

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
TALLYN'S REACH AUTHORITY
HELD
SEPTEMBER 20, 2022

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 20, 2022, 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, attending in person
BJ Pell, Vice-President/Assistant Secretary
Harry Yosten, Treasurer, attending in person
Mike Dell'Orfano, Assistant Secretary, attending in person
Brian Crandall, Assistant Secretary

Also in Attendance Were:

Blair Dickhoner, Esq.; White Bear Ankele Tanaka & Waldron ("WBA")
Celeste Terrell, Nic Carlson, and Terri Boroviak; CliftonLarsonAllen LLP ("CLA")
Bill Barcus; Resident and Board Member of Tallyn's Reach MD 2
Julie Huygen; Resident and Board Member of Tallyn's Reach MD 3
Taylor Goertz; IMEG Corp.
Isabell Rodau and Kimberly Armitage; YMCA
Cameron Grant, Esq.; Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, P.C.

Public in Attendance Were:

Jennifer Anderson, Tim _____, Collin Westerfield, Skip Youngblood, and Colleen Bryan.

ADMINISTRATIVE MATTERS

Call to Order: The meeting was called to order at 6:01 p.m.

Agenda: Following review and discussion, upon a motion duly made by Director Patterson, seconded by Director Dell'Orfano and, upon vote, unanimously carried, the Board approved the Agenda, as amended.

Disclosures of Potential Conflicts of Interest: Attorney Dickhoner advised the Board that, pursuant to Colorado law, certain disclosures

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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: None.

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 Patterson, seconded by Director Yosten 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 Joint Special Meeting on July 19, 2022.
- B. Agreements to be ratified:
 - a. Agreement with Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, P.C. for legal services relating to oil and gas matters.
 - b. Independent Contractor Agreement with Brightview Landscape Services, Inc. for pruning large native cottonwood tree in the amount of \$3,000.00.
 - c. Independent Contractor Agreement with Brightview Landscape Services, Inc. for brown cobble in the amount of \$5,435.38.
 - d. Independent Contractor Agreement with Brightview Landscape Services, Inc. for City owned landscape maintenance program.

LOCAL CRIME REPORT

Ms. Terrell reported that the report by the Aurora District 3 Police Department has been rescheduled to the next meeting.

Mr. Carlson discussed Board interest for private security. The Board members confirmed interest in security services and authorized Mr.

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Carlson to work with Directors Crandall and Dell'Orfano on this matter.

LEGAL MATTERS

Oil and Gas Lease with Axis Exploration LLC: Attorney Dickhoner introduced Cameron Grant from Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, P.C. Mr. Grant discussed the lease options with the Board. Following discussion, the Board authorized CLA to work with Lyons Gaddis Kahn Hall Jeffers Dworak & Grant, P.C. to host a public information session for community members. CLA will coordinate a public information session and invite representatives from Arapahoe County, the City of Aurora, and Axis Exploration LLC. If parties are willing to join, CLA will announce the meeting details in an email blast to residents. This will not be a Tallyn's Reach meeting but an informational session with the sole purpose of providing information to community members. Mr. Grant will finalize a lease based on feedback from the Board to present at the November Board meeting.

Agreement with Cherry Creek School District ("CCSD"): Attorney Dickhoner and Director Yosten discussed this matter with the Board. Currently, CCSD will agree to acknowledging ownership and maintenance of adjacent parcels and will pay approximately \$5,000 to the Authority annually for irrigation and irrigation management. Attorney Dickhoner will send the Agreement to the CCSD's attorney for review, and then Attorney Dickhoner and Director Yosten will work with CCSD to finalize this Agreement. Following discussion, upon a motion duly made by Director Patterson, seconded by Director Pell and, upon vote, unanimously carried, the Board approved the Agreement, subject to final review and directed Attorney Dickhoner to work with Director Yosten to finalize.

Deed Conveying Parcel of Property from District No. 1 to the Authority: Attorney Dickhoner reviewed the deed that was distributed prior to the meeting. Following review and discussion, upon a motion duly made by Director Patterson, seconded by Director Dell'Orfano and, upon vote, unanimously carried, the Board approved the deed conveying a parcel of property from Tallyn's Reach Metropolitan District No. 1 to the Authority.

Swim Team Agreement by and between the YMCA and Tallyn's Reach Tiger Sharks Swim Team: Attorney Dickhoner reviewed the Swim Team Agreement that was distributed prior to the meeting and noted it was with the YMCA for review. No action was taken.

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Letter to the City of Aurora (“City”) Regarding Maintenance Obligations: Director Yosten updated the Board and noted that no new information has been provided by the City. Director Yosten suggested that the Authority send a letter to the City clarifying expectations for City property maintenance moving into 2023. Following discussion, upon a motion duly made by Director Patterson, seconded by Director Yosten and, upon vote, unanimously carried, the Board approved legal counsel to draft and send a letter in late October, if no response has been received by that time.

