

**Town of Nederland  
Board of Trustees  
Regular Meeting Minutes  
March 18, 2014 7:00 PM**

**Nederland Community Center  
750 Hwy 72 Nederland, CO 80466**

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**A. CALL TO ORDER**

Meeting convened at 7:04 PM.

**B. ROLL CALL**

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

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 March 18, 2014 Accounts Payable
- Approval of March 4, 2014 Regular Meeting Minutes.
- Approval of Resolution 2014-04 to cancel the April 1 Board meeting.
- Approval of contract for Operator in Responsible Charge (ORC) services for the water plant.
- Motion to rescind Resolution 2013-08 appointment of Sgt. Larry Johns as Interim Town Marshal as of March 10, 2014.

Mayor Pro Tem Mueller had a few questions that Reis answered. The ORC services were discussed at length. Reis said that Ramey is still assisting staff with oversight, but the day-to-day operations will be run by staff and Bill Bodkins, who is "B" level certified and was hired by

the Town as the full-time plant operator for start-up operations. Since that time Public Works employee Chris Pelletier, is now "C" level certified for both water and wastewater and the Town's other two utilities employees have started training and have achieved "D" level accreditation. Bodkins will be on a fee-based monthly contract until Pelletier reaches his "B" level, which should be later this year. It was noted that Bodkins resume was not attached; Reis said she will send it out. Reis added that cross-training is taking place for all the Public Works employees and there are more certifications now in utilities than ever before.

The second egress from Big Springs subdivision was discussed and Reis said that she, Trustee Lee and Fire Chief Dirr have been working on it. Two routes were identified and are owned by the Forest Service and Boulder County, and they are still in process of discussions with them. Lee said the Forest Service and County met without Town and identified another route, which follows the drainage path. Everyone is waiting for the snow to melt to adequately address the new route. Since the Forest Service mitigation has occurred, the other two routes will be reviewed again.

Guercio field was discussed and Trustee Long had concerns about people continually beating the field up with their cars. Reis said that Public Works has put a large rock out there to block off and control that space. Long will get together with Morrison to discuss other options.

Trustee Perret wanted to provide some sort of recognition for Sgt. Johns for his service as Interim Police Chief. Staff will add it to the next agenda.

Motion to approve the Consent Agenda, the regular meeting minutes from March 4, Resolution 2014-04, contract for ORC services for the water plant, and to rescind Resolution 2013-08, was made by Trustee Lee, seconded by Trustee Croughwell and passed by a vote of 5 to 1, with Trustee Perret opposed.

#### **D. STAFF REPORTS**

The new Town Marshal Jim Matheney was sworn in by Town Clerk Martin. Matheney thanked Sgt. Johns for making this transition so much smoother. Mayor Gierlach suggested a proclamation of thanks for Sgt. Johns.

##### **1. Alisha Reis, Town Administrator**

Reis handed out her report to the Board. She provided updates on the flood repairs and long-term flood recovery group efforts. Trustee Lee asked if there would be a post-flood debriefing. Reis agreed that was a valuable idea and confirmed it was on her list to get to. Mayor Gierlach said there was an intern from United Way working with Town staff on emergency awareness plans, along with Boulder Office of Emergency Management and Nederland Police and Fire. Gierlach said he and Reis have been meeting with Boulder every two weeks on the funding issues and commended Reis for all the behind the scenes work on the recovery efforts.

Reis announced that the Firewise Town clean-up day will be Saturday, May 31 and encouraged volunteers to come out to help.

**2. Michele Martin, Town Clerk**

Martin did not have a written report this month, but provided an update on the election process, all is going according to plan and schedule. Ballots have been received in and will be sent out to all the residents who requested an absentee ballot application.

**3. Eva Forberger, Town Treasurer**

Forberger did not have a written report this month, but provided an update on the I&I repairs. A pre-notification letter was sent to approximately 100 households and businesses to let them know that they may be without water during the repairs. Those immediately affected will be notified door to door.

**4. Jason Morrison, Public Works Manager**

Public Works Manager's report was included in the packet.

**5. Sgt. Larry Johns, Interim Police Chief**

Interim Police Chief's report was included in the packet.

**6. Dawn Baumhover, Community Center Coordinator**

Community Center Coordinator's report was included in the packet. Reis said the flood damaged repairs are just about finished with the goal of being pristine by the 9 Health Fair on May 3. Grand reopening plans will happen by then.

