

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

**January 3, 2019
Berthoud Town Hall
807 Mountain Ave.
Berthoud, CO**

Voting Members Present:

Kristie Melendez - Chair -Windsor
William Karspeck -Berthoud
Gerry Horak -Fort Collins
Robb Casseday -Greeley
Paula Cochran -LaSalle
Steve Olson -Loveland
Elizabeth Austin -Milliken
Don McLeod -Severance
Barbara Kirkmeyer -Weld County

Voting Members Absent:

Rick Coffin -CDPHE
Kevin Ross -Eaton
Mark Clark -Evans
-Garden City
Troy Mellon -Johnstown
Tom Donnelly -Larimer County
Aaron Pearson -Timnath
Kathy Gilliland -Transportation Comm.

MPO Staff:

Suzette Mallette, Executive Director; Becky Karasko, Transportation Planning Director; Renae Steffen, Administrative Director, Crystal Hedberg, Finance Director; Medora Kealy, Transportation Planner II, and Sarah Martin, Transportation Planner I.

In Attendance:

Dawn Anderson, Dan Betts, Stephanie Brothers, Chad Crager, Jim Eussen, Joseph Flanigan, Butch Hause, Wayne Howard, Mark Jackson, Will Jones, Steve Moreno, Mitch Nelson, Mark Peterson, Ginger Robitaille, Kathryn Sellars, Mike Silverstein, Corey Stewart, and Karen Schneiders.

Chair Melendez called the MPO Council meeting to order at 6:05 p.m.

Public Comment:

Joseph Flanigan of Loveland asked to have the word “complained” changed to “reported” in his public comment from the December 6, 2018 MPO Draft Council Meeting Minutes and read the Larimer County report regarding CDOT’s post-construction inspection of the intersection in front of his house, which had to be rebuilt and had led to his comments in December.

Flanigan explained his Multiple Sclerosis causes him to be in a wheelchair at times. He commented when government does not comply with the Americans with Disabilities Act (ADA) law, negligent lawsuits can arise, costing government and citizens money, citing his intersection as an example. He said he believes the government today has no quality assurance for engineers to meet the requirements of ADA, and none of the entities represented in the Council had any civil engineers who are trained in ADA. In 2016 Larimer County had none, yet they were signing off on official contracts saying a project was ADA compliant. Council members could check to see if their civil engineers are really authorized and can support whether a contract is ADA compliant, but he could guarantee, probably not, which meant they could be open to law suits. Flanigan emphasized this is a no-win for government. He noted he had supplied ADA laws, rules and requirements information along with his Public Comment; Skin Versus Steal handout to the Council and audience. He asked members of the Council, as those entrusted to protect the trust of their citizens and reduce negligence, to know if their organizations are signing documents with the right authority and assure it is ADA compliant. He offered to help put together a quality assurance program targeted to what is being signed for all their engineers and

contractors to meet ADA compliance. Otherwise, they were going to go to court and they would lose. Melendez thanked Flanigan for his comment.

Move to Approve Agenda:

Casseday **moved** to approve the, *January 3, 2019 Meeting Agenda*. The motion was **seconded** and **passed** unanimously.

Move to Approve Minutes:

McLeod **moved** to approve the *December 6, 2018 Council Meeting Minutes as corrected*. The motion was **seconded** and **passed** unanimously.

Lead Planning Agency for Air Quality Agenda

Chair Melendez opened the Air Quality portion of the meeting. She welcomed returning Weld County Council representative, Commissioner Barbara Kirkmeyer.

Air Pollution Control Division

There was no report.

Regional Air Quality Council (RAQC)

Mike Silverstein, RAQC Executive Director, noted his former connection with the Council through prior positions held at the Air Pollution Control Division (APCD) and the Air Quality Control Commission (AQCC). He presented the RAQC Ozone Update and regional review to the Council. Silverstein explained due to recent changes, the RAQC is now the Lead Planning Agency (LPA) in the Denver Metro/North Front Range region for ozone. NFRMPO is also the LPA for Fort Collins and Greeley metropolitan areas for carbon monoxide. He surmised the air quality status in the region will be bumped to a serious non-attainment classification, even though significant air quality issues are being addressed, the progressively more stringent EPA ozone standards cannot be attained by the 2020 due date. He indicated a new plan with new, more cost-effective strategies which target emissions appropriately, needs to be adopted and implemented during the 2019-2022 timeframe to reach attainment by the 2023-2024 deadline. When addressed properly the Weight of Evidence will prove emissions are going down, therefore, the problem lies with ozone out of the region's control. Even though there is basically a global ozone pool at the surface that all contribute to, the focus needs to remain on what is the responsibility of the region, and what can be done to make necessary improvements.

