

MINUTES OF A JOINT REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF

CHERRY CREEK SOUTH METROPOLITAN DISTRICT NOS.  
4-6

Held: Thursday, February 23, 2023 at 3:00 p.m.

*This meeting was held via teleconference.*

**Attendance**

The joint regular meeting of the Board of Directors of Cherry Creek South Metropolitan District Nos. 4-6 was called and held in accordance with the applicable laws of the State of Colorado. The following Directors, have confirmed their qualifications to serve, were in attendance:

Kurt Wolter  
Sarah Hunsche  
Kim Jensen  
Christopher Elliott  
Brian Trybus *\*joined at 3:08 p.m.*

Also present were Kristin B. Tompkins, Esq. and Megan J. Murphy, Esq., White Bear Ankele Tanaka & Waldron, Attorneys at Law; Nancy Bach and Gigi Pangindian, CliftonLarsonAllen LLP, District Accountants, and Matt Janke, E5X Management.

**Call to Order/Declaration  
of Quorum**

It was noted that a quorum of the Boards was present and the meeting was called to order.

**Conflict of Interest  
Disclosures**

Ms. Murphy advised the Boards that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Ms. Murphy reported that disclosures for those directors that provided White Bear Ankele Tanaka & Waldron with notice of potential or existing conflicts of interest were filed with the Secretary of State's Office and the Boards at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Boards. Ms. Murphy inquired into whether members of the Boards 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 a quorum or to otherwise enable the Boards to act.

**Approval of Agenda**

Ms. Murphy presented the proposed agenda to the Boards for consideration. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the agenda, as presented.

**Public Comment**

None.

**Consider Approval of Minutes from November 21, 2022 Special Meeting**

Ms. Murphy presented the November 21, 2022 special meeting minutes to the Boards. Following discussion, upon a motion duly made and seconded, the Boards unanimously approved the minutes.

**Legal Matters**

Ratification of Special Warranty Deed to Town of Parker (District No. 4)

Ms. Murphy presented the Special Warranty Deed to Town of Parker to the Board of District No. 4. Following discussion, upon a motion duly made and seconded, the Board of District No. 4 unanimously ratified the deed.

Consider Rescinding Independent Contractor Agreement with Westwood Professional Services, Inc for Engineering Services (District No. 4)

The Board of District No. 4 discussed rescinding the Independent Contractor Agreement with Westwood Professional Services, Inc. for Engineering Services. Following discussion, upon a motion duly made and seconded, the Board of District No. 4 unanimously rescinded the agreement.

Consider Approval of Independent Contractor Agreement with KT Engineering. for Engineering Services (District No. 4)

Ms. Murphy presented the Independent Contractor Agreement with KT Engineering to the Board of District No. 4. Following discussion, upon a motion duly made and seconded, the Board of District No. 4 approved the agreement.

Consider Approval of Termination of Amended and Restated Infrastructure Acquisition and Project Fund Disbursement Agreement with Tanterra Development, LLC

Ms. Murphy presented the Termination of Amended and Restated Infrastructure Acquisition and Project Fund Disbursement Agreement with Tanterra Development, LLC. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the termination subject to final legal review, review by CliftonLarsonAllen regarding costs, and Town of Parker approval.

Consider Approval of Infrastructure Acquisition and Project Fund Disbursement Agreement with Tanterra Development II, LLC

Ms. Murphy presented the Infrastructure Acquisition and Project Fund Disbursement Agreement with Tanterra Development II, LLC to the Boards. Following discussion, upon a motion duly made and seconded the Boards unanimously approved the agreement subject to final legal review, review by CliftonLarsonAllen regarding costs, and Town of Parker approval.

*\*Director Trybus joined the meeting*

Consider Approval of Consent to Assignment of Continuing Disclosure Agreement

Ms. Tompkins presented to the Boards. Ms. Tompkins noted this assigns the continuing disclosure agreement from Tanterra Development, LLC to Tanterra Development II, LLC. Following discussion upon a motion duly made and seconded, the Boards unanimously approved the assignment subject to final legal review.

**Financial Matters**

Consider Approval of Payment of Claims (District No. 4)

Ms. Bach presented the claims in the amount of \$22,160.85 to the Board of District No. 4. Following discussion, upon a motion duly made and seconded, the Board unanimously approved the claims.

Consider Adoption of Resolution Regarding Acceptance of District Eligible Costs for Public Improvements pursuant to the Infrastructure Acquisition and Project Fund Disbursement Agreement with Tanterra Development II, LLC (District No. 5 & 6)

Ms. Bach presented the Resolution Regarding Acceptance of District Eligible Costs for Public Improvements pursuant to the Infrastructure Acquisition and Project Fund Disbursement Agreement with Tanterra Development II, LLC in the amount of \$235,209.81 to the Boards of District Nos. 5 & 6. Following discussion, upon a motion duly made and seconded, the Boards unanimously adopted the resolution.

Consider Approval of Requisition No. 11 Related to the District No. 5's Limited Tax General Obligation Bonds, Series 2021<sup>(3)</sup> (District No. 5)

Ms. Pangindian presented the Board of District No. 5 with the Project Requisition No. 11 in the amount of \$7,106.36 for capital invoices. Following discussion, upon a motion duly made and seconded, the Board of District No. 5 unanimously approved the Project Requisition No. 11.

**Other Business**

**Adjourn**

There being no further business to come before the Boards, and following discussion and upon a motion duly made, seconded and unanimously carried, the Boards determined to adjourn the meeting.

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

The foregoing minutes were approved by District Nos. 4-6 on this 23<sup>rd</sup> day of March, 2023.



---

Secretary for the Meeting