

**Southwest Colorado Council of Governments
January Board Meeting
Thursday, 5 January 2017, 1:30pm
1188 E. 2nd Ave., Carnegie Building, Durango, CO 81301**

In Attendance:

Julie Westendorff – La Plata County
John Egan – Town of Pagosa Springs (via video)
Andrea Phillips – Town of Mancos
Fred Brooks – Town of Mancos
Mark Garcia – Town of Ignacio
Dick White – City of Durango
William Tookey – San Juan County (via video)
Chris Tookey – Town of Silverton (via video)
Shane Hale – City of Cortez (via phone)
Ron LeBlanc – City of Durango
Michelle Yost – Town of Bayfield
Jim Ostrem – Town of Rico (via phone)

Staff in Attendance:

Miriam Gillow-Wiles – Southwest Colorado Council of Governments
Jessica Laitsch – Southwest Colorado Council of Governments
Dennis Wegienek – Southwest Colorado Council of Governments
Sara Trujillo – Southwest Colorado Council of Governments

Guests in Attendance:

John Whitney – Senator Bennet's Office
Lily Burdick – Marketing Concepts
Larry Gallegos – Town of Silverton (via video)

I. Introductions

The meeting was called to order at 1:36pm. Julie announced that a new COG member representative was present and asked Andrea to introduce. Andrea introduced Fred Brooks, Mayor Pro-Tem for Mancos, who will be the new Town of Mancos primary COG member representative with Queenie Barz, Mayor, as the alternate. Everyone introduced themselves.

II. Consent Agenda

Julie asked for a motion to approve the agenda.

Mark Garcia motioned to approve the agenda, Michelle Yost seconded, unanimously approved.

- a. 2 December 2016 SWCCOG Meeting Minutes
- b. November 2016 Financials

Julie asked for comments or changes to the December meeting minutes. Shane said on p. 4 in reference to the decision to nominate Chris La May as 2017 board Treasurer, the minutes notated that Shane made this recommendation when it should notate that on behalf of the nominating committee, Shane *and* Ron made this recommendation. Dick said he sent staff a few updates that included 1) under the CPACE discussion, a key point not recorded in the minutes is that the program requires official approval by any county that seeks to participate, and 2) at the top of p. 4, in Dick's remarks, he believes that he mentioned a possible "shortfall"

in projected sales taxes rather than an "increase." Julie asked for clarification to her remarks on p. 4 regarding Samson and tax revenues – La Plata County does not anticipate losing all tax revenues from Samson assets recently acquired by the Southern Ute Indian Tribe, but it will significantly diminish the tax contributions from those oil and gas assets. There were no other comments on the December meeting minutes. Julie suggested separating the minutes and financials and asked for a motion to approve the December minutes with member updates. **Dick White motioned to approve the amended December 2016 meeting minutes, John Egan seconded, unanimously approved.**

Julie asked for any comments or concerns on the November 2016 financials. Shane said that on the balance sheet Sara's credit card showed a balance of \$4,009.50, which seems quite high. Sara replied that Lucky Services, COG marketing consultant for transit and recycling, allows electronic payment of invoices to reduce printing, paper, and stamp costs. Invoices are sent to Miriam for review and approval then paid via credit card. Julie asked how Lucky Services bills. Miriam said on a monthly basis. Julie mentioned that Sara's memo noted November's net income being down and asked for explanation. Sara said with reimbursement grants, funds are spent in one month then requested in the next, so one month will be down and the next up when the reimbursement request has been processed and funds received. Dick asked if funds requested in 2016 but received in 2017 will be reflected in 2016. Sara confirmed yes, that she will do general journal entries to ensure all activity that actually happened in 2016 will reflect as so.

Mark Garcia motioned to approve the November 2016 financials, Michelle Yost seconded, unanimously approved.

III. Reports

Director's Report

Miriam reported that the DoLA 2017 Technical Assist grant was approved; however, DoLA reduced the funding amount from the requested \$65,000 to \$60,345. The \$4,655 reduction will impact transit projects but not broadband projects as the transit funds have some wiggle room and broadband efforts take priority. Miriam said staff is waiting for signed MOU documents for leasing of SCAN infrastructure from Durango, Silverton, Dolores County, and Ignacio. She requested that these documents be provided when available. All other communities have turned in their documents or have received approval. Dick asked for an update on the DoLA request for additional funding for staff time. Miriam said she has been in contact with Ken Charles for several months with no answer as of yet. DoLA guidelines do say that funding can be provided for existing staff. Julie asked what this waiting period means. Miriam said it delays the ability to spend down the grant as staff is unsure what we can spend the grant on at this time. Julie asked if work will continue on the project with the 2017 funding. Miriam said yes.

