

Rocky Flats Coalition of Local Governments Board Meeting Minutes

December 9, 1999

8:00 AM – 11:00 AM

Jefferson County Human Services Building

Board members in attendance: Sam Dixion (Director, Westminster), Mary Harlow (Alternate, Westminster), Tom Brunner (Director, Broomfield), Hank Stovall (Alternate, Broomfield), Mike Bartleson (Alternate, Broomfield), Lorraine Anderson (Director, Arvada), Ken Fellman (Alternate, Arvada), Carol Lyons (Alternate, Arvada), Lisa Morzel (Director, City of Boulder), Mike Weil (Alternate, City of Boulder), Paul Danish (Director, Boulder County)***, Carolyn Dulchinos (Alternate, Boulder County), Andrew Muckle (Director, Superior), Michelle Lawrence (Director, Jefferson County), Patricia Holloway (Alternate, Jefferson County), Nanette Neelan (Alternate, Jefferson County).

* Arrived when indicated ** Departed when indicated

Coalition staff members and consultants in attendance: David Abelson (Executive Director), John Marler (Technical Advisor), Katie Ewig (Program Assistant), and Barb Tenney (Icenogle, Norton, and Seter, P.C.).

Members of the Public: Ann Bormolini (GBSM), Roman Kohler (RF Homesteaders), Ken Korkia (RFCAB), Dan Miller (Colo. AG), John Corsi (Kaiser-Hill), John Rampe (DOE), Jeremy Karpatkin (DOE), Jack Hoopes (Kaiser-Hill), Janice Sinden (Senator Allard), Cindy Trevithick (Rep. Tancredo), Doris DePenning (Friends of Foothills), Steve Gunderson (CDPHE), Steve Tarlton (CDPHE), Tim Rehder (EPA), Rob Henneke (EPA), Doug Young (Rep. Udall), Nancy Hunter (Rep. Schaffer), Chuck Baroch (City of Golden), Paula Taylor (CDR Assoc.), DeAnne Butterfield (CRNA), Ron Holliday (Jefferson County).

Agenda Review

Tom Brunner began by announcing the agenda review and asking if there were any additions to the agenda. David told the Board he had received two phone calls from Board members asking to modify the agenda to include discussion of the strategic plan and the proposed revisions to the Rocky Flats Open Space Bill. David then asked the Board for direction. Lisa Morzel motioned to modify the agenda to discuss the land-swap amendment of the Open Space Bill. Paul Danish seconded the motion. Tom Brunner then opened the floor for Board comment. Ken Fellman stated that the Arvada City Council had not yet discussed the amendment or taken a position on it, therefore he did not believe this was the appropriate time to comment. Lisa Morzel replied that it was important to discuss the amendment now since Congressman Udall would be holding a public hearing on the bill on December 14th. Hank Stovall stated that Broomfield City Council had not taken a position on the bill yet either, and that more details were needed before a Coalition discussion should take place. Mary Harlow added that Westminster has taken an official position against the land swap language in the bill and would like to have a Coalition

dialogue on the subject. Michelle Lawrence said that the Jefferson County Commissioners hadn't talked about the land swap amendment yet, and that until they do so it should not be discussed at a Coalition meeting. Paul Danish urged the Board to discuss the issue immediately. Lorraine Anderson added that she had only known about the amendment for 48 hours so to discuss it now would be premature. David Abelson replied that until the revised bill was faxed to him on Thursday, he had no idea that the land swap amendment would be included. David also clarified that as soon as he got the revised bill he faxed it out to the Board.

