

**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF  
TODD CREEK VILLAGE METROPOLITAN DISTRICT  
ADAMS COUNTY, COLORADO  
May 13, 2010**

A regular meeting of the Board of Directors of Todd Creek Village Metropolitan District, Adams County, Colorado, was held on Thursday, May 13, 2010 at 10450 E. 159<sup>th</sup> Court, Brighton CO 80602. The meeting was called to order at 3:31 p.m.

The following Directors were present:

George R. Hanlon  
Kathy Kropp  
Roger Hollard  
Ken Hammerle

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, resident of Foxridge  
Larry Harding, resident of Heritage at Todd Creek  
Joe Daniels, Faegre & Benson, LLP  
Chris Lynch, Lennar  
Matt Deibel, Lennar  
Tammy Thorpe, Resident of TCF  
Linda and Terry Young, Residents of TCF

**Call To Order/Declaration of Quorum.**

Noting the presence of a quorum of the Board of Directors, Director Hanlon called to order the regular meeting of the Board of Directors of the Todd Creek Village Metropolitan District.

**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 thereafter opened the floor for public comments. Ms. Young asked about landscaping for the District building. Director Hanlon noted that the District is looking into some landscaping. Mr. Moelis asked about the FTC fee to Lennar, the Bond payment on the forbearance agreement. Director Hanlon explained the forbearance agreement with the public.

Ms. Thorpe addressed the Board with regards to the unauthorized connection fine. Director Hanlon informed Ms. Thorpe that the Board was in receipt of the letter from her attorney and the settlement offer. Director Hanlon noted that the Board will discuss the matter in executive session and Ms. Thorpe will receive the Board's decision in a letter.

## **Minutes of April 8, 2010 Meeting**

Following brief discussion, and upon a motion duly made by Director Kropp, and seconded by Director Hammerle the Board approved the April 8, 2010 minutes with the suggested correction.

## **Financial Report**

Director Hammerle reviewed and discussed the claims for May 2010. Following Director Hammerle's review and upon a motion of Director Hollard and seconded by Director Kropp, the Board voted unanimously to approve the payment of claims as presented with voiding Director Addlesperger's check and adding a check for Days Associates retainer fee.

Director Hammerle reviewed for the Board the financial statements dated April 30, 2010. Following discussion, upon a motion duly made by Director Kropp, seconded by Director Hollard, and unanimously approved, the Board accepted the financial statements as presented.

Director Hammerle then reviewed the total customer overview report with the Board.

## **Operations**

Director Hollard noted for the Board that the aerators have been installed and 2 were working and 2 are still in the process of going active. Director Hollard informed the Board that the irrigation system will be coming down on May 26 and 27 for maintenance and installation of a new filtration system at the irrigation pump station. Director Hollard informed the Board the Signal Reservoir is being filled with water.

Director Hanlon noted for the Board that the District will be sending out information to the residents with regards to the in-line filter for the irrigation systems.

## **Other Business Matters**

### **Change to the Appendix A**

Director Hammerle reviewed with the Board the changes to the appendix A of the Rules and Regulations. The first change is with regards to the penalty that is assessed for late payments. Director Hammerle suggested that the penalty be changed to a flat fee of \$10 or 5% whichever is greater with a 1% interest per month on late payments. The second change is the addition of Major Infrastructure Development Fees with \$90 per hour for Internal District Staff Review, Cost plus 10% for District Engineer or Attorney Review, permit fee of \$500 and inspection fee of \$90 per hour. The third change is to the construction water charges and the hydrant daily usage. The potable water charge went up to \$6 per 1,000 gallons and the hydrant daily usage went to \$60 per day plus water usage.

### **Water Rate Study and Restructure**

Director Hanlon reviewed with the Board the rate study and reconvening the citizen committee to review the rate study and to have a new rate with in the next 60 days.

## **Attorney Items**

None.

## **Executive Session**

Ms. Gilida requested and Director Hammerle made 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 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 all relative to Guaranty Bank, Lennar and Citywide Bank litigation matters as well as the Baseline Lakes dispute. Director Kropp seconded the motion which was thereafter unanimously approved. The Board entered into executive session at 4:55 p.m.

Upon a motion duly made by Director Hollard, seconded by Director Kropp, and unanimously approved, the Board came out of executive session at 5:48 p.m.

## **Unauthorized connection**

The Board directed Ms. Gilida to draft a letter to Ms. Thorpe with regards to the Board's decision on the unauthorized connection fine.

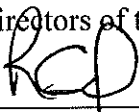
### **Baseline Lakes**

Director Hollard and Ms. Gilida will draft a letter to Tompkins Development with regards to the Baseline Lakes leakage and the repairs needed and the Board's procession.

### **Adjournment**

There being no further business, the Board of Directors adjourned the meeting at 5:49 p.m. The Board's next regularly scheduled meeting will be held on June 10, 2010 at 3:30 p.m. 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.

  
\_\_\_\_\_  
Roger Hollard, Secretary