

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

**September 7, 2017  
LaSalle Town Hall  
128 N 2<sup>nd</sup> Street  
LaSalle, CO**

**Voting Members**

**Present**

**Tom Donnelly- Vice Chair** -Larimer County  
Jennifer Baker -Berthoud  
John Morris -Evans  
Bob Overbeck -Fort Collins  
Robb Casseday -Greeley  
Paula Cochran -LaSalle  
Dave Clark -Loveland  
Linda Measner -Milliken  
Don Brookshire -Severance  
Aaron Pearson -Timnath  
Sean Conway -Weld County  
Myles Baker -Windsor  
Chris Colclasure -CDPHE  
Kathy Gilliland -Transportation  
Commission

**Absent**

**Kevin Ross- Chair** -Eaton  
Troy Mellon -Johnstown  
\*No member -Garden City

**MPO Staff:**

Terri Blackmore, Executive Director; Becky Karasko, Regional Transportation Planning Director; Crystal Hedberg, Finance & Operations Manager; Ryan Dusil, Transportation Planner

**In Attendance:**

David Averill, Todd Blomstrom, Julie Cozad, Jim Eussen, Jim Flesher, Butch Hause, Christina Haxton, Mark Jackson, Will Jones, Tim Kemp, Lynette Kilpatrick, Dave Kiskan, Dave Klockeman, Ken Lloyd, Suzette Mallette, Mitch Nelson, Johnny Olson, Heather Paddock, Claudia Reich, Bryan Schaefer, Karen Schneiders, Herman Stockinger, Robin Stoneman, Steve Teets, Tami Tanoue, Dennis Wagner

Vice Chair Donnelly called the MPO Council meeting to order at 6:00 p.m.

**PUBLIC COMMENT:**

Steve Teets, Greeley resident, stated he sees public interest in the US 34 Express Bus for work commutes and medical appointments. He would like to see better transit service on the eastern side of I-25.

## **APPROVAL OF THE MEETING AGENDA:**

*MORRIS **MOVED** TO APPROVE THE SEPTEMBER 7, 2017 MEETING AGENDA. The motion was **seconded** and **passed** unanimously.*

## **APPROVAL OF THE MINUTES:**

*CASEDY **MOVED** TO APPROVE THE AUGUST 3, 2017 MEETING MINUTES. The motion was **seconded** and **passed** unanimously.*

## **Lead Planning Agency for Air Quality Agenda**

Vice Chair Donnelly opened the Air Quality portion of the meeting.

### Beneficiary Mitigation Plan Update (VW Settlement)

Chris Colclasure, APCD Deputy Director, provided an overview of the Volkswagen (VW) Settlement and benefits specific to Colorado. Gilliland asked what will happen with VW vehicles that are still polluting. Colclasure responded owners are still able to use the vehicle, but Volkswagen must put more into the trust for those who continue to drive. He stated that although Colorado's non-attainment area was disproportionately impacted, settlement funds will be available statewide with the right to rebalance funds later if the geographic distribution of funds becomes disproportionate. Conway asked why the state does not regulate the funding distribution upfront. Colclasure responded many such options were explored, but it is highly likely to work itself out and the state did not want to exclude people outside the non-attainment area. Conway stated Volkswagen is paying the settlement for impacted areas, thus the funds should be spent to address the issue. Colclasure encouraged Conway and the Planning Council to submit a letter to APCD by October 13. Donnelly stated Planning Council will provide a signed letter. Blackmore will use the information she learns on September 18 to craft the letter. Measner asked if electric vehicles (EVs) pay any fees for road maintenance. Gilliland responded they pay an additional registration fee. Blackmore added there will be a presentation on a pilot project for VMT charging at Council next month. Morris asked what happens to the VW consumer fraud funds. Colclasure stated are deposited in the state general fund for legislature appropriation. He highlighted the proposed categories of eligible projects to be available through the Regional Air Quality Council (RAQC). Clark asked if any member of the public can apply. Colclasure responded they can if they have an eligible vehicle or project. Conway asked if the grants are determined based on the impacted areas. Colclasure stated they will track where the applications come from and adjust the funding distribution if necessary. Donnelly asked if Compressed Natural Gas (CNG) stations are an eligible project. Colclasure responded they are not eligible. Conway asked if retrofitting a diesel rig to electric is an eligible project. Colclasure responded it is eligible. Gilliland asked when the funds will become available. Colclasure responded APCD should have Trust Fund approval of the plan in April or May. Funding is provided on a reimbursement basis, so summer is when funds will flow.