Andrew Muckle recommended continuing the conversation now and bumping back other agenda item until later. Ken Fellman stated that he was hesitant to change the agenda since it was already packed with important issues. Paul Danish reiterated that he simply wanted a conversation on the amendment, and that no formal Coalition position needed to be decided at this meeting. Mary Harlow agreed, but Patricia Holloway questioned what the Coalition would accomplish with the conversation if all of the city positions regarding the amendment were not clearly defined yet. Lisa Morzel stated again that this would simply be a conversation to clear the air and let the individual local governments find out where other local governments stand on the issue. Doug Young then told the Board that he had heard the idea of this land-swap being tossed around for months, and that Congressman Udall was simply laying it on the table to find out if the land swap makes sense in the context of the Rocky Flats Open Space Bill. Doug also stated that the purpose of the public hearing was to get input on this matter and facilitate the conversation. Tom Brunner reminded the Board of the motion on the floor, and then asked for a vote. The Board approved the motion to add a discussion of the land swap amendment to the agenda by a vote of 5 to 2, with Arvada and Jefferson County voting against it.

* Councilmember Dixon arrived at this time.

Andrew Muckle suggested continuing the conversation in the Round Robin, which would allow each local government time to voice whatever comments they had on the subject. At this time Ken Fellman left the meeting. Tom Brunner asked that he be allowed to begin, and he then stated that Broomfield City Council had not yet formed an opinion on the land-swap issue. Andrew Muckle said that Superior had not yet officially addressed the land swap issue either, but that he would be happy to talk about it. Andrew also reminded the Board that the Coalition's Intergovernmental Agreement (IGA), signed by all seven of the local governments, supports the preservation of the buffer zone as open space. Hank Stovall took a moment to express Broomfield's concern about the delay in shipments to WIPP, and he alerted the Board to the Paths to Closure document that will be coming out soon. Sam Dixon told the Coalition that the Westminster City Council has discussed the land swap issue and does not support it. She added that the Coalition should spend half a day to discuss Coalition process so that when issues like this arise in the future the Coalition will be better equipped to handle them. She continued that a divided Coalition is undesirable and ineffective, and the only way to get things done in Washington is to stick together.

Lisa Morzel agreed that the purpose of the Coalition is to speak to the federal government with a strong, united voice. She reminded the Board that they had voted in July to support

Congressman Udall's Open Space Bill, which supports the buffer zone being designated as open space. Lisa explained that the City of Boulder was approached back in August by a member of Arvada's City Council to discuss the land swap, so this is not a brand new issue. Lisa also expressed concern that the land swap could endanger the integrity of the Coalition's IGA. She stated that the City of Boulder does not support the land swap. Paul Danish agreed that the buffer zone should be maintained as open space. He urged the Coalition to look into some important questions such as how much development would take place near Highway 93 if the land swap were to take place, and what the environmental and economic consequences of development would be for the nearby communities.

Lorraine Anderson stated that although Arvada knew there was a private property owner interested in a land swap, Arvada had never talked to Congressman Udall about including the land swap amendment in his bill. She said Arvada will likely oppose the inclusion of the land swap language anyway, although at this time Arvada has no official position. She agreed with Paul Danish that the land being considered for this land swap should be looked at from an environmental, economic, and land use perspective. Lorraine then briefly described the results of a recent Arvada citizens survey to the Board.

Michelle Lawrence stated that surprises from Udall are becoming too common and that there needs to be community input before these issues are dropped on the table. Patricia Holloway stressed that the land swap involves a private landowner – Charlie McKay – and that he has every right to develop property that he owns. She stated that perhaps a land swap would be desirable if it would relieve development in the Highway 93 corridor. Although concerned that Udall didn't apprise the Coalition of the land swap language, she thought it would be foolish for the Coalition make a decision about the land swap when in reality the swap would be a deal between DOE and a private landowner.

Paul Danish agreed that Charlie McKay certainly does have the right to sell or trade his property, but that discussions regarding the trade should be done carefully but not in secret. He stressed that an amendment in Udall's Open Space Bill was not the appropriate forum for land-swap dealings. David Abelson clarified that the land swap amendment, if approved and included in the final bill, would replace Section 3 and would provide a mechanism for DOE to swap land. Currently, the bill does not contain language regarding any potential swap.

