

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
TALLYN'S REACH AUTHORITY
HELD
MARCH 19, 2024

A regular meeting of the Board of Directors of the Tallyn's Reach Authority, (referred to hereafter as the "Board") was convened on Tuesday, March 19, 2024, at 6:00 p.m. This meeting was held at the Tallyn's Reach Clubhouse, 24900 E. Park Crescent Drive, Aurora, CO 80016, and via Microsoft Teams. The meeting was open to the public.

ATTENDANCE

Directors in Attendance for the Authority:

Harry Yosten, President

BJ Pell, Treasurer

David Patterson, Vice President/Assistant Secretary

Mike Dell'Orfano, Assistant Secretary

Brian Crandall, Assistant Secretary

Also in Attendance Were:

Jon L. Wagner, Esq. and Jacob Elsner; White Bear Ankele Tanaka & Waldron ("WBA") attending via MS Teams

Celeste Terrell and Shauna D'Amato; CliftonLarsonAllen LLP ("CLA")
Terri Boroviak; CliftonLarsonAllen LLP ("CLA") (attending via MS Teams)

Julie Huygen; Tallyn's Reach MD 3 Board and resident

Sara Rutman; Brightview Landscape Services, Inc. (attending via MS Teams)

Residents in attendance:

Julie Andersen, Colleen Bryan, Adam Bies, Ray Cederberg, and Sana Rihani.

Everyone attended in person unless otherwise noted.

ADMINISTRATIVE MATTERS

Call to Order and Agenda: The meeting was called to order at 6:02 p.m.

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 presented.

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

RECORD OF PROCEEDINGS

Wagner 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 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, Location of Meeting and Posting of Meeting Notices: A quorum was confirmed for the meeting.

PUBLIC
COMMENT

None.

CONSENT
AGENDA

The Board reviewed the Consent Agenda 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 Consent Agenda was approved, ratified and/or adopted, as appropriate.

- A. Approval of Minutes of the Joint Special Meeting on October 24, 2023 and Minutes of the Special Meeting on November 14, 2023.
- B. Ratify approval of Independent Contractor Agreement with Ark Ecological Services, LLC for open space management services (weed and native plant management) for an amount not to exceed \$100,000.00.
- C. Ratify approval of Eighteenth Addendum to Independent Contractor Agreement with Brightview Landscape Services, Inc. for willow shrub removal in the amount of \$4,533.90.
- D. Ratify approval of Independent Contractor Agreement with Brightview Landscape Services, Inc. for winter watering in the amount of \$40,500.00.
- E. Ratify approval of Independent Contractor Agreement with Brightview Landscape Services, Inc. for 2024 Landscape Management Services in the amount of \$269,964.00.
- F. Ratify approval of Independent Contractor Agreement with Brightview Landscape Services, Inc. for 2024 pond maintenance in the amount of \$41,429.41.
- G. Ratify approval of Independent Contractor Agreement with Brightview Landscape Services, Inc. for 2024 perennial/shrub bed renovation in the amount of \$112,236.66.

RECORD OF PROCEEDINGS

- H. Ratify approval of First Addendum to Independent Contractor Agreement with Brightview Landscape Services, Inc. for Emerald Ash Borer Soil Injection in the amount of \$8,166.67.
- I. Ratify approval of Third Addendum to Independent Contractor Agreement with Brightview Landscape Services, Inc. for 2024 tree maintenance/plant health care in the amount of \$105,350.87.
- J. Ratify approval of Fourth Addendum to Independent Contractor Agreement with Brightview Landscape Services, Inc. for 2024 Annual Flowers in the amount of \$15,046.15.
- K. Ratify approval of Fifth Addendum to Independent Contractor Agreement with Brightview Landscape Services, Inc, for flowerpots for pool in the amount of \$15,316.04.
- L. Ratify approval of Sixth Addendum to Independent Contractor Agreement with Brightview Landscape Services, Inc, for turf to native conversion in the amount of \$113,224.02.
- M. Ratify approval of Independent Contractor Agreement for with Brightview Landscape Services, Inc. for pine tree removals due to Pine Beetle in the amount of \$19,083.35.
- N. Ratify approval of Independent Contractor Agreement with Front Range Recreation, Inc. for access system and clubhouse rental management.
- O. Ratify approval of Independent Contractor Agreement with Front Range Recreation, Inc. for pool management.
- P. Ratify approval of Independent Contractor Agreement with MFish Graphics for sign maintenance in the amount of \$44,226.00.
- Q. Ratify approval of Independent Contractor Agreement with ET Irrigation for 2024 Irrigation System Management in the amount of \$92,904.00.
- R. Ratify approval of Independent Contractor Agreement with Radiant Lighting Services for 2024 Maintenance Services.
- S. Ratify approval of Independent Contractor Agreement with Heatherly Creative for Website Management in the amount of \$600.
- T. Ratify approval of Independent Contractor Agreement with Ground Engineering Consultant, Inc., for Materials Testing and Special Inspection in the amount of \$1,580.00.
- U. Ratify approval of City of Aurora Intergovernmental Agreement.
- V. Ratify approval of Change Order No. 1 to the Contractor Agreement (Tract A Retaining Wall) with Chavez Services LLC for an amount of \$47,170.00.
- W. Ratify approval of Pay Application No. 1 from Chavez Services

