

## RECORD OF PROCEEDINGS

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### MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE 64<sup>TH</sup> AVE. ARI AUTHORITY (“AUTHORITY”) HELD MARCH 6, 2024

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, March 6, 2024, 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, 11)  
Chris Fellows (Velocity MD Nos. 4-6)

Following discussion, upon motion duly made by Director Fellows, seconded by Director Megan Waldschmidt was excused.

##### Also In Attendance Were:

David Solin and Diana Garcia; Special District Management Services, Inc.

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.

#### ADMINISTRATIVE MATTERS

**Disclosure of Potential Conflicts of Interest:** Attorney Olson noted that she 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.

**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 Zoom, and encouraged public participation. The Board further noted that notice of the time, date and

## RECORD OF PROCEEDINGS

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location/manner of the meeting was duly posted and that no objections to the 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 distributed a proposed Agenda for the Authority's Regular Meeting, 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.

### **CONSENT AGENDA**

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

- Approve Minutes of the February 7, 2024 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 claims for the period ending March 6, 2024, in the amount of \$1,419,745.63.

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 ending March 6, 2024, in the amount of \$1,419,745.63.

**Financial Statements and Cash Position Statement:** Ms. Wheeler reviewed with the Board the Unaudited Financial Statements and Cash Position Schedule for the period ending December 31, 2023.

Following discussion, upon motion duly made by Director Fellows, seconded by Director Wells and, upon vote, unanimously carried, the Board accepted the Unaudited Financial Statements and Cash Position Schedule for the period ending December 31, 2023.

**Accountant's Certification No. 39:** Ms. Wheeler reviewed with the Board the Accountant's Certification No. 39 for soft, indirect, and hard costs associated with the design and construction of Public Improvements and therefore eligible for

## RECORD OF PROCEEDINGS

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payment (as described in Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 39, dated February 28, 2024), and legal fees in the amount of \$338.35.

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. 39, dated February 28, 2024, and legal fees in the amount of \$338.35.

**Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 39, dated February 28, 2024, prepared by Schedio Group LLC**: The Board reviewed the Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 38, dated February 28, 2024, prepared by Schedio Group LLC, in the amount of \$1,408,392.63 ("Report No. 39").

Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board approved Report No. 39, in the amount of \$1,408,392.63.

**Escrow Fund Requisition No. 6**: The Board reviewed Escrow Fund Requisition No.6 in the amount of \$1,866.55, pursuant to that certain 64<sup>th</sup> Avenue Regional Improvements Escrow Agreement by and between the Authority, Adams County, and UMB Bank, n.a. (as Escrow Agent), dated September 24, 2020 ("Escrow Requisition No. 6").

Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board ratified approval of Escrow Fund Requisition No. 6, and authorized its submittal to the Escrow Agent.

**Pay Application No. 3**: The Board reviewed Pay Application No. 3 (in the amount of \$1,509,364.43), requesting payment from the E-470 Public Highway Authority ("E-470 Authority") for work performed by SEMA Construction, Inc., pursuant to that certain Amended and Restated Intergovernmental Agreement between the E-470 Authority and the Authority Regarding E-470 and 64<sup>th</sup> Avenue Interchange and Widening Funding and Design, dated July 20, 2023.

Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board acknowledged receipt of and approved Pay Application No. 3.

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## RECORD OF PROCEEDINGS

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### LEGAL MATTERS

**Investigation regarding August 31, 2021 fatality at Project Site:** Attorney Olson updated the Board on the investigation regarding the August 31, 2021 fatality at the project site and discussed the Decision and Order issued by the U.S. Occupational Safety and Health Review Commission, noting that American Civil Constructors, LLC had been found in serious violation of the 29 U.S.C. § 654(a)(1), also referred to as the general duty clause. The decision does not refer to the Authority, nor has the Authority been served with any communication indicating that it is being treated as a responsible party. No affirmative steps need to be taken by the Authority. The Authority's counsel will continue to monitor the matter.

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### CAPITAL/ CONSTRUCTION MATTERS

#### **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 updated the Board on the 64th Avenue Extension Project.

**Status of the 64<sup>th</sup> Ave. Extension Median Island Landscaping Project:** Mr. Laudick updated the Board on the 64th Ave. Extension Median Island Landscaping Project.

**Status of E-470 Public Highway Authority's E-470 & 64th Ave. Interchange Project:** Mr. Laudick updated the Board on the status of E-470 Public Highway Authority's E-470 & 64th Ave. Interchange Project.

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**OTHER BUSINESS** There was no other business.

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**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