

**AIR QUALITY ADVISORY BOARD  
REGULAR MEETING  
MONDAY, SEPTEMBER 16, 2013**

**DATE:** MONDAY, SEPTEMBER 16, 2013  
**LOCATION:** Community Room, 215 N. Mason Street  
**TIME:** 5:30–8:00pm

**For Reference:**

Rich Fisher, Chair	970-221-4389
Ross Cunniff, Council Liaison	970-420-7398
Melissa Hovey, Staff Liaison	970-221-6813

**Present:**  
Greg McMaster  
Nancy York  
Dave Dietrich  
Scott Groen  
Rich Fisher  
John Shenot

**Absent:**  
Tom Moore  
Jim Dennison  
Michael Lynn

**Staff Present:**  
Melissa Hovey, Staff Liaison  
Dianne Tjalkens, Admin/Board Support  
Polly Lauridsen, Compliance Supervisor  
Beth Sowder, Neighborhood Services Manager

**Guests:** None

**Call meeting to order:** Rich Fischer called to order at 5:30pm.

**Public Comments:**  
None

**Review and Approval of August 19, 2013 minutes**

Nancy York moved and Dave Dietrich seconded a motion to approve the August 19, 2013 AQAB minutes as presented.

Motion passed: 5-0-1 (John Shenot abstained as he was absent from the August meeting).

**Chair Comments:**

Some items presented to us are not relevant to air quality. He has been corresponding with Melissa and they have changed the agenda for this meeting to redirect the group and decide how we want to plan for the meetings in advance, so we have this focus and can really advise on air quality. Melissa pointed out items in the packet, including the work plan committed to last year and the letter from Darin from August talking about boards and commission.

**AGENDA ITEM 1: Outdoor Smoking Ordinance**

*Polly Lauridsen, Compliance Supervisor, and Beth Sowder, Neighborhood Services Manager, presented an update on the outdoor smoking ordinance and a summary of recent direction from City Council. Beth asked the board for a recommendation on this item.*

Polly presented a Power Point on the smoking ban. They are looking for an expansion on the Smoking Ordinance based on public feedback, data, public health trends and health impacts. They are looking for bans in bus shelters, platforms, benches, and outdoor patios. She presented slides on background information, a survey indicating support for smoke-free patios, a survey of impact of smoke-free laws on businesses, a survey on support for bans by Transfort riders, and the specifics of the ordinance expansion. They will go to City Council on November 5. She discussed the outreach they have done, and education and enforcement that is planned. She also presented additional options, including 100% smoke free hotels, trails, public events, and banning e-cigarettes in the same places smoking is prohibited. A City staff team is being formed to begin looking into the additional items Council directed staff to look at. These items will come back to a City Council work session next year.

**Comments/ Q & A:**

- Nancy asked how many people were surveyed. Polly said there were 1328 respondents for the outdoor dining and patio area survey. For Transfort they interviewed 115 riders and had 41 online surveys completed.
- Nancy asked about electronic cigarettes because there is no smoke. Polly said it was a perception issue and there is fear that they can be used to consume marijuana.
- Dave asked how many businesses would be affected. Polly said there are 8 or 9 restaurants/bars in town that allow smoking on their patios and they do not favor the ban.
- Scott made a motion that the board refrain from making a recommendation because it is not an air quality issue.
- Beth said the November meeting will only address the outdoor patio and transit ban.
- Greg asked what would be the penalty and who would get it for a violation. Polly said it would depend on where they were. If a bar is allowing smoking, then it could go to the bar and/or the smoker. If it was by a smoker at a bus bench it would be the smoker. It is a criminal misdemeanor with a fine up to \$1000, but the municipal court sets the fine schedule, which she guesses would be about \$100.
- Rich asked about enforcement. Polly said there would be a lot of self-enforcement, and Transfort security would be involved.
- Scott asked where in the law it is written that code-compliance has anything to do with a misdemeanor, punishable by law. Polly answered that it is Chapter 20 in the municipal code. The Police Chief authorizes different City staff to enforce certain sections of the code (it's called a special commission"). Code Compliance staff is authorized to enforce certain Code sections including sections in Chapters 4, 12, 17, 20,23, and 27.