RECORD OF PROCEEDINGS

LLC for Tract A Retaining Wall Project in the amount of \$35,606.00.

- X. Ratify approval of Pay Application No. 2 from Chavez Services LLC for Tract A Retaining Wall Project in the amount of \$18,184.35.

FINANCIAL MATTERS

Claims for Period Ending March 12, 2024, in the amount of \$645,805.64: Ms. Boroviak reviewed the claims with the Board. Following review, upon a motion duly made by Director Yosten, seconded by Director Crandall and, upon vote, unanimously carried, the Board approved the claims for period ending March 12, 2024, in the amount of \$645,805.64.

Unaudited Financial Statements as of December 31, 2023 and Schedule of Cash Position Updated as of March 12, 2024: Ms. Boroviak reviewed the financial statements and cash position with the Board. Following review, 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 December 31, 2023 and Schedule of Cash Position updated as of March 12, 2024.

LEGAL MATTERS

Authority Appointment Process: Attorney Wagner discussed possible appointment processes for the Authority with the Board. He reported that applications could be received and reviewed by the Board prior to voting. The Board requestion the creation of an informal solicitation procedure for applications which would be reviewed by the Board at a meeting. Attorney Wagner to formalize a policy for further review.

Employee and Volunteer Accident Coverage: Following discussion, the Board asked that staff work to add the employee and volunteer accident coverage.

Corporate Transparency Act: Following a question regarding the Corporate Transparency Act, Attorney Wagner informed the Board that this law does not apply to Metropolitan Districts or Authorities.

MANAGER MATTERS

Retaining Wall Update: Ms. Terrell provided an update to the Board, noting that the construction of the wall has begun, and that Brightview Landscape Services, Inc. (“Brightview”) is scheduled to do all reseeding for erosion control the first week of April. The retaining wall is scheduled for completion by mid-April.

Pond Updates: Brightview is to begin the pond maintenance items on the two ponds in mid-summer.

RECORD OF PROCEEDINGS

Street Updates: Ms. Terrell provided an update on the street repairs. She reported that Schedio Group LLC will be reviewing the IMEG Corp. report and update to completed street repairs based on the 2024 budget.

Xcel Update on Street Light Poles and Lights: Director Yosten provided an update. He is working with Xcel on the light pole repairs and noted that the City of Aurora owns the poles and Xcel maintains them. Director Yosten also noted that he is working to get the lights replaced with LED lights.

Arapahoe Road Vehicle Damage to Common Areas: Ms. Terrell provided an updated and noted that she has received a proposal from Brightview to repair the damage in an approximate amount of \$17,000. ET Irrigation Management Specialist LLC will provide a proposal for repairs to the irrigation once it has been activated. An insurance claim has been filed with Authority's insurance.

Lumen Wreckage on Arapahoe Road: Ms. Terrell provided an update and noted that CLA staff reported the damaged utility boxes to Century Link.

Signage in Common Areas: Brightview is to remove signs placed in the Authority owned areas during their maintenance rounds, including all commercial and political signs.

Landscape Updates: Ms. Rutman provided updates to the Board. Mowing is to begin next month (April), a staff member of Brightview is to be onsite full time starting in April through the end of the landscape season. She also reported that aeration, pre-emergent will be applied to the grass, spring clean-up, ornamental grasses are to be cut back, pond grates have been ordered, trees planted last spring will be inspected and replaced, as needed, by warranty. The Board inquired about beauty bands along the fence lines. Ms. Rutman responded that mowing of beauty bands is not included in the landscape contract.

