

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

March 5, 2015

6 p.m.

**Riverside Library and Cultural Event Center
3700 Golden Street
Evans, CO**

Voting Members

Present

Jan Dowker	-Berthoud
John Morris	-Evans
Tom Norton	-Greeley
Troy Mellon	-Johnstown
Tom Donnelly	-Larimer County
Paula Cochran	-LaSalle
Joan Shaffer	-Loveland
Don Brookshire	-Severance
Kathy Gilliland	-Trans. Commission
Sean Conway	-Weld County
Chris Colclasure	-APCD

Absent

Kevin Ross	-Eaton
Gerry Horak	-Fort Collins
Brian Seifried	-Garden City
Jordan Jemiola	-Milliken
Paul Steinway	-Timnath
John Vazquez	-Windsor

MPO STAFF:

Terri Blackmore, Aaron Buckley, Alex Gordon, Angela Horn, Josh Johnson, Becky Karasko, Renae Steffen,

IN ATTENDANCE:

Eric Bracke, Leah Browder, Lori Cheuvrent, Julie Cozad, Marissa Gaughan, Joel Hemesath, Myron Hora, Will Jones, Dave Klockeman, Ken Lloyd, Janet Lundquist, Suzette Mallette, Steve Moreno, Johnny Olson, Donelle Oster, Raegan Robb, Bob Sakaguchi, Karen Schneiders, Jay Schaffer, Mike Silverstein, Steve Teets, Mike Timlin.

Chair Conway called the MPO Council meeting to order at 6:15 p.m.

PUBLIC COMMENT:

Steve Teets, Citizen’s Bus Improvement Committee, Chairman, requested that a representative from the MPO Council read the 34-Xpress information he provided to Chair Conway and respond to him in the near future.

Conway thanked Teets for his comment and agreed to provide the information to Director Blackmore who would distribute the information to the Council and provide a response back to Teets in a timely manner.

1. ACCEPTANCE OF THE MEETING AGENDA:

The agenda was accepted as presented.

2. APPROVAL OF THE MINUTES:

The February 5, 2015 Minutes were approved as submitted.

3. **PUBLIC HEARING:** Air Quality Conformity Determination

Chair Conway opened the Public Hearing for the Air Quality Conformity Determinations for the Denver-North Front Range 8-Hour Ozone Non-Attainment Area and the Fort Collins and Greeley Carbon Monoxide (CO) Maintenance Areas at 6:22 p.m.

Teets asked for an explanation of the Air Quality Conformity Determination.

Angela Horn, Transportation Planner, explained that the MPO is responsible for reporting air quality conformity using total mobile source emissions in the North Front Range. This includes monitoring ozone in Northern Colorado as well as testing for carbon monoxide in Greeley and Fort Collins. The MPO must stay within the federally approved emissions budgets for the State of Colorado. She confirmed that the 2016-2019 TIP and the 2040 Upper Front Range RTP had conformed to the State Implementation Plan, demonstrating positive air quality conformity determinations.

Teets responded that he feels it is important to focus more on air quality and cited transit and alternative modes, such as bicycles, as a way to cut down on pollution.

Conway referred Teets to the March 5, 2014 Council meeting packet for more detailed information on adopting the Air Quality Conformity Determination and thanked him for his comments.

Chair Conway closed the Public Hearing at 6:25 p.m.

Lead Planning Agency for Air Quality Agenda

Chair Conway opened the Air Quality portion of the meeting.

- 4. Air Pollution Control Division Report** – Mike Silverstein announced it would be his last time attending the meeting as interim Council Representative. Conway and the Council applauded Silverstein for his years of service to the MPO and for being so attentive when listening to the Council's questions, complaints and frustrations. Silverstein thanked the Council for their kind words and said he enjoyed his participation at the meetings and his ability to assist the members by providing appropriate explanations of any issues of concern.

Silverstein introduced Chris Colclasure, Planning and Policy Program Manager of the Air Pollution Control Division (APCD) as the new Council. Colclasure familiarized the Council with his background and indicated that Garry Kaufman, former Council Representative, was now at Holland and Hart, the law firm where he worked previously. Colclasure then gave the March 2015 APCD Ozone Update Presentation to the Council.