**E. BOARD OF TRUSTEES REPORTS**

**1. Mayor Joe Gierlach**

The Mayor's report was included in the packet. The report contained his Campaign speech and the State of Nederland address given at the Candidate's Forum.

**2. Trustee Randy Lee**

Lee said the Economic Development Task Force is done their recruiting and will have a membership list for the Board at its next meeting. Parks, Recreation and Open Space Advisory Board (PROSAB) met on February 20 with Boulder District Ranger Sylvia Clark in regards to updates on the fuel treatment program and burn updates. Lee said that PROSAB currently has nine subcommittees working on projects: informational updates, forest health, noxious weeds, revitalizing the Adopt-a-Park program, Boating on Barker, Trails Master Plan update. Parks Maintenance plan , Open Space Master plan, and a trails manual.

**3. Trustee Ledge Long**

Community Center Foundation Board (CCFB) met early in the month and are working on their fundraising efforts. They are reducing down to three big events, to include art and wine.

**4. Trustee Chris Perret**

Trustee Perret announced that he would be resigning from the Downtown Development Authority (DDA) since his term is up with the Board of Trustees. The NedPeds project update will be presented tonight.

**5. Mayor Pro Tem Kevin Mueller**

Planning Commission (PC) met to review the annexation before the Board tonight and the draft minutes from that meeting are in the packet.

**6. Trustee Annette Croughwell**

Board of Zoning Adjustment (BZA) did not meet.

**F. PUBLIC COMMENT OF NON-AGENDA ITEMS**

**G. INFORMATIONAL ITEMS**

**1. BOT Goals Update.**

Reis included the Board's progress report in the packet. She wanted to highlight that 90% of the Master Infrastructure Plan (MIP) and technical review was complete. She anticipates presenting it to the Board on April 15, and then it will move through the Nederland Planning Process (NPP). The MIP will provide a 20-year outlook for repairing roadways, water &

wastewater needs, erosion control, storm water, some natural resources, and updating construction specifications for infrastructure. Reis said that work is underway for funding for a housing needs analysis for Nederland and surrounding areas as Nederland serves as a hub to the mountain communities. Reis was happy to report the initial waste audits of all town facilities have all been completed and zero waste goals have been implemented. The draft Sustainability Action plan is out for public comment.

## **2. Update of NedPeds project amendments.**

Reis introduced the item and said there was not a significant amount of change from the last update. Reis said that they have finally received the historical clearance from CDOT today. Mayor Pro Tem Mueller brought up the ecological enhancements recommendations prepared by Western Ecological Resources and the idea in the update memo of volunteers being assigned to it. He said he felt that if funding wasn't allocated to it, then it would not be done. Reis said that Conor Merrigan, NedPeds Project Manager, suggested using volunteer labor, so as to keep project costs down and to engage the community. The recommended work is currently being added to the design plans as work to be completed by others, not part of the main project. Reis indicated that this would be an exciting project for a grassroots effort led by a community champion, as it would be their passion to get the project done and could be implemented alongside construction.

Trustee Croughwell had just sent an email to her friend who is a landscaper to inquire if she would be interested in taking the project on. Mayor Gierlach knew of an organization that wanted to plant trees. He said he would contact them.

Reis indicated that the next step of the project would be bidding the construction. She is hiring an Owners Representative to oversee quality assurance for the NedPeds project.

## **H. ACTION ITEMS**

### **1. Consideration of renewal of the Visitor's Center Use Agreement.**

Forberger introduced this item. The Visitor's Center Lease with Dog House Inc. is up for renewal. The lessee had two requests for amendments to the lease. First is to use the rent, which is 3% of the net profits from sales, to hire someone to recreate and update the more popular handouts and to print them for tourists. Second, was to end the "Business of the Month" program. It has not been very popular.



Katrina Harms, lessee, was present to answer questions.

There was no public comment.

All were in favor of renewing the lease with Dog House Inc.

Motion to approve the renewal of the Visitor's Center Use Agreement, was made by Trustee Perret, seconded by Trustee Croughwell and passed unanimously.

The Mayor called a brief recess, which reconvened at 8:19 PM.

**2. Public hearing and consideration of a petition for annexation of 17 acres of land at 1250 Eldora Road (Arapaho Ranch).**

Reis introduced the item. The annexation petition came before the Board on February 4, when Resolution 2014-02 was adopted to initiate the annexation proceedings, pursuant to requirements of Colorado Revised Statutes and of the Intergovernmental Agreement (IGA) with Boulder County.

