

Town of Nederland Board of Trustees Regular Meeting Minutes September 3, 2013 7:00 PM

Nederland Community Center
750 Hwy 72 Nederland, CO 80466

A. CALL TO ORDER

Meeting convened at 7:00 PM.

B. ROLL CALL

Present: Mayor Joe Gierlach, Trustees Randy Lee, Annette Croughwell, Peter Fiori, Chris Perret, Ledge Long, and Mayor Pro Tem Kevin Mueller.

Also present: Alisha Reis, Town Administrator, Eva Forberger, Town Treasurer, Carmen Beery, Town Attorney, Bill Bodkins, Public Works Utilities Supervisor, and Michele Martin, Town Clerk.

C. CONSENT AGENDA

- Approval of September 3, 2013 Accounts Payable, Schedule A.
- Approval of September 3, 2013 Accounts Payable, Schedule B.
- Approval of August 20, 2013 Regular Meeting Minutes.

Trustee Perret had a few questions about the warrants. Reis said she would pull the supporting documentation for those items and send to the Board.

Mayor Pro Tem Mueller asked about the final payouts for Aslan Construction and where the Town was in the process of final completion of the Operations and Maintenance (O&M) manuals, Standard Operating Procedures (SOP) and warranties. Bill Bodkins, Public Works Utilities Supervisor, was present to answer questions. Bodkins confirmed that the final O&Ms were just received and he still needs to review them, along with the SOP, to ensure all the tweaks from the start-up process have been incorporated. Frachetti Engineering is scheduled

to review these as well, and the team will need to formally accept the project, prior to final payment to Aslan. Reis will provide the warranty schedule. Forberger will review the contract to ensure accuracy.

Motion to approve the consent agenda, schedule A and the regular meeting minutes of August 20, 2013, was made by Trustee Fiori, seconded by Trustee Lee, and passed.

Motion to approve the consent agenda, schedule B was made by Trustee Fiori, seconded by Trustee Perret, and passed, with Trustee Lee abstaining.

D. STAFF REPORTS

1. Alisha Reis, Town Administrator

Town Administrator's report was included in the packet. Reis said the staff and Trustee reports will get back on track for the second meeting in October.

2. Michele Martin, Town Clerk

Town Clerk's report was included in the packet. The Pro/Con summary statements on the TABOR ballot issue are due September 20. Martin will confirm with Boulder County on their assistance with the Con statement.

3. Eva Forberger, Town Treasurer

Town Treasurer's report was included in the packet. The judge interviews will begin on September 6; the interviewing committee will consist of Chief Adler, two Board members and Franz Frechette, local attorney who has extensive experience in interviewing for judges.

4. Jake Adler, Town Marshal

Town Marshal's report was included in the packet. The Town has hired Chuck Geiger, a new part-time officer to fill the vacancy left by Jake Smith.

5. Jason Morrison, Public Works Manager

Public Works Manager's report was included in the packet. The Board expressed their concern over large crevices left on roadways. Trustee Fiori said there was an old culvert above grade that has been in need of removal for the past two years, located at Lower Navajo and Sundown Trail. Reis will ask Public Works to look into the culvert and check on the status of road repairs.

6. Dawn Baumhover, Community Center Coordinator

Community Center Coordinator's report was included in the packet. There are many new offerings and a new calendar.