Andrew Muckle recommended that the Coalition send a letter to Congressman Udall stating that they are unhappy about how this land swap issue came up without notice or forewarning and that the Coalition wants more time for dialogue. Lisa Morzel added that the letter should also say that the Board requests that Congressman Udall does not take action on the bill until after the Board can formally discuss the land swap amendment at the February Board meeting. David said he would have a draft letter out as soon as possible. Tom Brunner wrapped up the conversation by asking Doug Young to respond to the Board's concerns. Doug stated that Congressman Udall has no position on the land swap and that he simply wanted to get input from the Coalition and others about whether the land swap amendment belongs in his bill. The floor was then opened for public comment.

Public Comment

John Rampe stated that conversations regarding a land swap are taking place but they are not sanctioned by DOE. He also assured the Board that if a land swap were to be proposed it would demand analysis under NEPA and would have a public process.

Chuck Baroch expressed concern that by including the land swap amendment Udall was ignoring the work of such groups as the Future Site Use Working Group, which concluded that the Buffer Zone should remain open space upon completion of the cleanup.

Doris DePenning voiced her concern that the public has not been made aware of these land swap conversations and that there seems to be a lot of rumors and little exact information. She said the community was led to believe that the buffer zone being designated as open space was a done deal.

Ron Holliday stated that the area being considered for a land swap should be carefully scrutinized to see if it makes sense to do a trade. He mentioned that perhaps the 400 acres in the Industrial Area might be best suited for open space instead of development.

Ken Fellman returned to the meeting at this time.

Business Items

- 1) **Motion to Approve Minutes** – Tom Brunner motioned to approve the minutes. Lorraine Anderson seconded the motion. The motion passed 7-0.

- 2) **Executive Director Report** – David Abelson briefed the Board on his recent trip to Washington D.C., where he met with Gary King and secured \$250, 000 in funding for the Coalition for FY 2000. David also talked about his meetings with Ellen Livingston (Senior Policy Advisor for Bill Richardson) and Lisa Felt (Chief of Staff to Carolyn Huntoon). David told the Board that Ellen Livingston had three messages for the Coalition: 1) keep up the pressure on WIPP, 2) asking for soils to be cleaned to background levels is not realistic, and 3) the Coalition should continue to work closely with the CAB because DOE is not interested in funding two groups if they won't try to work together. David stated that he also met with Doug Flanders, who is a legislative assistant for Senator Allard. They spoke about Allard's recent appointment as Chair of the Armed Forces Services Strategic Subcommittee as well as the steps ahead to reach closure at Rocky Flats. David also mentioned that he met with Congressman Udall's legislative director and that they too spoke about cleanup challenges that lie ahead. Regarding the delay in WIPP shipments, David explained that New Mexico officials will be coming to Rocky Flats to review documents in order to decide if Rocky Flats did indeed send mixed TRU waste to WIPP. In closing, David alerted the Board to a farewell luncheon for Jessie Roberson on December 13th and a workers health meeting with Dr. Michaels on December 15th.

