

**Meeting Minutes of the
NORTH FRONT RANGE TRANSPORTATION &
AIR QUALITY PLANNING COUNCIL**

**May 3, 2018
Milliken Town Hall
1101 Broad Street
Milliken, CO**

Voting Members Present:

Tom Donnelly - Chair -Larimer County
William Karspeck -Berthoud
Kevin Ross -Eaton
Bob Overbeck -Fort Collins
Robb Casseday -Greeley
Troy Mellon -Johnstown
Dave Clark -Loveland
Elizabeth Austin -Milliken
Donald McLeod -Severance
Kathy Gilliland -Transportation Comm.
Julie Cozad -Weld County
Kristie Melendez -Windsor

Voting Members Absent:

Chris Colclasure -CDPHE
Mark Clark -Evans
Paula Cochran -LaSalle
Aaron Pearson -Timnath

*No Member -Garden City

MPO Staff:

Suzette Mallette, Interim Executive Director; Renae Steffen, Administrative Director and Alex Gordon, Transportation Planner II/Mobility Coordinator.

In Attendance:

Dawn Anderson, Jeff Bailey, Aaron Bustow, Chad Crager, Jim Eussen, Matthew Gordon, Wayne Howard, Mark Jackson, Will Jones, Mitch Nelson, Bob Overbeck, Mark Peterson, Karen Schneiders, and Fred Starr.

Chair Donnelly called the MPO Council meeting to order at 6:03 p.m.

Donnelly asked for everyone at the table to introduce themselves and welcomed new members Elizabeth Austin, Mayor Pro Tem- Milliken; William Karspeck, Mayor of Berthoud; and Donald McLeod, Mayor of Severance to the Council.

PUBLIC COMMENT:

There was no public comment.

APPROVAL OF THE MEETING AGENDA:

*ROSS **MOVED** TO APPROVE THE MAY 3, 2018 REVISED MEETING AGENDA. The motion was **seconded** and **passed** unanimously.*

APPROVAL OF THE MINUTES:

*CASSEDAY **MOVED** TO APPROVE THE APRIL 5, 2018 MEETING MINUTES. The motion was **seconded** and **passed** unanimously.*

EXECUTIVE SESSION:

Chair Donnelly announced the Council would be going into an Executive Session pursuant to C.R.S. § 24-6-402(4)(e)(I), to determine positions relative to matters that may be subject to negotiations, developing a strategy for negotiations, and instructing negotiators, and C.R.S. § 24-6-402(4)(b), to seek the advice of the Council's attorney on said matters. He believed a decision would be made and action would take place following the session. McLeod requested Mathew Gordon, alternate for the Town of Severance, be allowed to sit in the session, even though he could not vote. Donnelly approved Gordon attending the session.

*ROSS **MOVED** TO GO INTO AN EXECUTIVE SESSION PURSUANT TO C.R.S. § 24-6-402(4)(e)(I), TO DETERMINE POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING A STRATEGY FOR NEGOTIATIONS, AND INSTRUCTING NEGOTIATORS, AND C.R.S. § 24-6-402(4)(b), TO SEEK THE ADVICE OF THE COUNCIL'S ATTORNEY ON SAID MATTERS. The motion was **seconded** and **passed** unanimously.*

Council entered Executive Session at 6:08 p.m. The session lasted approximately 50 minutes.

Chair Donnelly reopened the regular meeting at 7:00 p.m.

EXECUTIVE SESSION ACTION:

Chair Donnelly announced there were still details of the Executive Director contract which were not yet finalized.

*COZAD **MOVED** TO APPROVE THE CONTRACT FOR SUZETTE MALLETTE AS EXECUTIVE DIRECTOR WITH THE EXCEPTIONS OF THE CURRENTLY LISTED SALARY AND BENEFITS WHICH ARE TO BE FINALIZED AND APPROVED BY COUNCIL AT THE JUNE 7, 2018 COUNCIL MEETING. The motion was **seconded** and **passed** unanimously.*

Chair Donnelly and the Council as a whole congratulated Mallette.

Lead Planning Agency for Air Quality Agenda

Chair Donnelly opened the Air Quality portion of the meeting.

Air Pollution Control Division

No report was provided

Regional Air Quality Council (RAQC)

A written report was provided. Cozad added the RAQC had taken a position of opposed on Senate Bill (SB) 181 because if inspections on vehicles go from two years to four years that would constitute a Statewide Implementation Plan (SIP) amendment, and would most likely impact industry, including oil and gas. She noted the benefit which comes from vehicle inspections would then have to be covered by something else. SB 181 was postponed indefinitely. Cozad indicated she had contacted Senator John Cooke to ask him if he was aware the bill would require having someone else cover those credits in the SIP, and he responded he was not but he would look into it further. She noted Denver Regional Council of Governments (DRCOG) also took a position of opposed.

