

SOUTHWEST TIMNATH METRO DISTRICT'S

RECORD OF PROCEEDINGS MINUTES OF THE JOINT ORGANIZATIONAL MEETING OF THE BOARDS OF DIRECTORS OF SOUTHWEST METROPOLITAN DISTRICT NOS. 1- 4

HELD: Tuesday, March 10, 2020, at 9:00 a.m. at 6000 Summerfields Parkway, Timnath, Colorado 80547

ATTENDANCE:

The joint organizational meeting of the Boards of Directors of the Southwest Timnath Metropolitan District Nos. 1 -4 (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 Kara DiTullio
Dino A. DiTullio Jennifer DiTullio

Michael D. DiTullio was absent and excused, Guy Johnson and Jackie Johnson from the District and several homeowners were also present. See sign in sheet.

CALL TO ORDER:

Dino DiTullio called the meeting to order at 9:03a.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 the Secretary of 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 on SWTMD web site 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 made by Director Mike DiTullio and seconded by Director Dino DiTullio and unanimously carried to approve the agenda.

APPROVAL OF MINUTES:

The meeting minutes of November 07, 2019 meeting was presented and discussed,

Upon motion made by Director Mike DiTullio and seconded by Director Kara DiTullio and unanimously carried to approve the meeting minutes of November 07, 2019.

PUBLIC COMMENTS:

Director Dino DiTullio opened the Public Comment portion of the meeting recognizing Jill Willey of 5985 Story Road, Mrs. Willey asked if the District would be able to plow the streets in her area, the last snow fall she could not get out of her street due to the amount of snow and she only has a small 2-wheel drive car? Director Dino DiTullio stated the streets were owned by the Town and they would be responsible for plowing, however, the neighborhood roads were not high priority for snow removal, and it would be too costly for the District to plow the streets. Director Mike DiTullio stated they he would come down her way on his tractor the next storm and help her remove snow from the street. Mrs. Willey also wanted to ask about the chemicals put into the ponds, she sees lots of people fishing and playing around the pond and wondered how safe it was for them. Guy Johnson stated that the ponds are treated with approved chemicals from Keeton Industries, and they are safe for human and animal contact. Mrs. Willey also wondered if the goose poop added to the pond issues, and Guy Johnson stated that it does however, the chemicals are supposed to help balance that out.

The last item Mrs. Willey inquired about was she saw the builder using water to tamp down the lots and wondered where the water come from, Guy Johnson state they were using water from the hydrants from the lots they own and were using a water meter issued by the water District.

The Board recognized Nicole Stroud of 5816 Connor Street, she asked if the District could place a note in the newsletter in reference to dog poop and owners must pick up after their pets, Guy Johnson stated it is in every newsletter sent out and we hope that resident just police themselves. Mrs. Stroud also wanted to know when D.R. Horton would be complete with building, Director Mike DiTullio, stated he thought in the next 6/9 months.

With no more Public Comment Director Dino DiTullio closed this portion of the meeting.

APPROVAL & RATIFICATION OF POSTING LOCATIONS SITE AND WEBSITE:

Mr. Johnson presented the annual posting locations on site and on the website with no changes to the Board.

Upon motion was made by Director Dino DiTullio and seconded by Director Michael J. DiTullio and unanimously carried to approve the annual posting locations for Southwest Timnath Metropolitan Districts 1-4.

ATHORIZATION FOR PREPARATION OF 2019 AUIDTS AND AUDIT EXEMPTIONS:

Mr. Johnson stated the District would be preparing for the 2019 Audit and Audit Exemptions that are required by the State, audits are required on any District with a Budget of more than \$750,000, therefore, the District would need an audit on District #1 and #4 and exemptions on District #2 and #3. With no further discussion

Upon motion was made by Director Dino DiTullio and seconded by Director Kara DiTullio and unanimously carried to authorize the District to Prepare the 2019 Audit and Audit Exemptions as needed for Southwest Timnath Metropolitan Districts 1-4.

APPROVAL & RATIFICATION OF DISTRICT FEES:

Mr. Johnson presented to the Board the Resolution for the District Fees consisting of

The "Operations and Maintenance Fee" shall be as follows:

O & M fee due of \$1,000.00, due in one (1) lump sum by March 1st, or two hundred fifty dollars (\$250.00) quarterly payments, due on or before March 1, June 1, September 1 and December 1. These fees will always be in effect and shall be assessed against all residential lots. Operations and Maintenance Fee will be collected from the owner of the lot/home. Administration fee of \$5.00 for administration actions for invoicing, late fee invoicing and additional actions as needed, Late fees in the amount of \$25.00 which will be assessed on the day after invoice is due and every thirty days (30) after until paid, and attorney fees when needed

The "Out of District Pool Rate Fee" shall be as follows:

A family pool membership for an Out of District Pool Membership is \$550.00 (Limit 20).