- 3) **FY 2000 Budget Hearing** – Barb Tenney announced that the Coalition had, as required by law, published a notice for its budget hearing. Tom Brunner then opened the budget hearing for public comment. Upon absence of public comment, Ms. Tenney presented for the Board’s consideration a proposed resolution approving the budget for fiscal year 2000 including a resolution appropriating funds under the budget as adopted. Andrew Muckle motioned to adopt the budget. Sam Dixon seconded the motion. The motion passed 7-0. Andrew Muckle motioned to appropriate funds. Lisa Morzel seconded. The motion passed 7-0.
- 4) **FY 2000 Strategic Plan** – The Board decided to hold off on this conversation until the January Board meeting.
- 5) **Discussion regarding hiring CDR** – David gave a brief history of how the stewardship conversation began and the progress to date of the Coalition and CAB’s attempt to create a stewardship dialogue. Hank Stovall, who is a member of the Stewardship Steering Committee, explained to the Board that the interview committee found CDR Associates of Boulder to be the best candidate for convening Phase I of the stewardship dialogue. Hank recommended that the Board vote to approve the Coalition’s contract with CDR. Lorraine Anderson motioned to approve the contract with CDR. Lisa Morzel seconded the motion. The floor was then opened for discussion. Paul Danish asked who is CDR and what is the purpose of this stewardship dialogue. David Abelson explained that CDR is from Boulder and that they helped design the Future Site Use Working Group process. David also stated that CDR’s main objective was to design a public dialogue process aimed at examining long-term stewardship issues at Rocky Flats. Paul Danish expressed his concern that the Coalition does not want to become a steward of Rocky Flats or take on any of the liability associated with it. Hank Stovall responded that the Coalition was not trying to become a steward of the site, but was simply trying to start a stewardship dialogue. Lisa Morzel stated that creating another process outside of the Coalition diverts attention away from the Coalition’s goals. She continued that there should be time set aside at the Board meetings to discuss management and stewardship issues. Lorraine Anderson replied that the multiple stewardship meetings between the Coalition and CAB took place at the direction of the Board, and that she is satisfied with the progress of the stewardship meetings and with hiring CDR. Lorraine also said that stewardship is directly tied to cleanup, and that a cleaner cleanup means less stewardship responsibilities. Sam Dixon added that stewardship dialogues are getting started at several DOE sites around the country, and that Rocky Flats needs to initiate their own stewardship dialogue as soon as possible. Hank Stovall stated that the stewardship process underway will help define the community’s vision of the end-state of the Rocky Flats site. He also clarified that the Stewardship Steering Committee will have no power of its own, and that everything the Committee does will be brought to the Board for possible Board action. In response to Paul Danish’s question as to where the money to hire CDR was coming from, David Abelson replied that it was from the CDPHE grant. Both Michele Lawrence and Ken Fellman agreed that the Board did give direction for the Coalition Steering Committee members to proceed on stewardship, and should therefore

approve the contract with CDR. Barb Tenney stated that the contract has a not-to-exceed amount and can be terminated at any time. Tom Brunner reminded the Board there was a motion on the floor to approve the Coalition's contract with CDR. The motion passed 6-1, with Boulder County voting against it.

* Commissioner Danish departed the meeting at this time.

General Discussion

David Abelson stated that the draft #2 of the Strategic Plan needs to be discussed further by the Board and he asked if the Board would like to discuss it now or at the January meeting. He also told the Board that draft #2 was based on the comments he received but that he only received comments from four of the seven local governments. Lorraine Anderson asked that David forward to the entire Board the comments that he had received on the Strategic Plan. Carolyn Dulchinos agreed that this was a good idea. David Abelson said he would and that in developing this draft he was trying to take all of the conflicting ideas and suggestions and find common ground on which the Board could dialogue, but that it was difficult. In response Lorraine Anderson said that this is exactly the reason that each local government should be aware of what the other local governments are commenting.

Ken Fellman motioned to have a half-day meeting to talk about Coalition process. Sam Dixon seconded the motion. Tom Brunner stated that David Abelson could take direction from the Board without an official motion. Ken Fellman also stated that each local government should commit to forwarding their comments on the Strategic Plan to David within a week so that all the comments could be included in the next Board packet.

David reviewed what he thought would be the topics for the January Board meeting: the FY 2000 Strategic Plan, the process for electing Coalition officers, a March 2000 Washington D.C. lobbying trip, and general Coalition process. Lisa Morzel recommended having a shorter Board meeting in January immediately followed by a retreat. Carolyn Dulchinos stated she was concerned that Paul Danish would be unable to attend a retreat on January 6. After several minutes of discussion it was agreed that the next Board meeting would take place from 8 am to 2 pm on January 6, and would be devoted mainly to a discussion of Coalition process. David asked that the Board forward any comments or suggestions on the Strategic Plan and Coalition process to him by close of business Friday, December 24th so they could be included in the January Board packet.

Carolyn Dulchinos motioned to adjourn the meeting. Lorraine Anderson seconded the motion. The motion passed 7-0.

The meeting was adjourned at 10:50 a.m.