- Dave asked if they have had violations of the 20 foot code. Polly said yes, but they haven't had violations of the indoor smoking ordinance in several years. Dave asked about Mulligans and the smoking area being less than 20 feet from the door. Polly added that the state law is 15 feet.
- Rich asked about the reason this new ordinance came about. Polly said that there was confusion about the distance from doors, and they received complaints about second hand smoke.
- Nancy asked how this would affect the Trail Head. She said you cannot walk on the sidewalk without walking through smoke. Polly said that this location is the number one complaint area, and that they currently are not in violation. If Council passes the proposed code change, then they will have to go 20 feet from the patio.
- John said he was interested in getting more information about the public health impacts. He mentioned a summary from a local government that Melissa had forwarded to the group. He asked for her information on the public health impacts. Polly showed the slides on Health Impacts and Specific Measurements/Data. John asked if there is information pointing in this direction. Melissa added that this is a new area of study and that there is considerable evidence of when people consistently walk through these outdoor areas that have smoke, the exposure is the same as indoor exposure. John would like this discussion to be evidence driven.
- Rich added that this could just be a nuisance. Is this sufficient? John said that then it would be Council's decision about what people do and don't want to tolerate in the community, rather than an air quality issue.
- Scott said he doesn't have a problem with an outdoor smoking ban because people have lost their common courtesy. The people who ride transit are going to be the people who smoke, and forcing a little respect for their fellow man may be necessary, but this is not an air quality issue.
- Greg added that it does affect his air quality; it is a toxin, and a nuisance, and it causes him respiratory problems. He suspects that there is enough reasonable inference that if you go by the Trailhead Saloon, you are experiencing an unhealthy exposure. He thinks he should be able to walk through a public area and not be subjected to that.
- **Greg motions to support this expanded ordinance for bar/patio areas and transit areas. Nancy seconded the motion. Support includes the five bulleted items for ordinance expansion. Voted 5-1-0.**
  - Nancy added that she is concerned about suppressing a minority, but that she walks past the Trailhead through the smoke and she has never seen enforcement there. She questions whether there will be enforcement.
  - Rich added that smoking is not barred in Fort Collins, just in these locations.
  - Polly added that outside of the patio, on the sidewalk is 20 feet from the door, so they are not breaking the current ordinance. Dave said that people will have to walk 20 feet from the patio. Polly said they get complaints at strip malls too, but the Trailhead is the main complaint.
  - Rich added that when an indoor air quality assessment is done, there is always education about smoke.
  - Greg added that he is sympathetic toward telling people what to do.

**AGENDA ITEM 2: Board Discussion of Outstanding and Tabled Issues/Board Discussion of Work Plan Items**—Review of AQAB work plan. Status of key issues. Status of Air Forum.

Rich said that Melissa gets lots of requests by staff to make presentations to our boards. Sometimes the presentations are relevant and sometimes tangential. Sometimes the presenters have not prepared to discuss air quality issues. He suggests pre-briefing the presenters so they are well aware of our focus. He thinks there is a lot of opportunity to discuss air quality and improve the proposals presented to the board. Melissa added that we may do a white paper or a list of tools that we would like Transportation Planning to use. She sees that air quality issues are not being as thoroughly considered in transportation issues as the board would like. Rich asked the board for suggestions and to go over things the board has identified that are important and how they have helped Council to understand these issues. The second part of the discussion will be to discuss how to get Council to give the board more feedback.