Silverstein announced beginning in February, the RAQC will have three committees that will look at all the source categories and control options and aid in making solid recommendations by the end of the year. Kirkmeyer asked whether the Colorado Department of Public Health and Environment (CDPHE) had done a recent study to show what percentage is out of the control of the region. Silverstein indicated there are various projections, but approximately 5ppb is from outside the U.S., and what comes from neighboring states can be as high as 40ppb. In total, one-half to two-thirds of our ozone comes from outside the region. The goal remains to continue to reduce our region's share of ozone. Silverstein acknowledged the work of North Front Range RAQC members Gerry Horak, Julie Cozad, whose seat will now be occupied by Don McLeod, and Bruce White. He also noted his appreciation for Director Mallette in assisting with additional funding. He announced the RAQC meeting would be in Larimer County in April. Horak complimented Silverstein for invigorating the RAQC staff and board as their new Executive Director.

Metropolitan Planning Organization (MPO) Agenda

Chair Melendez opened the MPO portion of the meeting.

Reports:

Report of the Chair:

Chair Melendez reported the committee assignments would be as follows:

Statewide Transportation Advisory Committee (STAC)-

Representative- Kristie Melendez, MPO Chair

Alternate- Dave Clark, MPO Vice Chair

TPR Contact/STAC Alternates- Suzette Mallette, Executive Director and Becky Karasko, Transportation Planning Director.

Finance Committee-

Chair- Dave Clark

Members- Gerry Horak, Kevin Ross, Will Karspeck, Barbara Kirkmeyer

MPO Staff- Suzette Mallette, Crystal Hedberg, Merideth Kimsey

Human Resource (HR) Committee-

Chair- Tom Donnelly

Members- Troy Mellon, Mark Clark, Robb Casseday

MPO Staff- Ginger Robitaille (HR consultant), Renae Steffen

Executive Director Report:

Mallette provided information on the following:

- FY2022-23 Call for Projects (CFP) closed December 21st with 18 projects submitted as follows: Congestion Mitigation and Air Quality Improvement (CMAQ) Funds-11, Transportation Alternative (TA) Funds- 1, and Surface Transportation Block Grant Program (STBGP)- 6. The Scoring Committee will be evaluating project submissions on January 8th. Currently, the Scoring Committee has representatives from Evans, Fort Collins, Greeley, Loveland, Windsor, Weld County, Karen Schneider (CDOT), Federal Highway Administration (FHWA), and RAQC. The committee may include any member of the TAC, and participation is still open.
- TAC Elections were held in December. Dave Klockeman from the City of Loveland is now Chair and Mitch Nelson from the Town of Severance is Vice Chair.
- The first quarter 2019 Newsletter and 2018 Annual Report are included in the handouts.
- The February 7th meeting has been moved from the Eaton Public Library to the Eaton Area Community Center.

Finance:

A written report was provided. Melendez noted the Finance Committee recommended the excess 2018 dues not be moved into reserves.

TAC:

A written report was provided.

HR Committee:

There was no report.

Mobility:

A written report was provided.

Move to Approve Consent Agenda:

Kirkmeyer **moved** to remove the 2018 Reserve Exemption from the Consent Agenda and move it to Action Items. The motion was **seconded** and **passed** unanimously.

Action Items:

