

## RECORD OF PROCEEDINGS

---

### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE 64<sup>TH</sup> AVE. ARI AUTHORITY (“AUTHORITY”) HELD JUNE 7, 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 7th day of June, 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)

Following discussion, upon motion duly made by Director D’Angelo, seconded by Director Wells and, upon vote, unanimously carried, the absence of Director Chris Fellows was excused.

##### Also In Attendance Were:

Ann Finn; Special District Management Services

MaryAnn McGeady, Esq. and Craig Sorensen; McGeady Becher P.C.

Diane Wheeler; Simmons & Wheeler, P.C.

Ted Laudick; Silverbluff Companies, 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 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.

**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

## RECORD OF PROCEEDINGS

---

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:** 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 D'Angelo, seconded by Director Wells and, upon vote, unanimously carried, the agenda was approved, as presented.

**Re-Appointment of Chris Fellows as Representative of Velocity MD Nos. 4-6:** Attorney McGeady informed the Board that the meeting of Velocity MD Nos. 4-6 to re-appoint Chris Fellows as the representative of the Districts to the Authority Board was postponed, but should happen prior to the next Authority meeting. Attorney McGeady noted that, per the terms of the Authority Establishment Agreement, Mr. Fellows may remain on the Authority Board until replaced or re-appointed by Velocity MD Nos. 4-6, so no Board action was required.

**Appointment of Officers:** The Board entered into discussion regarding the appointment of officers.

Following discussion, upon motion duly made by Director D'Angelo, seconded by Director Wells and, upon vote, unanimously carried, the following slate of officers was appointed:

President	Rick Wells
Treasurer	Tim D'Angelo
Secretary	Ann E. Finn
Assistant Secretary	Chris Fellows
Assistant Secretary	Megan Waldschmidt

---

### **CONSENT AGENDA**

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

- Approve Minutes of the May 3, 2023 Regular Meeting.
- Ratify approval of 2022 Audit and authorize execution of Representations Letter.

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

---

## RECORD OF PROCEEDINGS

---

### PUBLIC COMMENT

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

---

### FINANCIAL MATTERS

**Claims:** Ms. Wheeler reviewed with the Board the payment of claims for the period ending May 26, 2023 in the amount of \$23,851.71, with the addition of \$1,167.00 for a City of Aurora permit fee, for a total amount of \$25,018.71.

Following discussion, upon motion duly made by Director Wells, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board approved the payment of claims for the period ending May 26, 2023, in the amount of \$25,018.71.

**Cash Position Schedule:** Ms. Wheeler reviewed with the Board the cash position schedule as of May 26, 2023.

Following discussion, upon motion duly made by Director Wells, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board accepted the cash position schedule as of May 26, 2023.

**Accountant's Certification of Costs Associated with the Design and Construction of Public Improvements:** The Board reviewed the Accountant's Certification of \$16,857.00 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. 31, dated May 30, 2023), and legal fees in the amount of \$5,612.60.

Following discussion, upon motion duly made by Director Wells, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board approved the Accountant's Certification of \$16,857.00 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. 31, dated May 30, 2023), and legal fees in the amount of \$5,612.60.

**Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 31, dated May 30, 2023, prepared by Schedio Group LLC:** The Board reviewed the Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 31, dated May 30, 2023, prepared by Schedio Group LLC, in the amount of \$16,857.00.

Following discussion, upon motion duly made by Director Wells, seconded by Director Waldschmidt and, upon vote, unanimously carried, the Board approved the Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 31, dated May 30, 2023, prepared by Schedio Group LLC, in the amount of \$16,857.00.

## RECORD OF PROCEEDINGS

---

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

---

### **LEGAL MATTERS**

**Amended and Restated Intergovernmental Agreement Between the E-470 Public Highway Authority (“E-470”) and the 64<sup>th</sup> Ave. ARI Authority Regarding E-470 and 64<sup>th</sup> Avenue Interchange Widening Funding and Design (“Amended IGA”):**

Attorney McGeady and Director Wells reviewed the Amended IGA with the Board, noting the final remaining issue regarding certain language in the Amended IGA.

Following review and discussion, upon motion duly made by Director Wells, seconded by Director D’Angelo and, upon vote, unanimously carried, the Board approved the Amended IGA, subject to the resolution of any final issues by the Construction Committee.

**Status of Investigation Regarding August 23, 2021 Fatality:** Attorney McGeady advised the Board that Attorney Hubert Farbes has left Brownstein Hyatt Farber Schreck, LLP (“BHFS”), but that the Authority’s representation in this matter remains with BHFS and will be handled by Attorney Kevin Walsh. The Board indicated there was no need to change the Authority’s representation. Attorney McGeady informed the Board that the trial has taken place, and that she is awaiting an update from BHFS.

---

### **CAPITAL/ CONSTRUCTION MATTERS**

**Status of 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 provided a brief update.

**Status of the 64<sup>th</sup> Ave. Extension Median Island Landscaping Project (Powell Restoration, Inc.):** Mr. Laudick reported that the traffic control issues have been resolved with the City and that construction will begin soon.

**Status of E-470 Public Highway Authority’s E-470 & 64<sup>th</sup> Ave. Interchange Project (“Project”):** Mr. Laudick provided an update, noting that Felsburg Holt & Ullevig, Inc. (“FHU”) had discovered burrowing owls in the southwest quadrant of the interchange during its environmental review, and that the authorities are requiring everyone to stay at least 660 feet away from the owls. This radius extends to the physical bridge, so no work can be done. The owls’ nesting period lasts until October, so the restriction may be in place until then.

*Status of the E-470 64th Ave. Bridge Widening Project from “ramp to ramp” and “gap” project:* Mr. Laudick noted that FHU will separate out the bridge package for its submittal, and that the Authority could utilize this package for bidding purposes.

## RECORD OF PROCEEDINGS

---

**Change Order to the Service Agreement for Construction Management Services between the Authority and Silverbluff Companies, Inc.:** Mr. Laudick informed the Board that he is still working on this change order. No action was taken by the Board.

---

**OTHER BUSINESS** Attorney McGeady advised the Board that Erica Montague is leaving McGeady Becher P.C. The Board expressed their appreciation for all the legal services Attorney Montague has performed for the Authority.

---

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

Respectfully submitted,

By: 

\_\_\_\_\_  
Secretary for the Meeting

Title	64th Ave
File name	003 Minutes.pdf
Document ID	69cc0482ffdb8742c35d28f9ed7aa1c1b9f8e85b
Audit trail date format	MM / DD / YYYY
Status	● Signed

### Document History



SENT

**08 / 29 / 2023**  
12:22:13 UTC-6

Sent for signature to David Solin (dsolin@sdmsi.com) from sstevens@sdmsi.com  
IP: 50.78.200.153



VIEWED

**08 / 29 / 2023**  
12:22:56 UTC-6

Viewed by David Solin (dsolin@sdmsi.com)  
IP: 50.78.200.153



SIGNED

**08 / 29 / 2023**  
12:23:32 UTC-6

Signed by David Solin (dsolin@sdmsi.com)  
IP: 50.78.200.153



COMPLETED

**08 / 29 / 2023**  
12:23:32 UTC-6

The document has been completed.