

# Jefferson Parkway Public Highway Authority Regular Board Meeting Minutes



**Thursday, October 17, 2019  
Arvada City Hall  
8101 Ralston Road, Arvada, CO 80002**

**Regular Board Meeting  
Council Chambers, 2<sup>nd</sup> Floor  
4:00 P.M.**

I. Call to Order

Chairman David Jones called the meeting of the Jefferson Parkway Public Highway Authority (JPPHA) to order at 4:02 p.m. Present in addition to Chair David Jones were Director David Beacom, Director Libby Szabo. Also in attendance: Bill Ray, Exec. Director; Tamara Seaver, JPPHA Counsel; Kevin Standbridge, Broomfield Deputy City and County Manager; Kim Sorrells, Jefferson County Attorney; and Rachel Morris, Arvada City Attorney's Office.

Excused: Director Szabo moved to excuse Director Williams and Director Ahrens.

The following votes were cast on the Motion:

Those voting Yes: Beacom, Jones, Szabo

II. Pledge of Allegiance

III. Approval of Minutes

A. September 19, 2019 Regular Board Meeting

Director Szabo moved that the September 19, 2019 Regular Board Meeting minutes be approved. Director Beacom seconded the motion.

The following votes were cast on the Motion:

Those voting Yes: Beacom, Jones, Szabo

IV. Report from Executive Director

A. Report on Meeting with CDPHE

Bill Ray, Executive Director, reported on the meeting held with the Colorado Department of Public Health and Environment (CDPHE) on Monday, October 7. He said the purpose of the meeting was to discuss the current status of soils sampling, next steps and an outline of a memorandum of understanding about construction and mitigation techniques. He said the last lab analysis and quality control verification should be concluded by mid-November and that CDPHE will take this information, along with sampling conducted by US Fish and Wildlife, Rocky Mountain Greenway and Michael Ketterer and combine it into a graphic presentation for the public. He said this data will also be separately reviewed by a faculty member at the Environmental and Radiological Health Sciences at Colorado State University and that the process should be completed in the first part of next year.

Mr. Ray said the Memorandum of Understanding will describe mutually desired outcomes and methods to monitor air quality, develop a materials management plan, develop a storm water management plan, and a communication process to keep the public informed during construction. He said CDPHE will provide guidance and quality assurance in all of these areas to the Authority and the private partner throughout construction.

Director Szabo asked if they are expecting different results from the earlier findings to the findings coming back in mid-November. Mr. Ray said three quarters of the samples have been analyzed. He said all the findings seem to be very consistent and in many cases there are lower levels than found in 2006.

Mr. Beacom said he is not aware of any other concerns about soils moving forward, except with the one anomaly and Mr. Ray concurred.

B. Discussion of 2019 JPPHA Budget

Mr. Ray said in the budget information previously provided to the Board, he included information on the revised 2019 budget, his budget message for 2020 and the proposed 2020 budget. He said the approved 2019 budget was \$7,012,100 and anticipated the issuance of a Request for Proposal. Mr. Ray said three short-listed teams were selected by the Board and that the procurement team began drafting the Instructions to Proposers, Technical specifications and the draft concession agreement. He said these documents were substantially completed in early May of this year and that the cost to produce those documents was in excess of \$1.7 million consistent with the adopted budget. Right of way work proceeded throughout the spring with the acquisition of the Hotchkiss II parcel and negotiation for the transfer to the Authority of lands being held by the City of Arvada

Jefferson Parkway Public Highway Authority  
Board Meeting Minutes  
October 17, 2019

and the Jefferson Center Metropolitan District. Mr. Ray said detailed surveying, mapping and legal descriptions for the entire right of way took place at a cost of \$1.35 million which was consistent with budget expectations.

Mr. Ray said in February the FAA re-appeared regarding the status of Rocky Mountain Metro Airport lands which had already been released for non-aviation uses available for right of way, and that the legal and engineering work to resolve this issue was an unexpected \$250,000 in expenses and delayed the progress by three months.

Mr. Ray said as part of the due diligence for the right of way, the Board initiated a soils re-sampling program adjacent to the Rocky Flats Wildlife Refuge expecting that the member jurisdictions would share equally in the costs, which had not been budgeted for 2019. 250 samples were taken and one anomalous result was identified from a single site near the Indiana Street right of way. He said the Colorado Department of Public Health and Environment (CDPHE) was contacted at that point and JPPHA initiated 25 additional samples in proximity to that anomalous sample site. He said those results were unremarkable and consistent with all other soil samples that have been taken in the same area. He said the full results should be available toward the end of November and that it is expected that the total soils sampling costs, which were not included in the 2019 budget, will be in excess of \$460,000. Without additional funds from the members, this would result in a negative fund balance of \$-162,000 at the end of this year.

