

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE 64TH AVE. ARI AUTHORITY (“AUTHORITY”) HELD OCTOBER 4, 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 4th day of October, 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:

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.

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. Mr. Solin 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.

Posting of Meeting: Mr. Solin confirmed the statutory posting of the meeting notice.

Quorum/Meeting Location: 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

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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: 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 presented.

Reappointment of District Representative: Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board acknowledged the September 6, 2023 reappointment by HM MD No. 2 of Rick Wells as the representative of HM MD No. 2 to the Board of the Directors of the Authority for a 3-year term ending September 6, 2026, and reappointed Director Wells as Authority President.

CONSENT AGENDA Minutes: The Board reviewed the Minutes of the September 6, 2023 Regular Meeting and September 25, 2023 Special Meeting.

Following discussion, upon motion duly made by Director Fellows, seconded by Director Wells and, upon vote, unanimously carried, the Minutes of the September 6, 2023 Regular Meeting and September 25, 2023 Special Meeting were approved, as presented.

PUBLIC COMMENT Public Comment: There were no public comments.

FINANCIAL MATTERS

Claims: Mr. Solin reviewed with the Board the payment of claims for the period ending October 4, 2023, totaling \$255,205.80.

Following discussion, upon motion duly made by Director Wells, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board ratified approval of the payment of claims, as presented.

Unaudited Financial Statements and Schedule of Cash Position: There were no Unaudited Financial Statements or Cash Position Schedule available at this time.

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Accountant's Certification No 34: Ms. Wheeler presented to the Board, and the Board reviewed, the Accountant's Certification No. 34 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. 34, dated September 13, 2023), and legal fees in the amount of \$1,012.52.

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 No. 34 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. 34, dated September 13, 2023), and legal fees in the amount of \$1,012.52.

Engineer's Report and Verification of Costs Associated with Public Improvements: The Board discussed the Engineer's Report and Verification of Costs Associated with Public Improvements Report No 34, dated September 15, 2023, prepared by Schedio Group LLC, in the amount of \$247,758.89.

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 34, dated September 15, 2023, prepared by Schedio Group LLC, in the amount of \$247,758.89.

Escrow Fund Requisition No. 2: The Board reviewed the Escrow Fund Requisition No. 2 to be submitted to the Series 2020 Bond Trustee requesting \$248,771.41 for payment of project related expenses.

Following discussion, upon motion duly made by Director Wells, seconded by Director Fellows and, upon vote, unanimously carried, the Board approved the payment of Escrow Fund Requisition No. 2 to be submitted to the Series 2020 Bond Trustee in the amount of \$248,771.41.

LEGAL MATTERS

Investigation regarding August 31, 2021 fatality at Project Site: There were no updates at this time.

CAPITAL/ CONSTRUCTION MATTERS

64th Avenue Infrastructure Project: Mr. Laudick presented to the Board the status of the 64th Avenue Infrastructure Project.

Status of the 64th Avenue Extension Project: Mr. Laudick provided a brief update.

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64th Avenue Extension Median Island Landscaping Project: Mr. Laudick provided a brief update.

E-470 Public Highway Authority's E-470/64th Avenue Interchange Project: Mr. Laudick provided an update.

E-470 64th Ave. Bridge Widening Project: Mr. Laudick provided an update.

Change Order No. 1 to Service Agreement for Construction Management Services between the Authority and Silverbluff Companies, Inc.: The Board discussed Change Order No. 1 to the Service Agreement for Construction Management Services between the Authority and Silverbluff Companies, Inc., for an increase in the contract amount of \$615,000.00.

Following discussion, upon motion duly made by Director Wells, seconded by Director Fellows and, upon vote, unanimously carried, the Board approved Change Order No. 1 to the Service Agreement for Construction Management Services between the Authority and Silverbluff Companies, Inc., for an increase in the contract amount of \$615,000.00.

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