

RECORD OF PROCEEDINGS

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS

OF THE

HERITAGE TODD CREEK METROPOLITAN DISTRICT

Held: Monday, May 20, 2024 at 1:00 p.m., 8455 Heritage
Drive, Thornton, CO 80602.

Attendance

The special 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, Assistant Secretary
John Laatsch, Secretary
Jon Rarick, Vice President

Absent: Robert Tade.

Also in attendance were: Barbara T. Vander Wall, Seter, Vander Wall & Mielke, P.C.; Diane Wheeler, Simmons & Wheeler, P.C.; Cody Conry, IDES; Melissa Kupferer, AdvanceHOA, District Manager; and the following residents/members of the public: Dan Daywalt, Gary Meyer, Tim & Leslie Jimmerson, Stephen Curtis, George Lee, and Cathy Drozda.

Call to Order

Director Stone noted a quorum of the Board was in attendance and called the special 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.

Approval of Agenda

The Board reviewed the agenda. Upon motion, second and unanimous vote, the agenda was approved as presented.

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Approval of Minutes

The Board reviewed the draft minutes of the March 25, 2024 regular meeting. Upon motion duly made, seconded and unanimously carried, the minutes were approved as presented.

Public Comment

A member of the public introduced herself as living near the Heritage Gate and in the unsightly area of the community. She inquired about maintenance to the open space area near her residence. And noted that she had previously shared an email with pictures to point out the lack of attention. Director Stone advised that if this is a District-owned tract, the District's landscape contractor is just starting up their spring maintenance services and he would expect it to be addressed soon.

Mr. Stephen Curtis introduced himself, and inquired about the stop signs installed within the District as a speed control measure. Director Stone asked if he might defer his comments to later in the agenda when the Board will be discussing the traffic calming measures topic in detail. Mr. Curtis agreed.

Financial Matters:

- Financial Report

Ms. Wheeler reviewed the financial report with the Board for the period ending March 31, 2024. Director Ozanich inquired about the District's budgeted amount for storm water and for electrical repairs and supplies, noting that the District is close to spending the entire budgeted amount in these areas. Ms. Wheeler stated that this is the first year with expense details that may be incorporated into future budget line items, which will be helpful for 2025. There are other areas in the District's budget with funds available for use to supplement storm water and electrical repair expenses if needed. It was also noted that the District had extraordinary electrical upgrade requirements at the gates that got completed in the first quarter of the year. Upon motion, second and unanimous vote, the Board accepted the financial report as presented.

Ms. Wheeler provided the Board with a copy of the draft audit for 2023 for review; the Board agreed to review and consider this at the next meeting.

It does not appear that the District will need to amend its 2023 budget at this time.

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- Payment of Claims

Ms. Wheeler reviewed the claims for the period through May 15, 2024, in the total amount of \$128,575.66, plus claims in the amount of \$850 for the handyman services performed by AHOA, for approval. The Board discussed that it would like to see the AHOA management costs, including statements and collections costs, broken out with detail. The Board requested that AHOA provide supporting documents for the handyman services. Following further discussion, and upon motion, second and unanimous vote, the Board approved both sets of claims as presented.

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

Committee Reports

- Budget Committee

Director Ozanich reported that the budget committee will begin review in August for the 2025 budget. Director Laatsch suggested the budget separate out the gates from the wall maintenance. He also suggested a breakdown of the budget for landscape infrastructure versus operations and maintenance expenses, so that the District can provide a goal-oriented budget for improvements on an annual basis. He will provide Ms. Wheeler with further thoughts on this topic.

- Engineering Committee:

- Asphalt Repairs Project

On behalf of the engineering committee, Mr. Cody Conry, IDES, reported on the District's 2024 asphalt repair project. He noted that the District expects to receive bids by the deadline of May 23, 2024; the bids will then be reviewed and a recommendation will be made by IDES. In order to move forward with the project, the Board authorized the expenditure of up to \$135,000 based on recommendations made by IDES to the lowest responsible and responsive bidder. Ms. Kupferer will provide notice to the homeowners before the asphalt work begins.

Mr. Conry reported on the status of initial and final acceptances within the community. Amendments 11 and 10 still have some punch list items remaining to be completed by Lennar. Amendment 13 improvements are under warranty by Lennar, which will expire in September, 2024. Amendments 14 and 16 are still pending initial acceptance.

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Director Laatsch inquired about a sink hole and whether it is affecting utilities. Mr. Conry will review.

- Landscape Committee / Community Landscaping Advisory Special Committee:

Director Stone reported that landscaping is just now starting to get rolling. He noted that there have been some contract language issues including ornamental grass cutting and dead plant removal questions. Ms. Kupferer is working on making scope modifications for future use. He discussed options for a multi-year contract with the same contractor. Director Laatsch expressed concerns regarding documentation for the contracted work, and a desire to have additional detail for the scope of work. Director Stone noted that the snow removal services for the 2023-2024 season were very minimal. Vargas is working on pruning services at this time.