#### **Comments/ Q & A:**

- Nancy added that Ross is the liaison to the Transportation board as well.
- The board reviewed the 2013 Work Plan Calendar and discussed progress on each.
- On the first item, Greg said there has been progress, including on the Climate Action Plan.
- Rich asked whether it was sufficient to give feedback to someone who makes a presentation, or does the board want to put it into writing and make sure the message has gotten through.
- Greg said the board has been struggling with working with the staff to get air quality involved in transportation and other projects. He sees that many of these people do not have the background in air quality. He says that to have them give us feedback isn't feasible. He thinks if you just give oral feedback that it will not be an organizationally effective way to give feedback.
- Melissa added that analyzing and considering air quality is not an institutional norm. The methodologies, policies and institutionalization of considering of air quality are not here yet.
- Nancy said that talking about Woodward and how many employees they will have is leading to changing a road to accommodating that. Should there be a demand that if you reach a certain number of employees, that Transit should be required to serve that corridor. Even though Transit isn't very effective in this community because of its hours and routes, it is necessary to improve air quality.
- Scott talked about the problem being like the chicken or the egg with mass transit. Do we make Transit available for all hours and routes and hope people use it, or wait for the demand, which will never be there because people will drive their cars.
- Rich said that if they don't know they need to do it, they need to be educated. It can be our job to tell them that it is their responsibility to look at air quality.
- Dave said he believed there was an air quality model done on new construction in Fort Collins in the past. Melissa said she does not believe that is done anymore. There are traffic studies that show impact on air quality. Dave added that there have been no projects rejected because they will put too many cars on the street. If ENT is important and within our grasp to do it, what is out of our grasp is making cars cleaner and more efficient. Without the models we cannot know the impact.
- Rich would like something written that acknowledges it is an issue.
- Rich said the board can write a paper about what the City can be doing in order to satisfy looking at air quality as part of an integrated transportation project. Is that something we should be doing? Dave asked if the letter would go to Council. Rich said yes. Greg added that we CC Darin. Melissa added to CC Bruce and Lucinda.

- Dave asked how to get staff to use the air quality assessment tools. Melissa said they may not be aware of the models that exist. Dave said there must be a reason they are not being used. Melissa added that every model has its limits, but at least they give numbers to evaluate different options.
- John said he sees a fork in the road. He shares frustration that when we ask questions, the presenters don't have answers and haven't thought about air quality. Or we can listen to presentations from City staff and give recommendations.
- Dave added that we cannot assess the air quality impact of the Harmony Corridor if we are not presented with data.
- John said that we can draft a paper to say what we want the City to consider in new projects regarding air quality. He thinks it should be hard for the board to endorse or recommend any City action that has air quality impacts if we don't have the data. He thinks the board should recommend against some projects without that information.
- Rich said the board could invite presenters back and let them know that if there is not enough detail on air quality impact, we could recommend against the project.
- John said this is not saying no to everything City staff proposes, but we are in an ozone non-attainment area, so saying we don't know is not good enough. We should tell them what information we need and give them tools to develop that information.
- Greg added to look at the Harmony Corridor or Lincoln Corridor, there are toxicity and emissions issues. If they do not even do a basic analysis of air quality issues, it is a good message to send to Council that we cannot endorse the projects unless the air quality analysis is there. Make the staff do the work.
- Dave asked if they are modeling the Lincoln Corridor. Are they making an estimate on how many additional car and trucks will be on that road?
- Melissa said that the traffic analysis will show the number of additional cars, and what the distribution will be.
- Scott said that the traffic impact study hasn't been done on the Woodward project yet, and the project is already moving along.
- Dave said the Lincoln Corridor project should not move along without the replacement of the bridge because it will not allow the rest of the project to be effective.
- Nancy said that we put all the money into widening roads and Transit is underfunded. Transit could reduce VMT and congestion, which would be better for bicyclists.
- Greg added that they can do car counts, which lead to emission estimates, and could then analyze if you added Transit, how emissions would be impacted.
- Melissa added that some decisions are made before air quality is even considered. Consultants are hired and it should be written into the scope of work.
- Nancy asked if they have to do an environmental impact study. Melissa said only if federal dollars are used. Nancy suggested any City work should include an environmental impact study.
- Scott added that that would cost a lot of money.
- Melissa discussed the TBL analyses that staff are asked to do on each project.
- Greg said that one of the legs on the Triple Bottom Line is clearly broken.
- Nancy said that she engages with City Council and that what she finds most effective is asking a question. For example, if we write to Ross and ask for an estimate of the traffic load on the proposed Lincoln avenue, then what he does is turn it over to staff, who then answer the question, and the information goes

to Ross, the rest of Council, Darin Atteberry, and several other staff people. We should ask for the traffic count on Harmony and Lincoln Avenue.

