

Town of Nederland Board of Trustees Regular Meeting Minutes December 17, 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, Peter Fiori, Chris Perret, Ledge Long, and Annette Croughwell.

Absent: Mayor Pro Tem Kevin Mueller.

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 17, 2013 Accounts Payable, Schedule A.
- Approval of December 17, 2013 Accounts Payable, Schedule B.
- Approval of December 3, 2013 Regular Meeting Minutes.
- Renewal of Community Center Leases.
- Renewal of Police Department Lease.
- Resolution 2013-20 Approving 2014 Town Holiday Schedule.
- Resolution 2013-21 Approving 2014 Town Noticing/Posting Locations.
- Resolution 2013-22 Repealing Resolution 2013-06 to provide loan funding to the Backdoor Theatre for digital equipment.
- Approval of contract with Department of Local Affairs for the Nederland Best & Brightest Intern

Trustee Perret had a few questions in regards to the leases, which Treasurer Forberger answered.

Motion to approve the Consent Agenda, Schedule A, meeting minutes from December 3, all the leases as presented, and Resolutions 2013-20 through 2013-22, was made by Trustee Fiori, seconded by Trustee Perret and passed, with Trustee Fiori abstaining.

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

D. CONTINUED BUSINESS

- **Consideration of approval of Resolution 2013-23 for the 2013 Supplemental Budget.**

Reis introduced the item. At the end of every year staff reviews the budget to certify that the Town has not spent more than what has been appropriated. As for 2013, the additional funds that were not anticipated during the year were for increased revenue and expenses from Boulder County grants, building department new start homes, refinancing the Community Center general obligation bond, the September flood damages, and timing of Capital Improvements for the wastewater plant.

Motion to approve Resolution 2013-23 for the 2013 Supplemental Budget was made by Trustee Lee, seconded by Trustee Fiori and passed.

E. PUBLIC COMMENT OF NON-AGENDA ITEMS

Peggy Taylor, of Nederland, wrote a letter to the Board that the Clerk will forward, opposed to any potential change of use of the property located at 33 Stinky Gulch, which they live next to. Taylor said the current zoning is Mountain Residential and the real estate agent has it marketed with a potential for a zoning change to commercial. Reis explained that there are no applications submitted for a zoning change at this time, and if one were to be submitted, neighbors within 300 feet would be notified through the application process.

Kayla Evans, of Eldora, announced that she would be starting the process of annexation at the southeast end of Arapaho Ranch in order to provide senior and low-income housing. Evans said that the Boulder County Attorney and Commissioners have reviewed the preliminary proposal. Evans passed around to the Board her proposal. Reis described the private property annexation process for the board, as it is a cooperative process between the County, the Town

and the vote of registered electors. Reis explained that it was a very extensive process, and Evans will soon submit a formal petition to the Board, as required by Town code.

Due to an emergency, Trustee Long left the meeting.

F. INFORMATIONAL ITEMS

Mayor Gierlach switched the order of items 1 and 2.

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

Atashnaa Medicine Shield Werner, member of the Mayor's Task Force on Housing and Human Services, was present to provide an update on the housing element of the Task Force, which was started one year ago. Werner apprised the Board of the conditions of the existing public housing sites in Nederland, realized after the Task Force had toured the sites with Boulder County Department of Housing and Human Services (BCH) earlier this year. Werner said the existing sites had all been built in the 1980s, and that BCH indicated to her that the sites are inadequate and do not address the current nor future needs and standards. Werner said that BCH is committed to ensuring a successful partnership with the Town to improve the quantity and quality of public housing in Nederland now and for generations to come.

Werner said that through BCH, the Task Force has learned of a grant to provide some funding for predevelopment costs for public housing. BCH would provide its staff and resources to assist the Task Force in completing the application for this funding, she said. Werner said that in order for this partnership with the County to be a success, the Town will be asked to contribute financially in some way to the project, such as providing building site(s), sewer and water taps, staff time, and research into sources for public-private funding. The application for funding will be due in June and the Task Force is seeking the continued support of the Board.

Mayor thanked Werner for her presentation.

2. Presentation by Xcel Energy regarding recent power outage issues with opportunity for Q&A.

Craig Eicher, Area Manager of Xcel Energy, was present to provide some insight and answers to the public on the numerous outages that have occurred during that last few months. He said that Nederland matters to Xcel and the company is working to improve its reliability.