Conway asked why the Fort Collins West ozone monitoring site continues to fail, and if the high ozone days related to wildfires can be discarded. Colclasure stated CDPHE has not looked closely at the monitor. He stated the NREL site had a monitoring flaw requiring a month of data to be excluded. Days with exceptional events have been tracked and CDPHE will submit demonstrations to have some of those days excluded. Conway asked if any exceedance days at the Fort Collins West site are related to fire. Colclasure stated he did not have that information.

## **Metropolitan Planning Organization (MPO) Agenda**

Vice Chair Donnelly opened the MPO portion of the meeting.

## **REPORTS:**

### Executive Director Report:

Terri Blackmore, Executive Director, highlighted that Planning Council members received a new Council roster. The CDOT Summit is October 23<sup>rd</sup> and NFRMPO still has seats available to those

interested. She stated a team comprised of staff from NFRMPO, Dawn Anderson with the City of Evans, Kim Frick with the City of Loveland, and Tom Parko with Weld County will be attending a water workshop in Keystone next week. The City of Fort Collins will have their own team at the workshop. NFRMPO staff attended two days of the Windsor Harvest Festival over Labor Day weekend and spoke to 356 individuals, bringing the total to 1536 individuals across all 2017 events. NFRMPO staff will attend Evans Heritage Days and Taste of Timnath in the upcoming weeks.

Report of the Chair:

Vice Chair Donnelly welcomed Councilmember Aaron Pearson of Timnath to the Planning Council. Donnelly stated Jennifer Baker was appointed to Finance Committee and Chair Ross is absent to receive an insurance award.

Finance:

Donnelly briefly reviewed information from the August 17, 2017 Finance Committee Report. Bullet points and minutes were included in the packet. There were no questions.

TAC:

A written report was provided.

**ACTION ITEMS:**

CY 2017 2<sup>nd</sup> Quarter Unaudited Financial Statements

Crystal Hedberg, NFRMPO Operations and Finance Manager briefly summarized the information provided in the packet. There were no questions.

*CONWAY **MOVED** TO ACCEPT THE CY 2017 2<sup>ND</sup> QUARTER UNAUDITED FINANCIAL STATEMENTS. The motion was **seconded** and **passed** unanimously.*

FY2018-FY2019 Unified Planning Work Program (UPWP)

Blackmore stated the funding of local plans was left out of the UPWP by mistake. If approved, the funds will be used to support the Harmony/WCR74 Access Control Plan at the request of Eaton, Severance, Timnath, Weld County, Windsor and CDOT.

*CASEDY **MOVED** TO APPROVE RESOLUTION 2017-18 APPROVING THE FIRST AMENDMENT TO THE FY2018-FY2019 UNIFIED PLANNING WORK PROGRAM (UPWP). The motion was **seconded** and **passed** unanimously.*

FY 2017 Program of Projects (POP)

David Averill, Capital Planning and Grants Compliance Manager, City of Fort Collins Transfort, asked Planning Council for approval of the FY2017 FTA §5307, §5310, and §5339 programs as the designated recipient for the Fort Collins/Loveland/Berthoud Transportation Management Area (TMA). Averill stated TAC recommended approval of the POP at their August meeting. Steve Teets, Greeley resident asked how successful the MAX route has been. Averill stated MAX averages 5,000 rides per day and there were four million riders in 2016, compared to three million in 2015. Teets asked how many transfer centers Fort Collins has. Averill responded there are three – downtown, south and CSU. Teets asked what other funding Transfort receives. Averill responded funding comes from the Fort Collins City Council and CDOT. Overbeck added students are big contributors to the system as well.

