

## MINUTES

### PUEBLO AREA COUNCIL OF GOVERNMENTS

MARCH 28, 2013

A meeting of the Pueblo Area Council of Governments was held on Thursday, March 28, 2013, in the Pueblo Regional Building Department's Conference Room at 830 North Main Street. The meeting was called to order by Mr. Chris Kaufman, Vice Chairman, at 12:15 p.m.

#### ROLL CALL

Those members present were:

Ed Brown  
Michael Connolly  
Sandy Daff  
Nick Gradisar  
Terry Hart  
Chris Kaufman

Ted Lopez  
Roger Lowe  
Buffie McFadyen  
Steve Nawrocki  
Lewis Quigley

Those members absent were:

Michael Colucci  
Eva Montoya  
Ami Nawrocki

Chris Nicoll  
Sal Pace

Also present were:

Joan Armstrong  
Sam Azad  
Peter Blood  
Michael Cuppy

Scott Hobson  
Dan Kogovsek  
Jerry Pacheco  
Louella Salazar

#### CONSENT ITEMS:

Ms. Joan Armstrong, PACOG Manager, reported there were three items listed on the agenda under the Consent Items. She summarized the three Consent Items for PACOG.

Acting Chairman Kaufman asked if there were any other additions or amendments to the Consent Items or if any of the members or audience would like any of the items removed from the Consent agenda.

It was moved by Roger Lowe, seconded by Buffie McFadyen, and passed unanimously to approve the three Consent Items listed below:

- Minutes of February 28, 2013 Meeting;
- Treasurer's Report (Receive and file February 2013 Financial Report); and

- A Resolution Approving an Exemption from Audit for Fiscal Year 2012 for the Pueblo Area Council of Governments, State of Colorado.

Mr. Hart questioned the language on the Treasurer's Report entitled, "Accountants' Compilation Report". Paragraphs 4 and 5 pertaining to language "Management has elected to omit substantially all the disclosures required by generally accepted accounting principles" and "Management has not presented the management's discussion and analysis or the budgetary comparison schedule for the general fund..." Ms. Armstrong replied she did not have an answer. Ms. Salazar responded staff is required to provide the auditor a management discussion and analysis as part of the audit. This is standard language which the accountant places in their financial statements. Acting Chair Kaufman stated it is auditee's language or general lingo for the audit. Mr. Hart stated the reason he is asking the question is because auditors are so heavily regulated and they use this type of language. He worries as government officials we have a fiduciary responsibility to know this. Ms. Salazar stated there is a note on the PACOG agenda stating "If you have any questions, please contact Larry Daveline", noting he is more than willing to answer questions. Mr. Hart asked if she would contact Mr. Daveline and ask him to call him. Ms. Salazar replied she would do this.

### **REGULAR ITEMS:**

#### **CHAIRPERSON'S REPORT**

##### (A) Lunch Appreciation

Acting Chairman Kaufman thanked the Pueblo Board of County Commissioners for providing lunch for today's meeting.

#### **MANAGER'S REPORT**

##### (A) Environmental Policy Advisory Committee Membership (EPAC) Update

Ms. Armstrong referred PACOG to a staff memorandum, dated March 14, 2013, regarding the history and member makeup of EPAC. At the last PACOG meeting, issues were expressed concerning the EPAC membership numbers attending the meetings and the number/organization makeup of the representatives on EPAC. Staff is recommending continuance in its recruitment efforts on the vacant EPAC positions. In the interim, staff will work with the Ms. Doris Kester, EPAC Chair, to send a letter to the CSU Extension Service requesting a representative. Additionally, staff will place in the local newspaper and on the City and County websites a notice regarding recruitment. Staff will keep PACOG advised of their efforts. She stated the PACOG website has been updated, noting it is more user friendly, and EPAC has its own page on this website.

Mr. Lowe asked if members of PACOG can be EPAC members. Mr. Kogovsek replied no, it is not permitted. They are separate boards and we cannot have a PACOG member serving on an advisory board, such as EPAC.

Mr. Cuppy asked who Charles Pelto represents. Ms. Salazar replied she wasn't sure which public interest entity he represents.

Ms. Armstrong stated there was a resolution in 2012 amending the quorum from seven to five members. She stated they are having trouble getting a quorum, and wondered if there was any way to amend the resolution where the majority of those members present could take action on an item. Mr. Kogovsek replied traditionally quorums are 50% plus one. He stated PACOG made an exception last September to lower the quorum. While technically there are 14 members, the quorum was changed to five.

