

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE 64TH AVE. ARI AUTHORITY (“AUTHORITY”) HELD FEBRUARY 1, 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 1st day of February, 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) (via Zoom)
Timothy D’Angelo (CIC MD Nos. 7 and 11) (via Zoom)
Megan Waldschmidt (CIC MD Nos. 6, 8-10) (via Zoom)

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

Also In Attendance Were:

Ann Finn; Special District Management Services (via Zoom)

Erica Montague, Esq.; McGeady Becher P.C. (via Zoom)

Diane Wheeler; Simmons & Wheeler, P.C. (via Zoom)

Ted Laudick; Silverbluff Companies, Inc. (via Zoom)

Blake Fulenwider; L.C. Fulenwider Inc. (via Zoom, for a portion of the meeting)

DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

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.

RECORD OF PROCEEDINGS

ADMINISTRATIVE MATTERS

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 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 Wells, seconded by Director D'Angelo 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 January 4, 2023 Regular Meeting.

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.

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 January 25, 2023, in the amount of \$8,693.71.

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 January 25, 2023, in the amount of \$8,693.71.

Cash Position Statement: Ms. Wheeler reviewed with the Board the cash position statement for the period ending January 25, 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 statement for the period ending January 25, 2023.

RECORD OF PROCEEDINGS

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 \$2,695.48 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. 28, dated January 24, 2023, revised January 25, 2023), and legal fees in the amount of \$285.00.

Following discussion, upon motion duly made by Director Wells, seconded by Director Waldschmidt and, upon vote, unanimously carried, the Board approved the Accountant's Certification, in the amount of \$2,695.48 for public improvement costs, and legal fees in the amount of \$285.00.

Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 28, dated January 24, 2023, revised January 25, 2023, prepared by Schedio Group LLC: The Board reviewed the Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 27, dated January 24, 2023, revised January 25, 2023, prepared by Schedio Group LLC, in the amount of \$2,695.48 ("Report No. 28").

Following discussion, upon motion duly made by Director Wells, seconded by Director Waldschmidt and, upon vote, unanimously carried, the Board approved Report No. 28, in the amount of \$2,695.48.

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

LEGAL MATTERS

Fifth 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: Attorney Montague reviewed with the Board the Fifth 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 (the "Fifth Amendment").

Following discussion, upon motion duly made by Director Wells, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board approved the Fifth Amendment. _____

CAPITAL/ CONSTRUCTION MATTERS

64th Avenue Infrastructure Project:

64th Avenue Extension Project (American Civil Constructors, LLC d/b/a ACC Mountain West): Mr. Laudick noted retainage will be processed in February 2023.

RECORD OF PROCEEDINGS

Status of the 64th Ave. Extension Median Island Landscaping Project (“Median Project”): Mr. Laudick provided a brief update on the status of the Median Project.

E-470 Public Highway Authority (“E-470 Authority”) & 64th Ave. Interchange Project (“Project”): Mr. Laudick provided an update on the status of the Project.

Following discussion, upon motion duly made by Director D’Angelo, seconded by Director Wells and, upon vote, unanimously carried, the Board approved an amount not-to-exceed \$9.5 million for the E-470 Authority to complete the 64th Ave. Bridge Widening Project from “ramp to ramp” and authorized the Construction Committee to coordinate construction with the E-470 Authority.

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 Wells, and seconded by Director D’Angelo, and upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By: *Ann Finn*
Secretary for the Meeting