*GILLILAND **MOVED** TO APPROVE RESOLUTION 2017-19 APPROVING THE FY2017 FTA §5307, §5310, AND §5339 FORT COLLINS/LOVELAND/BERTHOUD TRANSPORTATION MANAGEMENT AREA (TMA) PROGRAM OF PROJECTS (POP). The motion was **seconded** and **passed** unanimously.*

## **PRESENTATIONS:**

### Ethics, Liability, and Best Practices for Governing Body Members

Tami Tanoue, CIRSA General Counsel/Deputy Executive Director, highlighted the basics of policy governance and explained the difference between governance and management. She explained where members at each level of an organization should spend their time and attention. She highlighted the importance of a consistent and appropriate chain of command and the consequences of bypassing a chain of command, as well as exceptions when a chain of command should be bypassed. Clark asked how employees should act in a situation in which a company CEO is the only link between staff and Board of Directors. Tanoue stated one approach is to have a professional third party perform 360-degree evaluation and establish a confidential approach to mitigate employee's fears of retaliation. Clark asked if it is important to have 360-degree evaluation from a third party. Tanoue responded using a third party most appropriate approach. Tanoue highlighted the importance that the governing body speak with one voice after first deliberating with many voices. Members of an organization must remain within the parameters of their job description for good governance and liability purposes. Blackmore asked for more information on how CIRSA would pay for training with Ken Schuetz. Tanoue responded CIRSA will pay for half the cost of the program. She stated the complete program consists of Schuetz introducing the board to policy governance strategies over the course of four to five meetings. Jennifer Baker asked what happens if the two main points of contact at different organizational levels are both acting irresponsibly. Tanoue recommended a multi-disciplinary approach when the problem stems from more than one level.

### Senate Bill 267

Herman Stockinger, CDOT Office of Government Relations Director, presented details of Senate Bill 267 (SB267) to the Council. Stockinger described the historical and projected transportation funding shortfall and the distribution of funding laid out in SB267. He stated SB267 will provide CDOT an additional \$100M annually with \$150M added funding to increase capacity and \$50M less funding for maintenance, annually. Vice Chair Donnelly asked if there is a process to prioritize projects. Stockinger stated the Transportation Commission will deliberate in the next few months to refine the priority project list for Tier 1 projects. Donnelly suggested adding criteria to the prioritization process such as population growth and missing miles. Gilliland stated one goal of the 10-year Tier 1 Development Plan is to refine criteria to further prioritize projects within Tier 1. Gilliland added SB267 did not identify the new revenue stream for transportation that many hoped for.

## **COUNCIL REPORTS:**

### Transportation Commission Report

Gilliland reported the Transportation Commission is considering four projects for USDOT's Infrastructure for Rebuilding America (INFRA) grants on North I-25, South I25, I-70, US 85. She stated GET will have a ribbon cutting tomorrow for their new Downtown Transfer Center. She added CDOT purchased a driverless attenuator truck to follow occupied construction vehicles, providing a barrier to protect drivers from rear end collisions in work zones. The Transportation Commission toured Panasonic facilities last week and is considering more investments in vehicle-to-infrastructure communication technology. Gilliland stated she will attend the Statewide Transportation Advisory Committee (STAC) meeting in October.