David "Red" Clark, Manager of Electric Operations in the Boulder Region, Rodney Hunter, Director of Gas/Electric Operations in the State, and Milt Rasberry, Director of Design and Construction, were also present.

Clark spoke of the many different reasons some of the outages have occurred, such as the normal mountain weather conditions, auto accidents involving poles, the difficulties associated with the upgrade project to improve system reliability for the Town and surrounding area, some mechanical failures, the recent flood, and various incidents in the field. Clark mentioned that he had heard some folks suggest for Xcel to have a team based in Nederland for a quicker response time, but he said that would not make a difference and could possibly cause a longer response time depending on where the outage is, because one cannot predict where an outage is going to occur. Clark said this is very unique territory and it takes time to locate the outage and then to fix the problem. Clark said that he understood that everyone was not happy with Xcel right now.

Hunter said that he is responsible for the entire grid from a state level. He explained the process of how an outage is taken care of, beginning with the calls coming into his control center. Hunter said he was amazed at the number of outages the Town has had to endure, and wanted the community to know that this situation is absolutely on everyone's radar. He said he understands it is not acceptable to have to deal with these outages; he apologized again on behalf of Xcel and said he is going to make sure the problem gets fixed.

The Mayor then invited public comment, calling people from the sign-in sheet.

Ken MacFerrin, of Nederland, said there have been 33 outages since August. He agreed that mountain territory is challenging, but not impossible when prepared for with the right amount of investment. MacFerrin went on to state that Xcel's market cap is \$13.87 billion and last quarter's revenue equaled \$2.7 billion, to make his point that the company had the money to invest in traditional infrastructure, such as redundant feeds, thicker cables, better poles, buried insulators, conduit cables, etc., but he said the company chose to make the money year after year by not upgrading these things and now Nederland is suffering for it. MacFerrin likened the situation to driving a car for over 100,000 miles without doing any maintenance to it and then when it breaks down, you are forced to fix it. He went on to suggest that Xcel should prorate everyone's bill for every single month of this type of service until the problem is fixed. He said he doesn't blame the workers, and understands it to be the corporation who is

the one to blame, as they made the wrong investment choice. He also said he had experienced rude customer service.

Chris Eddy, of Nederland, handed out rechargeable flashlights to the Xcel representatives. He told the story of an older resident with medical issues who was due to have surgery yesterday, and was fearful of another power outage and not having heat, so he rescheduled the surgery. Then the town did indeed have yet another outage from 11:45 PM to 2:00 AM, Eddy said. Eddy also told Xcel representatives that huge sparks have been seen on the south side of Barker Reservoir where contractor Par Electric has been working, and he encouraged Xcel to walk those lines right away. Eddy mentioned a rude customer service person who talked over Eddy during their conversation.

Kelly Ashworth, of Nederland, asked how many hundreds of square mileage is Xcel's area, because she had been told by a customer service person that the reason why United Power doesn't experience these many outages is because their area only covers 900 miles of mountain territory. Xcel representatives present did not know the answer off hand. Ashworth went on to talk about the poor customer service of the call-in center, saying she has been hung up on, was told that if she was disabled that she should go to the emergency room, etc. She said she was here back in 2003 when the big snow storm hit and remembered Xcel saying back then that the aging grid would be taken care of, and it hasn't.

Mark Rose, of Nederland, said he is a resident and small business owner and voiced his displeasure of Xcel's service. He said there is an elderly, disabled resident on oxygen who called in to customer service during the below freezing temperatures only to find a rude, condescending voice on the other end who told him to go find some other place that is warm. Rose urged the Town to end its contract with Xcel and to try to do everything possible to get United Power service instead. Rose also encouraged the Town to create its own electricity and get Nederland off the grid by using solar, wind and hydro and to look into funding for those sources. He said that Xcel has become way too big to worry about our small Town. Rose said that unreliable power and inventory losses drives up the cost of doing business and eventually puts people out of business, which hurts the Town's revenue stream.

Sopa Harmann, of Nederland, is a member of the Sustainability Advisory Board, Environmental Studies major at Naropa University, Student Sustainability Coordinator at Naropa University, and President of the Institute for Mycological Conservancy and spoke on

the benefits of municipalization and provided the City of Boulder's background on the creation of a local electric utility to achieve their community's energy goals. She then went on to speak as an individual resident frustrated with Xcel's service and fossil fuels as a whole.