COUNCIL DISCUSSION:

Nonattainment Area

Donnelly asked if it was possible that the Fort Collins West monitoring site was not functioning properly, since the data from the nearby monitor sites was so different.

Colclasure replied he did not know but would check with the technical support team. He added that generally the monitors are evaluated for wind direction, wind speed and flow so they can ensure they have monitors in locations that give representative data for the region.

Donnelly questioned whether a monitor may be purposely placed in an area that would be more likely to trigger readings over the threshold.

Colclasure answered that there is certain criteria from EPA requiring that some monitors are set in areas that are anticipated to have the worst impact in order to get a conservative picture of what the air quality actually is. He also explained the formula for averaging the data.

Donnelly asked if monitors have ever been moved because data was not accurately representative.

Colclasure responded that was a possibility if either the data was not representative or two monitors were duplicating efforts. He added that moving a monitor is a difficult process because the data set is lost when they are moved and it takes three years to gain new historical data that is reliable.

Number of Days Above the NAAQS

Conway questioned if there was any chance the numbers from the 2012 wildfires could be reevaluated to accurately represent the data since the EPA had determined that the adjusted numbers would not change the attainment status, and they did nothing with the data. He believes that the public needs to be reassured that the data collected and reported is accurate.

Colclasure replied that Exceptional Events, like the 2012 wildfires, are flagged by the APCD to demonstrate that the event caused the exceedance for a particular day. The exceedance would then be subtracted out to show what the ozone would have been on that day without the event. The information is shared with the EPA in anticipation of their approval. Flagging the dates are a simple process; developing the documentation to get approval is a difficult and frustrating process which takes hundreds of hours to complete. He also stated that it is very important to APCD that accurate data is recorded.

Conway asked that it be stated for the record that the data from the dates that were flagged and presented to the EPA will not be changed until that year is irrelevant in terms of determining ozone attainment, now that there is a 3-year rolling average in place that must now include that 2012 data.

Colclasure responded that he could not confirm that was correct and he committed to review the data and report back to the Council.

Conway stated that in light of the court ruling for the 2015 ozone standard he feels it is worth going back to EPA Region 8 to point out this issue of poor credibility. He believes it is a case of bad data leading to a bad determination. He also believes that the new redetermination percentage should become the data set, even if it does not change the North Front Range's compliance.

Colclasure said he appreciated Conway's comments.

Actions to Reduce Ozone-Mobile Source Programs

Conway commented that he had received a map from the National Association of Counties that based on the new ozone standard proposal, showed a substantial portion of the eastern Front Range counties, including all of Larimer and Weld Counties, would be out of compliance.

Ken Lloyd, Executive Director of RAQC, commented that the map represented whole counties; therefore it may or may not be an accurate visual of the nonattainment areas. The EPA will need to reevaluate the boundaries as they have in previous years, and it is possible that the nonattainment area will expand.

Silverstein added that it will depend on where the new standard is set and added that if the standard is set at 65 a large portion of Colorado will be in nonattainment; if it is set at 70 the nonattainment map will basically look the same as it does now.

There was a brief discussion regarding the cost of meeting the new standards and the potentially negative effect it could have on Northern Colorado communities.

Colclasure indicated that APCD does attempt to balance cost against benefits but also noted that the Federal Clean Air Act does not address cost, but health and public welfare are always the top priority.

Brookshire asked how there can be areas in downtown Denver with lower levels of ozone than areas with less congestion.

Colclasure explained the complex process of how ozone is made and indicated that if when it is made there is excess NO_x, it will scavenge and eat ozone and turn it into something else. This can have a positive impact on areas where there is a lot of NO_x.

Brookshire asked what the largest contributor of ozone was.

Colclasure replied that some is natural but they believe the two main contributors are NO_x which comes from power plants or vehicles; and VOC's, whose largest source is the oil and gas industry.

