

MINUTES OF THE REGULAR MEETING OF THE
BOARD OF DIRECTORS

OF THE

ROCKY MOUNTAIN RAIL AUTHORITY Held: Friday,
July 24, 2009, at 1:00 p.m. at the Jefferson County
Administration Building, Lookout Mountain Room, 100
Jefferson County Parkway, Golden, CO 80401.

Attendance:

A meeting of the Board of Directors of the Rocky Mountain
Rail Authority was scheduled in compliance with the laws of
the State of Colorado, with the following Board members in
attendance;

Harry Dale, Chair, Clear Creek County (Commissioner)
Doug Lehnen, Vice Chair, Town of Castle Rock (Council)
Gail Drumm, Secretary, Town of Monument (Council)
John Tangen, RFTA Controller, Fiscal Agent RMRA (via
teleconference)
Rod Bockenfeld, Arapahoe County (Council) (via
teleconference)
Larry Brooks, Town of Avon (Staff) (via teleconference)
Joe Smith, City of Brighton (Council) (via teleconference)
John Hoffman, Town of Carbondale (Council)
Terry Carwile, City of Craig (Council) (via teleconference)
Rick Garcia, City and County of Denver (Council) (via
teleconference)
Steven Koster, Douglas County (Staff)
Greg Schroeder, Eagle County (Staff) (via teleconference)
Forrest Whitman, Gilpin County (Commissioner) (via
teleconference)
Dave Sturgis, Glenwood Springs (Council) (via
teleconference)
Mary Jane Loevlie, Idaho Springs (Council) (via
teleconference)
Kate Newman, Jefferson County (Staff)
Tom Donnelly, Larimer County (Council) (via teleconference)
Harold Anderson, City of Lone Tree (Council)
Wayne Williams- Pikes Peak Regional Transportation
Authority (Commissioner) (via teleconference)
Bill Moore, Pueblo County (Staff)
Bill Moore, City of Pueblo (Alternate)
Sean Vonfeldt, RTD (Staff)
Diane Mitsch-Bush, Routt County (Commissioner) (via
teleconference)
Diane Mitsch-Bush, Steamboat (Alternate) (via
teleconference)
Diane Mitsch-Bush, Oak Creek (Alternate) (via
teleconference)
Tom Rogalski, Hayden (Council) (via teleconference)

Bob French, Summit County (Council) (via teleconference)
Gene Putman, City of Thornton (Staff)
Karen Tussey, Town of Yampa (Council) (via teleconference)
Doug Rademacher, Weld County (Council) (via teleconference)
Bob Briggs, Westminister (Council)
Flo Raitano, Frisco (Alternate)

Also present were:

Tamara Gilida- Icenogle, Norton, Smith, Blieszner, Gilida & Pogue, P.C. (RMRA Attorney)
Mark Boggs- PBS&J (RMRA Project Director)
Tom Mauser- CDOT (Staff)
Scott Meszaros- Town of Monument (Staff)
George Scheuernstuhl- DRCOG (Consultant)
Craig Gaskill- Carter Burgess
Joe Siccardi- Jefferson County Planning Commission
Nick Brooks
Randy Grauberger- PB
Reed Lee
Andy Mountain- GBSM
Scott McDaniel- CDOT

Identification of any Non-Board members on the Conference Call Line

Chair Dale asked for all non-board members on the conference call to identify themselves. Mr. Craig Gaskill, Carter Burgess identified himself.

Call to Order

Chair Dale, upon the presence of quorum, called to order the meeting of the Board of Directors of the Rocky Mountain Rail Authority at 1:09 pm.

Public Comment Period

Chair Dale asked for any person wishing to come forward to address the RMRA Board with public comments. There were none.

Consideration of Approval of June 26, 2009 RMRA Board Meeting Minutes

Chair Dale asked if there are any corrections to the minutes of June 26, 2009.

Director Moore stated that he was in attendance at the last meeting not attending via teleconference as noted. Director Mitsch-Bush stated that on page 3, the first paragraph discussing the 2009 RMRA Budget Amendment has a numeric #1 at the end of "Avon" which should be removed.

Director Lehnen moved, Director Moore seconded, approval of the June 26, 2009 Minutes as amended. Passed.

Amendment to TEMS Contract & Feasibility Study Schedule Update

Chair Dale provided an update of the Executive Committee action on Monday, July 13th to grant approval to Chair Dale to sign the TEMS Supplemental Agreement for \$123,408. The

approved work has begun and all work stated in the notice to proceed to will be done by mid-August.

By explanation, John Tangen (RMRA Treasurer) worked closely with CDOT staff and completed a full reconciliation of the RMRA study expenditures and CDOT reimbursements from the SB97-01 ten percent for transit grant through May 2009. The result of this reconciliation work determined that the remaining balance on the CDOT grant contract along with our member contribution twenty percent local match would pay for all the TEMS and PBS&J initial contract work along with additional tasks 1 -3, most of task 5 and the complete Peer Review process. As a result there was no need to pursue an additional agreement with CDOT for task 5 dollars.

Chair Dale explained that the high speed rail feasibility study project exceeded the March 31, 2009 expiration date with CDOT on the SB97-01 transit grant contract which provides the funds for about 80 percent of the study. This grant was always intended to be extended if needed in order to facilitate the study completion. CDOT is making good on the full contract amount of \$1,246,000 even though the study will exceed the March 31, 2009 contract expiration date. The reconciliation performed by John Tangen and the commitment by CDOT to honor the full SB97-01 contract award amount effectively allowed the Contract Extension with TEMS.

