

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
TALLYN'S REACH AUTHORITY
HELD
JULY 18, 2023

A regular meeting of the Board of Directors of the Tallyn's Reach Authority, (referred to hereafter as the "Board") was convened on Tuesday, July 18, 2023, at 6:00 p.m. This regular meeting was held at the Tallyn's Reach Clubhouse, 24900 E. Park Crescent Drive, Aurora, Colorado 80016 and via Microsoft Teams. The meeting was open to the public.

ATTENDANCE

Directors in Attendance for the Authority:

David Patterson, President

BJ Pell, Vice-President/Assistant Secretary, attending in person

Harry Yosten, Treasurer

Mike Dell'Orfano, Assistant Secretary, attending in person

Brian Crandall, Assistant Secretary, attending in person

Also in Attendance Were:

Jon L. Wagner, Esq.; White Bear Ankele Tanaka & Waldron ("WBA")
Celeste Terrell and Shauna D'Amato (attending in person), Terri Boroviak, and Nic Carlson (for a portion of the meeting);
CliftonLarsonAllen LLP ("CLA")

Bill Barcus; Tallyn's Reach MD 2 Board Member

Brian Baisch; Tallyn's Reach MD 2 Board Member

Julie Huygen; Tallyn's Reach MD 3 Board Member

Taylor Goertz; IMEG Corp. ("IMEG")

Isabell Rodau; YMCA

ADMINISTRATIVE MATTERS

Call to Order: The meeting was called to order at 6:38 p.m.

Agenda: Following review and discussion, upon a motion duly made by Director Pell, seconded by Director Crandall and, upon vote, unanimously carried, the Board approved the Agenda, as amended, to move the Legal Matters to be discussed in Executive Session, add YMCA pool report under Managers Matters, and add council member eblast discussion under Other Matters.

Disclosures of Potential Conflicts of Interest: Attorney Wagner advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Attorney Wagner reported that disclosures for those directors that provided WBA with notice of potential or existing conflicts of interest

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were filed with the Secretary of State's Office and the Board at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. Attorney Wagner inquired into whether members of the Board had any additional disclosures of potential or existing conflicts of interest with regard to any matters scheduled for discussion at the meeting. No additional disclosures were noted. The participation of the members present was necessary to obtain quorum or to otherwise enable the Board to act.

Quorum: A quorum was confirmed for the meeting.

PUBLIC COMMENT

None.

APPOINTMENT OF OFFICERS

Appointment of Officers: Following discussion, upon a motion duly made by Director Dell'Orfano, seconded by Director Crandall and, upon vote, unanimously carried, the Board appointed the Directors to the following offices:

<u>Office</u>	
President	Harry Yosten
Vice-President / Assistant Secretary	David Patterson
Treasurer	BJ Pell
Assistant Secretary	Brian Crandall
Assistant Secretary	Mike Dell'Orfano

CONSENT AGENDA

Ms. Terrell reviewed the Consent Agenda with the Board and noted that any item may be removed from the Consent Agenda to the regular Agenda upon the request of any Director. Upon a motion duly made by Director Pell, seconded by Director Yosten and, upon vote, unanimously carried, the following items on the Consent Agenda were approved, ratified and/or adopted, as appropriate, except for Item L., which was removed and addressed under Manager Matters / IMEG Update.

- A. Approval of Minutes of the Special Meeting on March 14, 2023.
- B. Ratify approval of Fifth Addendum to Independent Contractor Agreement with Brightview Landscape Services, Inc. for 2023 Plant Health Care in the amount of \$100,083.34.
- C. Ratify approval of Sixth Addendum to Independent Contractor Agreement with Brightview Landscape Services, Inc. for Tree Replacements in the amount of \$148,423.91.
- D. Ratify approval of Seventh Independent Contractor Agreement with Brightview Landscape Services, Inc. for Turf to Native Conversion in the amount of \$61,777.70.

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- E. Ratify approval of Eighth Addendum to Independent Contractor Agreement with Brightview Landscape Services, Inc. for Top Dress E Frost Dr and Native to Cobble Arapahoe Rd in the amount of \$20,730.88.
- F. Ratify approval of Ninth Addendum to Independent Contractor Agreement with Brightview Landscape Services, Inc. for Crusher Fines Path Repair in the amount of \$6,308.05.
- G. Ratify approval of Independent Contractor Agreement with Brightview Landscape Services, Inc. for Landscape Maintenance on City Owned Property for 2023 Season.
- H. Ratify approval of Independent Contractor Agreement with Colorado Designscapes, Inc. for Monument Landscaping in the amount of \$23,916.08.
- I. Ratify approval of First Addendum to Independent Contractor Agreement with ET Irrigation Management Specialist LLC for Spray Head Replacement in the amount of \$13,800.00.
- J. Ratify approval of First Addendum to Independent Contractor Agreement with MFish Graphics for Sign Updates in the amount of \$48,307.00.
- K. Ratify approval of Independent Contractor Agreement with Schedio Group, LLC for Engineering Services.
- L. Ratify approval of bid for retaining wall project and awarding of bid.

LEGAL MATTERS

Updates with City of Aurora:

- A. Sample COA Tree Survey
- B. Spreadsheet of COA Status of Trees
- C. COA Disputed Maintenance Areas
- D. Spreadsheet of Median Areas in Tallyn's Reach
- E. Map of Ownership

All Legal Matters were discussed in Executive Session later in the meeting.