Broadband Report

Miriam reported that she received information that Farmers Telecommunications, Inc., who provides internet service to the Town of Rico, has been purchased by a new company and will no longer be providing services to Rico as of February 1, 2017. With Farmers being the only ISP in the Rico area, this is of major concern with many residents working from home, schools, and others that need internet service on a daily basis. Miriam is and will continue working with Rico to find a solution. Julie asked if Rico has any SCAN fiber. Miriam replied no.

Miriam reminded members that the broadband final report and presentation meeting will be held January 20, 2017 at the La Plata County Administration Building in the training room and a conference system will be set up for those who are unable to travel. Miriam sent out an email sharing a dropbox folder with the final report for member review prior to the meeting. Julie asked

if community IT staff should attend. Miriam said IT staff and policy makers should be invited to attend. If any member needs the dropbox shared with additional attendees, Miriam is happy to email the information and provide access. Jim said it would be helpful is there was an explanation of what is in the dropbox folder so folks know what they are looking at; with several folders in the dropbox, some may be confused on what content needs to be reviewed prior to the meeting. Miriam said she will address this issue.

Transportation Report

Jessica said there was a TPR meeting in December 2016 and a Transit Council meeting coming January 2017. Staff continues work with marketing, and the project should be wrapped up in the short term. Jessica is working with local agencies to input fixed route information into Google maps; this will roll out soon. Miriam said staff is moving forward with the 5304 funding for the Four Corners Transit Planning and are working to establish contact and communication with other COGs in the four corners region. Julie asked what resulted from Montezuma County's letter of reduced dues. Miriam said because the TPR is not allowed to charge dues, member annual funds are "contributions" where the member community can contribute any amount; therefore, Montezuma County will contribute the amount they wish and the issue is resolved. Julie asked for clarification that access to Google maps will now show local bus routes to and from specific locations. Jessica confirmed yes, it will show the closest stop and where routes go along with other information.

VISTA Report

Dennis said the recycling website is complete and upon request he will send out the link for members to share or for member staff to incorporate into their own website information. He is currently working on printable PDF forms. Julie said it would be helpful for members to view the website content.

Community Updates

This item was addressed at the end of the meeting.

IV. Discussion Items

None

V. Decision Items

a. Executive Committee Meeting Minutes

Julie said at the last board meeting clarification on the October 31, 2016 minutes was requested. After Julie's review, the minutes appeared to be updated and asked for confirmation that updates had been made. Miriam confirmed yes.

Andrea Phillips motioned to approve the amended October 31, 2016 Executive Committee meeting minutes, Julie Westendorff seconded, unanimously approved.

Julie asked for any comments or updates to the November 18, 2016 Executive Committee meeting minutes. None were made.

John Egan motioned to approve the November 18, 2016 Executive Committee meeting minutes, Andrea Phillips seconded, unanimously approved.

b. DoLA 2017 TA Grant Contract

Miriam recapped that the DoLA 2017 Technical Assistant grant was awarded with a funding reduction of \$4,655 that will come from transit planning. Although there is no contract as of yet,

Miriam said that Ken Charles advised a contract approval with signature authority so when the contract is received it can be signed right away to prevent delay. Mark asked if this is an EIAF grant. Miriam confirmed yes and that the contract will be the standard DoLA contract that we have seen in the past. Mark asked what the match requirements are. Miriam said \$10,000 will be in-kind and \$15,000 from the member communities. Julie asked if our obligatory match requirements remained the same even with DoLA approving a lower grant fund amount. Miriam said yes. Julie asked if all members were okay approving the contract without review. No comments were made. Julie asked if members had a preference of either the Chair or staff as signature authority. There was no preference.

