

## RECORD OF PROCEEDINGS

---

### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE 64<sup>TH</sup> AVE. ARI AUTHORITY (“AUTHORITY”) HELD JANURARY 4, 2023

A Regular Meeting of the Board of Directors of the 64<sup>th</sup> Ave. ARI Authority (referred to hereafter as the “Board”) was convened on Wednesday, the 4th day of January, 2023, at 10:00 a.m. via Zoom video/telephone conference. The meeting was open to the public.

#### ATTENDANCE

##### Directors In Attendance Were:

Chris Fellows (Velocity MD Nos. 4-6) (via Zoom)  
Timothy D’Angelo (CIC MD Nos. 7 and 11) (via Zoom)  
Megan Waldschmidt (CIC MD Nos. 6, 8-10) (via Zoom)

Following discussion, upon motion duly made by Director D’Angelo, seconded by Director Waldschmidt and, upon vote, unanimously carried, the absence of Director Rick Wells was excused, and Director Fellows was appointed as Acting President for the meeting.

##### Also In Attendance Were:

MaryAnn McGeady, Esq. and Craig Sorensen; McGeady Becher P.C. (via Zoom)

Diane Wheeler; Simmons & Wheeler, P.C. (via Zoom)

Ted Laudick; Silverbluff Companies, Inc. (via Zoom for a portion of the meeting)

Gregg Johnson; L.C. Fulenwider Inc. (via Zoom)

#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosure of Potential Conflicts of Interest: The Board noted it was in receipt of disclosures of potential conflicts of interest statements for each of the Directors and that the statements had been filed with the Secretary of State at least seventy-two hours in advance of the meeting. Attorney McGeady requested that the Directors review the agenda for the meeting and advise the Board of any new conflicts of interest which had not been previously disclosed. No further disclosures were made by Directors present at the meeting.

#### ADMINISTRATIVE MATTERS

Quorum/Meeting Location/Posting of Notice: Attorney McGeady noted that a quorum was present. The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the Authority’s Board

## RECORD OF PROCEEDINGS

---

meeting. The Board determined that the meeting would be held via video/telephonic means, and encouraged public participation. The Board further noted that notice of the time, date and location/manner of the meeting was duly posted and that no objections to the video/telephonic manner of the meeting, or any requests that the manner of the meeting be changed, had been received from taxpaying electors within the Authority's service area boundaries.

**Agenda:** Attorney McGeady noted that a proposed Agenda for the Authority's Regular Meeting had been distributed for the Board's review and approval.

Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo and, upon vote, unanimously carried, the agenda was approved, as amended.

### **CONSENT AGENDA**

**Consent Agenda:** The Board considered the following actions:

- Approve Minutes of the December 7, 2022 Regular Meeting.

Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board approved and/or ratified approval of, as appropriate, the above actions.

### **PUBLIC COMMENT**

**Public Comment:** There were no public comments.

### **FINANCIAL MATTERS**

**Claims:** Ms. Wheeler reviewed with the Board the list of claims to be approved for the period ending January 4, 2023, in the amount of \$256,876.25.

Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board approved the payment of claims for the period ending January 4, 2023, in the amount of \$256,876.25.

**Cash Position Statement:** Ms. Wheeler reviewed with the Board the cash position statement for the period ending December 22, 2022.

Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board approved the cash position statement for the period ending December 22, 2022.

## RECORD OF PROCEEDINGS

---

**Accountant's Certification of Costs Associated with the Design and Construction of Public Improvements:** Ms. Wheeler reviewed with the Board the Accountant's Certification of \$252,799.46 for soft, indirect and hard costs associated with the design and construction of Public Improvements and therefore eligible for payment (as described in Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 27, dated December 22, 2022), and legal fees in the amount of \$510.00.

Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board approved the Accountant's Certification, in the amount of \$252,799.46 for public improvement costs, and legal fees in the amount of \$510.00.

**Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 27, dated December 22, 2022, prepared by Schedio Group LLC:** The Board reviewed the Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 27, dated December 22, 2022, prepared by Schedio Group LLC, in the amount of \$252,799.46 ("Report No. 27").

Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board approved Report No. 27, in the amount of \$252,799.46.

**Project Fund Requisition No. 27:** Ms. Wheeler noted that no Project Fund requisition was needed, and that the payment would be made with funds from the Authority's ColoTrust account.

---

### **LEGAL MATTERS**

There were no legal matters presented.

---

### **CAPITAL/ CONSTRUCTION MATTERS**

#### **64<sup>th</sup> Avenue Infrastructure Project:**

**64<sup>th</sup> Avenue Extension Project (American Civil Constructors, LLC d/b/a ACC Mountain West):** Mr. Laudick updated the Board on the status of construction, noting the road is now open. He also noted that all approvals from the City of Aurora have been received and there are just minor cleanup items remaining on the contract and once complete, Notice of Final Payment will be published for release of retainage.

**64<sup>th</sup> Ave. and Denali Street Lighting Package Project Final Payment (Dynalectric Company Inc.):** It was noted by the Authority's consultants that Notice of Final Payment was published and that final payment was scheduled for January 9, 2023. Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board authorize Ms.

## RECORD OF PROCEEDINGS

---

Wheeler to process final payment to Dynalectric Company Inc. on January 9, 2023, subject to confirmation by the Authority's consultants that no objections to the final payment have been received by that date.

**Bids for the 64<sup>th</sup> Ave. Extension Median Island Landscaping Project (“Median Project”):** Mr. Laudick reported to the Board that he is reviewing the bid/construction documents with Powell Restoration, Inc., and due to the recent snow, it is likely the landscaping project will be delayed.

*Award of Construction Contract to Powell Restoration, Inc.:* Following discussion, upon motion duly made by Director Fellows, seconded by Director D’Angelo, and upon vote, unanimously carried, the Board ratified the award of the Construction Contract to Powell Restoration, Inc., the issuance of the Notice of Award, and the issuance of the Notice to Proceed.

**E-470 Public Highway Authority (“E-470 Authority”) & 64<sup>th</sup> Ave. Interchange Project (“Project”):** The Board entered into discussion concerning the bid the E-470 Authority received from Kiewit for the Project (initial estimated cost of \$12.1 million). The Board expressed a desire to have the work rebid by the 64th Ave. ARI Authority, if possible, in an attempt to reduce the cost of the Project.

Following discussion, upon motion duly made by Director Fellows, seconded by Director D’Angelo, and upon vote, unanimously carried, the Board authorized the Construction Committee and Mr. Laudick to meet with representatives of the E-470 Authority, obtain input from legal counsel and, if appropriate, give notice to the E-470 Authority that the 64th Ave. ARI Authority is moving forward with rebidding the Project.

**OTHER BUSINESS** There was no other business.

**ADJOURNMENT** There being no further business to come before the Board at this time, upon motion duly made by Director Fellows, and seconded by Director D’Angelo, and upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By:   
Secretary for the Meeting