Conway noted that the data APCD collects is inconsistent with that theory, citing data from 2008 which reported ozone at a high of .082 ppb when there were less than half as many wells. He also questioned the validity of their reasoning for the lower ozone levels in downtown Denver and compared it to areas in Fort Collins where levels were higher in more congested areas. He suggested that APCD be cautious in drawing their conclusions.

Gilliland commented that overall there have been significant improvements in the ozone levels in the region. She believes that this is a complicated issue and wants to ensure that as new goals of attainment are set that they have a tangible value and are based on credible facts from dependable methods.

Colclasure ensured the Council that APCD is always working to get the most credible and accurate monitoring equipment available.

SIP Development Timeline

Conway questioned if the few months of data outside the new three year timeline would be substituted for some of the 2012 data.

Colclasure replied that it would not be part of the first 3- year rolling average, but will eventually be averaged in. He added that the court had thrown out the plan that would have allowed for that.

Implications for Colorado

Dowker questioned what scientific reasoning the EPA used in considering a lower standard of .065 ppb.

Colclasure explained that it is a requirement that the standard be reviewed every five years but the EPA missed the last deadline and was sued. They were then required by the courts to post the results of several studies on the effects of ozone on public health by October 2015. The court did not require them to lower the standard. The new levels are only what the EPA concluded was needed to protect public health based on those reports.

Silverstein expounded on Colclasure's explanation and said that the EPA relies on research from the Clean Air Scientific Advisory Committee (CASAC), who is responsible for the scientific health research for all air quality matters, to determine what the standards should be. In 2006, CASAC advised the EPA to change the standard to .060-.070 ppb but instead they went with .075 ppb, which was outside of the range advised. Since that time there has been litigation and a change in the Presidential administration and the EPA is now being required to get on the schedule presented by Colclasure (make a recommendation by October 2015).

Morris asked what the ultimate consequences are of not meeting the new standards.

Colclasure responded that there would be additional regulatory requirements put on Colorado, the State's number would be lowered and a strategy developed to meet that number.

Blackmore replied that transportation and Federal Highway funding may be denied.

Brookshire criticized that the EPA is setting unreasonable goals that have become roadblocks instead of solutions to achieve the desired goals.

Cochran asked what nearby states levels are.

Colclasure answered that some were in attainment and some were not.

There was a brief discussion regarding who has been sued in the past and who could be sued if the EPA standards are not met.

Brookshire questioned what percentages of vehicles fail emissions testing.

Colclasure responded that it has been below 5% and surprisingly had not spiked with the new standards in place.

Silverstein clarified that the consequence of the Inspection and Maintenance (I&M) program getting bumped to higher classification of moderate is that more federal mandates will be required, meaning the State will lose its flexibility to design a plan to meet its own individual needs. Currently the North Front Range program is a state only program but it is likely that it will become part of the Denver-metro program and the EPA's Federal approval of the SIP. If they maintain their own system there are no EPA standards but there are certain requirements from the State Clean Air Act. The EPA may take over the State's control.

Norton added that another consequence is that the Colorado Clean Air act will also lose its flexibility and be controlled by federal mandates. It is preferred that Colorado have the ability to control both of these programs to meet the State's specific needs.

Conway thanked Colclasure and Silverstein for their report.

5. Regional Air Quality Council: A written report was provided.

Metropolitan Planning Organization (MPO) Agenda

Chair Conway opened the MPO portion of the meeting.

6. Executive Director Report: Terri Blackmore, Executive Director, briefly reviewed the addendum to her March 2015 Director's Report and highlighted the new public involvement online-based mapping tool, *Community Remarks* and the North I-25 Commuter Rail Update, citing it was a written report as there was not time on the agenda for a presentation. She introduced Aaron Buckley, Transportation Planner and Ken Lloyd, Executive Director, RAQC, who will be working with the MPO on the new State Implementation Plan (SIP). There is an MOA in process to possibly bring one of the RAQC staff members onto the TAC as a non-voting member. The MOA will be brought to the Council at a future meeting. She thanked Lloyd for attending the meeting.