Dick White motioned to approve the DoLA 2017 TA Grant contract under the terms outlined in the board packet memo with signature authority to the SWCCOG Executive Director, John Egan seconded, unanimously approved.

c. MidState Consulting (e-TICS) Contract

Miriam explained that the e-TICS is an asset management software system that allows an entity to update and/or map their broadband assets whether it be infrastructure buried, aerial or wireless. The COG contracted with MidState Consulting to manage this software since the inception of the SCAN grant. Durango, La Plata County, and Cortez have been using the service and paying a combined \$8,400 annually. However, the software has been underutilized and should benefit all members, so Miriam said she has renegotiated the previous contract that expired with MidState. Part of the renegotiations is to move everything to the cloud so jurisdictions do not have to maintain the software in-house and to allow all jurisdictions access to the software. A 2-year agreement costing \$14,928 will be covered by the DoLA shared services grant. Jim asked if existing maps could be used. Miriam said most maps are already there, but the software will allow for additional maps and new build information to be uploaded and give a holistic picture of the region. Miriam stated that this is not a mapping tool to create maps but to upload already created maps. Private company assets should not be uploaded to the software, only assets owned by the community, as some companies consider these assets proprietary information. Jim said not knowing where all assets are, regardless of owners, makes it difficult to know what Rico has access to. Ron said if those assets are in a public right-of-way, the information should be public information. Miriam will do some research on this issue and contact Ken Fellman who is the leading state communication law attorney. With the COG holding a membership with the Colorado Communities Utility Association or CCUA [Clerk note: the correct name is Colorado Communications Utility Alliance], Miriam said some hours (less than 5) of Ken Fellman's time comes with that membership. Andrea asked if non-SCAN assets can be uploaded to the e-TICS software and asked if all members will be able to see all assets. Miriam said yes that the software will be web-based so anyone that has changes can send that information to MidState for upload and integration, and all members will be able to see all maps. Julie asked for confirmation that COG members (Durango, Cortez, and La Plata County) do not have to pay for the annual \$8,400 e-TICS anymore. Miriam confirmed yes. Andrea commented if this item will be covered by the shared services grant, then there are other items that will not be covered. Miriam said the CDL program cost was intended to be covered by the DoLA shared services grant; however, Miriam has attempted to get in touch with the Community College over the last 4 months but has had no call back; therefore, this item has been scratched. In addition, with broadband being priority, the e-TICS seemed more important than the CDL. Mark asked if Durango, La Plata County, and Cortez currently use this asset management tool and if there are other management tools available. Ron said that Durango uses this tool, and it will be advantageous for all to use the same platform because a holistic map of the entire region is essential to making good decisions. Miriam said that Cortez uses the software as well but finds it difficult to make time and upload maps. Julie asked if staff would need to do the mapping

uploads. Miriam said no, that MidState would input all the information. Julie asked if all COG members and other broadband assets would be included. Miriam confirmed all COG and/or COG owned broadband assets. Mark asked what the benefit would be to map only COG or COG member assets when all assets would need to be known whether they are owed by FastTrack or another entity. Miriam said the COG does not have the funding to put the entire region's assets into a map and is not comfortable mapping other private company's assets. Dick asked with the DoLA shared services grant covering the MidState contract costs for 2017 and 2018, what is the plan to cover the costs for 2019 and beyond. Miriam said as the COG develops funding from middle mile broadband development work, future MidState contracts will be paid for from that funding source. Jim commented on section 7.2 of the contract, 1) the section references notice of suspected document defect but does not define what a "defect" is, and 2) the last sentence does not completely end, it appears the word "notice" may be missing. Miriam said the contract has run through COG legal, David Liberman, but she has not heard back from MidState. Miriam will expand what "defect" means and add "notice" to the end of the last sentence. In addition, Miriam will talk to David Liberman regarding the updates.

John Egan motioned to approve the MidState Consulting contract with signature authority to the SWCCOG Executive Director unless MidState makes changes to the contract, then it needs to come back to the board for review and approval, Michelle Yost seconded, unanimously approved.

VI. Other Items

With time available, Julie asked for community and guest updates.

Dick White, City of Durango

- The Durango City Council voted to approve a contract for recreation management at Lake Nighthorse. Although this is not the last step, it was a necessary step to complete before formal annexation. One of the most complicated aspects will be a memorandum of understanding with all partners over the management plan. The hope is for an opening in 2018.
- The Council gave conceptual approval to a new apartment complex that will hold 194 units between Walmart and Home Depot, one and two bedrooms, which will be great for the community. Ron said the developer will be building a road as well.
- In order to fill the transit funding gap, parking tickets will increase to \$25 per ticket starting January 1, 2017 with verbiage on the ticket as to why rates are increasing.