Mr. Ray said our expenses for 2019 are consistent with the budget for 2019 except for two unanticipated events: the FAA and the 250 sample soils testing. He reviewed each member jurisdiction's advances to date and said that Arvada has provided \$2.5 million; Jefferson County \$1.4 million and that Broomfield has yet to act. As a result, the Authority's funds have been depleted and that as of October 1, there was about \$150,000 cash on hand. With a projected deficit of \$162,000 at the end of this year, an additional \$175,000 will be needed by December just to pay the anticipated bills. He said the 2019 budget also needs to provide for a 3% emergency fund per audit standards and should show a modest 2% contingency to cover unanticipated expenses. He said given the actual events of this year, the Authority will need total revenues for 2019 of \$4.1 million instead of the \$3,856,848 currently projected.

Director Szabo asked what the obligation between the entities is and how can that be enforced. Mr. Ray said each entity is obligated for their share of the financial obligation. Tamara Seaver said the established contract is a binding contract with a moral and legal commitment. Director Szabo asked what the recourse would be and Tamara Seaver said she would defer that in an Executive Session if legal advice was being sought.

C. Presentation of Proposed 2020 JPPHA Budget

Jefferson Parkway Public Highway Authority  
Board Meeting Minutes  
October 17, 2019

Mr. Ray stated that he previously provided both the 2020 proposed JPPHA budget and his budget message to the board of directors prior to the October 15 deadline as set out in state statute.

Mr. Ray reviewed the proposed budget with the board and said that the 2020 budget does not anticipate that the Authority will immediately implement the RFP process. He said given the current state of affairs with regard to soils testing, the proposed 2020 budget has three goals: 1) Completing the currently planned soils analysis and performing the anticipated follow-up related to that analysis needed with CDPHA; 2) Initiating negotiations with CDPHE on a Memorandum of Understanding; and 3) Maintaining clear and consistent communications with the community, the media, the procurement team, and our short-listed private partner teams.

Mr. Ray said these three minimum goals are critical to the continued operation of the Authority on a short term basis pending the outcome of final soils testing. He said assuming the fund balance will equal two months operations, he is recommending a proposed budget for 2020 of \$199,500. He said this will provide funds sufficient for the legal, technical, and administrative support needed to achieve the three goals, but obviously will not provide funds to pursue full-scale development activities with regard to the Parkway, nor will it provide sufficient funds to issue the RFP or pursue the developer selection process.

Mr. Ray said at whatever point the Board elects to proceed with the RFP issuance, there will need to be approximately \$500,000 in funds in addition to the \$199,500 already mentioned, to update and issue the RFP, participate in one-on-one meetings with the short-listed developers and complete the selection process. He said the timing of future member funding and the selection of a developer will be important. He said at this time he does not detect any significant discomfort among the short-listed proposers with the Authority's efforts to deal with the issues and concerns that, while unanticipated, are nonetheless serious matters requiring attention. He said he believes the short-listed proposers believe that the efforts of the Authority to address these concerns are reflective of the serious manner in which the Authority has conducted its affairs with regard to the project. Mr. Ray said we cannot expect that an extended delay will not have a negative impact on the views of the short-listed proposers or on the prospects for success of the project. He said he would recommend to the board that it revisit these issues if an RFP has not been issued by the middle of 2020.

D. Motion to Set Public Hearing on Proposed 2020 JPPHA Budget for December 19, 2019

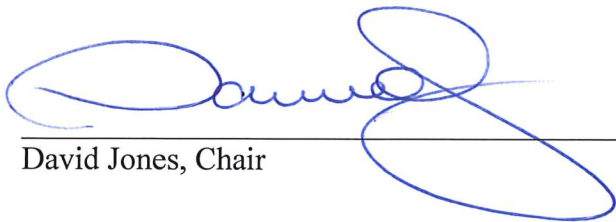
Jefferson Parkway Public Highway Authority  
Board Meeting Minutes  
October 17, 2019

Director Jones moved to set the public hearing on the proposed 2020 JPPHA budget for December 19, 2019. Director Szabo seconded the motion.


The following votes were cast on the Motion:  
Those voting Yes: Beacom, Jones, Szabo

- V. Report of the General Counsel - None
- VI. Report from the Board of Directors - None
- VII. Information Items - None
- VIII. Public Comment
  - A. Brett Vernon talked about having the community involved in the parkway.
- IX. Adjournment

**Adjournment:** Meeting was adjourned at 4:31 p.m.

  
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David Jones, Chair

  
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Brenda Hergenreder  
Recording Secretary