Reis said the Planning Commission (PC) reviewed the application on February 26, which initially proposed higher density comprising of 45-60 units of housing, which has since been reduced. The Town and Boulder County Housing Authority will be working jointly upon a housing needs assessment, while the application is concurrently reviewed by the Town and the County. The needs assessment and market research study provided by the applicant will provide further data to determine the viability of the proposal. She noted that much of the information contained within the staff analysis section of the AIM, is derived from the Annexation Impact Report (AIR). The AIR includes data such as: expected utility usage, stormwater, zoning considerations, wildfire mitigation of the area, open space and land dedication, streets, general development, as well as a section on the Comprehensive Plan influence, transit-oriented development and infill development. Reis said that the PC voted 4-1 to deny the consideration of the annexation application due to a perceived inconsistency with the updated Comprehensive Plan promoting infill development, and the availability of vacant lots within the Town for residential development. Reis said the PC also reserved the ability to comment further on the application should the application continue in the process.

Reis displayed a map to the Board illustrating the unimproved lots within the Town; she noted that not all unimproved lots are developable. She said that of those listed; at least 50 lots are town-owned and public and/or church lands which are unlikely to be converted to residential use. Reis noted various tracts discussed previously for development, to include the five lots of the current Town shop area, and the mobile homes directly to the south, which may be suitable for affordable housing. The ten lots for sale near Calvary Chapel are located within the floodplain, and presented some unique considerations for development. Reis indicated that the Grahns' own fifteen lots proposed for a Planned Unit Development (PUD), in which they intend to create developable lots, which may be sold individually. She noted that though these lots are not earmarked for affordable housing, as smaller parcels they may be more reasonably priced. She said that the area east of the Black Forest restaurant may face market pressure as it is located in the General Commercial district. Lastly, she spoke of eleven lots located in the West Pine PUD in Old Town, consisting of high and low density residential parcels.

Reis has recommended opening the public hearing at this meeting and to continue it to the May 6 meeting, as this will allow for additional review time with the County and to gather more evidence for the application.

Referring to the AIR, Trustee Lee asked about the anticipated water and wastewater needs, and whether this accounted for filling and maintenance of the proposed pool. Reis responded that the expected capacity did not factor in the usage for a pool, requiring further review for this consideration. Lee said he also desired to know the remaining reserve capacity if a pool is built.

Mayor Pro Tem Mueller asked about Transfer of Development Rights (TDR). Reis responded that they allow for conservation against development on certain property by transferring the ability to develop to other properties within the county. She said that Boulder County has expressed interest in deleting a number of existing credits, in consideration for approval of the proposed annexation. She added that Boulder County would also likely be requesting consideration of extension of the IGA.

The applicant Kayla Evans presented evidence and testimony regarding the proposed Aspen Trails development, beginning with a brief history of the property. She said that she has received inquiries since the PC meeting, and has attempted to quell misinformation about the project. The original design proposed to create 60 total housing units within four pods;

however this has been scaled back to 48 units, at most. Evans clarified that this project has no affiliation with Eldora Ski Resort, as well as countering rumors regarding expected increase of vehicles. She said they have communicated their intention to RTD about adding a loop into the development to provide bus service, with the hope that this will reduce traffic. She stated that there will be no vacation rentals or plans for retail shops or a golf course. Evans explained that as noted upon the proposal's Master Plan map, the units are to be located behind a ridge allowing for a privacy buffer between existing residential lots. She said that fire mitigation factors heavily into the project with letters of support by the Fire Department Chief Rick Dirr, as well as other department personnel, and one of the former Town Marshals. She spoke of project elements shown upon the Master Plan map, to include the two acres to be utilized as a recreation center with a pool, in partnership with Boulder Valley School District (BVSD). Evans noted that the three pods of multifamily residential units are situated for maximum solar gain, minimal site excavation and logical traffic ingress and egress. She acknowledged the importance of infill development, however aspires to create a location desirable to those seeking a more rustic setting. She pointed out that there is an urgent need for affordable housing. She cited both the 2009 median average cost for a home of \$345,000, as well as the decrease of people below the age of 44, with a subsequent increase of people aged 45-75. She noted that the decrease of young families will affect the viability of the schools, as well as the vibrancy of the community. Lastly, she expressed her desire to see the project move forward allowing for a vote of Nederland residents.