FINANCIAL MATTERS

Claims: Ms. Boroviak provided an overview of the claims for period ending July 11, 2023, in the amount of \$1,022,342.27. Following review and discussion, upon a motion duly made by Director Yosten, seconded by Director Pell and, upon vote, unanimously carried, the Board approved the claims as presented.

Unaudited Financial Statements and Schedule of Cash Position:

Ms. Boroviak reviewed the unaudited financial statements as of May 31, 2023 and the schedule of cash position updated as of July 11, 2023.

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Following review and discussion, upon a motion duly made by Director Yosten, seconded by Director Crandall and, upon vote, unanimously carried, the Board approved the unaudited financial statements as of May 31, 2023 and the schedule of cash position updated as of July 11, 2023, as presented.

MANAGER MATTERS

Electrical Vehicle Charging Stations: Ms. Terrell explained that new Federal funding may be available to cover costs to add electrical vehicle charging stations at the Tallyn's Reach Clubhouse parking lot. The Board would like staff of CLA to further explore this.

IMEG Update: Mr. Goertz provided an update to the Board on the retaining wall project. Three bids were received and his recommendation to award the contract would be to Chavez Services LLC in the amount of \$144,757.00. The City of Aurora has asked IMEG to provide authorization from the previous construction company who completed the amendment to the original construction plans. The Board requested that if there is not any progress in obtaining this approval, to reach out the Directors Yosten and Patterson to assist. Mr. Goertz noted that the project will take approximately 75 days for final approval. Following discussion, upon a motion duly made by Director Yosten, seconded by Director Pell and, upon vote, unanimously carried, the Board approved to award the retaining wall project to Chavez Services LLC for an amount of \$144,757.00.

Mr. Goertz provided an update on the stormwater project and the creation of the informational packet. He would like to have CLA and legal counsel do a final review.

Landscape Updates:

Turf Conversion Projects: Ms. Terrell provided an update on turf conversion projects, stating that turf conversion site, priority 1A, has not been approved by Aurora Water for rebates. However, the Authority has reached its lifetime maximum rebate amount. Ms. Terrell recommended moving forward with completing the turf conversion in priority 1A and negotiating increasing the lifetime maximum with Aurora Water. The Board directed CLA to move forward with this recommendation. The Board also directed CLA to stop irrigating 2024 turf conversion sites now to save water usage and install signs at these areas to notify owners of the upcoming project.

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Cactus Garden: Ms. Terrell reported that the Colorado Cactus and Succulent Society would like to put in a cactus garden at the Tallyn's Reach Clubhouse, with all costs being covered by a grant. The Board approved the installation of a cactus garden.

Ash Borer Treatments: Ms. Terrell reported that she is working with an independent arborist on the Ash Borer treatments for the Authority owned ash trees.

Positive Feedback on Landscaping: Ms. Terrell reported that CLA has received positive feedback this year on the landscaping.

Irrigation Controller Electrical Line Replacement: Ms. Terrell reviewed the proposal from Radiant Lighting and explained that an electrical line for one of the irrigation controllers will need to be replaced. ET Irrigation recommended fully replacing the electrical line as opposed to converting the controller to a solar powered option due to the potential costly repairs needed to be done in the future. Following discussion, upon a motion duly made by Director Pell, seconded by Director Crandall and, upon vote, unanimously carried, the Board approved the proposal from Radiant Lighting. Ms. Terrell noted that nearby homeowners have authorized the Authority to use their electricity to run the irrigation controller until repairs have been made. The Board directed CLA to send these homeowners a thank you gift.

Authority Maintenance of Non-Owned Spaces: Director Yosten explained that there are areas along Glasgow that belong to the adjacent homeowner, but the Authority has been maintaining. There is also a small monument area and shrub bed on Glasgow that belongs to the homeowner that the Authority has also been maintaining. Discussion ensued on how to proceed. The Board determined to continue to water, mow and remove snow from these areas, and directed legal counsel to investigate further on any legal issues in doing so.

Resident Survey: The Board directed CLA to investigate the cost of an updated survey to be done after the reserve study is completed.

Pool Update: Ms. Rodau provided an update on repairs that have been completed and the pool usage.

OTHER MATTERS

Eblast to Community: Director Patterson explained that council member Francoise Bergan requested that her contact information and

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information about herself be sent to the community via Eblast. Following discussion, the approved sending of the Eblast.

Authority – Quorum for Next Regular Board Meeting on September 19, 2023 at 6:00 p.m.: The Board confirmed an anticipated quorum and reported that the meeting will be held in person and virtually.

EXECUTIVE SESSION

Executive Session of the Board of Directors for the Purpose of Receiving Legal Advice Pursuant to Section 24-6-402(4)(b), Colorado Revised Statutes as it Relates to Ongoing Landscape Maintenance: Pursuant to Section 24-6-402(4)(b), C.R.S., upon a motion duly made by Director Crandall, seconded by Director Pell and, upon vote, unanimously carried, the Board convened in Executive Session at 8:32 p.m. for the purpose of receiving legal advice related to ongoing landscape maintenance.

The Board reconvened in public session at 8:44 p.m.

ADJOURNMENT

There being no further business to come before the Board, upon a motion duly made by Director Dell'Orfano, seconded by Director Crandall and, upon vote, unanimously carried, the Board adjourned the meeting at 8:45 p.m.

The foregoing constitutes a true and correct copy of the minutes of the above-referenced meeting.

DocuSigned by:

Mike Dell'Orfano

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Secretary for the Meeting – Tallyn's Reach Authority

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Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	9/25/2023 1:11:19 PM
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