

## RECORD OF PROCEEDINGS

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MINUTES OF A REGULAR MEETING OF  
THE BOARD OF DIRECTORS OF THE  
TALLYN'S REACH AUTHORITY  
HELD  
SEPTEMBER 19, 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, September 19, 2023, at 6:00 p.m. This regular meeting was held via Microsoft Teams. The meeting was open to the public.

### ATTENDANCE

#### **Directors in Attendance for the Authority:**

BJ Pell, Vice-President/Assistant Secretary  
Harry Yosten, Treasurer  
Mike Dell'Orfano, Assistant Secretary  
Brian Crandall, Assistant Secretary

Absent and excused was Director Patterson.

#### **Also in Attendance Were:**

Blair M. Dickhoner, Esq.; White Bear Ankele Tanaka & Waldron ("WBA")  
Celeste Terrell, Terri Boroviak, and Nic Carlson; CliftonLarsonAllen LLP ("CLA")  
Bill Barcus; Tallyn's Reach MD 2 Board Member  
Julie Huygen; Tallyn's Reach MD 3 Board Member  
Taylor Goertz; IMEG Corp. ("IMEG")  
Isabell Rodau; YMCA  
Sara Rutman; Brightview Landscape Services

#### **Residents in Attendance:**

Lynn Wainwright, Susan Myrena, Drew Sciortino, Cindy Frey, Dan Sorenson, and Adrienne Bradshaw.

### ADMINISTRATIVE MATTERS

**Call to Order:** The meeting was called to order at 6:04 p.m.

**Agenda:** 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 Agenda, as amended, to add collection of unpaid fees, and pool and clubhouse management to Executive Session, remove landscape negotiations with the City of Aurora out of Executive Session, and add YMCA update to take place after public comment.

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

Ms. Huygen noted her concern about the email sent to residents from the Authority following a request from Councilwoman Bergan. Director Yosten explained that it was not an endorsement and was only meant to be informational.

**YMCA UPDATE**

Ms. Rodau provided an update to the Board. There were questions about the cameras for the pool area. Proposals for electrical work, additional cameras and shower repairs have been sent to CLA and are under review. There was a discussion regarding a reward for damage to signs. The Board would like to revisit license plate readers, private security patrols, and requesting local law enforcement for additional patrol of the community.

**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 Dell'Orfano, seconded by Director Pell and, upon vote, unanimously carried, the following items on the Consent Agenda were approved, ratified and/or adopted, as appropriate.

- A. Approval of Minutes of the Regular Meeting on July 18, 2023.
- B. Ratify approval of Tenth Addendum to Independent Contractor Agreement with Brightview Landscape Services, Inc. for Glasgow bed renovations in the amount of \$15,860.73.
- C. Ratify approval of Eleventh Addendum to Independent Contractor Agreement with Brightview Landscape Services, Inc. for filling of tree gator bags in the amount of \$9,000.00.
- D. Ratify approval of Twelfth Addendum to Independent Contractor Agreement with Brightview Landscape Services,

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- Inc. for flagstone removal and reset in the amount of \$1,959.61.
- E. Ratify approval of Independent Contractor Agreement with Radiant Lighting Services, Inc. for irrigation electrical services in the amount of \$19,867.25.
- F. Ratify approval of 2022 Audit extension.

### LEGAL MATTERS

**New Legislation:** Attorney Dickhoner reviewed the new legislation with the Board regarding Proposition HH, construction contracts and the creation of a Task Force. He also provided an update on snow removal on City of Aurora streets and noted that the Authority would need to enter into an agreement with the City.

**Landscape Negotiations with the City of Aurora:** Director Yosten provided an update to the Board. He has been working with the City on items to be included in the term sheet. The City wants to deed certain parcels to the Authority, which would include ponds. If the Authority and the City can come to an agreement, it is projected that it would lower current maintenance expenses for these areas from \$40,000 to \$10,000. Director Pell recommended having specifics related to seed mix added into the intergovernmental agreement. Director Yosten requested permission from the Board to continue his negotiations. The Board approved Director Yosten moving forward with the negotiations with the City.

### FINANCIAL MATTERS

**Claims:** Ms. Boroviak provided an overview of the claims for period ending September 12, 2023, in the amount of \$592,137.82. 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 July 31, 2023 and the schedule of cash position updated as of September 13, 2023. Following review and discussion, upon a motion duly made by Director Pell, seconded by Director Yosten and, upon vote, unanimously carried, the Board approved the unaudited financial statements as of July 31, 2023 and the schedule of cash position updated as of September 13, 2023, as presented.

**2022 Draft Audit; Execution of Representation Letter:** Ms. Boroviak reviewed the 2022 draft audit with the Board. Following review and discussion, upon a motion duly made by Director Yosten, seconded by Director Pell and, upon vote, unanimously carried, the

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Board accepted the 2022 draft audit, authorized the execution of the Representation Letter, and authorized the submittal of the audit.

**MANAGER MATTERS** **Electrical Vehicle Charging Stations:** Ms. Terrell and Mr. Carlson provided updates on the electrical vehicle charging stations. They suggested including the question about charging stations on a survey and waiting until the survey results are in prior to pursuing any further.

**IMEG Update:** Mr. Goertz provided an update to the Board on the retaining wall project. He reported that contractors are under contract and are moving forward with the construction project. Currently, they are waiting for the right of way permit, the irrigation modifications are underway, there's approximately five weeks for sidewalk chase, and the estimated completion is five weeks.

