

RECORD OF PROCEEDINGS

MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE 64TH AVE. ARI AUTHORITY (“AUTHORITY”) HELD DECEMBER 7, 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 7th day of December, 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)
Megan Waldschmidt (CIC MD Nos. 6, 8-10) (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)

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 encouraged public participation. The Board further noted that notice of the time, date

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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 November 2, 2022 Regular Meeting.

Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo 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 28, 2022, in the amount of \$94,170.91.

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 28, 2022, in the amount of \$94,170.91.

Cash Position Statement: Ms. Wheeler reviewed with the Board the cash position statement for the period ending November 27, 2022, updated as of November 27, 2022.

Following discussion, upon motion duly made by Director Fellows, seconded by Director Wells and, upon vote, unanimously carried, the Board approved the cash position statement for the period ending November 27, 2022, updated as of November 27, 2022.

Accountant's Certification of Costs Associated with the Design and Construction of Public Improvements: Ms. Wheeler reviewed with the Board the Accountant's Certification of \$88,287.18 for soft, indirect and hard costs associated with the design

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and construction of Public Improvements and therefore eligible for payment (as described in Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 26, dated November 28, 2022), and legal fees in the amount of \$424.50.

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, in the amount of \$88,287.18 for public improvement costs, and legal fees in the amount of \$424.50.

Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 26, dated November 28, 2022, prepared by Schedio Group LLC: The Board reviewed the Engineer's Report and Verification of Costs Associated with Public Improvements Report No. 26, dated November 28, 2022, prepared by Schedio Group LLC, in the amount of \$88,287.18 ("Report No. 26").

Following discussion, upon motion duly made by Director Fellows, seconded by Director Wells and, upon vote, unanimously carried, the Board approved Report No. 26, in the amount of \$88,287.18.

Project Fund Requisition No. 27: Ms. Wheeler noted that there are enough funds in the Authority's General Fund to pay the current expenses, and that therefore no Project Fund requisition was required. Following discussion, the Board authorized payment of the expenses from the Authority's General Fund.

LEGAL MATTERS

There were no legal matters to discuss at this time.

CAPITAL/ CONSTRUCTION MATTERS

64th Avenue Infrastructure Project:

64th Avenue Extension Project (American Civil Constructors, LLC d/b/a ACC Mountain West): Mr. Laudick noted the traffic signs are being installed, the 64th Avenue extension is now open, and initial acceptance has been received from the City of Aurora.

64th Ave. and Denali Street Lighting Package Project (Dynalectric Company Inc.): Mr. Laudick reported the project is complete and he will be processing final payment to the contractor.

Bids for the 64th Ave. Extension Median Island Landscaping Project ("Median Project): Mr. Laudick noted the bid opening was held on November 3, 2022.

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Bid Review: Mr. Laudick noted he received three (3) bids for the Median Project, and that Powell Restoration, Inc. submitted the lowest bid of \$966,686.95. He noted he still needs to review the Powell Restoration, Inc. bid and verify unit costs and scope of work.

Following discussion, upon motion duly made by Director Fellows, seconded by Director D'Angelo, and upon vote, unanimously carried, the Board authorized the Construction Committee to award the contract to Powell Restoration, Inc.

Notice of Award and Notice to Proceed: By the same motion, second and unanimous vote, the Board authorized the Construction Manager to issue the Notice of Award and the Notice to Proceed to Powell Restoration, Inc., once the Construction Committee has awarded the contract.

OTHER BUSINESS Mr. Laudick discussed the status of the cost estimate for the bridge, which is expected to be completed by December 9, 2022.

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