Election Matters: Attorney Dickhoner updated the Board and noted that TABOR notices are to be finalized by September 26th. Pro/Con statements can be submitted to his office, which will format and submit to Arapahoe County. The Authority’s Accountant, CliftonLarsonAllen LLP, has coordinated financial components of the TABOR notice.

FINANCIAL MATTERS

Claims: Ms. Boroviak provided an overview of the claims. Following review and discussion, upon a motion duly made by Director Yosten, seconded by Director Dell’Orfano 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, 2022 and the schedule of cash position updated as of September 8, 2022. 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 unaudited financial statements as of July 31, 2022 and the schedule of cash position updated as of September 8, 2022, as presented.

MANAGER MATTERS

Pool Updates: Ms. Rodau provided end of season updates including seasonal usage, swim team review and upcoming maintenance needs. She also noted that the *Swim at Your Own Risk* experienced some reckless behavior and vandalism. The YMCA will be conducting season end closing over the coming weeks.

Tiger Shark Swim Team 2023 – Saturday Schedule – Ms. Rodau and Ms. Armitage reviewed along with Julie Anderson, representative for the Tiger Sharks Swim Team. Ms. Anderson further discussed the request for some Saturday swim meets with the Board. Following discussion, upon a motion duly made by Director Patterson, seconded by Director Yosten and, upon vote, unanimously carried, the Board approved at least two swim meets

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during the 2023 season on Saturdays, authorizing Director Pell and Crandall to negotiate dates, times and details.

Service and Equipment Agreement with SOS Technologies for Oxygen Inhalator Rental and Training: Ms. Terrell and Ms. Rodau reviewed the Agreement with the Board. Following review and discussion, upon a motion duly made by Director Dell'Orfano, seconded by Director Patterson and, upon vote, unanimously carried, the Board authorized the purchase of one oxygen inhalator.

IMEG Update and Proposal for a Retaining Wall Along Aurora Parkway: Mr. Goertz reported to the Board that no response has been received from the City on submittals that were turned in on August 23rd and August 30th of this year. The Board requested that IMEG stay involved and continue to keep the Authority informed of updates moving forward.

Mr. Goertz reviewed the stormwater detention pond assessment proposal that was distributed prior to the meeting. Following review and discussion, the Board directed IMEG to refine the scope and present an updated proposal at the November meeting.

Wood Post Sign (replacing metal signs): Ms. Terrell reviewed with the Board. The Board determined that sign replacement be integrated with the quad beautification plan.

2022-2023 Snow Removal Contract with Brightview Landscape, Inc.: Ms. Terrell presented the proposed 2022-2023 snow removal contract with the Board. Following review and discussion, upon a motion duly made by Director Yosten, seconded by Director Patterson and, upon vote, unanimously carried, the Board approved the 2022-2023 snow removal contract, as presented.

Report and Recommendation of Landscape Committee: Director Yosten reviewed the packet enclosure with the Board.

Ms. Terrell reviewed the proposal for tree and stump removal in the amount of \$46,555.15. Following discussion, upon a motion duly made by Director Yosten, seconded by Director Dell'Orfano and, upon vote, unanimously carried, the Board approved the tree and stump removal proposal in the amount of \$46,555.15.

OTHER MATTERS

Authority – Quorum for Next Regular Board Meeting on November 15, 2022 at 6:00 p.m.: The Board confirmed an


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anticipated quorum and reported that the meeting will be held in person and virtually.

ADJOURNMENT

There being no further business to come before the Board, upon a motion duly made by Director Pell, seconded by Director Patterson and, upon vote, unanimously carried, the Board adjourned the meeting at 9:24 p.m.

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

DocuSigned by:


SD0F27EA0668456

Secretary for the Meeting – Tallyn's Reach Authority

Certificate Of Completion

Envelope Id: 1C44EA4FB2D34E1C8DEB0B758731E005	Status: Completed
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Client Name: Tallyn's Reach Authority	
Client Number: A267075-OS07-2022	
Source Envelope:	
Document Pages: 36	Signatures: 9
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: 67.176.12.84

Record Tracking

Status: Original 12/1/2022 10:45:36 AM	Holder: Cindy Jenkins Cindy.Jenkins@claconnect.com	Location: DocuSign
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Signer Events

David Patterson
david.patterson@falck.com
President
Security Level: Email, Account Authentication (None)

Signature

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Using IP Address: 8.46.80.1

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ID: 7bf2f196-c7b9-4373-a316-8d3acb3cb58d

BJ Pell
bjnsteve95@yahoo.com
Secretary
Security Level: Email, Account Authentication (None)

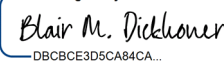
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Signed using mobile

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Blair M. Dickhoner
bdickhoner@wbapc.com
Security Level: Email, Account Authentication (None)

DocuSigned by:

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Using IP Address: 50.209.233.181

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In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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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
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Signing Complete	Security Checked	12/1/2022 12:38:51 PM
Completed	Security Checked	12/1/2022 12:38:51 PM

Payment Events	Status	Timestamps
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