2018 Reserve Exemption

Crystal Hedberg, Finance Director, reviewed NFRMPO Reserve Policy information from the Use of Remaining 2018 Local Match memo with the Council, explaining the majority of expenses associated with the former executive director leaving could not be reimbursed as a direct reimbursement, but are instead part of 2018 indirect costs. Currently the way direct cost allocation percentages are calculated there is an approximate two-year delay. If the funds are moved into reserve, they would be transferred back out to cover the cashflow shortage. Kirkmeyer asked for clarification of how the \$97,000 in excess dues was calculated. Hedberg explained it included an estimate of billing for December, since that billing would not be completed until the week of January 6th. Kirkmeyer asked how dues are calculated and how the remaining \$20,000 would be paid. Hedberg explained dues are based on population percentage of each entities area within the MPO boundary and the additional shortage would be paid through excess City of Fort Collins 5310 funding which is exchanged for sales tax dollars. Kirkmeyer questioned why the local communities wouldn't be assessed a certain amount to cover the shortage instead of depleting the MPO reserves. Hedberg explained annual dues are paid in January of each year to cover costs that have not gone directly against a grant. The reserve fund was set up to cover costs when CDOT does not reimburse the MPO in a timely manner. Melendez noted the Finance Committee and Council was against assessing the municipalities with any additional financial burden. Hedberg recognized the government shutdown was also a concern when predicting CDOT's ability to reimburse funds or what delays could be expected. Kirkmeyer asked if the Council should be concerned about depleting the reserves. Hedberg indicated there was currently \$300,000 in reserve funding.

S Olson **moved** to approve to *FORGO FUNDING THE OPERATING RESERVE FOR 2018 TO COVER THE CASH FLOW SHORTAGE*. The motion was **seconded** and **passed** unanimously.

December 2018 TIP Amendments

Medora Kealy, Transportation Planner II, reviewed information from the December 2018 TIP Amendment AIS, indicating six Amendment requests had been made, including two revised and one new project for CDOT R4; one revision combining two projects for the City of Fort Collins; and two new projects for the City of Greeley. She reminded the Council an amendment was required to add or remove projects from the TIP or to change federal funds by over \$5M. No submissions had been received since the December 12th public comment period began. The Council's approval was contingent on any comments received through January 10th.

Kirkmeyer **moved** to approve *THE DECEMBER 2018 AMENDMENT TO THE FY2019-2022 TIP*. The motion was **seconded** and **passed** unanimously.

I- 25 Crossroads Reallocation

In J. Olson's absence Schneiders explained CDOT was requesting reallocation of \$2M of preprogrammed funds from the Crossroads Boulevard Interchange Expansion be used for Segment 6 (SH 56 to SH 402) of the North I-25 project. The new funding would be part of a TIP Modification Update which would be brought to the Council at a later date. Mallette noted Segment 6 currently had a \$5M deficit and these RPP funds could help cover. The original agreement between NFRMPO and CDOT was if there were any cost savings on the Crossroads bridge or the climb lane the MPO would get an opportunity to direct these funds. It was clarified for

the Council that they were being asked to commit the funds to the I-25 corridor, Segment 6 was the next project and currently short on funding. It was not presently known where the remaining \$3M would come from, but J. Olson was already considering options. McLeod requested details on how the \$2M would be spent in the segment. Schneiders agreed to provide information to the Council once it became available.

Austin **moved** to approve *MOVING \$2M OF RPP FUNDING INTO SEGMENT 6, SH 56 (BERTHOUD EXIT) TO SH 402 (JOHNSTOWN/LOVELAND EXIT)*. The motion was **seconded** and **passed** unanimously.

It was noted the Resolution for the December TIP Amendment had been omitted in the original motion.

Kirkmeyer amended her motion and **moved** to approve *RESOLUTION 2019-01*. The motion was **seconded** and **passed** unanimously.

Discussion Items:

2015-2019 NFRMPO Targets for Safety Performance

Kealy briefly reviewed the details from the 2015-2019 NFRMPO Targets for Safety Performance, stating although the Council had voted to support the statewide targets as set by CDOT previously, they could choose to set targets specific the NFRMPO planning area. S. Olson asked if the crash data was for urban and rural roads, and if those could be listed separately. Kealy replied the data reflected a 5-year rolling average on all statewide public roads, and although it may be beneficial to separate those, the measures were set at a federal level which the states must follow. Kirkmeyer questioned what the consequences were if the targets were not met. Kealy explained there were penalties at the state level regarding how federal funds are spent, although there are no financial penalties assessed at the MPO level, there is a commitment to do whatever is possible to meet the targets. Melendez questioned the accuracy of the data for the timeframe shown. Kealy indicated the two end years are comprised of forecast data as it takes approximately one year for the actual numbers to be released. Kealy suggested the item could be on the consent calendar for February.

2045 Regional Transportation Plan (RTP) Strategies

Sarah Martin, Transportation Planner, presented the 2045 RTP Strategies to the Council noting two policies from the 2040 framework had been expanded on to create 29 strategies. It was important to rename the policies strategies to reflect their intention as guidance, as they will not serve as requirements. The strategies have been reviewed by the NoCo Bike & Ped Collaborative and TAC, whose comments have been incorporated. Also included is ADA compliance language which stemmed from public comment. The item will go to TAC for action on January 16th and return to the Council in February.

