

**TOWN OF NEDERLAND
BOARD OF TRUSTEES
REGULAR MEETING MINUTES:
February 4, 2014, 7:00PM**

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

A. CALL TO ORDER

Meeting convened at 7:02 PM.

B. ROLL CALL

Present: Mayor Joe Gierlach, Trustees Randy Lee, Chris Perret, Ledge Long, and Annette Croughwell.

Absent: Trustee Peter Fiori and Mayor Pro Tem Mueller.

Also present: Alisha Reis, Town Administrator, Eva Forberger, Town Treasurer, Jason Morrison, Public Works Manager, Michele Martin, Town Clerk, and by speaker phone Carmen Beery, Town Attorney.

C. CONSENT AGENDA

- Approval of February 4, 2014 Accounts Payable, Schedule A.
- Approval of February 4, 2014 Accounts Payable, Schedule B.
- Approval of January 21, 2014 Regular Meeting Minutes.

Motion to approve the Consent Agenda, Schedule A was made by Trustee Lee, seconded by Trustee Croughwell and passed unanimously.

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

Motion to approve the January 21, 2014 Regular Meeting Minutes was made by Trustee Croughwell, seconded by Mayor Gierlach, and passed, noting that Trustee Lee abstained.

D. CONTINUED BUSINESS

1. Consideration of Facility Use Agreement with NedCompost for use of BioFuels building for indoor composting operation.

Reis introduced this carry over action item from the last Board meeting of January 21. At that time public comment was heard and this item was continued when the meeting time expired. The questions before the Board are whether a ten year or three year term makes sense, if there is support for an annual review of the lease, and if the Board wanted to receive financial compensation for this lease.

Trustee Croughwell brought up Boulder County including composting at the green boxes. Dianne Fleming, of NedCompost, was present and said she felt there was room for both compost facilities, and maybe NedCompost could focus more on restaurants and businesses, if and when Boulder County starts up. Croughwell also expressed problems with bear activity in old Town and thought the BioFuels building was a good location in regards to visibility in hopes of educational outreach to inform the public on the issues with wildlife and trash.

Trustee Lee was in support with the knowledge that NedCompost may have to relocate at some point in time due to the redevelopment plans for the Community Center.

Mayor Gierlach was in favor as a short-term solution, knowing that long-term plans would need to be made.

Trustee Long agreed with Dale Porter's memo to the Board in which he said the discovery and reporting of nuisances should not be left to the neighbors and that Public Works should be tasked with those observations.

Trustee Perret suggested that once the screw press compost is implemented at the Wastewater Treatment Plant, then to relocate NedCompost to that site.

The Board was in agreement to waive the rental fee, but to charge for electrical. Fleming was concerned about the cost of the electrical as NedCompost has already agreed to upgrade the electrical in the building at an estimate of \$1,000-\$3,000, and they only have 35 customers at this time, though they do hope to grow. Treasurer Forberger said there was no way to figure

out how much the tubs currently cost as it is lumped together with Public Works use of the current site.

Motion to approve a three year lease of the BioFuels building to NedCompost, which includes free rent for the first year to be revisited after one year, free electrical for the first four months to allow NedCompost to recover from the electrical upgrade, review the operation monthly for the first six months and then annually thereafter was made by Trustee Lee, seconded by Trustee Perret and approved unanimously.

Larry Maurer, of Nederland, was opposed to giving NedCompost this space, especially with free rent and free electricity.

E. PUBLIC COMMENT ON NON-AGENDA ITEMS

Leonard Kottenstette, asked the Board to reconsider their decision to save the two blue spruce trees involved in the NedPeds project. He said he was surprised at the decision to spend \$15,000 for redesign to save the trees when the Town doesn't even have a Town shop. He said the trees are in Town right-of-way, the Town is ultimately responsible for them and there is no guarantee that they will survive.

F. INFORMATIONAL ITEMS

1. Election Calendar.

An Election Calendar, including pertinent candidate dates, was included in the packet.

F. ACTION ITEMS

1. Consideration of Special Review Use (SRU) application for motor vehicle use at 250 N. Caribou.

Reis introduced the item. The zoning for this property is General Commercial (GC), which requires a Special Review Use for motor vehicle repair. The Planning Commission held a public hearing on January 22 and unanimously recommended approval for this use with the addition of including the applicant's proposed hours of operation within the SRU agreement.

Paul Holzhauser, the applicant, was present to answer any questions.

Trustee Lee commented that the work hours as listed in the draft agreement do not consider pick-up and drop-off after hours by customers. Reis suggested editing #2i to include that

reference.

Roger Cornell, of Nederland and a Planning Commission member, reinforced the Commission's recommendations and approval.

