

# 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, September 25, 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.

[\*Participating via telephone.]

Also in attendance were: Barbara T. Vander Wall and Joel Drew, Seter & Vander Wall, P.C.; Diane Wheeler, Simmons & Wheeler, P.C.; Cody Conry, IDES; Melissa Kupferer, AdvanceHOA, District Manager; Shelby Noble\*\*, Piper Sandler; and residents/members of the public: Greg Huffman, Dan Daywalt, Jim Mudd, Gary Meyer, John Bales, Dave Nelson, and other members of the public.

\*\*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.

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No additional conflict disclosures were announced.

## 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 24, 2023 regular meeting. Ms. Wheeler was requested to follow up regarding outstanding billing with Lennar for snow removal. A request was made to the minutes on page seven, changing “3” to read “5” regarding the replacement of dead trees. Another change was noted on page six, which modified language from “in another two years” to “if necessary” in connection with the next speed study. Upon motion duly made, seconded and unanimously carried, the minutes were approved with the changes discussed.

## Public Comment

On behalf of the Master HOA, Mr. John Bales commented on the installation of security cameras which are directed on HOA-owned or private property, and an issue being reviewed by the HOA as to whether this may be a violation of HOA guidelines; he suggested it may be an issue for the District with regard to District owned property.

Mr. Gary Meyer commented on the use of the pathway that crosses District property next to his house. Ms. Vander Wall shared information from her research which identified the location of the homeowner’s property, the District’s adjacent property, the golf course property, the City-owned service road access easement which crosses the District’s property, the golf course property, the City-owned sanitary sewer easement, and the blanket golf course easement applicable to the Heritage Todd Creek plat for Filing 1, Amendment 15. She noted that the service road used by golf carts appears to be the City-owned access easement, which provides City access to the sanitary sewer easement, over which the District does not have rights.

Mr. Dave Nelson asked whether the District can do anything to reduce the property tax mill levy. Director Stone stated that this will be discussed later in the meeting as part of the Board’s agenda.

Mr. Greg Huffman asked about two locked gates and their purpose. Director Stone stated that the gates were installed for construction purposes, and that they will be locked after

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completion of construction. No changes are anticipated. The Board agreed it would be helpful to share this information in a newsletter.

Mr. Ken Schlessinger asked about the traffic calming committee meeting, whether it is open to the public and any minutes for the committee. Director Ozanich responded that the meetings are open, and that there are unofficial minutes.

Ms. Cindy Schlessinger asked about cleanup at Willow Street and Valentia before Lennar leaves the property, noting that it is a holding pond. Director Stone stated that this is golf course property and is expected to remain golf course property. He suggested calling City Code Enforcement.

[\*\*Ms. Shelby Noble, Piper Sandler, arrived during this discussion.]

There was no additional public comment offered at this time.

## Financial Matters:

- Presentation by Piper Sandler re Refunding

Ms. Shelby Noble, Piper Sandler, presented information from the District's request to seek responses to an RFP regarding potential refunding options for the District's outstanding debt, with the goal of reducing the District's mill levy. She reviewed responses received from three different banks for a refunding loan, and their terms and conditions. She has reviewed the responses with the District's budget committee, and the consensus is a recommendation for the District to consider "Option 1," a refunding proposed by Western Alliance Bank, to create two series of bonds and reduce the District's overall debt service mill levy from 56 mills to 34 mills. The Board discussed the terms for this proposed refunding loan, including an interest rate of 5.53 and 5.55%, a maturity date of November 1, 2033, and an approximate \$1,300 savings per homeowner. After further discussion, the Board agreed to proceed with the refunding, with a targeted closing date of December 7, 2023, and Board approval date at its next regular meeting on November 27, 2023.

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

- Financial Report / Payment of Claims

Ms. Wheeler reviewed the claims updated through August 31, 2023 in the amount of \$167,011.46 for approval. Director Tade noted a potential duplicate entry for gate repairs, which Ms.

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Wheeler agreed would be corrected. Ms. Wheeler reviewed the financial statements for the period ending July 31, 2023. Following discussion, and upon motion, second and unanimous vote, the Board approved the claims with the correction to the gate repair duplicate invoice, and accepted the financial report as presented.

- Other

There were no additional financial items presented at this time.

## Committee Reports

- Budget Committee

Director Ozanich noted that the budget committee is gathering expenses for 2024, to be incorporated into the proposed budget. Director Stone noted that landscape, snow removal, tree replacement and dead tree removal expenses have all increased. Director Ozanich also reported on the committee's review of the refunding proposals.

- Engineering Committee

District engineer Cody Conry reported that the ABC Asphalt work is completed, pending a walk through yet to take place. Amendment 11 looks like all punch list items are now complete; he will confirm with Lennar for potential acceptance of improvements in November. Director Stone noted that he will be talking with Lennar tomorrow regarding potential mill and overlay work and funding assistance on the Heritage and Uintah areas. Director Tade suggested re-overlay of some of the cul de sacs. Mr. Conry suggested this work could be included as an alternate bid for bidding the road maintenance work in 2024.

The Board discussed Amendment 14 and 16, which are scheduled to be walked with the City in the Spring, 2024, which will also delay the District's acceptance process. There was a question about whether the District can have a map showing the Amendment numbers for easy reference. Mr. Conry stated that he can assist with this; Ms. Kupferer stated that this could be added to the District's website.

- Landscape Committee / Community Landscaping Advisory Special Committee:

Director Stone reported that Brightview has advised that its costs for landscape and snow removal services are increasing for 2024. The detention pond mitigation work is in process. The stucco patch work is pending a new employee by the contractor. JC Landscapes is completing the bark mulch work on Ehler, and installing safety fencing at the detention pond.