Council Reports:

Transportation Commission Report /CDOT Region 4

A Project Status Update for December 31, 2018 was provided. Schneiders reported the following updates:

- January 6th the Frontage Road between Johnsons Corner (LCR16) and SH402, on I-25, will be converted to a one-way NB only Frontage Road. The NB off ramp to SH402 will utilize the Frontage Road.
- The Frontage Road between SH402 and Ronald Reagan will maintain NB and SB directions. The new Northbound on ramp from SH402 will be accessed via the Frontage Road in front of River Ranch Road.

- SH402 between the NB ramps and SB ramps will be closed for 120 days starting approximately around June/July timeframe
- SH402 New Park n Ride will be open to public in a month or so, striping is what remains to be completed.
- Concrete Paving north of Budweiser will resume in February depending on temperatures.
- Project Team has a meeting coming up with Mountain Shadows (neighborhood south and west of SH392) regarding the timing and details of the noise wall construction.
- Segments 5&6 are moving along and the contractor is working on their first green sheet (Project cost estimate) for segments 5 & 6, this will now be the new baseline cost estimate and should be completed by end of January. This estimate is still based off of 30% plan but will become more refined as design advances
- Segment 5&6 are also working on a strategic Public Information plan and will be updating once draft is outlined

I-25 Update

A written report was provided.

STAC Report

A written report was provided.

Host Council Member Report- Karspeck welcomed everyone to Berthoud and recognized Rise Bakery for providing the dinner. He then reported on the following transportation related projects in Berthoud:

- \$400k DOLA Grant was awarded for improvements on WRC 7
- Several new businesses have recently opened including a new pub
- The Town of Berthoud is currently working on ADA improvements and their ADA Master Plan improvements with RockSol Consulting Group.
- The town is projecting a record year of permits with close to 500, including new developments on their northern and western borders
- They will likely make adjustments to their Impact Fees in 2019, as no adjustments were made in the past year.
- The new TPC Colorado golf course in Berthoud will host a PGA Web.com Tour event the week of July 8-14. They will be looking to their neighboring communities for restaurants and lodging.
- The town is looking to preserve approximately 15 acres of land and keep it from being developed. Butch Hause and his wife, Sarah Lincoln, have hosted Farm Concert, a major music festival, on their property for 16 years.

Meeting Wrap-Up:

Next Month's Agenda Topic Suggestions:

No suggestions were made.

Executive Session:

Chair Melendez announced the Council would be going into an Executive Session.

Casseday made a **motion** to *GO INTO EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTERS, PURSUANT TO C.R.S. §24-6-402(4)(F), REGARDING THE ANNUAL EVALUATION OF THE EXECUTIVE DIRECTOR AND POSSIBLE AMENDMENT TO THE EXECUTIVE DIRECTOR'S EMPLOYMENT CONTRACT AND NOT INVOLVING: ANY SPECIFIC EMPLOYEE WHO HAS REQUESTED DISCUSSION OF THE MATTER IN OPEN SESSION; ANY MEMBER OF THIS BODY OR ANY ELECTED OFFICIAL; THE APPOINTMENT OF ANY PERSON TO FILL AN OFFICE OF THIS BODY OR OF AN*

ELECTED OFFICIAL; OR PERSONNEL POLICIES THAT DO NOT REQUIRE THE DISCUSSION OF MATTERS PERSONAL TO PARTICULAR EMPLOYEES. The motion was **seconded** and **passed** unanimously.

The session lasted approximately 23 minutes.

Chair Melendez reopened the meeting at 7:49 p.m.

Executive Session Action:

Executive Director Contract Amendment #1

McLeod **moved** to approve the *First Amendment to the Executive Director Contract with provisions*. The motion was **seconded** and **passed** unanimously.

Horak questioned how the contract amendment would be made available to the public. Melendez replied the document was available through the NFRMPO Public Records Request process.

Executive Director Goals 2019

Casseday **moved** to approve the *Executive Director Goals 2019 as amended*. The motion was **seconded** and **passed** unanimously.

The meeting was adjourned at 7:55 p.m.

Meeting minutes submitted by: Renae Steffen, MPO Staff