

**TOWN OF NEDERLAND  
BOARD OF TRUSTEES  
REGULAR MEETING MINUTES:  
December 3, 2013, 7:00PM  
  
NEDERLAND COMMUNITY CENTER  
750 Hwy 72 Nederland, CO 80466**

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**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, Chris Perret, and Annette Croughwell.

Absent: Trustee Peter Fiori

Also present: Alisha Reis, Town Administrator, Eva Forberger, Town Treasurer, Jason Morrison, Public Works Manager, and Michele Martin, Town Clerk.

**C. CONSENT AGENDA**

- Approval of December 3, 2013 Accounts Payable.
- Approval of November 19, 2013 Regular Meeting Minutes.
- Approval of contract with Teens, Inc. for the scope of work associated with a Colorado Division of Criminal Justice grant awarded to the Town for the Peak 2 Peak Restorative Challenge 2013-14 Grant Application.

Mayor Pro Tem Mueller, Trustees Perret, Lee, and Long had several questions, which were answered by staff.

Trustee Perret would like to see a report on the gas used per vehicle, and Trustee Long would like to see the vehicle/equipment lease charges to Commerce Bank broken down per item.

Mueller also had some additions to the meeting minutes. He will email those additions to Martin for incorporation.

Motion to approve the Consent Agenda, minutes of November 19, 2013 with additions by Mayor Pro Tem Mueller, and the contract with Teens, Inc. was made by Trustee Lee, seconded by Trustee Croughwell, and passed.

#### **D. PUBLIC COMMENT ON NON-AGENDA ITEMS**

There was no public comment.

#### **E. INFORMATIONAL ITEMS**

##### **1. Presentation of Mayor's Task Force on Housing and Human Services – Human Services Element.**

Janette Taylor, member of the Mayor's Task Force on Housing and Human Services, was present to provide an update on the Human Services element of the Task Force, which was started one year ago. Mayor Gierlach had approached Taylor about enhancing the "human services" part of the task force, since the emphasis had mainly been on housing. The goal was to make human services more accessible to mountain residents.

Taylor had formed a subcommittee, and with the help of Amy Hardy from Foothills United Way, they pulled together an active membership that has met monthly throughout 2013. The subcommittee consists of representation from Boulder County Area Agency on Aging and Human Services, Nederland and Allenspark food pantries, VIA transportation, Boulder County CareConnect, several mental health agencies including Peak to Peak Counseling, the Boulder Institute of Psychotherapy and Research, Foothills United Way, the Intermountain Alliance (IMA), Teens, Inc., Gilpin County Commissioner Gail Watson, Blue Sky Bridge, and several other organizations.

Along with the assistance of Atashnaa Werner, one of the achievements of the Task Force has been the publication of the "Where to get help guide", which has been distributed throughout the Peak to Peak region.

The most recent big event of the subcommittee was the Human Services Fair on November 16. In conjunction with the Emergency Family Assistance Association Thanksgiving box distribution, many of the non-profits, various assistance organizations and Boulder County

representatives were able to meet with over 100 people who were in need of benefits assistance. The Human Services subcommittee has been able to shift focus for benefits coordination from Boulder County solely to Nederland as the Peak to Peak region's hub for assistance.

Other subcommittees were formed for transportation and publicity. The Mayor and Administrator have been working with VIA, Gilpin County, Boulder County and United Way and in 2014 the Town will see a circulating connector bus that will run a regular route from Ward to Rollinsville. Taylor said the publicity committee, while not having as big an impact, has still done some great work in establishing a network for quick communication throughout the Peak to Peak region via everything from bulletin boards to computer networks.

The Human Services subcommittee has grown in scope and effectiveness, and is becoming a Peak to Peak organization. They have applied to affiliate themselves with the IMA. If accepted, they would be the first subcommittee of the IMA. Taylor went on to thank the Mayor and the Town for getting the momentum going on this project. Hundreds of people have already benefited by this work, and more will continue to do so as the good work continues.

Trustee Croughwell had a question in regards to some discussion she has heard circulating through Town in regards to assistance given to the transient population. Taylor said the food pantry does have a strict policy with requirements; she will share with the Board.

Reis let the Board know that Atashnaa Werner will be speaking to the Housing element of the Task Force at their next meeting on December 17.

## **2. Presentation of NedCompost Proposal.**

Reis introduced this item and wanted to express that this proposal was well supported by staff. Dianne Fleming, Mandy Kneer, Kate O'Flaherty, and Josh Miller of NedCompost were present to request the use of the Town's former Biomass Plant to move their operation indoors from the current Town shop site on West Fifth Street. The current site will not be able to handle more than another estimated 20 customers without expansion, so they are looking for a new space. Their customer base has steadily increased, they estimate they have diverted 8 tons of household food waste from the landfill, and along with recycling 6 tons of wood chips from fire mitigation projects for the creation of compost; they have generated valuable soil amendment that is testing well and will be available for sale soon. Storage of the soil through the winter is of prime importance. NedCompost has found an Infrastructure Improvements grant through

Boulder County Zero Waste that they plan to apply for. If won, it will provide money to improve infrastructure, allowing NedCompost to accommodate Nederland festivals, events and businesses, and increasing the Town's overall waste diversion rates.