Metropolitan Planning Organization (MPO) Agenda

Chair Donnelly opened the MPO portion of the meeting.

REPORTS:

Report of the Chair:

Chair Donnelly did not have a report.

Interim Executive Director Report:

Malette informed the Council there were Conflict of Interest forms for 2018 at their place needing to be signed and turned in to MPO staff. She also noted they had been given the FY 2018- FY 2021 Transportation Improvement Program (TIP) NFRT&AQPC Administrative Modification #2018-M3 indicating no action was required because they are handled administratively. Malette discussed issues brought up at the recent Statewide Technical Advisory Committee (STAC) meeting regarding the NFRMPO, Upper Front Range TPR and others are struggling with Buy America Waiver's standard requirements for low emitting Compressed Natural Gas (CNG) vehicles that cannot and/or are not being met by any manufacturer and FHWA has stopped approving all but a few of them around December of 2016. She has requested CDOT allow a swapping out of funds for CNG vehicles with required funding. CDOT is looking into the request but wants to give FHWA a couple months to potentially resolve some of the issues with the current program.

Donnelly said he respected the concept of having products made in America but recognized there are many vehicle components made by subcontractors who do not release where their parts are manufactured for proprietary reasons and therefore not meeting Buy America standards. He commended Malette and other transportation leaders in the State diligence and tenacity in seeking a pragmatic solution, citing the millions of dollars of federal funding around the United States being held for lower emission vehicles which cannot be used for the purpose in which it was intended, improving air quality. Gilliland mentioned the many grants left unused because of the matter and encouraged Council members to seek opportunities to take their frustrations on this national issue to their representatives. Aaron Bustow, FHWA Colorado, indicated FHWA Headquarters had announced along with the Buy America Waivers for the third and fourth quarters of 2016 and first quarter of 2017, the need to revisit their waiver process to ensure they are compliant with the new administration's executive orders and regulations. They are not discontinuing the program but they are suspending the program. Donnelly asked Bustow to confirm they had recently freed funding for approximately $\frac{3}{4}$ of projects. Bustow replied he was correct. Cozad noted although this appeared to be an unintended consequence, Weld County has been forced to postpone the purchase of CNG and LNG vehicles for their very large fleet. They have purchased non-CNG vehicles for their Public Works Department because they can't afford to wait while vehicle costs continue to rise, remarking regretfully, the whole purpose was to improve air quality and utilize local resources.

Finance:

Kristie Melendez, Finance Committee Chair, reported the Finance Committee had met with Eide Bailly auditors April 19th. It was determined more time was needed to complete 2017's Single Audit, which is a more-detailed audit process, therefore, the auditors will present the full report on the FY 2017 Audited Financials for approval at the June 7th Council meeting.

TAC:

A written report was provided.

ACTION ITEMS:

2019 Unified Planning Work Program (UPWP) Tasks and Budget

Malette noted there was a link to the complete budget document listed in the packet. She explained to the Council the UPWP is a required document which essentially is the annual budget, and describes the work tasks and products the MPO will produce over that year. She highlighted the following:

- NFRMPO Planning Factors (page 6) - the table shows which factors are being addressed in some way.
- Performance Measurement and Report (page 31)-
 - Updated Performance Targets for Infrastructure Condition and System Performance – measurements which came from the last transportation authorization and identify what safety performance measures will be used by the NFRMPO in 2019.
 - System Performance Report- identifies how are the performance measures working and what is the effect of those.
- 2045 Regional Transportation Plan (page 33) - should be adopted in 2019 along with the Air Quality Conformity Determination. The NFRMPO performs analysis to show standards compliance.
- Freight Plan (page 40)
- UPWP (page 46)
- VanGo (page 72) - there are currently 50 vans on the road with approximately 90% occupancy. The goal is to get more vans on the road.

Crystal Hedberg, Finance Director, pointed out the budget shows the use of \$1.2M total of federal funds which will require \$251k of local match. She also noted an adjustment had been made to the budget with Finance Committee approval, because the audit was not included previously, adding the dollar amount was not affected. She explained Direct Costs are those associated with a particular task, such as training, making copies, etc. and Indirect Costs are those like rent, telephone, etc. that effect the organization as a whole. Finally she noted \$14k of out-of-state travel was budgeted for training needed to do various projects.

*MELLON **MOVED** TO APPROVE RESOLUTION NO. 2018-07 APPROVING THE 2019 UNIFIED PLANNING WORK PROGRAM (UPWP) TASKS AND BUDGET. The motion was **seconded** and **passed** unanimously.*

Donnelly commented the NFRMPO works closely with CDOT and amendments are done often, making it a constantly evolving document.