(B) April 25, 2013 PACOG Meeting

Ms. Armstrong reported on March 19, 2013 the Pueblo Board of Water Works and Pueblo West Metropolitan District each submitted their proponent's prehearing statement to the Water Quality Control Commission (WQCC) office. City and County staff and Pueblo West Metropolitan District and Board of Water Works staff attended the hearing. The Pueblo West Metropolitan District and the Pueblo Board of Water Works are continuing to work on a joint proposal. The Board of Water Works and Pueblo West Metropolitan District submitted to staff their pre-hearing statements. The Metropolitan District submitted their exhibits for the June Arkansas River Basin hearing. PACOG members will be e-mailed these documents for their review next week for its April 25<sup>th</sup> meeting. Copies of the pre-hearing statements will be mailed in their packets. She noted these same documents were emailed to EPAC for their review prior to their April 4<sup>th</sup> meeting. At the April PACOG meeting, both the Board of Water Works and Pueblo West Metropolitan District representatives will be giving their presentations. The April meeting may last a little longer than one hour, possibly from 1½ to 2 hours. It is requested that PACOG provide recommendations on these requests from the Pueblo Board of Water Works and Pueblo West Metropolitan District to the WQCC at its April meeting. She stated in February, PACOG received the documents from the Board of Water Works and Pueblo West Metropolitan District, and requested the members to please bring these with them to the April meeting.

Mr. Hart stated he is hoping that there will be a quorum at the April 4<sup>th</sup> EPAC meeting, but he was trying to figure out an angle if they don't have a quorum. He stated he knows that PACOG can take action without a recommendation from EPAC, but there is value in having the members of EPAC weigh in. He stated if EPAC doesn't get a quorum if they could at least get the individuals to give PACOG their thoughts and comments, possibly on an individual basis, simply as interested citizens that are aware of the issue and are knowledgeable. Ms. Armstrong stated she would pursue this.

Mr. Quigley stated even though EPAC has a certain number of members on it, if you go on the percentages of those who have to be there, it is within the 25-30% range. He stated there isn't a time when you get the total number of people that had the opportunity to vote. He felt the quorum is basically unnecessary. He felt those who are present are the ones who should be voting instead of holding up the meeting. Mr. Hart felt we are getting hung up on the quorum issue and maybe PACOG should get the thoughts and comments from the EPAC members who show up to the April 4<sup>th</sup> meeting. Mr. Quigley stated at the last EPAC meeting, Pueblo West paid experts witnesses and attorneys to make their presentation, and there wasn't a quorum. He stated EPAC is an advisory committee to PACOG. The significant vote comes from PACOG.

Mr. Nawrocki stated at a recent town meeting on mandatory trash pickup someone brought up an issue regarding illegal dumping. He stated Mr. Ted Lopez, Jr., who is an EPAC member, indicated EPAC has been working on this issue for 19 years. He stated EPAC may be feeling like no one is taking their advice, and people have lost interest in this body. Ms. Daff stated maybe PACOG can make a commitment that they recommend people to serve on EPAC and ask them to fill out an application to serve.

#### MPO STAFF REPORT

##### (A) Administrative Notifications

Mr. Scott Hobson, MPO Administrator, reported there were two administrative notifications of Roll Forward Project Funding or TIP/STIP Policy amendment(s) in the MPO and TPR area. The first project is adding an additional \$100,000 to the State Highway 45 and State Highway 96 intersection improvements, which includes resurfacing on Pueblo Boulevard between City Park and Elmwood Golf Course. The \$100,000 was added for the contractor to finish the project. They are widening the turn lanes from Pueblo Boulevard onto Thatcher Avenue. The second project is adding an additional \$100,000 to the 4<sup>th</sup> Street Bridge Project. This project is close to being completed. A portion of the \$100,000 will help pay the cost of the handicap accessible ramp which comes off the west side of the bridge and south side of 4<sup>th</sup> Street, which will ultimately connect down to the river trail system. The balance of the \$100,000 will be used to mitigate the wetlands below the 4<sup>th</sup> Street Bridge along the river. These two projects will be added as administrative notifications to the TIP.