On November 15 NedCompost toured the former Biomass Plant with Public Works Manager Morrison to explore this potential. NedCompost said there are a number of advantages to moving to this site. Morrison wanted to note that the electrical would have to be upgraded for their use.

Odors, neighbors and drop-off control measures were discussed. Reis commented that the Biomass buildings are simply located on the Community Center site and not part of the overall site planning for this site. Reis said that if the Board were in support of this, then staff would draft a Facility Agreement and notice neighbors and the Community Center Foundation Board (CCFB) to give them the opportunity to comment.

Trustee Perret made a motion to move this item to action, seconded by Mayor Pro Tem Mueller. Trustee Lee reminded the Board about the need to notice the neighbors. Mayor Gierlach explained that this wasn't an item to move to action, as it is really just an item to show support of and direct staff to prepare a lease for. The motion died.

Mayor suggested that perhaps NedCompost could expand enough to help with the sludge removal from the Wastewater Treatment Plant. All were in favor of directing staff to draft a lease and notify neighbors and CCFB.

The Mayor called a brief recess, which reconvened at 8:26 PM.

## **F. ACTION ITEMS**

- 1. Consideration of Contract Renewal of SAFEbuilt services, including new code enforcement, occupancy inspection and fire plan reviews.**

Reis introduced the item. This is an addendum to SAFEbuilt's existing contract to allow for two additional services: code enforcement and Change of Occupancy Life Safety inspections. Staff had included the cost of the code enforcement in the 2014 budget. The fees for the occupancy inspections would be a pass-through to the business owners. Reis explained that the change of occupancy is a good business practice and an opportunity to get into those older buildings that have not had an inspector visit for quite some time, to look at strictly life safety hazards, not if everything is up to code. Reis said that usually Fire Districts do these inspections, but

Nederland Fire is overwhelmed with work and the limited resources they have, so they are not able to perform this service for the Town or the fire plan reviews.

Mayor Pro Tem Mueller wondered about what the outreach plans were to let people know of this new service. Reis said the trigger is when they come in to apply for a business license, but agreed that there will be public outreach planned for landlords, as well as future business owners, so that they are prepared in advance to signing a lease, in regards to potential upgrades such as lighting, signage, and other life safety issues that may be required. Reis said that when the Town updates their residential licensing code, commercial licensing will be added for consideration. Reis also noted that this was different from a Change of Use Building Inspection.

Existing code enforcement examples were given vs. what new services would be added. Reis explained that the big difference would be documentation and follow-up. The amount for these two new services is not to exceed \$7,500.

Mayor Pro Tem Mueller questioned the ability to identify the illegal grows in Town and how to conduct a life safety inspection on them. Reis explained that at this point, landlords have become pretty savvy and have specifically restricted this type of activity when advertising for their rental. Again, public outreach would be helpful to get the safety concerns out to everyone right away.

There was no public comment.

Mayor Gierlach wanted to express concerns he has heard in the community that the current SAFEbuilt representative is not as responsive as the previous representative. Mayor suggested for staff to inform SAFEbuilt that if they don't step up their game, Town will ask for another representative, and if that doesn't work then will be seriously considering the renewal of their contract.

Reis said staff had planned for a public Building and Zoning 101 early in the year to assist in understanding the process better.

Motion to approve the contract renewal of SAFEbuilt services, including new code enforcement, occupancy inspection and fire plan reviews was made by Trustee Lee, seconded by Trustee Perret, and approved unanimously.



2. Consideration of approving the final 2014 budget for the Town of Nederland and the Nederland Downtown Development Authority, passing the mill levy for 2014 for both the Town of Nederland and the Nederland Downtown Development Authority and passing the 2014 fee schedule.

- Resolution 2013-16 Adoption of the 2014 Budget and Appropriations
- Resolution 2013-17 Adoption of the 2013 Mill Levy for 2014
- Resolution 2013-18 Adoption of the 2014 Fee Schedule

Forberger introduced the item. After numerous meetings with department heads and two workshops with the Board of Trustees, staff had provided the budget presentation to the public on October 15. Forberger noted that some minor changes to the budget are an additional CIP (\$30,000), which has been added to cover planning and engineering work for the new Public Works shop on Ridge Road, and \$8,000 has been added to cover implementation of action items from the Sustainable Action Plan being put together by the contract sustainability coordinator, Conor Merrigan. Also noted was a revised Resolution 2013-17 Mill Levy, as Forberger just received the final property valuation numbers from the County, and the fee schedule was missing one line item for a temporary liquor license of \$100.