Steven Young, of Nederland, said that he was the one who had to reschedule his surgery. He said he was afraid to go home after the surgery to find no power, and thought maybe he was being paranoid, but later that night, there was another outage, so he was glad he had rescheduled his surgery to January. He said these outages are a big problem for him, and his legs are still badly swollen from the 20 degrees below zero days that he was without power; he said his life is in danger. Young also said that he runs a consulting business and Skypes with businesses in other countries in the evening and has to reset his Wi-Fi all the time. He said his clients are confused as to why Americans do not have reliable computer service. He requested the Board to ask the Public Utilities Company to conduct a thorough investigation as to why this is happening and to provide an explanation.

Jennifer Allen, of Nederland, described how the outages have been a hardship to her home-based business. The outages have caused her to drop important calls and last night her computer, which was on a surge protector, was fried. She said she does not know how many times her employer will replace the computer, and if there isn't any non-computer work for her to do, how long they will employ her. Allen said she is the only income for her family of five. She asked what Xcel will do for her when she loses her job and can't pay her rent or feed her kids. She said she has called to complain and the customer service people are rude. She said that Xcel is making it hard for them to stay in Nederland, and that Xcel needs to prove how much they care for the Town.

Lyn Hanna, of Nederland, said she has been in Nederland for 19 years and remembers going through this situation before with Xcel and they had promised to fix the problem then. She said that United Power has tougher terrain than Nederland and that is not a valid excuse. She asked for the Town to terminate their contract with Xcel. She echoed everyone else's comments on the rude customer service. She requested that Xcel give rebates for all the expenses folks have had to incur, such as the battery back-up she had to purchase to compensate for their poor service.

Gail Eddy, of Nederland, said she is losing patience with Xcel. She said she checked the temperature and wind charts for the time that the power went out yesterday. She said there is

no reason why it should have gone out, as the wind was at 5-10 mph and the temperature was in the 30s. She urged the Town to end the contract with Xcel and to seek a reliable power company instead. Eddy read the Envision 2020 goal which focuses on alternative energy sources than fossil fuels. She said there should be a shelter in place, like the community center, for people to go to when power and heat are unavailable.

Kelly Delia, of Nederland, voiced her opinion on the arrogance of Xcel, and talked about how the outages are affecting people's livelihood.

Atashnaa Medicine Shield Werner, of greater Nederland, asked about the process for opening the community center as an emergency shelter and who makes that decision. Reis responded that the Police Chief, Mayor and she make that decision, and that the Community Center currently does not have a back-up generator, but since the flood the Town has put in for a full building generator through FEMA grant funds. Reis also said that the Teen Center is an emergency shelter as well.

Wendy Kramer, of Nederland, said that she runs a worldwide organization from her home. She said Xcel's poor service is cutting her off from doing her job. Kramer said it has taken her 13 years to build her business and now her business looks unreliable and unresponsive because of all the outages. She said that Xcel needs to understand the whole impact of this situation.

Peggy Taylor, of Nederland, talked about solar farms for the community.

Officer Tom Manzione, of the Nederland Police Department, said that he heard that Xcel senior administrators are genuinely concerned, but there is more to empathy than just talking about it; Xcel needs to build trust and relationships with people.

Geri Baysinger, of Nederland, said that she is a home-based taxidermist and her entire business is at stake when she loses power.

MacFerrin spoke again in regards to a prorated rebate back to the community. Xcel representatives said they could not make any decisions tonight and would have to bring all information back to corporate leadership.

Jerry Laner, of greater Nederland, spoke about his well being powered by electricity and the inconvenience over the years of these outages.

Hanna asked to have Xcel contact info listed on the Town website.

Board members had a chance to comment and all shared similar experiences as the residents tonight. Trustee Perret went on to explain how his tenants on Second Street, who require oxygen, had to pull their car up to plug in an adapter for their oxygen and heat, and he said they have asked him to provide a generator for back-up. Perret also wanted to know who to send his computer and washing machine repair bills to, as they have needed repair, he said, due to the outages. Perret suggested the Town could have their own power company and team up with people who could make it happen.

Trustee Lee said he has suffered greatly by the outages affecting his home computer business, even with many surge protectors. Lee suggested that Xcel could provide a back-up system for the Town through their own funding.

Trustee Fiori spoke of the unique character of Nederland being a cottage industry and said that people rely heavily on their power for their health care or computer for their home business. Fiori said he has yet to hear an explanation from Xcel as to why there have been so many outages, and fears that someone is going to die or get hurt from these outages. He asked for staff to look at other options for the Town.