- Rich said we want them to use that information to look at air quality and decide how that affects the whole project.
- Melissa added that Mike Lynn has traffic experience and he had volunteered to take the boards comments. He may be able to provide assistance again. Rich will email him.
- Dave said the paper should include that the air quality board cannot make a recommendation unless they can assess the air quality impact of each option. The air quality impact is based on vehicle counts, that are the same numbers transportation uses to determine how many lights and lanes are necessary. From this analysis they could show basic emissions for each alternative. Melissa added that there are specific pollutants that the analysis should include. Rich added that ozone non-attainment is the hook. Melissa said that the models don't include ozone. Scott added that HC should be included because you have VOC to consider.
- Greg added that we don't want to prescribe how this is done, but they are hiring contractors to do this stuff. Why isn't it a standard part of the contract? Why isn't it institutionalized in the process?
- Rich said he will contact Mike Lynn and draft up a paper. He will send it to the board before the next meeting and the board can send it to Ross. Instead of head nodding when people come to talk to us, we should say, "This is not sufficient."
- John said that unless there is a slide about data on air quality, he cannot vote yes on a recommendation.
- Greg said that there is no one on staff who can do the analysis. John said he would like the presenters to come prepared to discuss air quality issues with the air quality board.
- Melissa added that there is one code, which is a nuisance code, to deal with all air quality issues.
- Melissa said that when staff take items to Council, Council asks about board support, so that is why we get so many requests to present. She discussed various future presenters who are looking for recommendations.

#### **Future agenda items discussion:**

- Rich asked about the Healthy Homes (HSH) presentation in October.
- John added that it started with people who had respiratory issues. The focus is indoor air quality which is why it is relevant to our board. He would like Mary Pat to focus on the air quality portions when she presents to the board.
- Susie Gordon will be bringing back the draft plan on the Road to Zero Waste in October. Melissa is concerned that the draft will not be ready until a few days before the AQAB meeting and that they will be looking for a recommendation for Council.
- Nancy added that with Mary Pat, she received a survey of her natural gas usage from Utilities. She thinks it would be wonderful to get that kind of information from Mary Pat.
- Melissa said the Climate Action Plan will take a lot of time and we may want to reconsider the value of the other two items on the agenda. Rich added that these presenters need to be pre-briefed.
- Melissa said that Mike Gebo would like to present on Building Code revisions and Amy Lewin would like to present on the Trail Plan. Fugitive Dust and Green Building are both Melissa's issues. She will go to Council on October 22nd regarding Green Building.
- Greg said that in regard to Fugitive Dust we can invite Ross to the meeting to find out what the City is doing to address our concerns about fugitive dust. It is on Melissa's work plan. She is gathering data and

working with Larimer County, going out on complaint calls, and talking to developers before they begin work. Greg asked that Melissa bring her draft materials to the next AQAB meeting.

- John added that his priorities aren't on the list of things to discuss in upcoming meetings. He wants to discuss ozone and it isn't there.
- Dave said that our third priority is understanding how policy is codified. Dave asked Melissa about the building code revisions topic. Melissa said it is about energy efficiency. Dave added that if Mike needs board support, the board should give him time at the September meeting.
- John said his number one priority is to work on what we planned to work on.
- Dave asked if the board would be hearing something different than the previous presentation on the Road to Zero Waste. Melissa said that they have compiled input and will have a draft of the plan. The intent is to request a recommendation. They can have 15 minutes at the next meeting.
- West Nile will have 10 minutes at the next meeting.
- Greg asked John how he would like to address ozone. Melissa offered to give a presentation on the lawn mower rebate program and some of the other outreach programs and the impact those have had on ozone. Melissa can try to get a presenter from Regional Air Quality Council. John stressed that there are many items on the work plan related to ozone and he would like to focus on the work plan.
- Nancy mentioned the gas powered weed-wackers and asked if they were two stroke engines. Scott said yes. She said they are pervasive.
- Rich asked how the board felt about connecting with entities outside of the City. Greg said that is within our scope.
- Scott said that if the board wants a presentation on small two stroke engines, he can give it at the November meeting.
- Melissa said that Tom can lead a discussion on oil and gas impact on ozone for the November meeting.
- Greg said that in advising Council in ozone, making clear to Council that we have a problem and that it will continue to increase due to oil and gas is of great importance.
- Greg added that the board may want to continue to look at issues holistically, and not go too far with the demand for data.