Mr. Gradisar asked what does it mean there is a shortfall in the surface treatment funds needed in the project to cover the repairs to the pavement surface on State Highway 45? Mr. Hobson replied CDOT allocated funds based on the engineer's estimate, and the actual cost to construct those improvements exceeded that estimate. Mr. Gradisar asked if once the \$100,000 is applied, then the project can be completed. Mr. Hobson responded that is correct. He stated he understood that the proposed acceleration of some of the surface transportation funds, that in the future, we can add these additional funds to projects if the engineer's estimates weren't exactly right.

Acting Chairman Kaufman asked for an update on the art work for the West 4<sup>th</sup> Street Bridge. Mr. Hobson replied the designs have been completed. He stated he didn't know the specific completion timeframe, but felt it should be done within the next 3-4 months. He will talk to Mr. Bill Zwick, the City's Landscape Architect, and get the timeframe when the project will be finished. Mr. Nawrocki stated the project should be starting sometime in May. Mr. Hobson stated the artist is working on the artwork and will be installing it in the near future.

##### (B) CDOT RAMP Program Potential Projects

Mr. Hobson stated Mr. Pacheco would be covering two items: the CDOT Ramp Program and an amendment, which will be going to the Transportation Advisory Committee, relating to the Long Range Transportation Plan (LRTP) to accommodate a phased Record of Decision (ROD) on I-25 and advance funding the LRTP to cover improvements on U.S. Highway 50.

Mr. Jerry Pacheco, Senior Planner, City of Pueblo Community Development Department, reported staff has been closely monitoring the State's Responsible Acceleration of Maintenance and Partnerships (RAMP) Program, which is a change in their accounting for an appropriation of funding over a five-year period to construct projects which are ready to go. Under the current practice, the money is budgeted appropriately over several years and when the cash is on hand, CDOT will execute the project. CDOT wants to spur the economy. If a project is ready to go and they know it is in a future budget year and they have cash on hand, then the money could be moved to work on those projects which are ready to go. A lot of the rules, regulations, and public input are evolving. One critical part of this is a new initiative to promote partnerships. Originally when staff had the briefing on the project, CDOT talked about this application process to expedite projects, expand approved projects, or potentially encourage new projects with these partnerships and add those projects to our local transportation plans. It is important to note this is not new money. There is a very strong emphasis to bringing new money to the table with these partnerships. They are talking about cold hard cash which is new to the equation. A lot of local governments, such as Pueblo, do not have discretionary capital funding spending that can be diverted or new money to go towards a new transportation project. Staff was hoping to bring PACOG a list of potential projects that we can apply for some of this competitive money. Unfortunately, there isn't a whole lot of money lying around. Staff looked at what could be done to accelerate a potential new phase of I-25, but under the new rules, you have to come up with a 20% match. It is very hard for the community to come up with the 20% cash match at this particular time. This doesn't say a project couldn't be done in the future, but the whole goal is to try and provide a "carrot" for folks to infuse more money into these projects to leverage the money to get the cash out quick. This doesn't mean the CDOT region isn't going to apply for accelerated projects. Local government entities and CDOT regions can apply. Staff has been advised that CDOT Region 2 is going to try to apply and get approval to advance surface treatment for I-25 between Young Hollow and Pinon, as well as surface treatment, overlays, and other roadway improvements to curb 4<sup>th</sup> Street from the reconstructed 4<sup>th</sup> Street Bridge out to the edge of the City limits. In conjunction with the discussion of reprioritizing funding, we are faced with a Record of Decision (ROD) on I-25, which has started a discussion about how do we accommodate that and make it consistent with Pueblo's Long Range Transportation Plan. The State Office of Budget has revised its revenue forecasts. We have new numbers for revenue and for the project, and we need to make sure the money will be there to do the I-25 improvements. There are some additional widening improvements on U.S. Highway 50 West and there may be a potential to add some new money and get those projects accelerated. In the next year, staff will be starting the process of updating the 2040 Long Range Transportation Plan.