June 2009 Financial Report & Approval of Bills

Director Tangen, RMRA Controller, detailed the Balance Sheet/ Statement of Net Assets as provided in the packet “unaudited” he specified through June 30, 2009. He stated that the authority is up to date and current on all billings. He stated that the cash balance as of the Board meeting is \$144,494. He detailed the Accounts Receivable/Accounts Payable. The Account Payables were detailed and a request for \$136,257 to pay the April and June 2009 PBS&J, April and May TEMS, and June 2009 attorney fee invoices were requested by Director Tangen.

Director Moore moved, Director Briggs seconded approval of paying bills as presented in the Accounts Payable. Passed.

Chair Dale and Director Tangen directed the Board through the reconciliation efforts identified in the Board packet and outlining the Remaining RMRA expenses. The Final Balance Estimate was identified as \$43,331 should be remaining. Director Dale commented that this leaves the Board with a “healthy financial position at the end of the study”.

Re-Consideration of Amendment to PBS&J contract for July and August 2009

Chair Dale stated that Mr. Mark Boggs, RMRA Project Manager, has been extremely judicious with his time charged on the project, in fact he has volunteered many additional

hours. He stated that he “very strongly” argues that we (RMRA Board) should pay the \$12,700 invoice and approve the 2nd PBS&J Contract Amendment proposed for the two additional months of Project Management.

Director Lehnen moved, Director Anderson seconded approval of the PBS&J Contract Second Amendment and allocation of \$12,700. Passed.

Consideration of RMRA Budget Amendment for 2009

Chair Dale stated that at the last meeting the Public Hearing was continued to this meeting for the RMRA Budget Amendment. Additional line item amounts are \$13,000 for Project Management Consultant and \$124,000 for Consultant (Exhibit A).

Director Hoffman stated that the remaining \$43k of the RMRA Final Balance Estimate should be included in the Budget Amendment and all of it identified for use as contingency.

Director Tangen responded that doing such is a common practice. Following discussions regarding use and allowable use of a “contingency” line item, Director Putman stated that potentially some of the funds could be used for copying the final study; producing additional CD’s or full reports for distribution.

Director Raitano inquired about the website being continued and if funds are needed to do so. Director Koster responded that Douglas County will continue to house the final report and keep the website up until notified to have it removed, no funds are necessary.

To be included into the Budget Amendment along with items already identified in Exhibit A, the RMRA Final Balance Estimate of \$43,331(or whatever the actual happens to be) is to be used as “Contingency”. Director Hoffman moved, Director Moore seconded approval of the RMRA Budget Amendment as presented and discussed. Passed.

Director Moore suggested authorizing and allocating to the Executive Committee authority to approve expenditures from the “contingency” line item identified in the Budget Amendment.

Ms. Tamara Gilida, RMRA Attorney, commented that at the final meeting (September 25, 2009) the Board will potentially have several resolutions to be approved allocating powers to the Executive Committee for such issues as approving of final billings, approval of the 2009 Audit and other “housekeeping” type items.

Director Moore moved, Director Hoffman seconded authorizing the Executive Committee the authority to authorize and approve expenditures from the contingency line item as identified in the 2009 RMRA Budget Amendment. Passed.

Chair Dale commented that the entire Board will be notified using e-mail or a letter of any such actions done by the Executive Committee.

Audit Extension for 2008

Director Tangen, RMRA Fiscal Agent, stated that a request for an Audit Extension to September 30th is requested due to Bond issues and other work which have not allowed for completion of the 2008/2007 RMRA Audit with the auditor. He will inform the Chair to notify the Board upon final submittal of the audit.

Director Williams moved, Director Mitsch-Bush seconded approval to request an Audit Extension for the 2008/2007 Audit to September 30, 2009. Passed.

Study Update

1. Final Peer Review Panel Session Re-Scheduled for August 25 and 26
2. Final Report Public Release in Late September

Mr. Mark Boggs, RMRA Project Director, stated that the Final Study Report 1st draft was completed and provided for review comments. He made numerous comments and returned the study report for amendments. The updated report will be provided to the Peer Review Panel two weeks prior to the August 25 and 26 events. Results of the Risk Assessment (additional Tasks 1-5) likely will not be included because the Rail Road meetings scheduled for mid-August create time constraints. He stated that he does expect that an oral presentation and report will be provided and the Risk Assessment will be added to the overall report prior to finalization.

Continued Discussion:
Next Steps- RMRA Beyond the Rail
Feasibility Study

1. Recent Interstate Feasibility Study Interest
2. 2009 FRA High Speed Rail Corridor Application Process
3. August 24 CDOT Application to the FRA

Chair Dale provided a detailed Power Point presentation on the current RMRA High Speed Rail Feasibility Study for Colorado.

<http://trainsnotlanes.com/RMRA/RMRA072309.ppt>

Director Lehn commented that “tables” should be created and included regarding “Market Shares” for each of the slides as it may be difficult to fully depict the information as it is presented on separate slides. Additionally, rather than stating “Harry’s Points to Remember” in the presentation, it should be changed from “Harry’s” to the “RMRA Board of Directors”.

Following the presentation, additional discussions followed including the RTC “Western High Speed Rail Alliance” document, the “Governor’s Initiative” as it has been called announcing plans to seek High-Speed Rail linking Colorado, New Mexico and Texas, and the “Call for U.S. High-Speed Passenger Trains” DOT document and strategic plan identified by President Obama, Vice President Biden, and Secretary LaHood.

The Board discussed how Colorado must have a State Rail Plan for CDOT to ultimately receive FRA dollars, and at this time the funding approach would be type #3, “Planning” activities under proposed ARRA guidelines.

Next RMRA Board Meeting

Chair Dale stated that the next Board meeting will be held on August 28th at 1:00 pm, Jefferson County Courthouse, Lookout Mountain Room.

Adjournment

In that there were no further items of business to discuss, the meeting stood adjourned at 3:18 p.m.

Secretary of the Meeting