E. BOARD OF TRUSTEES REPORTS

1. Mayor Joe Gierlach

Mayor discussed an opportunity for the Town to receive GIS data as a member of Denver Regional Council of Governments (DRCOG). There is a Denver Regional Aerial Photography Project (DRAPP) that produces high-quality digital GIS data that normally costs \$80,000. The Department of Water Conservation Resources has shared their high-quality digital aerial GIS raw data with DRCOG, which the Town as a member, could then also receive free, yet it is not in a readable format. Mayor said that by working with local Eldora resident Lex Ivey, a GIS and Decision Support Consultant, he can convert this raw data into a readable format that would produce 3-foot contour surveys useful for the Community Wildfire Protection Plan (CWPP), the Community Center Master Site Plan project, and for JVA to use for the Master Infrastructure project. The cost is \$3,150 and Mayor said he feels the benefit far outweighs the cost. Mayor is asking the Board to spend that amount for this data. Ivey is preparing a presentation for the DDA, as this will also assist the NedPeds project. Mayor said that perhaps between the Community Center Foundation Board (CCFB) and the DDA, the cost could be shared amongst everyone. Mayor said he would speak to Dale Porter, Chair of the CCFB, about this.

Mayor Pro Tem Mueller said he would like JVA to review Ivey's Statement of Work and the deliverables to ensure JVA is able to work with the final outcome. Mayor said that Mark Weritz, Geotechnical Engineer on staff for the Town, plans to validate points once Ivey has finished producing the data.

The consensus was to approve this funding

2. Trustee Annette Croughwell

The BZA did not meet, there was nothing to report.

3. Trustee Chris Perret

The DDA had prepared a report that was included in the packet. The DDA and Board of Trustees (BOT) had a joint work session on August 27 to discuss the DDA's 2014 goals and

their alignment with the BOT's 2014 goals, as well as to hear a presentation on the 90% NedPeds project.

Trustee Fiori said he would like to ask the chair of the DDA how she came up with a figure of \$13,000 allegedly spent while at the 30% and 60% plan being heard before the Nederland Planning Process (NPP) and advisory boards, and why the DDA is choosing not to go through the same process for the 90% plan. Fiori said he also wanted to know why none of SAB's recommendations were in the 90% plan. Reis explained that she believed some of that figure was for extra consulting and travel fees due to the additional meetings and said she, along with Forberger, would put together a financial analysis of those fees for the Board to review. Fiori said he was concerned about the NPP process, as he said he felt it didn't work for Ordinance #720, and when Advisory Boards make suggestions, he felt their input got ignored.

To avoid additional consulting fees, Reis suggested the Trustees bring the 90% drawings to each of their respective Advisory Board to allow for public review and comment. The liaison will follow through with each board and provide feedback. Reis will let the Board know the deadlines once she reviews the project calendar.

4. Trustee Ledge Long

The Community Center Foundation Board (CCFB) met last week to recap their Friends' Fest Wine Tasting Benefit, and the Community Center Master Site Plan Committee also met last week.

5. Trustee Randy Lee

Trustee Lee's report was included in the packet. Lee spoke about the Town receiving a Federal Emergency Management Agency (FEMA) Pre-Disaster Mitigation Grant of \$60,000 for mitigation work on seven properties that were identified in the grant application from 2010. The Town is to contribute \$5,000 cash and \$15,000 in-kind match, which will be made up from the Saws & Slaws program, as well as from other local sources. Projects must be completed by March 2016.

6. Trustee Peter Fiori

The Sustainability Advisory Board (SAB) did not meet, as there was no quorum. Fiori did report that member Stacy Johnson had resigned and there is a new scorecard. Staff will advertise the vacant position.

7. Mayor Pro Tem Mueller

The Planning Commission (PC) was rescheduled to September 4, since there was no quorum for their August 28 meeting. The PC will discuss final comments on the Update to the Comprehensive Master Plan, and there is a request for a code change.

F. PUBLIC COMMENT ON NON-AGENDA ITEMS

There was no public comment.

G. INFORMATIONAL ITEMS

1. BOT Goals Update.

The goals update was included in the packet. The Board should be seeing the final iteration of the update to the Comprehensive Master Plan before them on October 15. The Planning Commission is scheduled to adopt these updates at their September 25 meeting.

Also, on October 15 will be the introduction of an ordinance adopting the updated zoning map. Trustee Lee asked to see a copy of the zoning map. Reis said a hard copy will be at Town Hall and she will send around an electronic copy.