Reis had asked Merrigan to prepare a memo for the Board for suggested uses of the \$8,000, which she explained. It includes participation in the Sustainability Tools for Assessing and Rating communities (STAR) Leadership program. Reis and Merrigan were able to secure a \$3,750 grant for this program, but \$1,250 is outstanding from the grant, which the Town would have to contribute. Merrigan is suggesting this could come out of the budgeted \$8,000. Reis stated that the \$8,000 is a pilot amount for the Sustainability Action Plan. Trustee Croughwell asked if any other communities have taken part in STAR. Reis said they have and she would put together a list and email it to the Board.

Trustee Long encouraged everyone to take some time to visit the Public Works new site, otherwise known as the "Dream Yard". Reis said she would put together some dates for a field trip, along with Morrison, to tour the facility for a better understanding of the need to commit \$30,000 for site and building engineering.

Mayor Gierlach had a proposal to share in regards to an employee incentive program. He would like to add a line item in Appropriations budget of either \$10,000 or \$20,000, which would be triggered for use only if the projected 2014 budget revenues were increased beyond current

estimates. Mayor said he thought the total general fund revenue was a bit conservative and said he believes this amount will be greater. He went on to explain, then an amount of either \$10,000 or \$20,000 (not to exceed) could be used for an employee incentive program to be realized by doing one of three items: to save money for the Town, increase revenue for the Town, or achieve the Board's vision and goals. These achievements could be explained each month through staff's monthly reports, and as the fourth quarter approached, bonuses could be determined if the revenues have increased above this line number. Mayor said he would expect the Administrator to draft the program details. Reis said she could look into what other public and private companies are doing for their employees. Mayor said this comes from the survey sent around to the advisory boards, which came back noting a high staff turnover rate and low salaries. Reis commented that every year has been a struggle with merit raises, an incentive bonus would be a nice gesture.

Trustee Lee brought up the idea of paying the Mayor and Trustees. Forberger remembers something about this having to go before the electors and will look into a memo from the Town Attorney from a few years ago. Reis said she could certainly put something together for January's meeting for the April ballot.

Mayor Pro Tem Mueller said that he did not like that the proposed incentive was funded from a source that may not even exist and was not connected to what he felt the Board wanted staff to accomplish, if revenues did not increase. He suggested that more discussion was needed and that he would rather find the money somewhere else and felt that there were so many things that could be done to decrease operating costs, and then could provide bonuses as part of the regular operations. Mueller expressed his disappointment with the budget and said he felt the Board was at the same point as it was last year in the lack of details in the budget and how this budget reflects the Vision Statement.

Trustee Croughwell expressed her opinion that a wrong culture would be developed if the incentive plan was implemented and then revenues were not increased by the end of the year to provide a bonus.

Motion to continue the meeting to 10:30 PM was made by Mayor Pro Tem Mueller, seconded by Trustee Croughwell and approved by a vote of 4 to 2, with Trustees Perret and Lee opposed. After much further discussion, Mayor took a straw poll on the figure of \$10,000 or \$20,000.

Trustee Long agreed to \$15,000; Trustee Lee affirmed the employees are underpaid and agreed to \$20,000; Trustee Perret did not agree on a number and suggested budget cuts and for departments to work with what they have; Mayor Pro Tem Mueller did not agree on a number and suggested incentives should be vision based; Trustee Croughwell agreed to \$10,000; and Mayor agreed to \$20,000.

The turnover rate was discussed at length. Reis said she has been keeping track of why folks are leaving, based off their exit interviews and estimated that 80%-90% of employees who voluntarily leave is due to pay. Mayor said that the details of the incentive plan and the turnover history can be discussed in January, and there will also be Board's goals meeting and retreat, where these policy details can be discussed, but the focus tonight was whether to increase the Appropriations budget, as time is running out.

Motion to approve Resolution 2013-18 Adoption of the 2014 Fee Schedule was made by Trustee Long, seconded by Trustee Lee and approved by a vote of 5 to 1, with Mayor Pro Tem Mueller opposed.

Motion to approve revised Resolution 2013-17 Adoption of the 2013 Mill Levy for 2014 was made by Trustee Lee, seconded by Trustee Long and approved unanimously.

Motion to continue the meeting to 11:00 PM was made by Mayor Pro Tem Mueller, seconded by Mayor Gierlach and died by a vote of 4 to 2, with Trustees Perret, Croughwell, Long and Lee opposed.

Motion to approve Resolution 2013-16 for the Adoption of the Final 2014 Budget and Appropriations for the Town of Nederland and the Nederland Downtown Development Authority and to increase the Appropriations budget by \$20,000 to include a line item for unanticipated revenues to be devoted to staff bonuses was made by Trustee Lee, seconded by Mayor Gierlach and died by a tied vote of 3 to 3, with Trustees Perret, Croughwell, and Mayor Pro Tem Mueller opposed.

G. DISCUSSION ITEMS

H. OTHER BUSINESS

I. ADJOURNMENT




Motion to adjourn was made by Trustee Perret, seconded by Trustee Long, and approved by unanimous voice vote. The meeting was adjourned at 10:30 PM.

Approved by the Board of Trustees.

  
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Joe Gierlach, Mayor

ATTEST:

  
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Michele Martin, Town Clerk