#### **West Nile Issues Discussion:**

- Melissa said that she has confirmed Mike Calhoon for discussing West Nile in November. Greg added that Council will be reviewing the current policy for spraying. He said his Air Quality term will be expiring this year. He would like to prepare the board for the next representative.
- Melissa said that West Nile is pretty critical issue in the city right now. It is being completely reconsidered. Council asked two staff members to come to them with data and info on number of cases, neuro-invasive cases, traps that had hot hits (staff: Mike Calhoon and Assistant City Manager) on October 29<sup>th</sup>. Some staff is hoping to include environmental impact and risk assessment into this discussion. Melissa hopes this board will weigh in on this through February.
- Rich asked if the board should work on this issue before the October 29 work session. Melissa clarified that it is an internal group that will be talking to Council.
- Dave asked if the policy can be changed. The panel should be experts.
- Rich asked if this board can assign someone as a board representative to be on the panel that advises Council on spraying. Greg's concern about leaving this to staff is that the process will get set in place without AQAB's input. When we wait to get a response, it is usually too late.

- Rich said AQAB can send a letter to Darin and Council.
- Greg said that the advisory board members should be made public. The responses should be a public document. All the information should be easily findable on the City website, in real time, including weekly reports, so everyone can look at it. Then people don't have to wonder what is going on. He thinks it can be done easily. In the end the decision is made by Darin.
- Melissa said that Greg is the only reason the policy was followed. Dave added that it would otherwise have come down to whatever the County said to do.
- Greg said that if the guidelines are meant doesn't necessarily mean the spraying should happen. He wondered what the rationale was to spray the whole city. He said that there is a whole matrix of criteria, but it's not hard to meet them, and there are variables to the data.
- Melissa said if we want an impact on how the staff is going to decide how to work with the public, then we should weigh in before October 22.
- Dave asked who Greg thinks should be on the advisory committee, what type of expertise do they need? Greg said that there is a technical advisory group. Dave thinks there should be an entomologist on the team and someone from CDC. Greg said you want all the perspectives in both groups, but that has been lost, particularly on the environmental side. The balance is more toward CDC and medical. Natural Resources Advisory board has had 3 or 4 different people on the advisory board. Some have had a lot of expertise, a reasonable level of scientific knowledge, but some have not had background and could not understand the context.
- Melissa said if the board wants to take action to address the issue for October 29, about what the board thinks the process should include, something should be drafted.
- Greg will draft a letter and send it to the board before the next meeting. This letter is only to discuss process.

#### **AGENDA ITEM 5: Board Discussion of Misc. Items**

- Melissa discussed the application deadline for Air Quality Advisory Board membership.
- She also mentioned that the AQAB has a share-point site that any of the members can use to upload documents to share with the group. When the Road to Zero Waste document is released, it will be too large to email, so she will post it here. She is also going to post announcements and keep the calendar updated. If you want anyone added to the share point, they must go through Melissa. Board members should have received login information via email.
- Melissa pointed out items in the meeting packet, with outside meeting dates members may want to attend. She also discussed the Agenda Planning Calendar for planning future input from the board. She handed out the first page of Lucinda's Work Session Item. There is a link on the page for a video members should watch before the next meeting.

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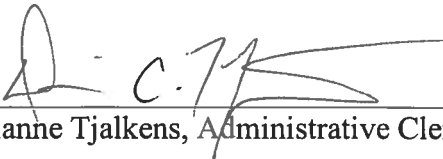
#### **Adjournment**

Rich moved to adjourn. Greg seconded. Meeting adjourned at 7:59



Approved by the Board on October 21, 2013

Signed

  
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Dianne Tjalkens, Administrative Clerk II

10/29/13  
Date