2024 Quad Project: Ms. Terrell provided an update. The Northeast Quad will have native grass restorations; the Central Quad will have landscaping upgrades; the Southeast Quad will have wood signs straightened, stained and metal signs will be replaced with wood; and the West Quad will have a mulch refresh done.

RECORD OF PROCEEDINGS

Pine Beetle: The arborist with Brightview found trees with pine beetle infestation therefore, a soil injection has been scheduled to be completed by early April. Oak Gall was also found on some trees. A proposal has been received and is under review by management staff.

Potential Perches for Raptors: It was reported that the Authority has trees in gulches that may attract raptors. Jenn with Front Range Recreation check with the local schools to see if anyone was interested in coordinating the building of the perches, but no responses were received.

City of Aurora IGA; Turf Conversions and Tree Removals: Director Yosten provided an update. The turf is to be eliminated early in the landscape season. There is no current timeline on tree replacement but will coordinate with Brightview when the trees are ready to be picked up.

Director Yosten further reported that the City of Aurora is working on a deed for the medians. There is no update on the license agreement for the medians.

Snow Removal for BJ Pell: Director reported that Director Pell walks the property of the Authority daily and asked if Brightview could remove the snow on her driveway and sidewalk for her access. Director Yosten offered to personally pay for the snow removal. Brightview offered to do the snow removal at no charge to allow Director Pell to be able to walk and inspect the Authority property.

2024 Tallyn's Reach Authority Turf Conversions to Natives, Shrubs and Xeriscaping: Director Yosten explained that there are about a dozen areas in between homes, and some have started converting from turf to native, and the treescapes converted to cobble. There is an area in between 25043 E. Roxbury Place and 25038 E. Roxbury Place that has been removed from this list for 2024 due to only half showing of area on list/map received from Brightview. It is anticipated that this area and others will be converted from turf to native in 2025.

The Board requested that CLA review conversion sites and provide pictures to Board.

RECORD OF PROCEEDINGS

2023 Reimbursements Received: Ms. Boroviak reported that Fieldstone (\$25,570) and Cherry Creek School District (\$7,467.81) reimbursements for irrigation management and water usage have been invoiced and are awaiting payment. She also noted that CLA provided a reimbursement to the Authority in the amount of \$5,870.00 for an error with a missed status letter.

Pool Updates:

Security Updates: Director Crandall provided an update to the Board regarding recent vandalism issues and noted they have had issues with catching those responsible. He stated that several companies were in attendance to provide their ideas for security upgrades and four of the companies provided formal responses. Lighting and cameras are the largest expense items to take care of. The Board authorized Director Crandall to check the Wi-Fi and clubhouse for a new system upgrade. It was noted that the budget for security is \$30,000 for any upgrades needed.

- i. **Proposal from Arapahoe County Security Center for installation of panic bars on both pool gates in the amount of \$17,385.58:** Following review and discussion, the Board requested staff to obtain a second proposal.
- ii. **Proposal from BW Technologies INC. for upgrade and installation of new Brivo system in the amount of \$7,030.00:** Following review and discussion, the Board indicated that they would like to know what the cutoff date is to have done this year and the timelines on installation.

Tiger Sharks swim team: Director Crandall informed the Board that the swim team will meet two Saturdays with one potential mid-week meet and the final meeting dates will be provided soon. The Board requested that CLA check with insurance to determine if a lifeguard is required for the swim team because they own the pool and also check with legal and Highstreet TCW Risk Management for liability. The Board also asked CLA to check with Brightview regarding mowing times interfering with swim meets.

Pool Opening Day – Dessert truck or other frozen treats: Director Pell noted that last year the dessert truck was a big hit

RECORD OF PROCEEDINGS

and the District spent approximately \$2,000. The Board authorized having treats again this year. It was also noted that the swim team may contribute to opening day funding.

CLA flat fee arrangement: Director Yosten reviewed the invoicing structure with the Board explaining there is a flat fee for management and billing and hourly for accounting. He explained that over the last four years there has been approximately \$175,000 written off due to the flat fee structure. He stated that he and Ms. Denslow have met to discuss the 2024 CLA Statement of Work (SOW) and noted that it does allow extra invoicing for extra work. He stated there is anticipated higher operations and management fees for 2024. The Board requested CLA to review the current scope versus what is truly necessary, and present back to the Board. Director Patterson then suggested that if fees dramatically increase, he recommends an RFP to go out for District Management.

