

## 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 DECEMBER 6, 2023

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, December 6, 2023, 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)  
Chris Fellows (Velocity MD Nos. 4-6)  
Megan Waldschmidt (CIC MD Nos. 6, 8-10)

Following discussion, upon motion duly made by Director Fellows, seconded by Director Wells and, upon vote, unanimously carried, the absence of Director Tim D’Angelo was excused.

#### Also In Attendance Were:

David Solin; Special District Management Services, Inc.

MaryAnn McGeady, Esq.; McGeady Becher P.C.

Diane Wheeler; Simmons & Wheeler, P.C.

Ted Laudick; Silverbluff Companies, Inc.

#### DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Disclosure of Potential Conflicts of Interest: Attorney McGeady 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.

#### ADMINISTRATIVE MATTERS

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 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:** 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 presented.

### **CONSENT AGENDA**

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

- Approve Minutes of the November 1, 2023 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:** The Board reviewed and considered the list of claims to be approved for the period ending November 29, 2023, in the amount of \$85,057.17.

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 November 29, 2023, in the amount of \$85,057.17.

**Cash Position Statement:** Ms. Wheeler reviewed with the Board the cash position statement for the period ending period ending December 6, 2023.

Following discussion, upon motion duly made by Director Fellows, seconded by Director Wells and, upon vote, unanimously carried, the Board accepted the cash position statement for the period ending December 6, 2023.

**Accountant's Certification No. 36:** Ms. Wheeler reviewed with the Board the Accountant's Certification No. 36 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 Associated with Public

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Improvements Report No. 36, dated November 20, 2023), and legal fees in the amount of \$2,752.75.

Following discussion, upon motion duly made by Director Fellows, seconded by Director Wells and, upon vote, unanimously carried, the Board approved the Accountant's Certification No. 36, in the amount of \$74,352.82 for public improvement costs, and legal fees in the amount of \$2,752.75.

**Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 36, dated November 20, 2023, prepared by Schedio Group LLC:** The Board reviewed the Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 36, dated November 20, 2023, prepared by Schedio Group LLC, in the amount of \$74,352.82 ("Report No. 36").

Following discussion, upon motion duly made by Director Fellows, seconded by Director Wells and, upon vote, unanimously carried, the Board approved Report No. 36, in the amount of \$74,352.82.

**Project Fund Requisition No. 4:** The Board reviewed Project Fund Requisition No. 4 to be submitted to the Series 2020 Bond Trustee, requesting \$77,105.57 for payment of project-related expenses.

Following discussion, upon motion duly made by Director Fellows, seconded by Director Wells and, upon vote, unanimously carried, the Board approved Project Fund Requisition No. 4, in the amount of \$77,105.57 and authorized its submittal to the Series 2020 Bond Trustee.

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### **LEGAL MATTERS**

**Investigation regarding August 31, 2021 fatality at Project Site:** Attorney McGeady reported the judge has not yet provided a ruling on the fatality at the Project Site.

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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. The Board discussed the timing on the completion of the work, the initial acceptance by the City of Aurora, and the timing on partial payment or final payment of the retainage, depending upon the City's decision on initial acceptance and the need for additional work related to the Stone Mastic Asphalt ("SMA").

Following discussion, upon motion duly made by Director Fellows, seconded by Director Wells and, upon vote, unanimously carried, the Board authorized the

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Construction Committee to make a determination as to the publication of notice of the release of a part or all of the retainage, depending upon the City's decision on initial acceptance and the need for additional work related to the SMA, and to release a part or all of the retainage, as published, if no claims from suppliers of labor or materials are filed prior to the expiration of the publication period.

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

Respectfully submitted,

By:   
Secretary for the Meeting

<b>Title</b>	64th Avenue ARI Authority/Minutes from October 4, 2023,...
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### Document History



SENT

**03 / 19 / 2024**  
10:07:00 UTC-6

Sent for signature to David Solin (dsolin@sdmsi.com) from sstevens@sdmsi.com  
IP: 50.78.200.153



VIEWED

**03 / 19 / 2024**  
10:15:06 UTC-6

Viewed by David Solin (dsolin@sdmsi.com)  
IP: 50.78.200.153



SIGNED

**03 / 19 / 2024**  
10:15:21 UTC-6

Signed by David Solin (dsolin@sdmsi.com)  
IP: 50.78.200.153



COMPLETED

**03 / 19 / 2024**  
10:15:21 UTC-6

The document has been completed.