All were in favor of the Planning Commission recommendations and to include the edit as Reis proposed.

Motion to approve the Special Review Use application for motor vehicle use at 250 N. Caribou Street was made by Trustee Lee, seconded by Trustee Croughwell, and approved unanimously.

2. Acceptance of Bid for Inflow and Infiltration (I & I) Flood Work.

Forberger introduced the item. The Town has been working with JVA, Inc., engineering consultants working on the Town's Master Infrastructure Plan, to solicit bids for the Wastewater Treatment Plant inflow and infiltration damages the plant has taken on due to the flood damages in September. A pre-bid meeting was held with contractors on January 27. Four contractors attended the meeting, and two submitted bids to JVA. Forberger handed out to the Board JVA's recommendation to award the construction contract for the sanitary sewer repair project to Layne Inliner, LLC.

Andrew Sparn, of JVA, was present to explain the unit price bid and the process of the repairs. The work will require temporary shut-off of sewer service for two areas of Town, due to the two lines. One line is on Conger Street, the other is First Street. The contractor is to notify those affected 48 hours prior to the shut-off, and plans to work at night to not affect the core business district. The shut-off could last up to eight hours.

Trustees Lee and Croughwell expressed concern over the residents affected by the shut-off during the evening hours. Reis explained that this only affects sewer, not water, and that residents will still be able to use water, just not allow it to be flushed or drained into the lines for those eight hours. Reis suggested the Town could provide tips for the general public on ideas for those eight hours, and possibly offer the Community Center restrooms, if needed. It was agreed to provide the public communication well in advance so that everyone knows. Reis agreed notice could be given door to door, and information will be posted on the normal social media sites. Sparn suggested that noticing could be extended to 72 hours, if needed.

Motion to accept the Bid for Inflow and Infiltration (I & I) Flood Work was made by Trustee

Perret, seconded by Trustee Croughwell, and approved unanimously.

The Mayor called a brief recess, which reconvened at 8:25 PM.

3. Consideration of annexation petition and Resolution 2014-02 to initiate annexation proceedings, including setting a public hearing, related to the Aspen Trails Annexation.

Reis introduced the item. The Town has received an annexation petition from Kayla Evans, Manager of Aspen Trails LLC. The proposed property is a +/- 19 acre site that is part of the current Arapahoe Ranch property, 1250 Eldora Road. The proposed annexed land is planned to consist of 45-60 units of senior and low-income housing. Reis said this will be an in depth and complex private property annexation process due to an Intergovernmental Agreement (IGA) with Boulder County. Reis outlined all of the necessary requirements and dates. She said as part of this request to accept the petition is also a request for a fee waiver of the application fee of \$8,450.00, noting that the applicant is prepared to pay the costs of putting this annexation question on a coordinated election ballot with the County.

Kayla Evans, the applicant, was present to answer any questions.

All were in favor of accepting the petition and allowing the applicant to move forward with the annexation process.

Trustee Perret suggested that senior housing would be better located in downtown and was not in support of the fee waiver.

The request for fee waiver was discussed at length. The applicant is proposing a trade of right-of-way to the Town for a future sidewalk to the high school in exchange for the application fee. Trustee Lee commented that Planning Commission (PC) could request sidewalks be put in as part of the application process once it was heard before them.

There was concern that if the fee was waived there would be no compensation for the Town for the amount of work staff was to provide. Reis said staff could begin to track costs for analysis and put together a memo regarding those costs and make suggestions on the fees. Trustee Lee asked to revisit the annexation fees. Mayor Gierlach pointed out that usually fees are high to discourage applicants to annex, but the board agrees this is an appropriate annexation project that should be encouraged, not discouraged, and he suggested a fee of \$2,000 be paid to cover

staff costs. He reminded the Board that the applicant is paying for the election and will still need to pay the land use application fee that goes before the PC, the building permit fees, and water and sewer PIF and tap fees.

Motion to approve Resolution 2014-02 to accept the annexation petition, initiate annexation proceedings and set a public hearing for the Aspen Trails Annexation, and grant a fee discount of \$6,450.00 was made by Mayor Gierlach, seconded by Trustee Long, and approved by a vote of 4 to 1, with Trustee Perret opposed.

4. Consideration of Ordinance 727 to amend Ordinance 720 regarding limits on marijuana sold to out-of-state residents.

Reis introduced the item. The Board had directed staff to amend Ordinance 720 to raise the allowable limit of recreational marijuana sold per transaction to out-of-state residents to ¼ ounce from the current limit of one gram, which was approved in August 2013. Raising the limit will be in line with State law.

Trustee Lee said he was not in favor, if it encourages marijuana tourism; he said he would rather discourage the use.