**Landscape Updates:** Ms. Rutman provided a landscaping update to the Board. She noted that standard season wrapping of the trees and trimming of limbs, along with the annual bed conversions have taken place. She is meeting with ET Irrigation for 2024 turf conversion sites, seeding for 2023 turf conversions will take place the second week of October. Ms. Rutman also provided updates on seeding of the hill. Soil samples have been sent in and newly planted trees are being watered weekly. She recommends winter watering and will provide a proposal for this. Trees under warranty will be replaced in the Spring.

**Resident Survey:** Ms. Terrell provided an update. New Bridge Strategy cost would be \$5,000, and CLA's would be \$7,000. CLA will send proposed questions to Directors Crandall, Dell'Orfano and Pell for review. Following discussion, upon a motion duly made by Director Crandall, seconded by Director Yosten and, upon vote, unanimously carried, the Board approved going with New Bridge Strategy for the Resident Survey in the amount of \$5,000.

**Glasgow Tree and Irrigation:** Directory Yosten provided an update. Parcels along Glasgow are the owners' responsibility to maintain but the Authority has been maintaining. He inquired about replacing the six trees that were removed by the Authority. The Board determined to continue to maintain and replace as necessary.

**YTD August Water Usage Report:** Director Yosten provided a report. The Authority has used only 11 million of the 31 million gallons of water allotment. Water savings is due to 202 and 2023

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turf conversions as well as irrigation management and a wet Spring.

**Pool Signage and Rewards:** This was discussed earlier in the meeting during the YMCA update.

**Snow Removal Proposal for 2023-2024 Season from Brightview Landscape Services, Inc.:** Ms. Terrell reviewed the proposal with the Board and noted that costs are going up between 16 and 21 percent. Following review and discussion, upon a motion duly made by Director Pell, seconded by Director Yosten and, upon vote, unanimously carried, the Board approved the snow removal proposal for the 2023-2024 season with Brightview Landscape Services, Inc.

**Potential of City of Aurora Allowing Snow Removal on Its Streets Within the Community:** Brightview Landscape Services, Inc. has previously stated that they did not want to provide this service. Ms. Terrell will inquire what their current status on this would be.

The Board noted that the snow removal on streets needs to be added to the Resident Survey.

**Proposal for Cul-De-Sac Pavement Repair:** Mr. Carlson reviewed the proposals with the Board. He noted that he would need to reach out to the City of Aurora regarding permits and site improvement plan requirements and if they would allow replacing concrete with asphalt.

Following review and discussion, upon a motion duly made by Director Dell'Orfano, seconded by Director Pell and, upon vote, unanimously carried, the Board approved the asphalt pavement option for the cul-de-sac pavement repair.

### OTHER MATTERS

**Authority – Quorum for Next Board Meeting on November 14, 2023, at 6:00 p.m.:** The Board confirmed an anticipated quorum.

### 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 collection of unpaid fees, and pool and clubhouse management, pursuant to § 24-6-402(4)(e), Colorado Revised Statutes:** Pursuant to Section 24-6-402(4)(b), C.R.S., upon a motion duly made by Director Yosten, seconded by Director Pell and, upon vote, unanimously carried, the Board convened in Executive Session at 8:08 p.m. for the purpose of

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receiving legal advice related to collection of unpaid fees, and pool and clubhouse management.

The Board reconvened in public session at 8:53 p.m.

### ADJOURNMENT

There being no further business to come before the Board, upon a motion duly made by Director Yosten, seconded by Director Pell and, upon vote, unanimously carried, the Board adjourned the meeting at 8:54 p.m.

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

DocuSigned by:

*Mike Dell'Orfano*

Secretary for the Meeting 258664F3786110 Tallyn's Reach Authority

**Certificate Of Completion**

Envelope Id: 9DDB49A341D646A0807186685F77028B	Status: Completed
Subject: Complete with DocuSign: Tallyn's Reach Authority - MINUTES - 09-19-2023 Regular Mtg (Auth)	
Client Name: Tallyn's Reach Authority	
Client Number: A267075-OS07-2023	
Source Envelope:	
Document Pages: 6	Signatures: 1
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Enveloped Stamping: Enabled	Cindy Jenkins
Time Zone: (UTC-06:00) Central Time (US & Canada)	220 S 6th St Ste 300
	Minneapolis, MN 55402-1418
	Cindy.Jenkins@claconnect.com
	IP Address: 73.229.160.48

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Status: Original 11/27/2023 7:06:07 PM	Holder: Cindy Jenkins Cindy.Jenkins@claconnect.com	Location: DocuSign
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Mike Dell'Orfano  
mdellorfano@comcast.net  
President, Chair  
Security Level: Email, Account Authentication (None)

**Signature**

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359664F3786B41D...  
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In Person Signer Events	Signature	Timestamp
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Certified Delivery Events	Status	Timestamp
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SDRecordsRetention@claconnect.com  
Security Level: Email, Account Authentication (None)

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ID: 2eeab7cf-9041-488d-bed0-8baedf289723

Emilee Hansen  
ehansen@wbapc.com  
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Jon Wagner jwagner@wbapc.com Security Level: Email, Account Authentication (None)	COPIED	Sent: 11/27/2023 7:10:59 PM
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	11/27/2023 7:11:00 PM
Certified Delivered	Security Checked	11/27/2023 9:22:02 PM
Signing Complete	Security Checked	11/27/2023 9:22:16 PM
Completed	Security Checked	11/27/2023 9:22:16 PM

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