Reis spoke about the value of forthcoming qualitative data expected within the housing needs and market research assessments, to understand where we are in anticipation of future growth in the Town and surrounding areas.

Mayor Pro Tem Mueller expressed concerns about migration corridors and impact to plant communities. Evans said her family has created abundant habitat for elk and other fauna on the larger parcel of Arapaho Ranch, and she has witnessed elk migration, which do not utilize this area prominently. Evans said that the design of the proposed clusters allow for movement across the property and can be addressed through fencing in other areas. She reported that there are no natural springs or waterfalls, nor endangered species identified on the Conservation Easement.

Motion to continue the meeting to 10:30 PM was made by Mayor Pro Tem Mueller, seconded by Mayor Gierlach and approved unanimously.



Mayor Gierlach explained the hearing process and opened the public hearing on the petition to annex approximately 17 acres of land at 1250 Eldora Road to the Town of Nederland.

Richard Blatnick, of Nederland, said that his property has been in his family since the late 1940's, and is in close proximity to the proposed annexation. He said that the project is in conflict with Boulder County's Peak to Peak Scenic Corridor, the Comprehensive Plan initiatives for development, as well as zoning designation and density in the surrounding area.

Rich Tillotson, of Nederland, is also a close neighbor to the proposed annexation parcel. He said he had not seen the Master Plan map until this meeting and that some of his concerns expressed have subsequently been addressed by Evans. His main concern was the proposed density from the former concept plan as presented before the PC on February 26. He said that the changes made since are on the right path, despite having some remaining concerns.

Timmy Duggan, of Nederland, is also a nearby neighbor, adjacent to the Aspen Trails parcel. He spoke about the reasons he and his wife Loren moved to Nederland from Boulder, to include the recreational opportunities and lower density within the Mountain Residential district. He said there are abundant infill and redevelopment opportunities within the Town, where residents are also closer to amenities. He asked that if approved to continue, the property be zoned as Mountain Residential.

Loren Tillotson-Duggan, of Nederland, said that the environment was the top concern of residents within the Envision 2020 process. She read Envision goals pertaining to the environment, stating that she opposed the annexation based on inconsistency with surrounding density, and the Comprehensive Plan's directive to focus on infill and redevelopment within the town, as opposed to outward growth.

Cathy Greenwald, of greater Nederland, said she supports this project, having extended family that would like to relocate in the area, as well as addressing community needs for housing. She encouraged the Board to consider and tweak the project, not just to turn it down because people "don't want change" in the community.

Stephen Culver, of greater Nederland, wanted to express his complete support of the project, feeling it will be a benefit to the Town. He said the two largest benefits he sees are in the creation of affordable housing and connecting the Town to the Middle/Senior High School. He disagreed that the project is inconsistent with the Comprehensive Plan, as at times, unforeseen

opportunities will arise. He lauded the integrity of the Evans family in protecting and sharing Arapaho Ranch with the community.

Lane David, of greater Nederland, said there is a demand for senior housing now and in the future. He said he is very much in favor of the project. He said he would like to find out more about this project by allowing the process to move forward. He did not feel that the increased density would be a hindrance upon utility capacities.

Greg Ching, of greater Nederland, said that there are caribou migrating through his property located off Magnolia Road within the Forestry Zone. He asked they consider potentially moveable, tiny houses as an option for development. He estimated a use of 11,000 gallons for his 20x20sf indoor pool, which he has trucked up from the city, as another option to augment the concerns about water usage. He encouraged the Board to continue the process.

Roger Cornell, of Nederland, said that he thought that Reis's review of viable properties for infill was mostly accurate, though there are more in some areas depending on how the development is designed. He said after the election, the Board will change and he urged the Board to detail their concerns now to ensure they are encapsulated within the Final PUD Agreement.

Katrina Harms, of greater Nederland, is in support of the project. She said she participated in the Envision 2020 and Comprehensive Plan process and said there is no guarantee that any infill opportunities will be developed. She commented that as a business owner she is tired of seeing young families leaving the community unable to afford housing.

Jesse Seavers, of Nederland, said he is opposed because the parcel sits on the northern slope, which will necessitate higher energy use and the need to protect undisturbed land in favor of redevelopment opportunities within the town.

Rob Ramey, of greater Nederland, said he supports the project to address the long term retention of young families, aging residents and contributing members of the community. He said that residents should be allowed to age within their community. He said his aging mother has been at Prime Haven for the last few years.