Motion to approve Ordinance 727 to amend Ordinance 720 regarding limits on marijuana sold to out-of-state residents was made by Trustee Perret, seconded by Trustee Long, and approved by a vote of 4 to 1, with Trustee Lee opposed.

5. Consideration of Ordinance 728 to refer to the ballot a question regarding compensation for Mayor and Trustees.

Reis introduced the item. Compensation for Mayor and Trustees has been a topic for several years and on January 7, the Board directed staff to draft an ordinance. Forberger had conducted research on what other same sized municipalities offered, and as it turns out, Nederland is one of the few who does not currently compensate their Mayor and Trustees. If approved, this would become a ballot question for the April election. As per State Statute CRS 31-4-405, if the voters approve the payment of compensation to an official, the compensation would not commence until the beginning of a new term of that office.

The Board discussed varied amounts of compensation and agreed to the following amounts: \$250/month for Mayor and \$150/month for Trustees. Reis said the 2014 budget impact would total \$5,000, which was not budgeted for, yet the \$5,000 could be withdrawn from General Fund Reserves.

Motion to approve Ordinance 728 to refer to the ballot a question regarding compensation for Mayor and Trustees was made by Trustee Croughwell, seconded by Trustee Perret, and approved unanimously.

6. Consideration of Ordinance 729 authorizing the Town Clerk to cancel an election, in accordance with CRS 31-15-507, and requiring an affidavit of intent for write-in candidates.

Martin introduced the item. As per State Statute, in order to cancel an election or count a write-in candidate vote, an Ordinance must be adopted. This is simply housekeeping and only needs to be adopted once for all future elections.

Motion to approve Ordinance 729 authorizing the Town Clerk to cancel an election, in accordance with CRS 31-15-507, and requiring an affidavit of intent for write-in candidates was made by Trustee Lee, seconded by Trustee Perret, and approved unanimously.

7. Consideration of a grant request in support of noxious weed control.

Reis introduced the item. There is a newly formed group of volunteers looking to address the issue of noxious weeds in Town. The Sustainability Advisory Board (SAB) has voted to assume them as a subcommittee. The group is requesting \$3,200 in funds from the Colorado Department of Agriculture. They are not requesting any contribution from the Town at this time, only recognition of this grant being applied for on behalf of the Town.

Motion to approve the grant request in support of noxious weed control was made by Trustee Croughwell, seconded by Trustee Perret, and approved unanimously.

G. DISCUSSION ITEMS

H. OTHER BUSINESS

Mayor Gierlach asked for support from the Board on several different issues before the Town and State. He announced that the Boulder County Commissioners will be holding a public meeting on February 13 in regards to reopening Rollins Pass and the Needles Eye Tunnel and provided the background on it. Mayor was asking for support of this, as well as the following bills:

SB14-098 Crimes against At-risk Elders

SB14-025 Wastewater Treatment Small Communities Grants

HB14-1164 Nonpartisan Elections
HB14-1005 Change Point of Water Diversion
HB14-1002 Water Infrastructure Natural Disaster Grant Fund
HB14-1132 Hours Alcohol Sales On-premises Consumption
SB14-054 Alcohol Beverage License Suspensions Fines
SB14-046 Local Firefighter Safety Grant Program
SB14-029 Architectural Paint Stewardship Program
HB14-1226 Local Government Authority to Regulate Plastics

All were in support of allowing Mayor Gierlach to lobby at the Capitol in support of these bills and to support the reopening of Rollins Pass and the Needles Eye Tunnel.

Motion to extend the meeting to 10:30 PM was made by Trustee Lee, seconded by Trustee Croughwell, and passed by a vote of 4 to 1, with Trustee Perret opposed.

Trustee Lee brought up the potential Slurry Bombers Bill; Reis said she would check on the status of it.

Trustee Croughwell asked the Board to add trash and wildlife to a future agenda discussion. She noted the issues currently in old Town regarding this interaction. She said she would be willing to gather information from the City of Boulder, who has initiated requirements to have bear proof containers, depending on the neighborhood. The Board was in agreement to direct staff to make this a future discussion item.

Trustee Long brought up trash services available to Town and that possibly being part of the problem. Reis offered to provide background on trash franchising and present that to the Board.

Reis asked the Board if they would be in support of Alex Armani-Munn, Town's Administrative Intern, to request a scholarship from CML to attend the conference this summer. All were in favor and a letter will be drafted for Mayor to sign.


I. ADJOURNMENT

Motion to adjourn was made by Trustee Perret, seconded by Trustee Croughwell, and approved by unanimous voice vote. The meeting was adjourned at 10:05 PM.

Approved by the Board of Trustees.


Joe Gierlach, Mayor

ATTEST:


Michele Martin, Town Clerk