Mr. Nawrocki asked if there needs to be a 20% local match on anything which happens on the freeway. Mr. Pacheco replied the RAMP is confusing. They are banking on future money as if they are going to pay for it today for money they are getting tomorrow based on what is in the bank today. CDOT is saying if people are willing to bring more money to the table, it is willing to accelerate and expand projects. Meanwhile, Pueblo has the continuation of the I-25 discussion and we are getting to a point of an approval process for ROD for I-25 to meet the federal requirements. He stated when they are checking for the requirements, one of those is: Are there sufficient funds to do this particular phase? This is more of an accounting process to the State based upon the State's Long Range Transportation Plan and its long-range revenue forecasts. We need to amend that forecast to show that more money is coming in and, therefore, we are able to do I-25. Mr. Nawrocki

stated the Ilex project is supposed to be started in 2014 and asked if there is any match required to start it. Mr. Pacheco replied no. Mr. Hobson stated the Ilex Bridge project has \$30 million of State FASTER money allocated to replace it. This is only for the segment of the Ilex Bridge, not for the continuation of the bridge north to 1<sup>st</sup> Street. The extension from the Ilex Bridge project to the south side of 1<sup>st</sup> Street is estimated to be another \$30 million. Currently in the State Transportation Improvement Program, there is \$10 million allocated between now and 2017 to fund the \$30 million phase. There is no way under the RAMP Program to advance those funds within the next four years.

Ms. McFadyen reported she has had this discussion at the State Transportation Advisory Commission meetings and told them it is difficult for smaller areas of the State to make match. The Pikes Peak Area Council of Governments is concerned they won't be able to make the match for their rural areas of their county. She expressed concern if we don't come to some sort of consensus the Federal Highway Administration could potentially reopen the ROD, which could set us back years. The NEPA process could set us back years in trying to get to shovel ready. She stated she knows we have some funds in the MPO to use for planning purposes and the environmental study. She stated she didn't believe this approach is going to change within CDOT. It is forcing the local governmental entities to take on the responsibility for State highways. She felt we are in a critical situation and it is only getting worse that between I-25 and the first McCulloch we are almost on the verge of a serious accident a day. She stated she believes we have the safety issues to actually compete for those dollars. She felt Pueblo has been in a purgatory with respect to I-25. It has spent millions of dollars in studying I-25. She felt we are well within our bounds even if we can't make the 20% match where we can make the political argument that we have safety issues competing with a 12-year purgatory of study which is unacceptable to compete for RAMP dollars or other dollars which will come forward through RAMP 21. It is critical that we start working together and utilizing those fuel dollars to the best of our ability to get our projects shovel ready. The County is taking a proactive approach and bringing in a consultant to help. The first RAMP meeting is on April 1st and the first applications are due May 1<sup>st</sup>. We need to get ready to compete and shovel ready. She stated she didn't ask CDOT if we can compete for funds if the ROD is not in place.

Mr. Pacheco stated it became abundantly clear to staff when the ARRA funding and TIGER funding were available that we weren't competitive because we didn't have projects which were in play or 50% design. Under RAMP, any project must be done by 2017, noting the project must be ready to go for hard construction by then.

Mr. Gradisar stated a few months ago PACOG had a presentation done by CDOT on the new I-25 freeway. He stated CDOT said they would be looking for some approval from PACOG on the redesign package as part of its process. He questioned where PACOG was on that, noting this might be part of the problem of not getting money when it is available because PACOG hasn't agreed on what we are going to do with it. Mr. Hobson replied the process we had was a resolution was to be submitted to City Council to support the realignment for the Environmental Impact Statement. This needed to be done before any type of recommendation or action by PACOG. City Council approved this resolution on Monday, March 25<sup>th</sup> supporting the realignment of I-25. It is staff's intention is to come back to PACOG. If the Board of County Commissioners wants to take action, they can do this. Staff will be looking at proposing an amendment to the Long Range Transportation Plan

which would provide funding to accommodate the estimated cost for the ROD. In theory, there is money available between now and 2035 which will accommodate this.

Mr. Azad asked how much does the RAMP Program influence the Statewide transportation planning priorities. If someone has the match money does it automatically move up their project? Mr. Pacheco responded there is a super-committee of administrative staff of the highest levels of CDOT that now has discretionary authority to rearrange the sequence of priorities in the State Transportation Improvement Plan. They are ranking priorities, but because of funding and when monies become available, they are able to adjust those based on the funding.

#### TRANSPORTATION COMMISSIONER'S REPORT

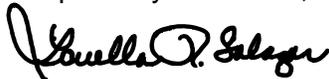
There was no Transportation Commissioner's report.

#### ADJOURNMENT

Acting Chairman reminded the PACOG members to please make sure to allow more time on their calendars (possibly from 12:15 to 2:00 p.m.) for the April 25<sup>th</sup> meeting.

There being no further business before PACOG, the meeting was adjourned at 12:56 p.m.

Respectfully submitted,



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Louella R. Salazar  
PACOG Recording Secretary

LRS