Guest Pass: \$5.00 per guest, per visit (Limit 4) and must be accompanied by a person with a pool membership. With no more free guest punch cards bring issued.

The "Pool Guest Fee" shall be as follows:

Residents are allowed to bring up to 4 guest per visit per day, at a cost of \$5.00 per guest per visit. District guest pass punch card will no longer be used.

The “Lost FOB Fee” shall be as follows:

Lost Fob replacement fee and/or disconnected/reconnection fee for outstanding O and M fee is \$25.00 per occurrence.

The “Community Center Room Rental Fee” shall be as follows:

District residents’ room rental fee is \$60.00 for a min of 3 hours and \$20.00 per each additional hour which includes set up and clean up time. Room rental late fee: Not out by agreed time results in \$25.00 fee every 15 minutes.

Out of District room rental fee is \$240.00 for a min of 3 hours and \$80.00 per each additional hour which includes set up and clean up time. Not out by agreed time results in \$25.00 fee every 15 minutes.

Room rental for Governmental Agencies (State, County, Town, City or Districts) is no charge if room not in use.

Room rental late fee: Not out by agreed/agreement time results in \$25.00 fee every 15 minutes.

The Community Center Hours of operations will be 4:00 am to 10:00 pm daily.

The hours available for the rental room will be 4:00 am to 12:00 am (Midnight).

Director Dino DiTullio stated that the Operation and Maintenance fees would need to be increased to cover the cost of the Fort Collins -Loveland Water Sanitation District increase that took effect January 1, 2020, at this time the District could not see how the increase would affect the budget but it was projected to this summer when the District starting water the greenbelts and open spaces. With no further discussion from the board

Upon motion was made by Director Mike DiTullio and seconded by Director Dino DiTullio and unanimously carried to authorize the approve and ratification of The District Fee Resolution as presented.

FINANCIALS:

Mr. Guy Johnson reviewed with the Board the expenditures for November 2019 through February 2020 totaling \$ 104,194.73.

Upon motion duly made by Director Mike DiTullio, seconded by Director Kara DiTullio and unanimously carried; the Board approved the payable for November 2019 through February 2020 totaling \$ 104,194.73.

APPROVAL & RATIFICATION OF THE PROMISSORY NOTE:

Mr. Guy Johnson presented the Promissory note to board and stated that it required renewal yearly, Director Mike DiTullio stated with the current interest rates as low as they are the Board might want to look into refinancing the current bonds, after further discussion,

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

DISTRICT LEGAL COUNSEL REPORT:

Mr. Guy Johnson stated with Mr. O’Leary not in attendance he was asked to inform the Board that the May 2020 Election was cancelled, Ron Mullenbach did show interest in running for the board, however, with only one resident showing interest, one of the current Board members was willing to step down to allow Mr. Mullenbach to be appointed to the board without an election which would save the District roughly \$25,000.

DISTRICT MANAGERS REPORT:

Mr. Guy Johnson stated:

1. General District items:

- a. Must have replacement cost for District property in new budgets and reserves.
- b. Have been invoicing residents, online system is set up.
- c. Several calls to replace dead trees. We have 14 dead trees currently.
- d. Several calls to stain district fence. Very low number in budget. Will stain a minimal amount of fence.
- e. Talk on O and M fees to cover actual cost of O and M. Need to raise above \$1,200.00 to \$1,400.00.
- f. Needs funds for Maintenance and some up-grades.

2. Site Work:

- a. Cleaning drains, pans and detention ponds, monthly. D R Horton helped add some site drains.
- b. D R Horton added trees in ROW's, added a few trees on site along with replacements.
- c. Working on playground areas, will have inspected this spring.
- d. Playground and tables, Power wash once a month. Will be on hold.
- e. 2020 will stain north side of project, if funds are available.
- f. Front monument lights were vandalized and replace.
- g. Farson Drive west side monument lights are out, not enough funding to fix at this time.
- h. Summerfields and Three bell need to add a power meter when budgets allow. Several Homeowners would like monument lit up.
- i. One homeowner asking about a dog park to be put in the neighborhood. I had stated no, no where to put one that would not be too close to homes and funding. Plus, Town of Timnath is building one at new park.

3. Web Site:

- a. Setting up.

4. Community Center & Pool:

- a. Up-dating records.
- b. Fitness area equipment is being replaced.
- c. Pool Hours change in fall opening at 4:30 pm. Due to late school times letting out.
- d. Talk on sale of pool memberships, will sale 10 memberships or more in 2020. \$500.00?

Next meeting 11/10/2020 at 9:00 am. And as needed. Also Mr. Johnson stated he would get a newsletter ready to go out and put the information about the water increase and possible Operation and Maintenance fee increase in that publication.

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 Southwest Timnath Metropolitan District Nos. 1 – 4 at 9:42 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 Southwest Timnath Metropolitan District Nos. 1 – 4.



Guy D. Johnson, Secretary for the Meeting