

**TOWN OF NEDERLAND  
BOARD OF TRUSTEES  
REGULAR MEETING MINUTES:  
May 6, 2014, 7:00PM**

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

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**A. CALL TO ORDER**

Meeting convened at 7:00 PM.

**B. ROLL CALL**

Present: Mayor Joe Gierlach, Trustees Randy Lee, Charles Wood, Kristopher Larsen, Topher Donahue, Kevin Mueller, and Mayor Pro Tem Peter Fiori.

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

**C. CONSENT AGENDA**

- Approval of May 6, 2014 Accounts Payable, Schedule A.
- Approval of May 6, 2014 Accounts Payable, Schedule B.
- Approval of May 6, 2014 Accounts Payable, Schedule C.
- Approval of April 18, 2014 Regular Meeting Minutes.
- Approval of Ordinance 730 regarding the BRETSA 9-1-1 User Surcharge.

Mayor Gierlach asked who would be representing the Town for BRETSA and if the Town would be able to get their GIS data. Reis responded that either Police Chief Matheney or Sargent Johns would represent at meetings and yes, the Town will get the GIS data.

Motion to approve the Consent Agenda, Schedules A, B, and C, the April 18, 2014 regular meeting minutes, and Ordinance 730 regarding the BRETSA 9-1-1 User Surcharge was made

by Trustee Larsen, seconded by Mayor Pro Tem Fiori and passed by a vote of 6-1, with Trustee Lee abstaining.

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

Ron Mitchell, of Nederland, wanted to ask the Board if he could contact them individually a year from now to discuss his back-in parking proposal.

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

##### **1. Request for Proposal (RFP) Utilities Rate Study.**

Forberger introduced the item. A formal rate study is planned this summer that would review and recommend rates to ensure the Town's water and wastewater rates are equitable, cover utility expenditures, and to look at Plant Investment Fees (PIFs) to cover future plant expansions. Trustee Mueller asked if now would be the time to include incentives for conservation, similar to restaurant specific programs. Forberger suggested having the consulting firm provide recommendations for water conservation programs instead of adding it to the RFP, which would be outside of the original scope of the study. Mayor Gierlach had several recommended changes to the RFP, which Forberger will incorporate and release tomorrow. Forberger said she is putting together a committee to review the RFPs and if any Trustee were interested, to please email her. All were in favor of releasing the RFP with the noted changes.

##### **2. Request for Proposal (RFP) Housing Needs Assessment.**

Reis introduced the item. Reis said the Town was fortunate to have received some post flood funding through Boulder County Housing Authority for a Housing Needs Assessment for Nederland and the surrounding 10-mile community radius. Reis has been working with Housing Division Director, Willa Williford to understand what the greater needs are. The RFP went out on April 23, and the Town has received five proposals back. One of the interested parties asked for an extension of time, saying that the deadline of May 5 was too quick of a turn-around. Reis and Williford felt extending the deadline to May 16 would be acceptable.

Trustee Wood asked about the Steering Committee formed to review the RFPs. Reis said that Amy Tomlinson and Atashnaa Werner were currently on the Committee and offered for any interested Trustee to join. Wood said he has a friend in the Nederland Senior group who is an

economist and has expressed interest in joining. Wood will send his contact information to Reis.

Mayor Gierlach would like to see the options broken out, so that consultants give a base bidding, and then bid separately on alternative 1 bid option, alternative 2 bid option, etc. All were in favor of extending the deadline to May 16 and separating out the bid amounts. Reis said she will bring back the recommended firm to the Board at their May 20 meeting.

### 3. Presentation of request to post signs promoting motorcycle parking in downtown.

Reis introduced the item. Local resident and property owner Ron Mitchell would like to continue his motorcycle parking study this summer on his private property located at 65 East First Street next to First Street Pub. He would like to promote it with sandwich board signs on public sidewalk space. Reis said the Town really doesn't address long-term use of sandwich board signs in the code, so that is why Mitchell is before the Board tonight to ask for permission. Mitchell was present to answer any questions. Mitchell said that having grouped motorcycle parking would free up parking spaces for cars, create less clutter, and be safer. He said he would work with staff for adequate locations of the signs.

