

**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF  
TODD CREEK VILLAGE METROPOLITAN DISTRICT  
ADAMS COUNTY, COLORADO  
October 8, 2009**

A regular meeting of the Board of Directors of Todd Creek Village Metropolitan District, Adams County, Colorado, was held on Thursday, October 8, 2009 at 10450 E. 159<sup>th</sup> Court, Brighton CO 80602. The meeting was called to order at 3:42 p.m.

The following Directors were present:

Roger Hollard  
Ken Hammerle  
George Hanlon  
Kathy Kropp

The following Director was absent and excused:

Roger Addlesperger

Also Present:

Denise Vineyard, Admin. Assist. Village Water Management, LLC  
Tamara Gilida, Legal Counsel, Icenogle, Norton, Smith, Gilida & Pogue,  
P.C.  
Shanna Massier, Fox Ridge Residence  
Linda & Terry Young, Todd Creek Resident  
Matt Deibel, Lennar Colorado, LLC  
Daniel Scully, Eagle Shadow Resident

**Conflict Disclosures**

Director Hanlon noted for the record that in accordance with state law written disclosures were filed with the Secretary of State. All directors reaffirmed the written disclosures on file with the Secretary of State.

**Public Comment**

Director Hanlon opened the floor for public comment. Mr. Scully addressed the Board with concerns with the algae in the irrigation lines and the letter that was sent out to the homeowners with regards to what the District is doing about the irrigation issue. Mr. Scully also requested that the Board adjust his billing. Director Hanlon informed Mr. Scully and the public present that the District has done research with regards to irrigation systems that are designed for raw water (non-potable) and those that are designed for potable water (treated water). Director Hanlon also noted for the public and the Board that the District's responsibility ends at the meter in the meter pit. Director Hanlon noted that he would call Mr. Scully in May 2010 to see how his system is working out.

## **Approval of Minutes of September 9, 2009 Special Meeting**

The Board reviewed the minutes of the special meeting of the Board held on September 9, 2009. Following discussion and upon motion duly made by Director Kropp, seconded by Director Hammerle, and unanimously carried, the Board approved the minutes and authorized Director Hollard, as Secretary, to execute the minutes as constituting a true and correct record of the proceedings of the meetings.

## **Financial Report**

The Board reviewed and discussed the disbursements for October, 2009. Following discussion, upon motion duly made by Director Hollard, seconded by Director Kropp, and unanimously carried, the Board approved checks #8779-8827, in the amount \$184,563.21 which excludes Director Addlesperger's check.

Director Hammerle reviewed for the Board the financial statements dated September 30, 2009. Following discussion, upon motion duly made by Director Hollard, seconded by Director Kropp, and unanimously approved, the Board accepted the financial statements as presented.

Director Hollard reviewed with the Board the requests that were received from some homeowners for reimbursements for repairs to their irrigation systems prior to the District's research with regards to a raw water system.

Director Hammerle reviewed the draft budget for the District's 2010 budget with the Board.

Director Hammerle reviewed with the Board the customer overview.

## **Operations**

### **Irrigation Update**

Director Hollard reviewed the irrigation update information with regards to the line repairs that have been done on the District's lines and the blowing out of lines to try and correct the algae issue.

### **HTC Golf Course Irrigation Invoicing**

Director Hollard reviewed with the Board the letter that was received prior to the meeting from Mr. Deibel with the HTC Golf Course. Mr. Deibel posed a question about the invoicing for the golf course irrigation water going back to 2008, the agreement and the meter readings for the irrigation usage and easement.

### Attorney Items

No public attorney items were discussed.

### Executive Session

Ms. Gilida requested a motion that the Board go into executive session for the following purposes pursuant to C.R.S Section 24-6-402(4)(b) and Section 24-6-402(4)(e): to confer with the attorney for this body for the purpose to receiving legal advice on specific legal questions and determining positions on matters relative to negotiations, developing strategies for negotiations and instructing negotiators relative to Guaranty Bank, Lennar and CityWide Bank. Upon motion duly made by Director Hollard, seconded by Director Kropp, and unanimously approved, the Board agreed to enter into executive session at 5:06 p.m.

Upon motion duly made by Director Hollard, seconded by Director Kropp, and unanimously approved, the Board came out of executive session at 5:56 p.m.

### Citywide Bank

Following discussion, upon motion duly made by Director Hollard, seconded by Director Kropp, and unanimously approved, the Board directed Ms. Gilida to file the complaint with regards to the CityWide Bank lots.

### Other Business Matters

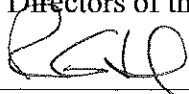
#### Rate Study Review

Director Hanlon noted for the Board that he is going to have a meeting with the citizen community so discuss the increase of the water rates for the 2010 year. Director Hanlon will work with Director Kropp and the citizen community.

### Adjournment

There being no further business, the Board of Directors adjourned the meeting at 6:00 p.m. The next scheduled meeting of the Board will be a regular meeting to be held on November 12, 2009 3:30 pm at the Todd Creek Village Metropolitan District office building located at 10450 E 159<sup>th</sup> Ct., Brighton, CO 80602.

The foregoing minutes constitutes a true and correct copy of the minutes of the above referenced meeting and was approved by the Board of Directors of the Todd Creek Village Metropolitan District.

  
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Roger Hollard, Secretary