



SOUTH TIMNATH
METRO DISTRICT

**RECORD OF PROCEEDINGS
MINUTES OF THE JOINT ORGANIZATIONAL MEETING
OF THE BOARDS OF DIRECTORS OF
SOUTH TIMNATH METROPOLITAN DISTRICT No's. 1 & 2**

HELD: Thursday, April 16, 2015, at 10:30 a.m. at 6000 Summerfields Parkway, Timnath, CO 80547.

ATTENDANCE:

The joint organizational meeting of the Boards of Directors of the South Timnath Metropolitan District Nos. 1 & 2 (collectively, the "Board") was called and held as shown above and in accordance with the applicable statutes of the State of Colorado, with the following directors present and acting:

Michael J. DiTullio

Jennifer DiTullio

Dino A. DiTullio

David S. O'Leary of Spencer Fane Britt & Browne LLP, Debra A. Landers with D.R. Horton and Guy Johnson and Jackie Johnson from the District and several homeowners, please see attendance sheet in the Meeting Notebook as to who was present.

CALL TO ORDER:

Director Dino DiTullio called the meeting to order at 10:31 a.m.

QUALIFICATION OF BOARD MEMBERS/OATHS OF OFFICE:

Mr. O'Leary reported that all of the Board members are registered to vote in Colorado and are residents and/or owners of taxable real or personal property within the Districts. Mr. O'Leary informed the Board that the official bonds had been obtained and that all of the Board members had been administered the Oaths of Office. Thereupon, the directors assumed their duties as members of the Board of Directors.

DISCLOSURE OF POTENTIAL CONFLICT OF INTEREST:

Guy Johnson discussed the state law requirements for disclosure of potential conflicts of interest with the directors, noting that completed disclosure statements must be filed for each of the Directors with the Secretary of State and with the District at least 72 hours prior to a meeting in which a potential conflict may arise. In addition, each director is to verbally reveal his potential conflicts of interest to the Board at the start of the meeting in which the conflict may arise.

DISCUSSION OF OPEN MEETING REQUIREMENTS/POSTING REQUIREMENTS:

Guy Johnson discussed the open meeting requirements and the posting requirements for the Districts, noting that any non-social meeting of three or more of the directors constituted an official meeting, and that notice of a meeting for the Districts is to be (1) provided to each Board member, and (2) posted in at least three public places within the Districts at least 72 hours in advance of the meeting, and (3) at the same time, a copy of such notice is to be posted at the office of the County Clerk and Recorder. If possible, the posting should include specific agenda information. Mr. Johnson further noted that notice of this joint organizational meeting had been so posted.

APPROVAL OF AGENDA:

The Board reviewed the agenda,

Upon motion was made by Dino DiTullio and seconded by Director Mike DiTullio and unanimously carried to approve the agenda.

APPROVAL OF MINUTES:

The meeting minutes of November 11, 2014 meeting was presented and discussed,

Upon motion made by Director Mike DiTullio and seconded by Director Jennifer DiTullio and unanimously carried to approve the meeting minutes of November 11, 2014.

PUBLIC COMMENTS: This is normally open form/topic and the boards let residents interjected to all questions and we try very hard to get all questions and comments noted.

The Board opened the floor for Public Comments and recognized Jen & Chuck Vesley of 5937 Quarry St, Mr. Vesley stated he would like to see the District impose that every house have a bun-gee cord on their trash cans to keep the trash from blowing out and around the neighborhood, he also stated he would like to see the District do snow removal on the public streets, Mr. Johnson stated that the streets were the Town of Timnath responsibility and the District could not take the liability to remove snow from the streets, as to the bungee cords, we could suggest that in the next newsletter however, we could not make this mandatory. Mrs. Vesley stated she would like to have a time for adults only swim, so that she could do lap swimming and water aerobics, she would like to see time set a side either 1 hour in the morning or around 7:00 pm in the evenings. Director Dino DiTullio stated that this was a tricky situation; we could not close the pool to homeowners for just 1 or 2 people to use the pool in that way, the pool was made more for a kid friendly environment.