Vargas is being requested to perform additional services for two projects: (1) Rosemary Hill, and (2) Monument at Highway 7. The Board discussed the two projects which include installation of cobble and plant material, and a separate expense for irrigation. Vargas has submitted a proposal for the monument at Highway 7 work in the amount not to exceed \$4,116.13, excluding irrigation. The Board discussed the cost estimates for the Rosemary Hill project, for which the detail has not yet been provided. Following further discussion, and upon motion, second and unanimous vote, the Board authorized the expenditure of the not-to-exceed amount of \$48,000 for the combined two projects, including irrigation installation costs.

Director Stone reported on the Bartlett tree services. Bartlett has prepared a proposal for the specifically detailed services which are part of the 2024 tree care services contract, including pruning, stump grinding tree removal and tree replacements at various locations within the District, in the combined amount of \$29,940. He is tracking these amounts against the total contract sum of \$84,860 for base services during the 2024 season.

Director Stone reported on bent metal landscaping edging that needs attention. He noted that JC Landscaping has recently replaced a missing bolt at no charge, and has agreed to mow down a weeded area and replace with cobble, at no additional charge. There is an area on the pedestrian trail, south of the entrance at Yosemite, that has drainage and erosion problems and requires attention. Mr. Conry stated that the panel may need to be removed to allow for compaction as part of the repairs.

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He will follow up on next steps for repairs of this trail issue and the landscaping edging issue.

Director Ozanich noted the need to prune trees in front of stop signs for better visibility.

- Traffic Calming
Special Committee

Director Ozanich shared the traffic calming committee survey and report involving the 99 residents within the Uinta Street area regarding traffic calming measures for the area, prepared following direction provided at the District's January meeting. Ms. Cathy Drozda, committee member, presented the survey results, committee report and recommendations. The survey produced 36 respondents, of which 58% supported traffic calming measures. The committee recommends the purchase of two neon yellow EV12 speed indicator signs; as well as further study of the practicality of a speed table for Willow Street traffic calming. There was substantial discussion between the board members, committee members and the public regarding traffic calming measures, opinions, and options.

Mr. Steve Curtis presented additional materials and findings with alternatives to stop signs for traffic calming measures, and noted that stop signs are not to be used for speed control. He suggested use of law enforcement and community education to assist with speed control. Ms. Drozda noted that the traffic is anticipated to increase with the development of the adjacent neighborhood, which will use the Heritage Todd Creek community as a cut-through. Director Stone stated that the Board has had multiple years' discussion on this topic, and has learned that there is not a solution that will make everyone happy. Ms. Jimmerson stated that she serves on the committee, and as a result of the traffic study recommends that no action be taken, noting that only 36 persons responded.

After further discussion, the Board reviewed the recommendations presented by the committee and discussed next steps, including a survey of the northern homes, asking the police to move the current speed indicator sign to the other side of the street in the opposite direction, or other locations. Upon motion by Director Laatsch, second by Director Stone and a vote of four in favor (Director Rarick voting against), the Board agreed to proceed with the cost of a survey of the northern area, approximately 318 homes, using Survey Monkey for \$35. Upon motion by Director Laatsch, second by Director Stone, and unanimous vote, the Board approved the purchase of two speed

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indicator signs to be used with the two existing poles, and directed IDES to obtain contractor for installation. The Board agreed to make no further repairs to the existing sign which is pending repairs.

Manager's Report:

Ms. Kupferer reviewed her monthly report with the Board. She noted the quarterly payments are being set up under a new platform, and AHOA is scheduling a day on-site where homeowners can update their information for payment arrangements. Mr. Daywalt suggested that District management coordinate with the HOA to avoid confusion in the differing payment obligations.

Ms. Kupferer reported on three accounts with outstanding balances. Two of the accounts belong to property owners who have not lived in the community for over 6 years, in the amounts of \$120 and \$195, excluding late fees. After further discussion, the Board agreed to waive the fees for these two properties. The third account relates to a property involving a bankruptcy. Legal counsel agreed to review the information and make a recommendation.

Legal Status Report:

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

- Street Sweeping Contract with Tendit

The Board reviewed the proposed agreement with The Tendit Group, for two street sweeping events in the year, for the amount of \$4,950. Ms. Kupferer stated that she is confirming that the agreement includes Amendments 14 and 16; she will follow up. Upon motion, second, and unanimous vote, the Board approved the agreement as discussed.

- Other

Director Stone requested Board approval for the replacement of the panel in the estimated amount of \$300 as recommended. Upon motion, second and unanimous vote, the Board approved the recommendation.

Old Business:

Director Laatsch reported that the official size of a croquet court is 50' x 100'. It can be down-sized.

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

Other Business: Director Laatsch reported that he attended a meeting with Thornton regarding federal funding for a trail study, which will probably include Heritage Todd Creek. The adjacent development Parterre has extensive trails planned.

Public Comment
Mr. Daywalt inquired about the street light repairs at Heritage and Quebec. The District is waiting on parts to complete the repairs.
Ms. Jimmerson stated that the gates look great.
There was no additional public comment presented at this time.
The next meeting of the Board of Directors is scheduled for July 22, 2024 at 1:00 p.m.

Adjournment The meeting was adjourned at approximately 3:58 p.m.



Secretary for Meeting