

MINUTES OF A SPECIAL MEETING OF  
THE BOARD OF DIRECTORS OF THE  
AEROTROPOLIS REGIONAL TRANSPORTATION AUTHORITY (THE “AUTHORITY”)  
HELD  
SEPTEMBER 25, 2024

A special meeting of the Board of Directors of the Aerotropolis Regional Transportation Authority (referred to hereafter as the “Board”) was convened on Wednesday, September 25, 2024, at 11:00 a.m. via Microsoft Teams. The meeting was open to the public.

ATTENDANCE

Directors in attendance were:

Matthew Hopper, Chairman  
Charles “Chaz” Tedesco, Vice-Chairman  
Curtis Gardner, Secretary  
Steve O’Dorisio, Treasurer  
Steve Sundberg, Director

Also, In Attendance Were:

Nic Carlson and Natalie Herschberg; CliftonLarsonAllen LLP (“CLA”)  
Tom George, Esq.; Spencer Fane LLP  
James Schultz and Eric Weaver; Marchetti & Weaver LLC  
Melissa Buck; UMB  
Dave Center and Tony DeVito; AECOM  
Michael Baldwin, Aliraza Hassan, Pedro Ramos and Ali Hassan; Jefferies LLC  
Brian Rulla, Michael Kerrigan, and Michelle Gardner; City of Aurora  
Marc Osborne; Adams County  
Brandon Wyszynski and Dave Carro; Oakwood Homes  
Jon Hoistad; McGeady Becher Cortese Williams P.C.  
Connor Norton; Member of the public

ADMINISTRATIVE MATTERS

**Call to Order:**

The meeting was called to order at 11:12 a.m. by Chairman Hopper.

**Disclosures of Potential Conflicts of Interest:**

It was noted that general disclosure statements and transactional disclosures regarding this meeting had been filed on behalf of members of the Board of Directors. Said disclosures were incorporated herein. Attorney George requested that the Directors consider whether they had any new conflicts of interest which had not previously been disclosed. There were no additional disclosures made.

**Quorum, Location of Meeting, Posting of Meeting Notice, and Agenda:**

It was noted that a quorum was present. The location of the meeting and the posting of meeting notices were confirmed.

The Board reviewed the agenda. Following discussion, upon a motion duly made by Chairman Hopper, seconded by Secretary Gardner and, upon vote, unanimously carried, the Board approved the agenda, as presented.

**Public Comment:**

There was no public comment.

**CONSENT AGENDA**

**September 11, 2024 Special Board Meeting Minutes**

**Claims Paid as of September 20, 2024**

**August Claims Payable Report**

Following review and discussion, upon a motion duly made by Chairman Hopper, seconded by Treasurer O’Doriso and, upon vote, unanimously carried, the Board approved the Consent Agenda, as presented.

**ENGINEERING / CONSTRUCTION MATTERS**

**Items Concerning Planning, Design and Construction of Authority’s Regional Transportation System and Related Matters:**

**ARTA Project Status Report**

Mr. Center and Mr. Devito reviewed the following details from their project status report.

I-70 & Aerotropolis Parkway (formerly Harvest Rd) Interchange: Roadway and bridge designs for interchange plans are at 100% and are in final review with the CDOT and City of Aurora. This project advertised for construction in early December and bids were opened 2-22-24. After reviewing and scoring proposals Ames Construction Company was notified as a successful bidder and final contract negotiation is ongoing. ROW negotiations with property owners to the north and south side are now finalized. IGA between CDOT, and City of Aurora was executed on June 6th. Final ROW Plan Review meeting is the final critical next step for CDOT to authorize the needed construction permit to break ground and are working on getting that scheduled early in early October.

38th Avenue: Phase 2, Tibet to E470 final construction drawing plans have been approved by the City of Aurora for construction document approval and working with selected contractor HEI on final construction contract. Phase 3, Majestic Development is moving forward with the design of the stretch from Odessa to Himalaya. Himalaya to Picadilly is still a gap in this program as it’s negotiate with DOTI and Aurora.

Aerotropolis Parkway (Harvest Rd) I-70 to 26th: Roadway and railroad structure design from I-70 Interchange to 26th Ave are underway into full design. Final railroad review/approval and utility relocations will be critical path for this phase. Kerr McGee gas line relocation and XCEL overhead line relocation agreements needed at the UPPR/Smith Road bridge, have been reviewed, and payment is being processed for relocation work. Kerr McGee to begin relocating their gas line this fall. PUC approval of the proposed railroad grade separation occurred on July 27, 2022 and a second time extension order for filing final design plans on/by July 1, 2025, was approved.

Aerotropolis Parkway & 26th Avenue Interchange (DDI): This project is in full design and has submitted 60% civil plans to the City for review. The City has agreed to an approval process that will not require site plan approval prior to engineering review. ARTA is working to acquire the ROW for this project. Coordination with the pipeline utilities and the MHFD is ongoing. Anticipated final design completion for this project is early 2025.

Aerotropolis Parkway (formerly Powhatan Rd) (32nd to 48th Ave): This project is completing design and is incorporating comments from the City's second engineering review (95% design level). Coordination with Xcel electric transmission, Xcel gas transmission, Western Midstream pipeline, and Century Link fiber is ongoing. Anticipated final design completion for this segment is fall of 2024 depending on the City's review schedules.

The Aurora Highlands Parkway Phase 2: This project is continuing coordination with the adjacent development and 32nd Ave project. It has revised stormwater detention locations as requested by the developer. The project is in full design and submitted civil plans (90% design level) for the City's first review. The regional detention pond design will be coordinated with the Aerotropolis Pkwy & 26th Ave Interchange (DDI) design. Plat map, drainage report, and CLOMR have been updated to reflect the regional pond design criteria and release rates. The linear park in the median is at 40% design but is being updated to reflect the changes to the stormwater detention. Anticipated final design completion is early 2025.