PRESENTATION:

Federal Highway Administration (FHWA) Certification Review Process

Aaron Bustow, FHWA Colorado, presented Fort Collins/Greeley Metropolitan Transportation Planning Certification Review to the Council and asked Council members for their comments on the process. Cozad commented she had noticed a great improvement in the recognition of the needs of smaller communities, citing the NFRMPO's efforts toward increasing regionalism beginning with their Call for Projects process in 2016. She noted the success of the US 34 and I-25 north corridor projects as well as the potential future connections for transit systems in the region. Donnelly expressed his dislike of the exorbitant number of staff hours required to complete FHWA's process. He stated the NFRMPO is very efficient with their own process and FHWA is often an impediment to their progress, citing their unsuccessful Buy America Waiver program as an example. Several Council members commented on the positive partnership efforts of the NFRMPO and the many projects funded through those efforts. However, they generally agreed FHWA made their process so arduous, and therefore expensive, many communities have chosen to be resourceful with both their time and money and complete their own high-quality transportation projects without any federal funding. Mellon remarked the Town of Johnstown no longer uses any Federal funding. Melendez commented the State and Federal processes should be as equally robust as that of the North Front Range communities. Donnelly thanked Bustow for his presentation.

COUNCIL REPORTS:

Transportation Commission Report /CDOT Region 4

Gilliland reported CDOT would be hosting events across the state to highlight the importance of infrastructure and transportation to Colorado's economy and way of life, for Infrastructure Week, May 14-18. Invitation will be going out and said there were Hyperloop handouts for the event available to the Council. Karen Schneiders, CDOT R4, reported she had distributed a status update, noting the I-25 Design/Build Notice to Proceed is out and construction is expected to begin in the summer and will continue for the next three years. She also announced CDOT headquarters would be moving to the south side of Mile High Stadium off Colfax and to call her for any customer service needs during the four week moving process. She also agreed to send out an update on SH 60.

North I-25 Update

Donnelly noted his disappointment with the significant changes the House had proposed on SB 1. He said felt they needed to prioritize transportation funding for Colorado and hoped they could collaborate on a solution. Dave Clark noted the \$3.5B TRANs Bond package had come out of the Senate fully approved but then the House gutted the bonding out. Later the Committee was able to recover some of the bonding but then it did not pass. The ballot issue known as "Fix Our Damn Roads" is likely to get into the next election process without difficulty, as it does not propose to raise taxes but will take money from Colorado's General Fund. Donnelly said the issue for many is there needs to be a new revenue source before bonding is approved. He also suggested the recent growth of the General Fund may allow more State funding, which is new revenue, within the TABOR limit, without actually raising taxes. D. Clark stated the I-25 project was in jeopardy of losing funding. Gilliland added the importance of having a secure, sustainable revenue stream to pay off 20 years of bonding, otherwise it would become necessary to tap into existing funds. She agreed more revenue was needed for transportation beyond some of the short-term relief which was currently expected. D. Clark stated a tax rate of .35% was surveyed as reasonable by tax payers, but that would not provide an adequate amount of funding. Donnelly recognized the complexities of the issue, particularly now that SB 1 was not passed by the Legislature.

Host Council Member Report-

Austin welcomed everyone and thanked them for coming to Milliken. She noted the growth spurt Milliken is experiencing, with a little over 7,200 residents occupying 2,520 homes and then reported on the following transportation related projects in Milliken:

- Approximately 75 more building permits requested this year, for total of approximately 280
- Many roads are effected by their growth and need repair
- Bridge repairs by CDOT are very much appreciated
- Weld County recently fixed CR 46 ½ which had been used as an alternate route during construction on SH 60.
- Trucks have been using CR 46 and it is now in need of repair
- Road repair has not occurred much over the past 3-4 years and now needs to be addressed- Milliken Town Board is currently seeking solutions for these roads as well as some needing to be paved. They have purchased a crack-sealing machine to help repair many of their road cracks. They also plan to do some overlay and will spend approximately \$1M
- Milliken is hoping to extend Green Street over to Alice Avenue and remove the median. Alice will gain importance, as well as traffic in the coming months, as it will soon connect to a development of 273 houses south of WCR 46. Alice Avenue goes up to SH 60 and has been approved for a stoplight.
- A second stoplight is being proposed at SH 60 and Centennial Drive

MEETING WRAP-UP:

Next Month's Agenda Topic Suggestions:

1. *Transport & Chemistry Modeling in the North Front Range* *The presenter is unable to present this to Council.

The meeting was adjourned at 8:11 p.m.

Meeting minutes submitted by: Renae Steffen, MPO Staff