The Board was in agreement for Xcel to provide an action plan by January. It was agreed to direct staff to looking at other options for power service.

In closing, Eicher acknowledged that Xcel is in a tough spot and a long-term service improvement plan needs to be provided. He said that Xcel is the biggest wind provider in the country and he would like to see Nederland make the most of the support and funding that Xcel offers for renewable energy and energy efficiency. In the interim, Xcel will meet with their team and report back to the Board. Eicher said he would bring the decision makers and engineers as needed.

The Mayor called a brief recess, which reconvened at 9:00 PM.

3. BOT Goals Update.

Reis included the Board's progress report in the packet. This was a more in-depth report than the regular matrix she normally provides, as it encompasses progress made on the Board's

goals over the last two years. She provided this as a tool for the new Board to work off of when setting their goals for the next two years.

G. STAFF REPORTS

1. Alisha Reis, Town Administrator

Town Administrator's report was included in the packet. Reis provided an update on the Police Chief recruiting process. The hiring committee will formulate their recommendation for the Board's consideration in January. As per Colorado State law, a notice is required of finalists for chief executive positions 14 days prior to considering appointment.

2. Michele Martin, Town Clerk

Town Clerk's report was included in the packet. Mayor Gierlach asked staff to coordinate with Boulder County for the creation of a new board for the Ecopass district. He said the County wants our help in recruiting members, yet new recruits would have to fill out a County application.

3. Eva Forberger, Town Treasurer

Forberger provided a brief overview on activities during the past month in regards to: human resources and current open positions; flood update; work on a preventative plan to avoid flooding in the future; preliminary audit, which she said went very well; and conducting the end of year close out.

4. Jason Morrison, Public Works Manager

Public Works Manager's report was included in the packet. Morrison commented on some of the issues experienced with freezing lines and an issue with a frozen valve that dumped water down Pine Street. A water service line froze at the former Northern Energy building and the Public Works crew assisted in the repair so as to avoid loss of water. He went on to discuss the Wastewater Treatment Plant and the over 60 phone calls a night during every power outage, which triggers an alarm and makes the call.

Trustee Perret asked for more sand in Old Town, specifically between Pine and Tilden Streets.

5. Sgt. Larry Johns, Interim Police Chief

Interim Police Chief's report was included in the packet. Reis provided an overview. She said that Sergeant Johns has done an excellent job in leading the department in this transition period.

Mayor Gierlach asked if there was anything that could be offered to our Police Department to assist them at this time, in light of their former colleague who just died. Reis said there are resources available and that the Fire Department has been in the thick of it as well. She acknowledged that it has been a struggle for all and she will check into assistance.

6. Dawn Baumhover, Community Center Coordinator

Community Center Coordinator's report was included in the packet. Reis said they hope to have the weight room open by February, and will make an announcement and have a grand opening party at that time.

Trustee Perret asked staff to look into the cooler by the Biomass building to see if there is potential to sell it. Reis said she will check into it.

H. BOARD OF TRUSTEES REPORTS

1. Mayor Joe Gierlach

The Mayor did not have a report available.

2. Trustee Randy Lee

Trustee Lee's report was included in the packet; Lee had nothing to add.

3. Trustee Peter Fiori

Sustainability Advisory Board (SAB) held a special joint meeting with Parks, Recreation, Open Space Advisory Board (PROSAB), Downtown Development Authority (DDA), Teens Inc., and NedCompost on noxious weeds. Two specific species have been identified as particularly concerning and the next step is to formulate a mitigation plan. Fiori said that two SAB members will be stepping down. He said that SAB is considering a five-member board and asked Martin not to advertise for the vacancies at this time. Morrison asked for a list and photos of those species, because community service workers can help with the cause.

4. Trustee Chris Perret

Downtown Development Authority (DDA) did not have a meeting, but Perret wanted to send a thank you to Katrina Harms and Karina Luscher for the holiday lights and Magic in the Mountains/December First Friday celebration.

5. Trustee Annette Croughwell

The Board of Zoning Adjustment meets on January 9.

I. DISCUSSION ITEMS

There were no discussion items.

J. OTHER BUSINESS

K. ADJOURNMENT


Motion to adjourn was made by Trustee Lee, seconded by Trustee Perret, and approved by unanimous voice vote. The meeting was adjourned at 9:30 PM.

Approved by the Board of Trustees.



Joe Gierlach, Mayor

ATTEST:



Michele Martin, Town Clerk

