

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE 64TH AVE. ARI AUTHORITY (“AUTHORITY”) HELD SEPTEMBER 6, 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 6th day of September, 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) (for a portion of the meeting)

Also In Attendance Were:

David Solin; Special District Management Services

MaryAnn McGeady, Esq. (for a portion of the meeting) and Kate Olson, Esq.; McGeady Becher P.C.

Diane Wheeler; Simmons & Wheeler, P.C.

Ted Laudick; Silverbluff Companies, Inc.

Mathew Stewart and Greg 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 Olson 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: Mr. Solin 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

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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: Mr. Solin 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 amended.

Resignation and Appointment of Secretary to the Board: The Board discussed the resignation of Ann Finn as Secretary to the Board and considered the appointment of David Solin as Secretary to the Board.

Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board acknowledged the resignation of Ann Finn as Secretary to the Board and appointed David Solin as Secretary to the Board.

CONSENT AGENDA

Consent Agenda: The Board considered the following actions:

- Approve Minutes of the July 5, 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 payment of claims for the period ending July 29, 2023 in the amount of \$8,967.51, and the payment of claims for the period ending August 27, 2023 in the amount of \$239,236.06.

Following discussion, upon motion duly made by Director Wells, seconded by Director Fellows and, upon vote, unanimously carried, the Board approved the payment of claims for the period July 29, 2023 in the amount of \$8,967.51, and the payment of claims for the period ending August 27, 2023 in the amount of \$239,236.06.

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Cash Position Schedule: Ms. Wheeler reviewed with the Board the unaudited financial statements for the period ending June 30, 2023 and the cash position schedule for the period ending August 23, 2023.

Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending June 30, 2023 and the cash position schedule for the period ending August 23, 2023.

Accountant's Certification of Costs Associated with the Design and Construction of Public Improvements: The Board reviewed the Accountant's Certification No. 33 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. 33, dated August 21, 2023), and legal fees in the amount of \$3,881.35.

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 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. 33, dated August 21, 2023), and legal fees in the amount of \$3,881.35.

Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 33, dated August 21, 2023, prepared by Schedio Group LLC ("Report No. 33"): The Board reviewed the Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 33, dated August 21, 2023, prepared by Schedio Group LLC, in the amount of \$227,360.60.

Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board approved the Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 33, dated August 21, 2023, prepared by Schedio Group LLC, in the amount of \$227,360.60.

Project Fund Requisition No. 27: Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board approved Project Fund Requisition No. 27, in the amount of \$40,998.91.

Escrow Fund Requisition No. 1: Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board approved Escrow Fund Requisition No. 1 in the amount of

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\$44,328.00, payable to the 64th Ave. ARI Authority per Report No. 33 (pursuant to the 64th Avenue Regional Improvements Escrow Agreement dated September 24, 2020, by and between the County of Adams and the 64th Ave. ARI Authority).

LEGAL MATTERS

Status of Investigation Regarding August 23, 2021 Fatality: Attorney Olson informed the Board that the trial has concluded and that a decision is likely by the end of the year.

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 this project should be completed by the end of September, 2023.

Status of the 64th Ave. Extension Median Island Landscaping Project (Powell Restoration, Inc.): Mr. Laudick reported that this project is 20-25% complete.

Status of E-470 Public Highway Authority's E-470 & 64th Ave. Interchange Project:

Status of E-470 64th Ave. Bridge Widening Project from "ramp to ramp" and "gap" project: Mr. Laudick reported that he received plan approval on the "gap" project the morning of the meeting.

64th Ave. Widening & E-470 Bridge Project (the "Widening/Bridge Project"): Mr. Laudick reviewed the bids with the Board and recommended awarding the Construction Contract for the Widening/Bridge Project to SEMA Construction, Inc., as the lowest bidder, for an amount not to exceed \$12,261,161.00.

Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board approved the award of the Construction Contract for the Widening/Bridge Project to SEMA Construction, Inc., for an amount not to exceed \$12,261,161.00 and authorized issuance of the Notice of Award.

The Board deferred approval of the Construction Contract and deferred the authorization of the issuance of the Notice to Proceed.


Change Order to the Service Agreement for Construction Management Services between the Authority and Silverbluff Companies, Inc.: The Board deferred discussion.

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

Respectfully submitted,

By: 
Secretary for the Meeting