

RECORD OF PROCEEDINGS

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE 64TH AVE. ARI AUTHORITY (“AUTHORITY”) HELD JUNE 5, 2024

A Special Meeting of the Board of Directors of the 64th Ave. ARI Authority (referred to hereafter as the “Board”) was convened on Wednesday, June 5, 2024, at 10:30 a.m. via Zoom video/telephone conference. The meeting was open to the public.

ATTENDANCE

Directors In Attendance Were:

Timothy D’Angelo (CIC MD Nos. 7, 11)
Chris Fellows (Velocity MD Nos. 4-6)
Megan Waldschmidt (CIC Nos. 6, 8-10)

Also In Attendance Were:

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

Kate Olson, Esq.; McGeady Becher P.C.

Diane Wheeler; Simmons & Wheeler, P.C.

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 confirmed the presence of a quorum. 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 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 / Director Absence: Mr. Solin distributed a proposed Agenda for the Authority’s Special Meeting, for the Board’s review and approval.

RECORD OF PROCEEDINGS

Following discussion, upon motion duly made by Director Waldschmidt, seconded by Director D'Angelo and, upon vote, unanimously carried, the Agenda was approved, as amended, the absence of Director Rick Wells was excused, and Director D'Angelo was appointed as Acting President for this meeting.

Minutes: The Board reviewed the Minutes of the May 1, 2024 Special Meeting.

Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board approved the Minutes from the May 1, 2024 Special Meeting.

Corrected Minutes: The Board reviewed the Corrected Minutes of the October 4, 2023, November 1, 2023, December 6, 2023, and January 3, 2024 Regular Meetings.

Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board approved the Corrected Minutes of the October 4, 2023, November 1, 2023, December 6, 2023, and January 3, 2024 Regular Meetings.

PUBLIC COMMENT

There were no public comments.

FINANCIAL MATTERS

Claims: Ms. Wheeler reviewed with the Board the claims for the period ending May 31, 2024, in the amount of \$764,978.95.

Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board approved the payment of claims for the period ending May 31, 2024, in the amount of \$764,978.95.

Financial Statements and Cash Position Schedule: Ms. Wheeler reviewed with the Board the financial statements and schedule of cash position for the period ending March 31, 2024.

Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board approved the financial statements and schedule of cash position for the period ending March 31, 2024.

2023 Audit: The Board deferred discussion.

RECORD OF PROCEEDINGS

Accountant's Certification: Ms. Wheeler reviewed with the Board, the Accountant's Certification dated June 5, 2024 for soft, indirect, and hard costs associated with the design and construction of Public Improvements and therefore eligible for payment (as described in Report No. 42 – defined below) in the amount of \$762,694.40, and legal fees in the amount of \$5,641.54.

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 dated June 5, 2024.

Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 42, dated May 29, 2024, prepared by Schedio Group LLC: The Board reviewed the Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 42, dated May 29, 2024, prepared by Schedio Group LLC, in the amount of \$762,694.40. ("Report No. 42").

Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board approved Report No. 42, in the amount of \$762,694.40.

Escrow Fund Requisition No. 9: The Board reviewed Escrow Fund Requisition No. 9 in the amount of \$202,009.99, under the 64th Avenue Regional Improvements Escrow Agreement by and between the Authority, Adams County, and UMB Bank, n.a. (as Escrow Agent), dated September 24, 2020 requesting payment of project related expenses ("Escrow Fund Requisition No. 9").

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. 9, and authorized its submittal to the Escrow Agent.

Invoice to E-470 Public Highway Authority: The Board reviewed Invoice #6 to the E-470 Public Highway Authority, for Pay Application #6 Payment Due to the 64th Ave. ARI Authority, in the amount of \$557,434.33 ("Invoice #6").

Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board approved Invoice #6.

LEGAL MATTERS

Investigation regarding August 31, 2021 fatality at Project Site: There was no update provided.

RECORD OF PROCEEDINGS

CAPITAL/ CONSTRUCTION MATTERS

64th Avenue Infrastructure Project:

64th Avenue Extension Project (American Civil Constructors, LLC d/b/a ACC Mountain West): There was no update provided.

Status of the 64th Ave. Extension Median Island Landscaping Project: There was no update provided.

Status of E-470 Public Highway Authority's E-470 & 64th Ave. Interchange Project: There was no update provided.

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

Respectfully submitted,

By: 
Secretary for the Meeting