### CDOT Region 4

Olson stated CDOT did not receive a responsive bid for I-25 segments seven and eight, meaning none of the three bidders could meet the upset limit. CDOT has the option to release an RFP for a new project, go into a Best and Final Offer (BAFO) process with money added to the existing project, go into a BAFO process with scope changes, or add money to the existing project and make scope changes. Olson hopes BAFOs will be submitted November 8, with contractor selection on November 30. Olson stated if the Transportation Commission adds \$5M or more to the project, NFRMPO will have to do a TIP Policy Amendment, potentially delaying construction until July 2018. Donnelly asked

if administrative or other money from the project could be removed and put in the TIP separately to avoid increasing the project cost by \$5M or more. Olson stated there may be creative ways to speed the process up by moving money around. Olson will know if money has been added to the project on November 8. Conway asked what communication will be necessary between CDOT and the bidders. Olson stated they must inform bidders of the significant weaknesses in their original proposals. Bidders are then given a three to six week timeframe to address those weaknesses and resubmit their BAFO. Conway asked if there is opportunity to get the project back on track. Olson responded it depends on the additional funding amount in relation to NFRMPO TIP policies. Olson stated all locally funded components will be included in the final project.

Olson updated Council on plans to apply for an INFRA grant for a full build of I-25 segments five and six. Olson asked Stockinger if \$200M in CDOT funds plus \$10M in local funds would be competitive for a \$70M INFRA grant and was told it likely would be competitive. Project alternatives are currently undergoing a Benefit Cost Analysis (BCA). Olson stated if the BCA yields a ratio below two, a project likely will not be competitive in the application pool. Blackmore stated they will choose the most competitive project alternative, but does not want to dedicate staff time to a project with an uncompetitive benefit-cost ratio. Conway asked if Olson agrees with that strategy. Olson responded he does. Olson added that making a project competitive based on INFRA grant criteria won't necessarily mean the project brings significant benefit to a corridor.

#### I-25 Update

Suzette Mallette, Larimer County Transportation Program Manager had no additional I-25 updates.

#### US 34 Coalition

A written report was provided. Donnelley stated there will be a US 34 Coalition meeting prior to the October Planning Council meeting in Loveland.

#### STAC Report

A written report was provided. Conway added that a recommendation was made by the Revenue Projection Committee to the Transportation Commission at its last meeting. He hopes legislators will pay attention to the long-term population and VMT growth projections. Conway and Gilliland will bring the discussion back to Planning Council after Transportation Commission has signed off. There was also a presentation on the VMT pilot study that will be released in October

Host Council Member Report- Cochran welcomed everyone to LaSalle. She introduced Mayor Pro-Tem Claudia Reich who assisted in preparing the meeting. Cochran added LaSalle is currently in phase one of updating the town's Comprehensive Plan, which will involve community meetings and work sessions.

#### Berthoud

Jennifer Baker stated LCR 17 between US287 and LCR14 is in the design phase.

#### Greeley

Casseday stated the ribbon cutting for the new GET Transfer Center is at 4:00PM tomorrow and the downtown DoubleTree hotel recently opened.

#### Fort Collins

Overbeck updated that the City, Poudre Fire Authority, Larimer County, and Poudre Heritage Alliance are working to complete a Water Trail that will clearly advertise diversion points to enhance the safety for those tubing on the Poudre River.

#### Timnath

Pearson reported Harmony Road is open.

#### Loveland

Clark stated Leah Browder, Public Works Director, has submitted her resignation from the City. Dave Klockeman will assume her responsibilities in the interim.

Evans

Morris stated 65<sup>th</sup> Avenue widening will be completed by the end of October. On Tuesday night Evans City Council approved \$200,000 in contingency in case the project encounters soil issues. The 35<sup>th</sup> Avenue and 49<sup>th</sup> Street project will be done around October 5<sup>th</sup>. Evans Heritage Day will be held next Saturday, September 16 beginning at 7:00AM with a pancake breakfast.

Milliken

Measner stated the town's ADA compliant sidewalks upgrades are almost complete, along with new curb and gutter along Main Street. Milliken is currently working with CDOT for warrants on additional traffic signals.

**MEETING WRAP-UP:**

Next Month's Agenda Topic Suggestions:

Donnelley stated there will be a presentation on Electric Vehicles. Blackmore added there will be an item on the I-25 project and TIP Amendments.

The meeting was adjourned at 8:30 p.m.

Meeting minutes submitted by: Ryan Dusil, MPO Staff