

**TOWN OF NEDERLAND
BOARD OF TRUSTEES
REGULAR MEETING MINUTES:
May 7, 2013, 7:00PM**

**NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466**

A. CALL TO ORDER

Meeting convened at 7:05 PM.

B. ROLL CALL

Present: Mayor Joe Gierlach, Mayor Pro Tem Kevin Mueller, Trustees Randy Lee, Ledge Long, and Chris Perret. Trustee Annette Croughwell joined the meeting after roll call was taken.

Absent: Trustee Peter Fiori

Also present: Alisha Reis, Town Administrator, Carmen Beery, Town Attorney, Eva Forberger, Town Treasurer, and Michele Martin, Town Clerk.

C. CONSENT AGENDA

- Approval of May 7, 2013 Accounts Payable, Schedule A and B.
- Approval of April 16, 2013 Regular Meeting Minutes.
- Approval of Lease with Crust Pizza for use of Community Center Kitchen.

Treasurer Forberger noted two corrections to the Consent Agenda. Under the warrants, payment to Nicodemus, the description should read "install heater for Big Springs Pump House". Under the Lease Agreement for Crust Pizza, there was a typo. The rent should be \$360/month, not the \$300 as listed.

Motion to approve the Consent Agenda, Schedule A, the minutes of April 6, 2013, and the Lease with Crust Pizza, was made by Trustee Lee, seconded by Trustee Long and passed.

Motion to approve the Consent Agenda, Schedule B, was made by Trustee Perret, seconded by Trustee Long and passed, with Trustee Lee abstaining

D. PUBLIC COMMENT ON NON-AGENDA ITEMS

Ron Mitchell, of greater Nederland, shared with the Board some resource materials he has been researching regarding downtown development.

- *Improving Downtown's Curb Appeal*, by Downtown Research & Development Center
- *Priorities for Downtown Organizations*, by Downtown Research & Development Center
- *Guiding Design on Main Street: A Professional's Manual for Managing Design*, by Richard D. Wagner
- *Placemaking on a Budget: Improving Small Towns, Neighborhoods & Downtowns Without Spending a Lot of Money*, by Al Zelinka and Susan Jackson Harden
- *Niche Strategies for Downtown Revitalization*, by David Milder
- *Walkable City: How Downtown Can Save America, One Step at a Time*, by Jeff Speck
- *Main Street Renewal*, by Roger L. Kemp
- *Unsprawl: Remixing Spaces as Places*, by Simons B. Buntin with Ken Pirie
- *Making Business Districts Work: Leadership and Management of Downtown, Main Street, Business District, and Community Development Org*, by David Feehan, and Marvin D. Feit
- *The High Cost of Free Parking*, by Donald Shoup

E. INFORMATIONAL ITEMS

1. Proclamation of thanks to the Nederland Fire Protection District for 100 years of service.

Mayor Gierlach read the prepared Proclamation congratulating and thanking the Nederland Volunteer Fire Department for their superior fire protection, rescue and emergency medical services these past 100 years. Chief Rick Dirr had a few words of thanks and gratitude for the appreciation shown tonight.

2. RFP for Master Infrastructure Plan project.

Town Administrator Reis introduced the item. The Town has received a matching grant from the Department of Local Affairs (DOLA) to support this project. The schedule to complete is by the end of the year, with a final report to DOLA due November 30. The project will include water and wastewater, storm water, and streets.

Mayor Pro Tem Mueller asked if Town staff had learned anything from the nationally-recognized EPA Biomimicry professional that provided consultation on the Life Principles of Water on the NedPEDS project. Mayor Pro Tem Mueller said he thought that we learned that having a better understanding of the greater water-shed and how local eco systems function within it would allow use to make better decisions regarding our infrastructure, streets, development and stormwater management. He said he would like to see biologist, ecologist and hydrologist as part of the professional team that is selected. Mayor Pro Tem Mueller suggested that staff seek the input from such professionals in order to develop a more comprehensive RFP.

Mayor Gierlach suggested putting a weight percentage to each of the six criteria in order to rate each firm.

Trustee Lee pointed out a typo in the Preliminary Project Schedule.

3. Update on NedPeds project schedule.

Pat Everson, Nederland Downtown Development Authority (NDDA) Vice Chairperson, announced that at their April 24 meeting, the NDDA approved a more diligent schedule for the project. Several things have happened since that meeting, such as: CDOT has guaranteed that they will complete the historical clearance work this summer, saving the project roughly \$5,000.00; and Xcel Energy has indicated that during their major line change project, they will work with NedPeds engineers and designers to relocate utilities as much as possible underground, and credit an amount that would otherwise have been used for relocation of the poles towards the undergrounding effort if that was the direction decided upon.

Everson asked what the added value was of the 60% Nederland Planning Process (NPP) and wanted to know how much money it has cost to run this project through NPP several times.

Mayor Gierlach suggested scheduling a work session in August when their 90% plans are done and while both boards are working on their budget.

Trustee Perret recommended that the Master Infrastructure Plan studies be shared with the NedPeds project team. Reis ensured that effort would be coordinated.

Mayor Pro Tem Mueller asked how the recommendations from the Biomimicry meeting and the design review from the Biomimicry professional have been reflected in the 60% design documents.

Reis reported that she has been told by the EPA that they can only offer bare minimum outreach assistance due to budgetary restraints. Mayor Pro Tem would like to see a narrative from the EPA Biomimicry professional regarding how well the design satisfies the sustainability recommendations at the 60%, 90% and 100% document phases.