The board recognized Rebecca Davis of 5878 Calgary St, she stated she would also like to see adult swim time extended to 1 hour or so, she was wanted to train for a Triathlon, she suggested that the District open the Community Center and Pool to the other neighborhoods around the area to have access to the pool and then STMD residents could use their pool that might be have more adult training/adult time friendly. Ms. Davis also would like to know when the dirt road north of STMD would be completed, Director Dino DiTullio stated the road in questions was not the District nor the developer of STMD responsibility, however, he had been told that the road was proposed to be started sometime in 2016, Ms. Davis also felt that the board had a Conflict of Interest by also being the developer, Director Dino DiTullio stated that it was not unusual that the developer were the board members until the neighborhood was completed, he also stated the Conflict of Interests were filed with the state at least 72 hours prior to any Board of Director meeting and all State regulations were followed to comply with the laws that govern the Metro District, Ms. Davis she would like to see the signs for the meeting to be larger, Mr. Johnson stated the required size of the signs was only 3" x 5" and the signs that are posted are 18" x 24" and can be seen around the area, plus a meeting notice is on our web site and posted in the Community Center. Ms. Davis continued with that she felt there was not communication with the residents; Mr. Johnson stated to her that the web site was the District form of communication and was updated as needed; she should join the web site to receive the updates and notifications. Ms. Davis went on to state that there were a lot dead trees and weeds in the neighborhood, Director Mike DiTullio asked her to give location of the dead trees and weeds, because he felt that was a false statement, Mr. DiTullio stated that Mr. Johnson the District Manager was very pro-active to those issues and he could not believe that this was a true statement, Ms. Davis, apologies that maybe her statement come off a bit harsh and that she was not sure of the location to the dead trees and weeds. Mr. DiTullio assured her that landscaping was a high priority to the board and the District Manager. Mr. Johnson did state we would give the trees time to leaf out before any trees would be replaced, at worst case a dead tree would be removed and replaced at a later date.

The Board recognized Doug Allen of 5914 Calgary St; he wanted to state that he was also in the development industry and that the DiTullio's were top notch developers and showed a lot of care and responsibility in the neighborhoods that they developed. He was proud to live in STMD and just wanted the board to know of his opinion.

The board recognized Cash Freeman of 5811 Banner St, he stated he was there to speak on the behave of his wife, she would like to see the Community Center hours changed to 4:30 am to 9 pm, Mr. Johnson stated that the board could discuss this further and make a decision if they wish to extend the Community Center hours. Evening hours for the fitness center were set to try and keep the hours the same all the time for the residents that use the fitness area and be able to rent the Community Center where folks could throw parties without people from the fitness area interfering, we tried to come up with a happy medium.

The board recognized Ron Clark of 5936 Quarry St, he stated he would like to have the District impose that every house have a bun-gee cord on their trash cans to keep the trash from blowing out and around the neighborhood, Mr. Johnson stated this had been addressed in the earlier Public comments, however, we could suggest that in the next newsletter, we could not make this mandatory. Also Mr. Clark would like to see residents with recycle bins use the large bi, to prevent trash from blowing all over.

With no further Public comments this section of the meeting was closed.

APPROVAL & RATIFICATION OF THE EMERGENCY LIAISON RESOLUTION:

Mr. O'Leary explained that the State felt that each Special District should have an Emergency Liaison/contact in the District incase for natural disasters,

Upon motion duly made by Dino DiTullio, seconded by Director Jennifer DiTullio and unanimously carried the Board of Directors appointed Michael J. DiTullio the Districts Emergency Liaison.

APPROVAL & RATIFICATION FOR THE DISTRICT MANAGER TO PREPARE THE 2016 BUDGETS:

Mr. Johnson stated the Budgets were due to the Board of Directors by October 15 each year and would need the Boards direction to prepare said budgets.

Upon motion duly made by Director Dino DiTullio, seconded by Director Mike DiTullio and unanimously carried, the Board approved the District Manager to prepare the 2016 Budgets to be ready 10/15/15 for 2016.

APPROVAL & RATIFICATION FOR THE DISTRICT TO PREPARE FOR ANNUAL AUDIT/EXEMPTIONS:

Mr. Johnson stated the District needed to prepare the information for the Audit firm to file the Audits and Audit Exemptions.