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The District needs to budget additional funds for the removal of dead trees. Director Stone noted that there has been a huge amount of funds spent on sprinkler repairs; he would like to revisit this component of the landscaping work and develop a plan for improvement in these costs.

Director Laatsch reported on behalf of the special landscape committee, noting that three new members with new expertise have been added to the committee. The committee has set up a priority list to provide feedback to go into the planning process, which will be coordinated with AdvanceHOA. The committee is focusing on fire mitigation related to dead trees, dry and wet conditions, and other dead material.

There is a need for ongoing maintenance. The committee desires to identify and construct a plan that a contractor can implement, including areas where there should be a reduction of water, the addition of water, fertilization, etc.

Homeowner Louise Benjamin stated that the area at Ehler and Quebec looks bad, without enough water to the trees behind her home. Director Stone noted that there should be drip lines in this location.

Another homeowner asked about the number of trees being removed; Director Stone stated that BrightView has been working on this project.

Director Laatsch suggested contacting Bartlett regarding the Elm trees, which have been impacted by the wet season, and whether more pruning may be needed to avoid damage in the future.

Mr. John Bales stated that the Master HOA received a complaint regarding weed issues, and that it is difficult to determine the point of demarcation between the District's property and the homeowners' responsibility, located on the Amendment 10 Quince Circle / Roslyn Court cul de sac area. Director Stone agreed to follow up with the District's contractor for this area.

- Townhome HOA  
Snow Removal  
Proposal

Director Stone advised that the Amendment 9 Townhome property is currently snowplowing their driveways and now want to plow the sidewalks, using the District's contractor. The Board discussed. Director Tade stated that he is not in favor of side projects, and would like to limit the District's contract to the

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community. Director Rarick agreed; he also noted that he does not want snow in the streets. Director Laatsch stated that the work is the community, and is not in favor peeling off additional projects. Director Stone agreed with all of the comments, and prefers to retain the snow removal work to the District sidewalks and streets, and does not want to set precedent for other areas. He will report back to the Townhome HOA.

- Community Landscaping Advisory Special committee

Director Stone reviewed the committee's projected expenses for 2024. Director Tade noted that fire mitigation requirements from the City may impact the landscape scope. Director Laatsch stated that he agrees with the additional mowing.

- Traffic Calming Special Committee

On behalf of the traffic calming committee, Director Ozanich and Mr. Conry reported having received two proposals for a speed study; the lowest is from ATD in the amount of \$400 per location for a total 15 locations. Director Laatsch suggested the scope of services identify each location. The committee members discussed bike lane markings using thermoplastic every 5' with signage. The traffic calming committee has discussed various items related to traffic calming in the District, including costs for bike lanes, widths of roadways and bike lanes, and the general topic of incorporating bike lanes into the District as a matter of public safety and calming measures. It was suggested that the committee review the committee's scope to identify whether any changes to the committee purposes and delegation needs to be revised to include public safety measures.

Following further discussion, and upon motion, second and unanimous vote, the Board approved the agreement for speed study services with ATD, in an amount not to exceed \$6,000, subject to having the locations identified as part of the scope.

- Neighborhood Advisory Committee Emergency Preparedness Report for Heritage Todd Creek:

The Board discussed the draft report included with the meeting materials. It was noted that the Neighborhood Advisory Committee was requesting the District's input; however, a revised version of the report is expected to be prepared following a recent meeting of the NAC with changes in the recommendations. The Board agreed to review the revised report at that time and delay any feedback until that time.

## Manager's Report

Ms. Kupferer reviewed her monthly report with the Board, including maintenance activities, current projects and action

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items. The District's website is recommended to be migrated to Streamline for an annual fee of \$2,900 and a setup fee of \$500. The Board agreed. She advised that board meeting packets are intended to be ready by Thursday mid-day prior to the meeting; and that copies of the packets will be printed for the Board.

## Legal Status Report:

Ms. Vander Wall referred the Board to her legal status report.

- Contracts for Ratification and Approvals

Ms. Vander Wall presented the following contracts for ratification:

- ABC Asphalt Change Order No. 1 (for ADA ramp);
- JC Landscapes Agreements for (1) Phase 1 and 2 Mulch; and (2) Detention Pond Safety Fence;
- BrightView Work Order for Detention Pond Cleanout

Upon motion, second and unanimous vote, the Board ratified and approved the contracts as presented.

- Holiday Lighting Agreement with Keesen

The Board reviewed the proposed holiday lighting agreement with Keesen. It was agreed that the scope should be updated to modify the additional lighting requests. Upon motion, second and unanimous vote, the Board approved the agreement with the modified scope in an amount not to exceed \$5,000.

- RFP for 2023/2024 Snow Removal and Landscape Services

The Board discussed proceeding with a Request for Proposal for snow removal and landscaping services for 2023/2024; and reviewed the proposed form of RFP, the draft document, and proposed schedule. Ms. Kupferer discussed specific edits to be made to the scope and RFP which increase the level of landscaping services. The Board agreed to hold a special board meeting on October 23, 2023 at 9:00 a.m. via Zoom to discuss the proposals received and make a selection. Legal counsel was directed to work with the District's manager for the final RFP document and next steps.

- Schedule Annual Meeting Per SB23-110

The Board discussed holding its annual meeting on the same date as its next Board meeting, November 27, 2023, and directed management and legal counsel to work on setting up this meeting to be coordinated with the District's regular meeting. It was suggested that the annual meeting take place later in the day to allow more residents to attend.

- 2022 Annual Report

The Board reviewed the 2022 annual report; upon motion, second and unanimous vote, the report was accepted as presented.