COUNCIL DISCUSSION:

Morris questioned if online remarks for the public outreach are protected.

Blackmore replied that remarks are monitored to ensure that no inappropriate comments are posted.

Alex Gordon, Transportation Planner, added that each IP address is allowed a single log in which prevents repeat voting and comments.

COMMITTEE REPORTS:

7. **Transportation Advisory Committee (TAC)** - A written report was provided.
8. **Mobility** – A written report was provided.
9. **Finance**- Paula Cochran, Finance Committee member, briefly reviewed the Finance Committee Report and Finance Committee Minutes from February 21st.

ACTION ITEMS:

10. Executive Session (February 5, 2015) Report- Sean Conway

Conway directed all of the Council members to briefly review the confidential follow up documents from the February 5 Executive Session that were in a sealed envelope at their place on the Council table. He then stated that Terri Blackmore had served as the North Front Range Metropolitan Planning Organization's Executive Director since January 2013. Pursuant to the terms of her original employment contract with the MPO, the Council is to conduct an annual performance evaluation of Blackmore's job, consider whether the goals and performance objectives for her position have been met, and give her an opportunity to respond. On January 8, 2015, and again on February 5, 2015, the Council met in Executive Session to consider matters involving Blackmore's employment, to discuss the independent report prepared regarding her job performance, and to deliberate those and other sensitive personnel matters. While the report and contents of the Executive Session are not public record, he said that the overall tone was favorable. After considering the comments and discussion, it was his recommendation as Chair that Blackmore's contract be extended through January 14, 2016, and that she receive a 3% raise for the 2015 year, a one week increase in allowed vacation for 2015, and a one-time bonus in the amount of \$2,500.00.

Mellon made a motion to adopt the Second Amendment to the Employment Agreement for Executive Director, Terri Blackmore. The motion was seconded and it passed unanimously.

COUNCIL DISCUSSION:

Conway commented that Blackmore has met the Council's expectation and the Council is pleased with the work Blackmore is doing for the MPO.

Norton noted for the public that Blackmore's job performance had had been completely vetted during the two Executive Sessions and thanked her for the formatted goals she had provided and applauded her for her accomplishments during a very challenging time at the organization.

Dowker said it was a pleasure to work with Blackmore and complimented her for being an astute, knowledgeable and professional advocate for the region.

Gilliland recognized the improvements that Blackmore has made at the MPO over the past two years and indicated her full confidence in Blackmore's ability to keep the organization in compliance. She apologized that the evaluation process had taken so long and assured her there would be a new streamlined process in place for next year's evaluation.

Shaffer stated her appreciation to Blackmore for her professionalism and her ability to educate the Council on important issues that needed their attention.

Conway announced that Blackmore had provided her 2015 goals which included outreach to the MPO communities, transportation coalition involvement, staff development, federal certification and certain financial objectives. He applauded Blackmore for developing what he phrased “Team MPO” and stated the Council’s desire for the MPO staff to have the tools needed for them to grow professionally and continue their individual careers.

Blackmore requested that the Council take note that all of her goals for 2015 were made measurable, as they had requested and she thanked them for approving her contract amendment.

11. Conformity Determination- Angela Horn

Mellon made a motion to approve Resolution 2015-05 making a Positive Air Quality Conformity Determination for the North Front Range MPO Transportation Improvement Program (TIP) for Fiscal Years 2016 – 2019 and the Upper Front Range 2040 Regional Transportation Plan. The motion was seconded and passed unanimously.

12. FY 2016-2019 TIP- Josh Johnson

Josh Johnson, Transportation Planner briefly reviewed information from the FY 2016-2019 TIP AIS with the Council.

Gilliland moved to approve Resolution No. 2015-06 adopting the 2016-2019 Transportation Improvement Program (TIP). The motion was seconded and passed unanimously.

13.4th Quarter Unaudited Financials – Crystal Hedberg

Hedberg directed the Council to the 4th Quarter Financial documents in the Council packet and noted that explanations had been provided for any variances.

Gilliland made a motion to accept the 4th Quarter Unaudited Financials as presented. The motion was seconded and passed unanimously.

