Jackson, a resident of the District, commented the District should consider further chase drain installations on Roslyn Way. Director Anderson reported the project was run by the developer, and what was installed initially was considered first phase. No commitment to later phases has been made. Mr. Jackson reported the drains installed work well and that without them, ice and moss buildup on the sidewalk creating slip hazards.</p> <p>Susan Baker, a resident of the District, reported similar concerns, noting the sidewalk near her home are very icy in the winter.</p> <p>Director Anderson reported he would take the comments to the developer for discussion at the next coordination meeting between the District and the developer.</p> <p>Mr. Jackson reported he is the president of the townhomes owner's association and will obtain addresses of problem locations to be passed along for investigation.</p> <p>Pamela Dobrowolski, a resident of the District, reported similar drainage concerns along 148<sup>th</sup> Drive and that ice buildup in the winter is of particular concern.</p> <p>Michael Amaloo, a resident of the District, inquired about landscaping in the area north of Roslyn Court. The grass is getting quite long. The Board reviewed that area as being subject to Urban Drainage and Flood Control District regulation and there is little to be done in that area. The Board will look into making a small buffer between retaining walls and the remainder of the tract as they have done with other perimeter fencing.</p> <p>Ms. Dobrowolski wanted to know who is responsible for the perimeter fence along Ehler Parkway. The grass has not been mowed for some time. Additionally, some bushes were trimmed to the height of the fence, while others were not. The Board</p>

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directed Mr. Dudley to investigate this with Metco and ensure landscaping is being appropriately and consistently maintained.

Mr. Jackson reported the Quebec entrance gates do not function on a regular basis. The Board reported that the gates have been recently repaired after someone had forced them open with a car. The Board noted there are already reflective signs on the gates to prevent this type of damage to the gates.

A resident of the District commented that an apparently broken-down car has been parked at the corner of Rosemary and Quince for three days. The Heritage Todd Creek Master Association controls parking, so that board would be the appropriate entity to enforce any violations of parking standards.

## Financial Matters

- Financial Reports and Payment of Claims

Ms. Wheeler presented financial statements for the period ending June 30, 2019, and a schedule of claims for payment.

New claims payable totaled \$30,729.84 for engineering, legal and landscaping charges. Upon motion duly made, seconded and unanimously carried the Board approved the payment of the presented claims and ratified the interim payments.

Ms. Wheeler reviewed the District's financial reports and fund balances with the Board. The District has approximately \$1.2 million in general fund balance. Upcoming expenses included the annual street repairs and higher water charges as summer progresses. The debt service fund balance was reviewed. The District has made its June debt service payment. Upon motion duly made, seconded and unanimously carried, the June 30, 2019, financials were accepted as presented.

Ms. Wheeler reported the District needs an extension of time to file its annual audit. Upon motion duly made, seconded and unanimously carried, the Board approved the submission of an extension of time to file its annual audit.

The Board asked Mr. Dudley to specify what irrigation repairs have been conducted based on the submitted financials. Mr. Dudley noted a number of rotor replacements and main line repairs have been necessary. Back charging for areas not yet accepted have been submitted to the developer.

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## Committee Reports:

- Engineering Committee  
Directors Anderson and Kettle presented the engineering committee report. Director Anderson noted the contract with Martin Marietta has been executed, but work has not yet commenced. Concrete work will occur in the first week of August. Asphalt milling, paving and patching work will take place September 30 to October 6. Residents in affected areas will be notified prior to work being done.
  
- Landscape Committee  
No report was made at this time.
  
- Budget Committee  
No report was made at this time. Director Anderson noted work on the 2020 budget will begin in August and requested Board members provide feedback on upcoming projects that should be incorporated into the budget process.

## District Manager's Report

Mr. Dudley presented the manager's report including a written report provided to the Board.

Mr. Dudley reported that the draft golf cart agreement has been reviewed by the Master Association attorney. Legal counsel has reviewed the redlines and proposed solutions based on the comments. Mr. Richards believes the agreement is near completion. Upon motion made, seconded and unanimously carried, the Board approved the Golf Cart Sharing Agreement as proposed, subject to resolution of the issue concerning fair market valuation in the event of termination.

Mr. Dudley reported the District is under budget on water use given the wet weather through the early part of summer. Coordination between Metco and Brightview regarding the turnover of landscaped tracts has begun. Tree maintenance is underway by Tadiken Tree.

The new website is complete and will be live once the previous web provider releases the domain. This should occur shortly.

## Attorney Report

Mr. Richards presented the attorney report including a written report which was presented to the Board.

- Acceptance of Ownership of Filing No. 1, Amendment  
At the June 5, 2019, meeting the Board approved the plat for Amendment 15 which created several landscaping tracts to be owned and maintained by the District. The Plat has been

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15, Tracts A, B and C recorded. The developer is waiting for a deed from HTC Golf Acquisitions that will transfer ownership of Tracts A, B and C to the developer. The developer will then issue and record a deed transferring ownership of these tracts to the District once the deed from HTC Golf is received, which should occur shortly. A draft deed to transfer ownership from the developer to the District had been prepared by legal counsel in conjunction with the developer's attorney was provided for review. Upon motion made, seconded and unanimously carried, the District agreed to accept ownership of Heritage Todd Creek Filing No. 1, Amendment 15, Tracts A, B and C upon presentation of a satisfactory deed from the developer.

Mr. Richards noted that Tracts A and C were included in areas granted preliminary acceptance in November of 2017, while Tract B has not yet been accepted by the District. Warranty agreements for each tract will be prepared as necessary.

- Construction use of Yosemite Street  
Yosemite Street has a 7,000-pound weight limit imposed by Adams County. This precludes use by construction traffic, particularly heavy trucks. The District and the developer are discussing options for obtaining a permit from Adams County that may permit use of the road. Further update will be provided as discussions progress.
  
- City Stormwater Utility  
Mr. Richards updated the Board regarding the City of Thornton storm water utility fee. The City Attorney indicated a meeting was to be held the week of July 1. The City Attorney's office has advised the District does not need to make payments until the initial questions have been resolved. No other response has been received to date.
  
- Street Right of Way Policy  
The District is considering a policy for work engaged by homeowners of private property, that requires making cuts and patches to the District-owned streets. Currently, the City of Thornton issues permits, but will not perform any restorative work in the District. Legal counsel has discussed how the District can be more involved and protected without taking over permitting authority from the City. Mr. Stockton from the City indicated providing notice to the District when a permit is issued is simple. Other matters about securing warranty obligations of contractors were deferred to the City Attorney's office.

The Board directed legal counsel to continue investigating and

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developing a proposed policy that will ensure permits continue to be issued by the City, not increase costs on residents, and offer protection to the District.

### Old Business

Director Anderson provided an update on the Yosemite Bridge project. Work has not commenced yet, but is expected to shortly.


### New Business

Director Kettle reported he would like to discuss an amendment to CCMC's contract to modify the payment process, and have payments made through the District accountant. Legal Counsel and District management will discuss this and bring recommendations to the Board.

### Adjournment

A special meeting of the Board is scheduled for August 19, 2019, at 11:00 a.m. The next regular meeting of the Board is scheduled for September 23, 2019 at 1:00 p.m.

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

  
Secretary for the Meeting

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