2. Sanitary Survey Results.

Bill Bodkins, Town Utilities Operator was present to go over the State's Sanitary Survey of Nederland's Drinking Water System. There were very few deficiencies and violations, and overall the inspection went very well. Bodkins said that most of the observations on the list have been completed already. Reis said she would send the report with a summary of it to the Board. Reis wanted to reiterate that the system is in good shape with no red flags.

Mayor Pro Tem Mueller asked about the Asset Management Program. Reis will look into it.

H. ACTION ITEMS

1. Consideration of Request for Fee Discounts/Waivers for:

- Post Event of August 17 – Backdoor Theatre Spaghetti Dinner

Reis introduced the item by providing the history of the fee discount/waiver policy and asked whether the Board was interested in having these small dollar amount requests be conducted at staff level. Reis then went on to give a brief description of each event and the reason for the requests.

Kayla Evans, of the Backdoor Theatre was present to talk about the success of the fundraiser

and her gratitude to the community. Staff has recommended 100% waiver.

- September 8 – 32nd Annual Neder-Nederland Running Race

Jen Lavelly, of Indian Peaks Running and the organizer of the event asked for her request. This was strictly just for the noise variance permit and the use of Chipeta Park, which the Neder-Nederland sponsors as part of the Adopt-a-Park program. Staff has recommended 100% waiver.

- December 7 & 8 – Holiday Mountain Market

Betty Porter and Margaret May, representing the seniors, were present. There was confusion as to the Special Event application, as the seniors had only submitted the rental of the rooms for the discount. The Special Event fee would be an additional \$100 at \$50/day. Staff had recommended a 35% discount as the seniors have a long-term agreement with the Town for the use of space at the Community Center for their office and lunches, as well as the kitchen.

Two questions before the Board were to approve staff's recommendations and whether to change the fee waiver/discount process.

It was moved by Trustee Fiori, seconded by Trustee Long to increase the amount for the seniors discount to 50%, with 100% for the Special Event Fee of \$100, approved by a vote of 6-1, with Trustee Croughwell opposed.

There was a consensus to leave the fee waiver/discount process as is.

Motion to approve the fee discount/waiver requests as recommended by staff for the Backdoor Theatre Spaghetti Dinner and the Neder-Nederland, as well as increasing the discount to 50% for the seniors with the addition of the \$100 event fee, was made by Trustee Fiori, seconded by Trustee Lee, and passed unanimously.

The Mayor called a brief recess, the meeting reconvened at 8:50PM.

2. Consideration of appointment of Scot Gorbet to the Parks, Recreation, and Open Space Advisory Board, term expiring June 1, 2016.

Martin introduced the item. Alan Brewer's position was up for reappointment. Brewer chose not to take the reappointment. PROSAB received two applications, which were heard at their July 25 meeting, and they unanimously recommended Scot Gorbet to fill the vacancy.

Trustee Lee wanted to note for the record that Brewer would have taken the reappointment if

no other qualified applicants had been available.

Motion to appoint Scot Gorbet to the Parks, Recreation, and Open Space Advisory Board, term expiring June 1, 2016, was made by Trustee Perret, seconded by Trustee Fiori, and passed unanimously.

3. Consideration of costs related to electrical development at the new performance space.

Foberger introduced the item. At its meeting on May 7, the Board directed staff to request pricing for power to the site and a concrete pad for a potential performance space. Frachetti Engineering estimated the cost for the concrete, upgrading the existing electrical, additional landscaping and final drainage at approximately \$40,000. Reis had pointed out at that time that these costs would come out of the overall project budget savings. Three months later, Forberger finally received the initial cost from Xcel on the upgraded electrical, which includes burying the power lines and getting rid of all the poles except the pole by the propane company. The amount is \$40,000 for three phase and \$30,000 for single phase power service. Forberger has an estimate from an electrician of roughly \$10,000-\$12,000 to install a panel in order to tap into the electric. The existing transformer was recommended to be removed by Xcel as it wasn't to code and they could not reuse it. It was removed in order to allow for the grading to be finished. It is recommended by staff that the electrical development be postponed until a more in-depth review of the project and sources of funding could occur. The initial funding of \$40,000 was to come out of project savings, but this additional \$40,000-\$50,000 would need to be paid through a different source, such as reserves. This was an unanticipated cost, based off the initial estimate received by the engineers. The only costs for this performance space paid to date is the \$10,227 to Frachetti to engineer the three phase electrical system panel and service design to hand off to Xcel, as well as the final engineered grading, landscaping, and concrete design.

