

## 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 APRIL 6, 2022

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, the 6th day of April, 2022, at 10:00 a.m. via Zoom video/telephone conference. The meeting was open to the public.

#### ATTENDANCE

##### Directors In Attendance Were:

Kevin Smith (CIC MD Nos. 6-11) (via Zoom)  
Rick Wells (HM MD No. 2) (via Zoom)  
Chris Fellows (Velocity MD Nos 4-6) (via Zoom)

##### Also In Attendance Were:

Ann Finn; Special District Management Services, Inc. (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 and Gregg Johnson, L.C. Fulenwider, Inc. (via Zoom)

#### 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.

#### ADMINISTRATIVE MATTERS

Quorum/Meeting Location and Manner/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

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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 Fellows, seconded by Director Wells 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 March 2, 2022 Regular Meeting.

Following review, upon motion duly made by Director Fellows, seconded by Director Smith and, upon vote, unanimously carried, the Board approved and/or ratified approval of, as appropriate, the above action.

### **PUBLIC COMMENT**

**Public Comment:** There were no public comments.

### **FINANCIAL MATTERS**

**Claims:** The Board reviewed and considered the list of claims to be approved for the period ending April 6, 2022, in the amount of \$592,931.26.

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 April 6, 2022, in the amount of \$592,931.26.

**Cash Position Statement:** Ms. Wheeler reviewed with the Board the cash position statement dated March 30, 2022.

Following review, upon motion duly made by Director Fellows, seconded by Director Wells and, upon vote unanimously carried, the Board approved the cash position statement dated March 30, 2022.

**Accountant's Certification for Costs Associated with the Design and Construction of Public Improvements:** Ms. Wheeler reviewed with the Board the Accountant's Certification of \$589,155.08 for soft, indirect and hard costs associated with the design and construction of Public Improvements, and therefore eligible for

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payment (as described in Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 18, dated March 30, 2022), and legal fees in the amount of \$156.15.

Following review, upon motion duly made by Director Fellows, seconded by Director Smith and, upon vote, unanimously carried, the Board approved the Accountant's Certification, in the amount of \$589,155.08 for public improvement costs, and legal fees in the amount of \$156.15.

**Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 18, dated March 30, 2022, prepared by Schedio Group LLC:** The Board reviewed the Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 18, dated March 30, 2022, prepared by Schedio Group LLC, in the amount of \$589,155.08 ("Report No. 18").

Following discussion, upon motion duly made by Director Fellows, seconded by Director Smith and, upon vote, unanimously carried, the Board approved Report No. 18, in the amount of \$589,155.08.

**Project Fund Requisition No. 19:** The Board reviewed Project Fund Requisition No. 19 to be submitted to the Series 2020 Bond Trustee requesting \$589,311.23 for payment of project related expenses.

Following discussion, upon motion duly made by Director Fellows, seconded by Director Smith, upon vote, unanimously carried, the Board approved Project Fund Requisition No. 19, in the amount of \$589,311.23.

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### **LEGAL MATTERS**

Attorney Montague noted she will provide an update concerning the status of the investigation regarding the August 23, 2021 fatality at the Project site at the next Board meeting.

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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 reported to the Board that ACC Mountain West should complete the curb, gutter and asphalt work by the end of June. He also noted that the line treatment will be completed by the end of April.

Change Order to Agreement between Authority and American Civil Constructors, LLC, d/b/a ACC Mountain West: The Board determined there were no change orders to acknowledge at this time

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Xcel Energy's ("Xcel") Boring Project: Mr. Laudick noted that the project is 100% complete. He also noted there are no updates concerning the second invoice from Excel Energy.

**64<sup>th</sup> Ave. and Denali Street Lighting Package Project (Dynalectric Company, Inc.)**: Mr. Laudick reported to the Board that the site lighting has been completed between Gun Club and Denali.

Change Order to Agreement between Authority and Dynalectric Company, Inc: The Board determined that there were no change orders to acknowledge at this time.

**64<sup>th</sup> Interchange Project ("Project")**: Mr. Laudick reported that he expects to receive the 60% design drawings next month for the Project.

**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, seconded by Director Wells and, upon vote unanimously carried, the meeting was adjourned.

Respectfully submitted,

By:   
Secretary for the Meeting