Upon motion duly made by Director Dino DiTullio, seconded by Director Mike DiTullio and unanimously carried, the Board approved the District Manager to prepare the information needed to file the annual Audits and Audit Exemptions.

PAYABLE:

Mr. Johnson reviewed with the Board the expenditures for November 2014 through March 2015 totaling \$ 161,886.13,

Upon motion duly made by Director Dino DiTullio, seconded by Director Mike DiTullio and unanimously carried; the Board approved the payable for November 2014 through March 2015 for \$161,886.13.

FINANCIALS:

Mr. Johnson reviewed with the Board the actual expenditures to date and the budgeted amount. The budget is in balance at this time. After no further discussion needed this portion of the meeting was closed.

APPROVAL & RATIFICATION OF THE RESOLUTION OF THE POOL IGA WITH SWTMD:

Mr. Johnson presented the board with the Resolution for the Pool IGA with SWTMD, after further discussion,

Upon motion duly made by Director Dino DiTullio, seconded by Director Jennifer DiTullio and unanimously carried; the Board approved the Resolution for the Pool IGA with SWTMD as presented.

APPROVAL & RATIFICATION OF THE PROMISSORY NOTE:

Mr. Johnson state the Promissory note required renewal yearly, Mr. Johnson noted the only change was the addition of interest for the prior year,

Upon motion duly made by Director Mike DiTullio, seconded by Director Jennifer DiTullio and unanimously carried, the Board approved the Promissory Note for 2015.

DISTRICT LEGAL COUNSEL REPORT:

Mr. O'Leary stated he had nothing to report at this time.

DISTRICT MANAGERS REPORT:

Mr. Johnson stated:

1. General District items:

- a. No Social committee in place at this time.
- b. Fence stain set up for late 2015. For part of Summerfields and all of the Preserve. Developer to advance money.
- c. Need to add money to reserves for fence replacement. Must have replacement cost for STMD property in reserves.

2. Site Work:

- a. Developer place and paid for replacement trees along Summerfield's.
- b. Shrubs need to be replaced in 2015; cost around \$2,000.00 for 50 shrubs. Will get estimate.
- c. Trees will be sprayed for insects in 2015.

- d. Detention ponds working as designed.
 - 1. Detention ponds: Aquatron and sludge remover are now being added to the detention ponds, starting the second year of this maintenance program. Seems to work. Very expensive.
 - 2. Detention ponds: Priced out meter ped and up-date aeration pricing: Est.; \$28,000.00 each. Working on getting bids for power and a bore. Also need to set up a side lot easement with a homeowner. Will need to set up monthly maintenance on both detention ponds. Developer to advance money.
- e. Mosquito mitigation is part of the Town of Timnath responsibility; per our District service plan.
- f. Letters did go out on homeowner trees that are in the tree lawns that need to replace. Sending letters again.
- g. Letters on fence stain going out, some residents using clear which is not clear.
- h. Drainage issues around site at fence areas, water runoff from homeowners watering. (working on)

3. Web Site:

- a. Keeping site up.

4. Community Center & Pool:

- a. New fence and gates have been installed. CATV, internet, voice all set up.
- b. Pool IGA's and or agreements to be set up with SWTMD.
- c. Pool hours per resolution to be the same until school starts fourth week of August, then moves to open at 3:00 pm on weekdays and normal time on the weekends (10:30 am to 8:00 pm).
- d. Clubhouse and Pool. When District accepts will need to add money yearly to reserves for maintenance and replacement cost.
- e. Talk on blinds for Fitness room. West evening sun? Blinds block the view the rest of the year? Board did not want to look at blinds at this time.
- f. Pool access for summer of 2015 will be through southeast gate. Working on Fob scanner at these locations.

OTHER MATTERS:

The Board noted there were no other matters at this time.

ADJOURNMENT:

Following no further discussion,

Upon motion duly made by Director Dino DiTullio, seconded Director Mike DiTullio and unanimously carried, the Board adjourned the joint organizational meeting of the Board of Directors of the South Timnath Metropolitan District Nos. 1 & 2 at 11:46 a.m.

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 South Timnath Metropolitan District Nos. 1 & 2.



Guy D. Johnson, Secretary for the Meeting