There was discussion on the drainage and Reis requested that all technical questions be emailed to her so that she could get a more precise answer from Mark Weritz, Town Project Manager.

There was some discussion related to how the project has developed, particularly related to costs and understanding among the group about what information was available to them in May when they made the decision to move forward with the project. Staff reiterated that those

first figures received by the engineers were within the request of a two week timeframe and were strictly presented as rough estimates.

Trustee Croughwell thought that perhaps the PROSAB Parks and Recreation Master Plan needs some fleshing out as to what their expectations and timelines are, as a performance space was roughly included in the plan. Croughwell agrees with staff to postpone for a more in-depth review.

Motion to continue the meeting to 10:30 PM was made by Trustee Lee, seconded by Mayor Pro Tem Mueller and approved by a vote of 5 to 2, with Trustees Perret and Fiori opposed.

Trustee Lee suggested that in the past, any new amenity to the Town has partnered with a non-profit to raise the capital funding, and wondered why the Town should be funding the money for the few groups that will be using the electric for the performance space. Lee stated that the money should not come out of reserves and this project development should have included the NPP process.

Mayor Pro Tem Mueller and Trustee Fiori did not agree with Trustee Lee regarding this model, indicating that those earlier amenities did not include a long-term maintenance plan associated with them, now those non-profit groups come to the Town to request assistance with maintenance and operations.

There was much discussion and debate on all the options of the concrete pad, running a conduit instead of the full Xcel proposal, burying the power lines, finish the landscaping and grading, and planting trees.

Motion to continue the meeting to 11:00 PM was made by Trustee Lee, seconded by Mayor Gierlach and approved by a vote of 4 to 3, with Trustees Perret, Long and Croughwell opposed.

Trustee Lee was adamant to not spend any money until this project went through the NPP process.

Mayor Pro Tem Mueller wanted to pursue other alternatives to concrete for the pad. Mueller also expressed his concern over a culvert being used vs. an open channel for drainage.

Mayor Gierlach noted that the final grading was not done yet.

Mayor took a straw poll on installing the proposed electrical service. The straw poll was not favorable to this, with only three of the seven members indicating favor.

Mayor took a straw poll on completing the grading and landscaping plan that was previously approved, burying the power lines, and putting in the trees. This idea received majority support.

Mayor took a straw poll on pouring a concrete pad as per the engineered plan by Frachetti Engineering. The straw poll was not favorable to this, with four of the seven members declining. It was suggested to look into alternative materials instead of concrete. It was noted that if something other than concrete is approved, the Town would still have to pay for an engineered plan incorporating the alternate material.

Mayor took a straw poll on installing conduit to prepare for electrical service at a later date. This idea received favor by a slight majority of the Board. Staff brought to the Board's attention that they did not have pricing on conduit at this time and would not feel comfortable moving forward with this direction until that information is in hand. It was agreed to move this consideration until the next meeting. Forberger will work to have a price by then.

I. DISCUSSION ITEMS

There were no discussion items.

J. OTHER BUSINESS

There was no other business.

K. ADJOURNMENT

Motion to adjourn was made by Trustee Perret, seconded by Trustee Croughwell, and approved by unanimous voice vote. The meeting was adjourned at 10:56 PM.

Approved by the Board of Trustees.



Joe Gielach, Mayor

ATTEST:



Michele Martin, Town Clerk