COUNCIL DISCUSSION:

Shaffer thanked the Finance Committee for the work they had done completing the report, specifically the addition of footnotes.

14. Procurement Policies and Procedures – Crystal Hedberg

Hedberg stated that she appreciated the feedback she had received from Greeley, Fort Collins and Loveland on the Procurement Policy Draft and that they had been incorporated into the draft found in the meeting packet. She added that the policies ensure the MPO is complying with the federal rules for purchasing.

Shaffer moved to approve the Procurement Policies and Procedures as presented. The motion was seconded and passed unanimously.

COUNCIL DISCUSSION:

Dowker expressed her appreciation to Hedberg for compiling the communities’ feedback and streamlining the process.

15. Bustang- Colorado's Interregional Express Bus System- Mike Timlin

Mike Timlin, CDOT Transit and Rail Bus Operations Manager gave the Colorado's New Interregional Express Bus System presentation to the Council.

COUNCIL DISCUSSION:

Conway questioned the availability of parking at the Harmony Road station.

Timlin replied that CDOT R4 was working with City of Fort Collins staff on a parking management plan and stated that 200 parking spaces were needed at that location.

There was a lengthy, comprehensive discussion regarding the obvious issues and potential solutions with the Harmony Road station.

Timlin indicated that many options were currently being reviewed and noted that parking was the key issue they were addressing.

There was a brief discussion regarding the cost of riding Bustang and who may benefit the most.

Timlin concluded that a large number of people in the region will find Bustang to be more advantageous for their needs than other available transit options.

Shaffer asked how the buses will be routed at the Centerra Park-n-Ride at US 34 and requested that a map be provided to the Loveland City Council that shows how the buses will be maneuvered through Loveland so they can pass that information on to their residents as needed.

There was a brief discussion regarding the issues surrounding the use of the Centerra Park-n-Ride and the nearby roundabout.

Olson confirmed that CDOT had been testing the routes recently and they will keep Shaffer updated.

Shaffer suggested that CDOT include public service announcements in their marketing and reiterated her desire for the implementation of weekend service.

Timlin concluded the discussions by saying many options are still being reviewed.

Dowker applauded the design of the buses and the service they will provide when the program begins.

Gilliland added that the fees are reasonable considering the connectivity they provide and said she is looking forward to having the service available to the public soon.

DISCUSSION ITEMS:**16. Executive Director Evaluation Process- Sean Conway**

Conway reviewed the Executive Director Evaluation Process Draft with the Council.

COUNCIL DISCUSSION:

Mellon, Articles of Association Chair, agreed to review the draft with the rest of the Articles of Association Committee and asked that Council members email comments to him and Shaffer, Vice-chair of the committee. He stated that the item could tentatively be up for discussion at the April meeting.

Gilliland expressed her desire to establish a policy that requires the process of a 360 evaluation at least every five years. She also suggested the Council review the tax concerns when giving a bonus versus an increase in salary.

Mellon inquired about the cost of a 360 evaluation with Mountain States Employers Council.

Renae Steffen, Administrative Director, replied that the cost of administering the 360 evaluation survey was \$500 and did not include any follow-up services.

Conway confirmed that the process would be discussed first with Mellon and the committee and then brought back to the Council for discussion in April or May. Council will take action in May or June.

COUNCIL REPORTS:

Transportation Commission: Kathy Gilliland, Transportation Commissioner, District 5, corrected an item on the STAC report for I-70 East and said that the decision was made for a design-finance-operate-maintain (DFOM) method not design-build-operate-maintain (DBOM). She also said that a launch date for Bustang should be secured later in the month.

