

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE 64TH AVE. ARI AUTHORITY (“AUTHORITY”) HELD JULY 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 July, 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)
Chris Fellows (Velocity MD Nos. 4-6)
Megan Waldschmidt (CIC MD Nos. 6, 8-10)

Also In Attendance Were:

Ann Finn and David Solin; Special District Management Services

MaryAnn McGeady, Esq. and Kate Olson, Esq.; 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 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

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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.

Acknowledgement of Re-Appointment of Director: Following discussion, upon motion duly made by Director Wells, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board acknowledged the re-appointment of Chris Fellows to the Board of Directors of the Authority as the Representative of Velocity Metropolitan District Nos. 4, 5 and 6, effective as of June 19, 2023, for a 3-year term expiring on June 19, 2026, and also appointed Director Fellows to the office of Assistant Secretary.

CONSENT AGENDA

Consent Agenda: The Board considered the following actions:

- Approve Minutes of the June 7, 2023 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 payment of claims for the period ending June 25, 2023 in the amount of \$14,444.11.

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 June 25, 2023 in the amount of \$14,444.11.

Cash Position Schedule: Ms. Wheeler reviewed with the Board the cash position schedule for the period ending June 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 for the period ending June 25, 2023.

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Accountant’s Certification of Costs Associated with the Design and Construction of Public Improvements: The Board reviewed the Accountant’s Certification of \$7,688.75 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. 32, dated June 26, 2023), and legal fees in the amount of \$2,193.22.

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 of \$7,688.75 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. 32, dated June 26, 2023), and legal fees in the amount of \$2,193.22.

Engineer’s Report and Verification of Costs Associated with Public Improvements Report No. 32, dated June 26, 2023, prepared by Schedio Group LLC: The Board reviewed the Engineer’s Report and Verification of Costs Associated with Public Improvements Report No. 32, dated June 26, 2023, prepared by Schedio Group LLC, in the amount of \$7,688.75.

Following discussion, upon motion duly made by Director Fellows, seconded by Director Wells and, upon vote, unanimously carried, the Board approved the Engineer’s Report and Verification of Costs Associated with Public Improvements Report No. 32, dated June 26, 2023, prepared by Schedio Group LLC, in the amount of \$7,688.75.

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 64th Ave. ARI Authority Regarding E-470 and 64th Avenue Interchange Widening Funding and Design (“Amended IGA”): Attorney McGeady noted that E-470 has agreed to the terms of the Amended IGA.

Following review and discussion, upon motion duly made by Director Fellows, seconded by Director D’Angelo and, upon vote, unanimously carried, the Board approved the Amended IGA, as finalized.

Status of Investigation Regarding August 23, 2021 Fatality: Attorney McGeady noted that the trial was concluded and a decision is likely by the end of the year.

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CAPITAL/ CONSTRUCTION MATTERS

Status of 64th Avenue Infrastructure Project:

64th Avenue Extension Project (American Civil Constructors, LLC d/b/a ACC Mountain West): Mr. Laudick reported to the Board that the Project is almost complete. Outstanding items are railing on the outlet structure, final documentation from the engineers, and approval from the City of Aurora.

Status of the 64th Ave. Extension Median Island Landscaping Project (Powell Restoration, Inc.): Mr. Laudick reported that this work has been delayed due to weather..

Status of E-470 Public Highway Authority's E-470 & 64th Ave. Interchange Project ("Project"): Mr. Laudick noted that the bid opening is scheduled for August 10, 2023 for the Bridge Widening west of E-470 to Gun Club Road. Mr. Laudick also noted that only one burrowing owl has been spotted. He is awaiting a letter from the Division of Wildlife, which will allow construction to begin sooner than expected.

Status of E-470 64th Ave. Bridge Widening Project from "ramp to ramp" and "gap" project: Mr. Laudick provided an update, noting that plans are expected from Felsburg Holt Ullevig, Inc. He informed the Board that an Invitation to Bid has been published for west of E-470 to Gun Club Road, and that the bid opening is scheduled for August 10, 2023. He further noted that plans have been resubmitted to the City of Aurora for the "ramp to ramp" project.

Change Order to the Service Agreement for Construction Management Services between the Authority and Silverbluff Companies, Inc.: Mr. Laudick reported to the Board that he needs to provide the Change Order to legal counsel for review.

OTHER BUSINESS Attorney McGeady noted that Attorney Olson, with McGeady Becher P.C., will be working with the Authority.

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.

Respectfully submitted,

By: 

Secretary for the Meeting