



**Jefferson Parkway Public Highway Authority
Regular Board Meeting Minutes**

**Thursday, September 19, 2019
Arvada City Hall
8101 Ralston Road, Arvada, CO 80002**

**Regular Board Meeting
4:00 p.m.
Council Chambers, 2nd Floor**

I. Call to Order

Chairman David Jones called the meeting of the Jefferson Parkway Public Highway Authority (JPPHA) to order at 4:00 p.m. Present in addition to Chair David Jones were Director Randy Ahrens, Director David Beacom, Director Libby Szabo and Director Marc Williams. Also in attendance: Bill Ray, Exec. Director; Ed Icenogle, Legal Counsel to the Board; Kevin Standbridge, Broomfield Deputy City and County Manager; Kim Sorrells, Jefferson County Attorney; and Rachel Morris, Arvada City Attorney's Office.

II. Pledge of Allegiance

Executive Director Ray said that the city is conducting an active shooter training starting at 5 p.m.

Director Williams moved to adjourn the meeting by 4:50 p.m. Director Ahrens seconded the motion.

The following votes were cast on the Motion:

Those voting Yes: Ahrens, Beacom, Jones, Szabo, Williams

III. Approval of Minutes

A. August 15, 2019 Regular Board Meeting

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Director Ahrens moved that the August 15, 2019 Regular Board Meeting minutes be approved. Director Williams seconded the motion.

The following votes were cast on the Motion:

Those voting Yes: Ahrens, Beacom, Jones, Szabo, Williams

IV. Report from Executive Director

A. Budget Discussion – 2019 Estimated Year End and 2020 Calendar

Bill Ray, Executive Director, explained that he is required by State Statute to produce a budget no later than October 15. He said because of the uncertainty of the project, this budget will focus on three priorities: completing the soil sampling and resampling, working in cooperation with the Colorado Department of Public Health and Environment (CDPHE) to move forward with a memorandum of understanding which both parties would agree would be of mutual benefit, and making sure we are keeping the community, our partners and member governments informed on latest developments.

Mr. Ray then referred to the project cost analysis that was forwarded to the board and said there is a major investment that has taken place in the development of the RFP documents and at such time as the board determines to move forward with that process, there will still be a significant ramp up cost associated with that. Mr. Ray said that he is not suggesting that we are going to budget for that but wants the board to be aware that for any future actions, there will be a need for supplemental funding at that time.

Mr. Ray said the RFP is 90% complete and 95% of the technical specifications are complete. He said the concession agreement is pretty much in final form, so the front end there won't be much to get that completed. He said there will be a series of monthly one-on-one conversations with the proposers, where they will have questions, be proposing proprietary alternatives, and there will be intense negotiation that will lead to formal addenda to the RFP. He said once an RFP response is submitted, there will be a very intense analysis, from both engineering and financial perspectives, in order to advise the board of what is recommended as the best proposal.

Mr. Ray said there are enough funds for the next couple of months, but the soil sampling continues to be ongoing in addition to the costs that were already reported to the board. He said if there is a need for additional funding, he will notify the board as soon as possible. In addition, he said Don Hunt, our Strategic Advisor, understands the financial condition of the board and has volunteered to suspend his relationship until there is additional funding.

Director Szabo asked when a decision will be made regarding the funding from Broomfield. Mr. Ray said they are waiting on the final soil samples which will be some time after Thanksgiving. He said initial results should be available by the end of October. Once the results are all in, there will be a review by CDPHE and that process will take a month. Mr. Ray said depending on those results, Broomfield will make their decision then. Mr. Ray said as part of the due diligence, we are sampling the right of way adjacent to Rocky Flats which is about 65 acres,

Mayor Ahrens said that Broomfield will, predicated on the results of the soil samples, determine whether or not Broomfield decides to move forward.

