

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE 64TH AVE. ARI AUTHORITY (“AUTHORITY”) HELD OCTOBER 5, 2022

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 5th day of October, 2022, 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)
Chris Fellows (Velocity MD Nos. 4-6) (via Zoom)
Timothy D’Angelo (CIC MD Nos. 7 and 11) (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; L.C. Fulenwider Inc. (via Zoom)

Megan Waldschmidt; Westside Investment Partners, 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/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

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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 Fellows, 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 September 7, 2022 Regular Meeting (enclosure).
- Review and consider approval of the TownCloud Subscription Agreement for creation of a website.

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: The Board reviewed and considered the list of claims to be approved for the period ending September 27, 2022, in the amount of \$1,105,318.69.

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 September 27, 2022, in the amount of \$1,105,318.69.

Cash Position Statement: Ms. Wheeler noted she will distribute the cash position statement to the Board members after the meeting.

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 \$1,099,955.69 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

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Associated with Public Improvements Report No. 24, dated September 28, 2022), and legal fees in the amount of \$684.01.

Following discussion, upon motion duly made by Director Wells, seconded by Director Fellows and, upon vote, unanimously carried, the Board approved the Accountant's Certification, in the amount of \$1,099,955.69 for public improvement costs, and legal fees in the amount of \$684.01.

Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 24, dated September 28, 2022, prepared by Schedio Group LLC: The Board reviewed the Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 24, dated September 28, 2022, prepared by Schedio Group LLC, in the amount of \$1,099,955.69 ("Report No. 24").

Following discussion, upon motion duly made by Director Wells, seconded by Director Fellows and, upon vote, unanimously carried, the Board approved Report No. 24, in the amount of \$1,099,955.69.

Project Fund Requisition No. 25: The Board reviewed Project Fund Requisition No. 25 to be submitted to the Series 2020 Bond Trustee, requesting \$1,100,639.70 for payment of project related expenses.

Following discussion, upon motion duly made by Director Wells, seconded by Director Fellows and, upon vote, unanimously carried, the Board approved Project Fund Requisition No. 25, in the amount of \$1,100,639.70.

LEGAL MATTERS

Right of Way Improvements under Intergovernmental Agreement with E-470 Public Highway Authority: Director Wells noted he needs to review cost estimates prior to engaging discussions with the E-470 Public Highway Authority. Mr. Laudick reported he is currently working on preparing cost estimates.

CAPITAL/ CONSTRUCTION MATTERS

64th Avenue Infrastructure Project:

64th Avenue Extension Project (American Civil Constructors, LLC d/b/a ACC Mountain West): Mr. Laudick reported the City of Aurora is requiring revisions to the medians prior to final acceptance. He noted the changes were not included in the plans approved by the City. Following discussion, the Board determined to not move forward with the work until the Construction Committee can have further discussions with the City concerning the revisions.

64th Ave. and Denali Street Lighting Package Project (Dynalectric Company Inc.): Mr. Laudick reported that he is waiting for Xcel to provide power to the lights.

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OTHER BUSINESS The Board briefly discussed the status of the appointment of Ms. Waldschmidt to the Authority Board.

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 D'Angelo, and upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By: *Ann Finn*
Secretary for the Meeting