26th Avenue (Main St to The Aurora Highlands Pkwy): This project is completing design and is incorporating comments from the City's second engineering review (95% design level). Concurrent construction advertisement has been put on hold due to utility relocation schedules. Anticipated final design completion is fall 2024 depending on the City's review schedules.

26th Avenue (Powhatan Rd to Monaghan Rd): This project is incorporating comments from the second City review of the ISP and PDR. Coordination with Aurora Water's parallel waterline project and adjacent developer plans are ongoing. Anticipated final design completion in spring of 2025.

48th Avenue (E-470 to Aerotropolis Pkwy): To shorten the City review schedule, the civil plans (95% design) have been divided into two submittal packages, E-470 to Harvest Rd and Harvest Rd to Aerotropolis Pkwy. The west package incorporates comments from the

City's second civil plan review (95% design) for the combined ARTA and Windler portions of the roadway. The signature set (100% design) for the east package has been submitted for City review. The full corridor is currently under construction advertisement as one construction project. Anticipated final design completion is now fall 2024.

48th Avenue (Aerotropolis Pkwy to Monaghan Rd): This project is incorporating first civil plan review (90% design) comments from the City and is preparing the second submittal (95% design). The final design completion is early 2025.

Monaghan Road (26th Ave to 48th Ave): Dividing design into interim and ultimate configurations, with the ultimate phase to be constructed by the adjacent non-ARTA property owner. City comments from the third review of the ISP are being incorporated and the final submittal is being prepared. Coordination with adjacent property owners is ongoing. Anticipated final design completion is spring 2025.

32nd /26th Avenue Realignment (Picadilly Rd to E-470): The City's administrative decision was conditional approval pending incorporation of the City's third ISP review comments technical corrections. Anticipated final design completion is spring 2025.

Picadilly Road (38th to 56th Ave): Beginning design and first ISP (60% design) has been submitted to the City. Coordination with adjacent developer is ongoing. Anticipated final design completion is summer 2025.

#### FINANCIAL MATTERS

None.

#### MANAGER MATTERS

None.

#### EXECUTIVE SESSION

Upon a motion duly made by President Hopper, seconded by Treasurer O'Dorisio and, upon vote, unanimously carried, the Board entered into executive session at 11:21 a.m., pursuant to Section 24-6-402(4)(b) and (e), C.R.S. to discuss matters subject to negotiation and/or to confer with legal counsel on specific legal questions related to (1) ARTA capital project funding, (2) debt financing, and (3) potential inclusions.

Following discussion, the Board exited from executive session at 12:11 p.m.

#### LEGAL MATTERS

#### **Contracts, Intergovernmental Agreements and Other Legal Arrangements Related to the Planning, Design and Construction of the Authority's Regional Transportation System and Related Matters.**

Mr. George noted that the proposed inclusion agreements are nearly final, the financial

analysis of the potential inclusions is complete, and the Second Supplement to Establishing Agreement is ready for Board action, and he recommended the Board conduct the public hearing on the Petitions to Include Real Property and take action on the inclusions subject to certain conditions in the following agenda items.

**Continued Public Hearing on Petition to Include Real Property:**

Ms. Buck presented a financial analysis of the proposed inclusions and the proposed additional Regional Transportation System Improvements to the Board. Discussion ensued.

Attorney George noted that notice had been mailed and published as required by law for the Board to conduct a public hearing on the Board inclusions. President Hopper opened the continued public hearing on the proposed inclusions, which public hearing was originally set for August 28, 2024, was continued until September 25, 2024 and was further continued to this meeting, at 12:22 p.m.

No public comment was made and President Hopper closed the public hearing at 12:23 p.m.

**Resolution Including Property into Authority Boundaries and Second Supplement to Establishing Agreement (Amending Capital Plan and List of Regional Transportation System Improvements):**

Following discussion, upon a motion duly made by Secretary Gardner, seconded by Director Sundberg and, upon vote, unanimously carried, the Board approved the Resolution Including Property into the Authority Boundaries and authorized the Second Supplement to the ARTA Establishing Agreement in substantially the form presented as to each of the five including properties, subject to and on the condition of the final execution of an Inclusion Agreement for each such property, and authorized Director Hopper as Board President to sign the Resolution consistent with such approval.

**Proposed Inclusion Agreements:**

Following discussion, upon a motion duly made by Secretary Gardner, seconded by Director Sundberg and, upon vote, unanimously carried, the Board approved all five proposed inclusion agreements in substantially the form presented subject to final review and approval by the Board President and ARTA Legal Counsel, and further authorized the Board President to work with the other parties to finalize the agreements and execute the same.

**Waiver and Consent regarding Spencer Fane Legal Representation:**

Attorney George presented to the Board a requested Waiver and Consent regarding Spencer Fane's representation of ARTA and Clayton Properties Group in connection with the proposed 310 Property Inclusion Agreement, noting that the request is limited to that specific circumstance. Following discussion, upon a motion duly made by President

Hopper, seconded by Secretary Gardner and, upon vote, unanimously carried, the Board approved the Waiver and Consent regarding Spencer Fane's legal representation.

OTHER BUSINESS

None.

ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Secretary Gardner, seconded by Director Sundberg and, upon vote, unanimously carried, the meeting was adjourned at 12:28 p.m.

Respectfully submitted,

By  Signed by:  
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Secretary for the Meeting

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 rnavant@spencerfane.com  
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