

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE 64TH AVE. ARI AUTHORITY (“AUTHORITY”) HELD APRIL 5, 2023

A Regular Meeting of the Board of Directors of the 64th Ave. ARI Authority (referred to hereafter as the “Board”) was convened on Wednesday, the 5th day of April, 2023, at 10:00 a.m. via Zoom video/telephone conference. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Rick Wells (HM MD No. 2)
Timothy D’Angelo (CIC MD Nos. 7 and 11)
Megan Waldschmidt (CIC MD Nos. 6, 8-10)
Chris Fellows (Velocity MD Nos. 4-6)

Also In Attendance Were:

Ann Finn; Special District Management Services

Erica Montague, Esq.; McGeady Becher P.C.

Diane Wheeler; Simmons & Wheeler, P.C.

Ted Laudick; Silverbluff Companies, Inc.

Gregg Johnson; L.C. Fulenwider, Inc.

ADMINISTRATIVE MATTERS 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 Montague 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.

Quorum/Meeting Location/Posting of Notice: Ms. Finn 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 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

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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: Ms. Finn 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 Wells and, upon vote, unanimously carried, the agenda was approved, as presented.

CONSENT AGENDA

Consent Agenda: The Board considered the following actions:

- Approve Minutes of the March 1, 2023 Regular Meeting.

Following discussion, upon motion duly made by Director Fellows, seconded by Director Wells 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 March 25, 2023 in the amount of \$119,113.92.

Following discussion, upon motion duly made by Director Fellows, seconded by Director Wells and, upon vote, unanimously carried, the Board approved the payment of claims for the period ending March 25, 2023 in the amount of \$119,113.92.

Cash Position Schedule: Ms. Wheeler reviewed with the Board the cash position schedule as of March 25, 2023.

Following discussion, upon motion duly made by Director Fellows, seconded by Director Wells and, upon vote, unanimously carried, the Board accepted the cash position schedule as of March 25, 2023.

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 \$104,063.68 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

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Improvements Report No. 30, dated March 22, 2023), and legal fees in the amount of \$3,704.17.

Following discussion, upon motion duly made by Director Fellows, seconded by Director Wells and, upon vote, unanimously carried, the Board approved the Accountant's Certification, in the amount of \$104,063.68 for public improvement costs, and legal fees in the amount of \$3,704.17.

Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 30, dated March 22, 2023, prepared by Schedio Group LLC: The Board reviewed the Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 30, dated March 22, 2023, prepared by Schedio Group LLC, in the amount of \$104,063.68 ("Report No. 30").

Following discussion, upon motion duly made by Director Fellows, seconded by Director Wells and, upon vote, unanimously carried, the Board approved Report No. 30, in the amount of \$104,063.68.

Project Fund Requisition: There was no Project Fund Requisition at this time.

2022 Audit: Ms. Wheeler reviewed the draft 2022 Audit with the Board.

Following review and discussion, upon motion duly made by Director Fellows, seconded by Director Wells and, upon vote, unanimously carried, the Board approved the 2022 Audit, subject to legal and auditor review.

LEGAL MATTERS

Status of Amendment to Intergovernmental Agreement Between the E-470 Public Highway Authority and the 64th Ave. ARI Authority Regarding E-470 and 64th Avenue Interchange Widening Funding and Design ("Amendment to IGA"): Attorney Montague noted that the draft Construction Contract and Permit have been distributed to the Construction Committee for review and comment.

Service Agreement for Design Services for Interchange Improvements between the Authority and Felsburg Holt & Ullevig, Inc.: Attorney Montague reviewed with the Board the Service Agreement for Design Services for Interchange Improvements between the Authority and Felsburg Holt & Ullevig, Inc.

Following discussion, upon motion duly made by Director Fellows, seconded by Director Wells and, upon vote, unanimously carried, the Board approved the Service Agreement for Design Services for Interchange Improvements between the Authority and Felsburg Holt & Ullevig, Inc.

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First Amendment to Agreement Regarding Consent to Assignment of Contracts for Civil Engineering Professional Services between the Authority and Martin/Martin, Inc.: Attorney Montague reviewed with the Board the First Amendment to Agreement Regarding Consent to Assignment of Contracts for Civil Engineering Professional Services between the Authority and Martin/Martin, Inc.

Following discussion, upon motion duly made by Director Fellows, seconded by Director Wells and, upon vote, unanimously carried, the Board approved the First Amendment to Agreement Regarding Consent to Assignment of Contracts for Civil Engineering Professional Services between the Authority and Martin/Martin, Inc.

CAPITAL/ CONSTRUCTION MATTERS

64th Avenue Infrastructure Project:

64th Avenue Extension Project (American Civil Constructors, LLC d/b/a ACC Mountain West): Mr. Laudick reported that ACC is working on finalizing paperwork in order to complete the project.

Status of the 64th Ave. Extension Median Island Landscaping Project (Powell Restoration, Inc.): Mr. Laudick reported that Powell Restoration has obtained a permit and that construction should commence in the near future.

E-470 Public Highway Authority (“E-470 Authority”) & 64th Ave. Interchange Project (“Project”): Mr. Laudick reported that he is awaiting approval of the site plan and is expecting the second round of comments from the City of Aurora (the “City”) by the end of next week. He noted the City is allowing the bridge work to be bid and constructed as a stand-alone project.

Status of the E-470 64th Ave. Bridge Widening Project from “ramp to ramp” (“Project”): Mr. Laudick noted that once he receives the second round of comments from the City, he will bid the work.

OTHER BUSINESS The Board discussed the status of the Notice of Reported Fatality at Project Site. Attorney Montague noted that she will follow up with Attorney Farbes regarding the status and will provide a report at the next meeting.

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 Wells, and upon vote, unanimously carried, the meeting was adjourned.

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Respectfully submitted,

By: *Ann Finn*
Secretary for the Meeting