Update on CLA staffing: Ms. Terrell informed the Board that Rachel Alles has joined Tallyn's Reach Management team and has been assisting on projects including the Arapahoe vehicle damage, Century Link utility box damage and the monthly website review.

Eblast reporting and responses from residents: Ms. Terrell informed the Board that four Eblasts have been sent and that there has been positive feedback to the projects update, one response on turf conversion and one on snow removal. CLA will provide additional details on Eblasts for future Board meetings.

Oil and Gas Commission updates: Director Julie Huygen (District No. 3) provided an update with a slide show presentation to the Board. CLA will post the slides and include them in an Eblast to the community.

Playground inspection report: Ms. Terrell informed the Board that minor repairs and mulch refresh are needed, and she is waiting for a proposal. She reported that the graffiti has already been removed.

OTHER MATTERS

Authority – Next Board Meeting on July 16, 2024, at 6:00 p.m.:
Confirmed.

EXECUTIVE SESSION

Executive Session: No Executive Session was needed.

RECORD OF PROCEEDINGS

ADJOURNMENT

There being no further business to come before the Board, upon a motion duly made by Director Pell, seconded by Director Dell'Orfano and, upon vote, unanimously carried, the Board adjourned the meeting at 9:08 p.m.

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

DocuSigned by:

David Patterson

Secretary for the Meeting 7BD319417C7A455 Tallinn's Reach Authority

Certificate Of Completion

Envelope Id: 6D810B2543004431AAAF75A6F35EE3B4	Status: Completed
Subject: Complete with DocuSign: Tallyn's Reach Authority - MINUTES - 03-19-2024 Regular Mtg	
Client Name: Tallyn's Reach Authority	
Client Number: A267075	
Source Envelope:	
Document Pages: 9	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: 24.8.151.48

Record Tracking

Status: Original	Holder: Cindy Jenkins	Location: DocuSign
7/22/2024 3:52:37 PM	Cindy.Jenkins@claconnect.com	

Signer Events

David Patterson
david.patterson@falck.com
Vice President
Falck Rocky Mountain, Inc.
Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

7BD319407C7A455...
Signature Adoption: Pre-selected Style
Using IP Address: 8.46.80.1

Timestamp

Sent: 7/22/2024 3:59:46 PM
Viewed: 7/22/2024 4:02:03 PM
Signed: 7/22/2024 4:02:45 PM

Electronic Record and Signature Disclosure:
Accepted: 7/22/2024 4:02:03 PM
ID: 5be80348-8dfd-453a-a5c5-8c8c57a8e080

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
Carbon Copy Events	Status	Timestamp

Jon Wagner
jwagner@wbapc.com
Security Level: Email, Account Authentication (None)

COPIED

Sent: 7/22/2024 4:02:46 PM

Electronic Record and Signature Disclosure:
Accepted: 8/15/2023 11:41:33 AM
ID: 47e69765-c499-4cd8-bb13-b0c6695a972d

Emilee Hansen
ehansen@wbapc.com
Security Level: Email, Account Authentication (None)

COPIED

Sent: 7/22/2024 4:02:47 PM

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Witness Events	Signature	Timestamp
----------------	-----------	-----------

Notary Events	Signature	Timestamp
----------------------	------------------	------------------

Envelope Summary Events	Status	Timestamps
--------------------------------	---------------	-------------------

Envelope Sent	Hashed/Encrypted	7/22/2024 3:59:47 PM
Certified Delivered	Security Checked	7/22/2024 4:02:03 PM
Signing Complete	Security Checked	7/22/2024 4:02:45 PM
Completed	Security Checked	7/22/2024 4:02:47 PM

Payment Events	Status	Timestamps
-----------------------	---------------	-------------------

Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, CliftonLarsonAllen LLP (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact CliftonLarsonAllen LLP:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: BusinessTechnology@CLAconnect.com

To advise CliftonLarsonAllen LLP of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at BusinessTechnology@CLAconnect.com and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from CliftonLarsonAllen LLP

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to BusinessTechnology@CLAconnect.com and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with CliftonLarsonAllen LLP

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;

ii. send us an email to BusinessTechnology@CLAconnect.com and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify CliftonLarsonAllen LLP as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by CliftonLarsonAllen LLP during the course of your relationship with CliftonLarsonAllen LLP.