Andy Cookler, of greater Nederland, said he sees affordable housing and senior housing as two of Nederland's greatest needs. He said he thinks this project is an opportunity to meet these

needs while ensuring that the developer in question owns the land, has the financing to develop the properties, as well as the vision as the Evans' family. He said he supports the proposed annexation.

Joe Evans, co-applicant, thanked the Board for the consideration of their vision for the property to be annexed. He said they need the help and input of the community, the Board and the County Commissioners' in order to continue the process.

Ed Ranegar, of greater Nederland, said he supports the proposal and would like to see the process continue.

David Current, of greater Nederland, said that the development infill opportunities are scattered lots and no one is rushing to do any great development on any of them. He said here is someone trying to give something to their community and he feels it is certainly worth the risk to see the process through.

Karen Campbell, of Nederland, said that she supports the proposed annexation, and as the Director of the Little Bear Preschool she thinks the swimming pool is a great idea and she commented that the teachers are always looking for affordable places to live.

Audrey Godell, of greater Nederland, said she had some concerns about light pollution as well as environmental concerns including animal migration paths.

Mayor Gierlach closed the public comment portion of the meeting. Reis asked for any comments to be forwarded to the Town Hall or to her email at [alishar@nederlandco.org](mailto:alishar@nederlandco.org).

Evans addressed comments and concerns brought up within the public comment portion of the meeting. She said that the berm and trees along the road will block visual impacts of the project. Evans responded to environmental concerns stating that her family has sought to protect habitat through the sizeable Conservation Easement placed on the larger portion of Arapaho Ranch. She added that she has been in communication with staff regarding a potential storage reservoir, upstream of the water intake, above the water plant.

Trustee Lee asked if Evans would be willing to hold a field trip to the site, to which she agreed once the snow melts.

In her final statement, Evans asked that the process be allowed to go through for the voters to decide about the project. She said she learned much already through the process, and thanked the Board for their consideration.

Trustee Croughwell acknowledged inherent challenges of living within the Town, and noted that some cities/towns are creating successful urban redevelopment projects. She acknowledged the Evans' family longtime commitment to the community. She said she would like to see solid housing demographics and supports continuation of the annexation process to a vote of the Nederland residents.

Trustee Long echoed sentiments expressed by Croughwell as well as supporting continuation of the Public Hearing to May 6.

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

Mayor Pro Tem Mueller said that he supports extending the Public Hearing for more comment and information. He expressed his feeling that annexation is in opposition to stated goals about buffer zones with respect to density. He listed specific property concerns, such as wildfire risk, impacts and alteration of ecosystems while noting that the project also offers benefits of smaller, affordable housing, and a pool. Mueller wanted to acknowledge Boulder County's Comprehensive Plan and wondered how this development impacts them. Reis said they will certainly be looking at that through their review, but will confirm.

Mayor Gierlach said he also supports extension of the Public Hearing to obtain more information as a community. He acknowledged that schools are vital to the community and inquired if BVSD has weighed in upon the annexation. Reis said that information from BVSD is yet forthcoming.

Trustee Perret would like to continue the Public Hearing to May 6. He said that there is a need for housing and would like to see more information, especially regarding utility impact and traffic. He acknowledged that providing affordable housing for an aging community and teachers is essential, but questioned if annexation was the best way to achieve that goal.

Trustee Lee said he thinks it is a bad policy to leapfrog low and high densities, however he admitted that there are elements of the project that he likes and is in favor of getting more information as the process continues.

Trustee Lee made a motion to continue the Public Hearing upon the Aspen Trails annexation proposal to May 6, seconded by Trustee Croughwell, an unanimously approved.

Mayor Gierlach said that comments can be forwarded to the Town Hall for inclusion within the packet if received by April 30.

**I. DISCUSSION ITEMS**

**J. OTHER BUSINESS**

- Off-hour Town vehicle policy.

Trustees Perret and Long wanted to discuss the current take home policy of Town vehicles in light of a tree falling on a Police vehicle while at the officer's home. Trustee Perret suggested that all Town vehicles should stay in town. Direction was given to staff to prepare some background information on current policy and an explanation on the accident and to add as a future informational agenda item.

**K. ADJOURNMENT**

Motion to adjourn was made by Trustee Lee, seconded by Trustee Long, and approved by unanimous voice vote. The meeting was adjourned at 10:40 PM.

Approved by the Board of Trustees.

  
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Joe Gierlach, Mayor

ATTEST:

  
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Michele Martin, Town Clerk