The Mayor called a brief recess, which reconvened at 8:20PM.

F. ACTION ITEMS

1. Consideration of modification to NedPeds engineering contract.

Pat Everson introduced the agenda item. This is to approve a change order in the amount of \$9,157.00 to modify the Huitt-Zollars project engineering contract to include a Class III Cultural Resource Inventory and Report in their Scope of Work. When Huitt-Zollars was contracted, CDOT was responsible for this cultural and historic clearance. At the 30% design meeting, CDOT informed the team that they did not have the personnel to conduct this study in the timeframe requested. NedPeds sought out Smith Environmental, who conducted the technical background work for CDOT. Depending on what CDOT may find this summer, the

project could still be delayed. This modification will come out of the NedPeds construction budget.

There was no public comment.

Motion to approve the amended contract with Huitt-Zollars was made by Trustee Lee, seconded by Trustee Perret, and approved unanimously.

G. DISCUSSION ITEMS

1. Discussion of Gillaspie House Facility Agreement.

Reis provided background on this item. The Gillaspie House Museum was part of a Special Review Use (SRU) approved for the Nederland Area Historical Society in 2003, along with the Bryant House and the Mining Museum. Since the Mining Museum was purchased by Boulder County in 2012, the SRU, which was filed in 2005, will be dissolved and Facility Use Agreements made for the Gillaspie House Museum and Bryant House. Due to their planned long-term leases, an ordinance is required for the agreement approval. An SRU is no longer required due to ordinance changes since 2003.

Dale Porter, a caretaker of the Gillaspie House Museum, was present on behalf of the Nederland Area Historical Society to answer any questions.

The Bryant House agreement will come before the Board at some point in the future once details are researched and finalized. The hope is to have it before the Board by the end of the year.

Motion to move this discussion item to an action item was made by Trustee Lee, seconded by Trustee Croughwell, and approved unanimously.

Motion to adopt the Ordinance approving a long-term use agreement concerning the real property and improvements known as the Gillaspie House Museum, at 2 East 4th Street, with the Nederland Area Historical Society, and the Public Facilities Use Agreement for the Gillaspie House Museum was made by Trustee Perret, seconded by Trustee Croughwell, and approved unanimously.

2. Discussion of 2010 Model Traffic Code Adoption (including electric cars).

Town Attorney Beery introduced the item. The Board had directed Beery at its March 19 meeting to draft an ordinance to support electric cars. A few weeks later, the Municipal Court Prosecutor asked staff if the Board would be in support of updating the Town's traffic rules and regulations by adopting the latest 2010 version of the Model Traffic Code for Colorado (MTC), which included reference to electric cars and golf carts. The last time the Town adopted the MTC was in 1995, there have been three updates since that time.

State law requires an ordinance adopting a code by reference to go before the Board twice, once as an introduction and the next as a public hearing. This meeting is for introduction purposes only. A certified copy of the MTC is available at Town Hall for the public to review. Chief Adler has reviewed and is in support of this ordinance.

Mayor Gierlach brought up the fact that the \$1,000 maximum penalty may be increased shortly, as there is a bill before the State and was wondering how that increase would affect the adoption of the ordinance. Beery said she would provide options for the Board prior to the public hearing, depending on what the legislature does.

Trustee Perret noted that the ordinance should not include gas-powered vehicles and include the banning of ATVs. Beery will make those corrections.

Motion to schedule the public hearing for May 21 for the consideration and possible approval of the ordinance was made by Trustee Perret, seconded by Trustee Lee and unanimously passed.

3. Discussion of decommissioning of wastewater lagoon, grading and drainage, and performance space.

Reis introduced landscaping plans from Frchetti Engineering for the Board to consider for the decommissioned lagoon site. The first (Sheet L1-01) was the approved plan from 2011. The second (a blue line change of Sheet C1-02) originated from the Board's request to staff to explore other options. Mark Weritz, Town geotechnical engineer, has reviewed both plans. Staff is seeking direction on how to fill in the area and contour the dirt, and possibly add additional assets to that site, such as a concrete pad and power. The Board has been discussing the potential of re-creating the lagoon site as an outdoor performance space.

Discussion continued in depth on the various contour options, power availability, water tables, the trail, and potential for moving special events to this area.

Trustee Lee noted that an outdoor performance space is a significant change that should go through the Nederland Planning Process (NPP).

Motion to continue the meeting to 10:30 PM was made by Trustee Croughwell, seconded by Mayor Pro Tem Mueller, and approved by a vote of 4 to 2, with Trustees Perret and Lee opposed.

After much deliberation, it was agreed to direct staff to instruct the engineers to move forward with the blue line version of Sheet C1-02, which keeps the trail intact and to provide recommendations on the water table and the effects from designing to this proposal. Also, the Board directed staff to request pricing to provide power to the site, as well as a concrete pad, to be provided at the next BOT meeting in two weeks. The Board will hold a public hearing on May 21 to consider additional features such as a concrete pad and power at this location.

Reis pointed out that the end of the project construction contract is June 30.

H. OTHER BUSINESS

There will be a Trails Master Plan meeting May 8.


I. ADJOURNMENT

Motion to adjourn was made by Trustee Long, seconded by Trustee Croughwell, and approved by unanimous voice vote. The meeting was adjourned at 10:10 PM.

Approved by the Board of Trustees.


Joe Gierlach, Mayor

ATTEST:


Michele Martin, Town Clerk

