

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE 64<sup>TH</sup> AVE. ARI AUTHORITY (“AUTHORITY”) HELD JULY 12, 2024

A Special Meeting of the Board of Directors of the 64<sup>th</sup> Ave. ARI Authority (referred to hereafter as the “Board”) was convened on Friday, July 12, 2024, at 2:00 p.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)  
Megan Waldschmidt (CIC MD Nos. 6, 8-10)

##### Also In Attendance Were:

Diana Garcia; Special District Management Services, Inc.

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

Diane Wheeler; Simmons & Wheeler, P.C.

Gregg Johnson; L.C. Fulenwider 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. Ms. Garcia 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:** Ms. Garcia 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.

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**Agenda / Director Absence:** Ms. Garcia distributed a proposed Agenda for the Authority's Special Meeting, 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, and the absence of Director Chris Fellows was excused.

**Minutes:** The Board reviewed the Minutes of the June 5, 2024 Special Meeting.

Following discussion, upon motion duly made by Director Wells, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board approved the Minutes from the June 5, 2024 Special Meeting.

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### **PUBLIC COMMENT**

There were no public comments.

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### **FINANCIAL MATTERS**

**Claims:** Ms. Wheeler reviewed with the Board the claims for the period ending June 25, 2024, in the amount of \$1,098,900.36.

Following discussion, upon motion duly made by Director Waldschmidt, seconded by Director Wells and, upon vote, unanimously carried, the Board approved the payment of claims for the period ending June 25, 2024, in the amount of \$1,098,900.36.

**Cash Position Schedule:** Ms. Wheeler reviewed with the Board the schedule of cash position for the period ending July 3, 2024.

Following discussion, upon motion duly made by Director Waldschmidt, seconded by Director Wells and, upon vote, unanimously carried, the Board approved the schedule of cash position for the period ending July 3, 2024.

**2023 Audit:** Ms. Wheeler reviewed the draft 2023 Audit with the Board.

Following review and discussion, upon motion duly made by Director D'Angelo, seconded by Director Waldschmidt and, upon vote, unanimously carried, the Board approved the 2023 Audit (subject to counsel review and receipt of an unmodified opinion from the auditor) and authorized execution of the Representations Letter.

**Accountant's Certification:** Ms. Wheeler reviewed with the Board the Accountant's Certification dated July 3, 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. 43 – defined below) in the amount of \$1,091,580.83, with \$-0- in legal fees.

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Following discussion, upon motion duly made by Director Wells, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board approved the Accountant's Certification dated July 3, 2024.

**Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 43, dated June 25, 2024, prepared by Schedio Group LLC:** The Board reviewed the Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 43, dated June 25, 2024, prepared by Schedio Group LLC, in the amount of \$1,091,580.83. ("Report No. 43").

Following discussion, upon motion duly made by Director Wells, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board approved Report No. 43, in the amount of \$1,091,580.83.

**Escrow Fund Requisition No. 10:** The Board reviewed Escrow Fund Requisition No. 10 in the amount of \$31,250.37, under the 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 requesting payment of project related expenses ("Escrow Fund Requisition No. 10").

Following discussion, upon motion duly made by Director Wells, seconded by Director D'Angelo and, upon vote, unanimously carried, the Board approved Escrow Fund Requisition No. 10, and authorized its submittal to the Escrow Agent.

**Invoice No. 6 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 64<sup>th</sup> Ave. ARI Authority, in the amount of \$557,434.33 ("Invoice #6").

Following discussion, upon motion duly made by Director Waldschmidt, seconded by Director Wells and, upon vote, unanimously carried, the Board ratified approval of Invoice #6.

**Invoice No. 7 to E-470 Public Highway Authority:** The Board reviewed Invoice #7 to the E-470 Public Highway Authority, for Pay Application #6 Payment Due to the 64<sup>th</sup> Ave. ARI Authority, in the amount of \$1,060,330.46 ("Invoice #7").

Following discussion, upon motion duly made by Director Waldschmidt, seconded by Director Wells and, upon vote, unanimously carried, the Board ratified approval of Invoice #7.

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### LEGAL MATTERS

**Investigation regarding August 31, 2021 fatality at Project Site:** Attorney Olson updated the Board on the August 31, 2021 fatality at Project Site. She informed the Board that the decision has not been appealed further, and that therefore the matter is concluded.

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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):* Director Wells updated the Board on the status of the 64th Avenue Extension Project.

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

**Status of E-470 Public Highway Authority's E-470 & 64th Ave. Interchange Project:** Director Wells updated the Board on the status of the 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 Wells, and seconded by Director Waldschmidt, and upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By:   
Secretary for the Meeting