CDOT Region 4: Johnny Olson, CDOT R4, passed out the CDOT Project Status Updates (March 5, 2015) handout and reviewed it with the Council and updated the following projects:

- US 85- Ault to Wyoming- Has been delayed for two weeks.
- SH 257 at Crossroads- signals are up, poles and lights are installed and waiting for power, should be fully functional in three weeks. This project will support a much safer intersection and CDOT staff was commended by Conway for the progress that has been made.
- Under the proposed “Revised Guidelines for Implementing Executive Order 11988, Floodplain Management”, Federal agencies are no longer required to look only at the 100-year floodplain, but a 500-year floodplain, as defined by FEMA, when applying for Federal funding, or Federal permit issuance. This new standard will cost several million dollars additional per structure. CDOT will continue to accept designs at the current standard. Public comments are being accepted through April 6, 2015. Comments must be identified by docket ID FEMA-2015-0006 and sent via mail, hand delivery or Courier to: Regulatory Affairs Division, Office of Chief Counsel, Federal Emergency Management Agency, 8NE, 500 C Street SW., Washington, DC 20472-3100.

Conway commented that this order will have a huge impact on communities and suggested that each community representative draft letters to FEMA opposing the order. He added that this amendment takes away the local municipalities’ and County governments’ ability to effectively manage their infrastructure as it adds more rules and regulations and allows for less funding. It could potentially devastate CDOT financially.

- CDOT’s Delegation received a lot of positive feedback from both the House and Senate regarding their discussion on the long-term transportation bill when they met with them recently in Washington D.C Senator Bennet expressed his embarrassment that the United States is no longer a model for transportation systems or infrastructure and moreover, there is nothing valuable to pass on to our future generations.
- The Risk and Resiliency platform for HUD could bring \$100- \$500M to the table for I-25’s infrastructure.
- The congressional delegation had been told the importance of CDOT maintaining their trust fund so they do not have to pull money from the general fund.

Statewide Transportation Advisory Committee (STAC) Report: Jan Dowker, STAC Representative, briefly reviewed information from the February STAC Report with the Council and highlighted that the \$3M being requested for the Safe Routes to School program was additional funding the State wants CDOT to

provide. She recognized Blackmore's work on the shorter Statewide Plan and thanked Becky Karasko, Regional Transportation Planning Director, for attending the meeting and assisting her with the notes.

North I-25: Shaffer and Conway reported on the following:

- Olson gave an engaging presentation on the update of a 5-year Reauthorization Plan, which is 5 years overdue. The repatriation will probably occur in May and will bring approximately \$784B back into the US and most, if not all, should go to transportation to help with the Reauthorization Act. It is imperative that Colorado and the North Front Range communities have a prioritized list of shovel-ready projects prepared.
- The North I-25 Brochure is being updated.
- Jared Polis has been invited to attend the April 1 Coalition meeting.

Host Council Member Report: Morris welcomed everyone to Evans. He proudly announced that the new Riverside Library and Cultural Event Center housed museum of Evans artifacts as well as a boardroom and banquet room, which features state-of-the-art projection and audio systems. He thanked Palomino's for the delicious Mexican food.

Other Council Reports:

Berthoud- Dowker proudly announced that Berthoud had been chosen as "Community of the Year for Economic Development" by Upstate Colorado Economic Development. She thanked Larimer County, particularly Suzette Mallette, Transportation Program Manager, and Stephanie Brothers, Berthoud staff, for their coordinated work on the Call for Projects CR 17 project.

Loveland- Shaffer reported that the City of Loveland had submitted its Regional Tourism Authority (RTA), which supports projects in Loveland, Windsor, Estes Park and Larimer County. This authority designation allows the State to return sales taxes collected in the identified project areas to be returned. The projects involved must bring in out-of-state dollars and meet a "but for" criteria, which essentially means they would not occur without this tax long-term sales tax return program.

Final Public Comment: Steve Teets commented that there is a development in Greeley called Hill 'N Park that is in serious need of a route system, currently the closest one is at 35th Avenue. He suggested a 3 year pilot program which would require support from the City of Evans, City of Greeley and the Weld County Commissioners.

Conway thanked Teets for his comments and informed him that there was going to be a meeting Monday, March 9th to address the Hill 'N Park issue.

FINAL WRAP-UP:

Next Month's Agenda Topic Suggestions: There were no suggestions.
The meeting was adjourned at 9:11 p.m.

Meeting minutes submitted by: Renae Steffen, MPO Staff