B. Status Update on Soils Sampling

Mr. Ray said that there are two other groups working in or adjacent to Rocky Flats, who have also had sampling done. He reminded everyone that earlier this year as part of the Authority's due diligence process and prior to issuing the RFP, we voluntarily initiated and undertook a sampling of the right of way adjacent to Rocky Flats. He said those samples were taken in late May and June with approximately 250 samples in total taken over about 65 acres that constitutes that part of the roadway. He said the bottleneck is the physical time it takes to physically analyze those samples and that it is a chemical process that can't be rushed. Mr. Ray said we received a report of an anomalous sample at which point we requested a close-in sample to understand if this is one single anomalous incident or whether there is some concentration that we need to do and, if necessary, work with CDPHE and the U.S. Government in remediation efforts. He said the close-in sampling has been either at or near background levels consistent with all previous samples taken both in 2006, as part of the closure process, and the other sampling currently underway have shown. Mr. Ray said the Rocky Mountain Greenway group has been in the process of doing some analysis and they reported out last week that they had taken some additional samples at the entry points for the Rocky Mountain Greenway onto the wildlife refuge. They had taken 27 samples and those were entirely consistent with all previous readings. He said they show a high of fourteen and that the mean and the medium values of all of these were actually lower on average than when a similar sample analysis was tested in 2006. Mr. Ray referred to a graphic previously provided and said the blue dot in the center shows the anomalous sample of 264 and then the 1.75 for a different portion of that same dirt sample. Mr. Ray said he requested that a close-in grid be taken and that the results are in draft form because they still need to be confirmed and validated by CDPHE. He said it should be noted that 16 or the 25 additional samples in the 75' by 75' square, have a reading of less than one.

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Mr. Ray said that 75% of the 250 samples have been processed at this point and that the next highest sample that was shown after this anomalous sample was 2.25. He said the standard that had been established through CDPHE, the Rocky Flats Stewardship Council, and local governments, was that anything in excess of 50 would be considered potentially actionable. He said he is not a soil sample expert but that one isolated incident does not necessarily trigger any action and that is the point of working in cooperation with the Colorado Department of Health and Environment to seek their guidance. He said they are the public health agency and that we are reporting these data to them and looks forward to their direction to us. Mr. Ray said there is a fourth sampling that was also taken by the U.S. Fish and Wildlife Service. He said they collected 48 samples along the route of the Rocky Mountain Greenway, including in that area that is proximate to where we are, and of those samples there are about one-third below the minimum detectable concentration levels, or in other words, there was nothing that was detectable. The range of the average was from about one-tenth of one picocurie to a high of about 3.5. Mr. Ray said we have one single anomalous sample and a lot of concurrent and historic data that indicates this seems very much to be an outlier far outside the range of below or near normal background levels. He said all of this information is being transmitted to CDPHE and that we will sit down and have this conversation with them in the near future.

Mr. Ray said a meeting has been set with CDPHE for October 7 in order to begin discussion of a memorandum of understanding about construction and mitigation techniques. He said the obvious implications to him are that they believe that this was simply an anomalous sample and that our time is well spent by moving forward in terms of determining what the role of CDPHE would be going forward, what kind of construction techniques and mitigation measures they are going to recommend and other items that might be of mutual interest. He said he should be able to report back at the October meeting about how that conversation went.

Mr. Ray said that CDPHE has been very cooperative in terms of working with us and is very pleased that they initiated the conversation to begin talking about a memorandum of understanding and their perception of the viability of this project moving forward.

V. Report of the General Counsel - None

VI. New Business

A. Presentation of 2018 JPPHA Audit and Amended 2017 JPPHA Audit

Bill Ray introduced Erin Brannan with Haynie & Associates who presented both the 2018 Audit Report and discussed the 2017 Audit Report.

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Director Ahrens moved to direct staff to file the 2017 supplement and the 2018 JPPHA Audit Report with the State Auditor. Director Szabo seconded the motion.

The following votes were cast on the Motion:

Those voting Yes: Ahrens, Beacom, Jones, Szabo, Williams

VII. Report from the Board of Directors - None

VIII. Information Items

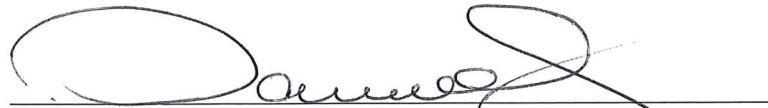
IX. Public Comment

A. Dr. Sasha Stiles addressed the board regarding soil samples and asked the board to invite Dr. Ketterer to explain the concerns and significance of the results of the hot sample.

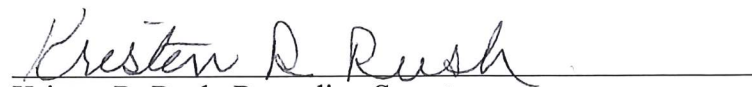
B. Dr. David Wood addressed the board regarding the hot particle and said to go to rockyflatsneighbors.org which has a document devoted to precisely the significance of hot particles, how often or how rarely they occur and what their radiation dose significance is. He said calculations indicate that you should be able to inhale something like 400 8.8 micron particles to raise your cancer risk by 1% and that the chances of inhaling even one hot particle are very slim. Dr. Wood said this is an extremely rare and non-dangerous event.

X. Adjournment

Adjournment: Meeting was adjourned at 4:40 p.m.



David Jones, Chair



Kristen R. Rush, Recording Secretary
Recording Secretary