Andrea Phillip, Town of Mancos

- Mancos will hopefully be breaking ground on Highway 160 for a pedestrian crosswalk. This is an ongoing discussion with CDOT.
- Sales taxes are up and much higher than was budgeted partly from the marijuana stores in town and a few new businesses.
- Mancos is working on saving money for a main street bridge replacement project; construction would begin 2018 or early 2019 with 90% of the funding received from the CDOT Off-System Bridge funding.

Michelle Yost, Town of Bayfield

- The cost of the bridges project has increased over \$1 million. In addition, there are delays due to many endangered species in the area.
- A Dollar General may be coming next to the Family Dollar.

Mark Garcia, Town of Ignacio

- Ignacio will acquire a 20 acre piece of property with connectivity to Cedar Point.
- Sales taxes are up and higher than projected due to the new Family Dollar and Farmers Fresh.
- Ignacio will be starting their branding and marketing study in January 2017.
- A meeting was recently held to talk about the sales tax exemption issues with the Southern Ute Indian Tribe; Ignacio was encouraged to seek corrective legislation that is being considered. Ignacio intends to reach out for support on this matter from CML, La Plata County, and Durango.

Chris Tookey, Town of Silverton

- Silverton has a new town and county planner from Butte, Montana with 25 years of experience. In addition, there is a new events coordinator from Arizona.
- Sales taxes are up.

William Tookey, San Juan County

- The county will be starting meetings again with the EPA the 3rd week in January.

Jim Ostrem, Town of Rico

- The Town Council is reviewing applications for a new town manager.

John Egan, Town of Pagosa Springs

- The town decided to not go through with the 5th street bridge project leaving the developer with 27 acres open to develop property.
- Sales taxes are up.

Julie Westendorff, La Plata County

- Julie has been presented with an opportunity and applied to join a state-wide commission as it relates to human services. Julie is unsure if she will be appointed, but if appointed, some meetings would conflict with the COG meetings and Julie would resign from her position as COG Chair. Gwen Lachelt would be available to take the COG Chair position, but this decision would certainly be up to the board to accept Gwen Lachelt as chair or assign a new chair for 2017. Julie would assist a new chair with transition.
- An email was received regarding legislation to repeal the work done on SB152 and to remove local control over telecommunication assets. Aside from removing all work done on SB152, this would also inhibit government to government services, including the COG invoicing member communities for telecom services or middle mile broadband. Senator Guzman is sponsoring this legislation. Shane asked if the COG still has a legislative committee. Miriam confirmed yes and that the COG would use the same folks appointed last year for this year unless anyone else would like to join the committee. Mark asked if this information had been sent to CML. Ron confirmed yes. Julie said the COG should keep an eye on this legislation and if action is requested through CCI, if members could share it around so all remain on the same page and can play defense. In addition, Julie has a meeting with Barbara McLachlan and offered to represent the COG members as opposed to this legislation. Julie asked if all members would be okay with this representation. All members responded yes.
- Julie asked if any member had successful solutions to issues or would like to see specific topics on future agendas to please get that information to Miriam.

Shane Hale, City of Cortez

- The move into the new city hall is projected to happen in the next month and a half.

Miriam Gillow-Wiles, SWCCOG

- To say thank you for the last year of service as COG Chair, Miriam presented a gift bag with regional goodies to Andrea. Andrea sincerely thanked all board and staff members and said it was a pleasure.

John Whitney, Senator Bennet's Office

- US Congress convened this week and will move into budget reconciliation procedures soon.
- US House changed its rules and will no longer consider a sell off of public lands to be something that has a budgetary cost to the United States.
- A new farm bill will be created. Oversight hearings will start this spring.
- The Senator's new state director is Julie Duvall based out of Denver; she comes with knowledge of rural issues.
- The senate is not ready to entertain an increase in a Passenger Facility Charge (PFC) as it pertains to airfare.
- La Plata and Montezuma County are the only two Colorado counties that do not get Denver Television. Satellite companies have worked with the FCC to allow counties to petition. La Plata County has petitioned but Montezuma has not. The FCC has 90 days to respond and will have public periods for comment.

Julie asked for a motion to adjourn the meeting.

Dick White motioned to adjourn, John Egan seconded, unanimously approved.

End 3:18pm