Trustee Wood suggested counting the motorcycles who park on First Street and Mitchell's lot when the signs are out versus when the signs are not out. Mayor Gierlach brought up the downside of this, which is that there is no way to enforce people to park there, and this gives the impression that the Town condones motorcycles to park in a particular spot. Mitchell said he was open to suggestions as to how to word his signs appropriately.

Mayor Pro Tem Fiori asked how the plan will be implemented. Mitchell responded there will be at least two people on the lot, and Mitchell will take pictures every ½ hour of how they are parking.

Trustee Donahue asked if after a couple of weekends that this parking plan is not being utilized and there is parking issues in town because of it, would Mitchell call off the study at that point? Mitchell responded that if complaints came in, he would address them.

Trustee Mueller asked for a mid-summer review of the study to accept any objections or issues that come up so they can be addressed. The majority of the Board was in favor, noting Fiori's opposition of placing signs on public land.

#### 4. Presentation of Master Infrastructure Plan.

Reis introduced the item. Joel Price and Josh McGibbon from JVA were present to give an overview of the project. There are 44 near-term projects estimated at a cost of \$10,053,100 and five long-term projects estimated at \$7,562,500. Price said this was a technical document, not a design document, to provide the Town with an inventory of current infrastructure and state the current conditions to be used as a “road map” to prioritize necessary improvements. Reis added that this was a conceptual level for engineering. Once decisions were made on what to move forward with, then final engineering design plans would be created and then sent out for bid. Reis said this strategic plan for improvement was the first step.

Trustee Lee asked about proposed ways to fund these projects, and McGibbon said there are loans, bonds, grants, but certainly there is a need for this plan first in order to identify opportunities and seek funding.

Mayor Pro Tem Fiori asked if there were a way to indicate in the plan each of the project’s lifecycles to determine sustainability, which could pay for itself quicker and maybe the Board could prioritize on that low hanging fruit first. Price said they could go back and consider those and prioritize based on that, and to include monetary versus non-monetary generalities in order for the Board to be able to evaluate and make decisions on a year by year basis.

Trustee Donahue asked when compared to other communities, how would JVA rank Nederland, and JVA responded on a scale of 1-10 with 1 being super dire, they would rate Nederland as a 3-4 due to deferred maintenance or band-aid fixes over the years.

The Mayor called a brief recess, which reconvened at 8:18 PM.

#### **F. CONTINUED BUSINESS**

##### **1. Continuation of a Public Hearing regarding Aspen Trails (Evans) annexation from March 18, 2014.**

Mayor Gierlach introduced this item as a continued public hearing before the Board on a petition to annex approximately 17 acres of land at 1250 Eldora Road (also known as Arapaho Ranch). The Board first opened this public hearing on March 18, after accepting evidence and testimony, the Board moved to continue the hearing to this date. Mayor reopened the public hearing. Reis commented that the County has not referred this to their planning commission yet as they are awaiting the results of the Housing Needs Assessment. The County wishes to

receive at least preliminary data from the study before further considering the application. Preliminary results are due in late June/early July. Reis said the Planning Commission did hear this application again on March 26 and provided additional commentary, since it was continued at that last Board meeting.

The applicant Kayla Evans was available for questions. She said the snow has melted if the Board would like to tour the property. Town Attorney Beery suggested that Evans give Reis the tour, so that Reis then can bring Trustees up either one at a time or in groups of two, since this is a quasi-judicial matter. The applicant should not give the tour to the Trustees. Trustees can contact Reis to set that up, and she said she would put out an email as well.

Timmy Duggan, of Nederland, said he applauds the motives of low income and senior housing, but not for this location. He went on to discuss this area being zoned Mountain Residential (MR), and if annexed the land should be zoned MR to be consistent with the surrounding area. Duggan brought up the Comprehensive Plan and believes this proposal goes against that plan.

Diane Brown, of greater Nederland, stated her concerns. She used Eldora as an example where there is a population of 170 people on 150 acres, and this proposal would approximately house 150 people on 17 acres. Brown said this would be a huge impact and from just hearing about the \$10 million Master Infrastructure Plan improvements, she wondered if the Town really needs any more problems. She stated that it would be hard living for seniors with north facing housing and harsh weather, and the proposed swimming pool would raise property taxes.

Richard Blatnik, of Nederland, spoke about the zoning of this area as well. He said that Forestry and MR is consistent with the area, and that a high density residential zone is not. He said that accessibility to downtown for seniors is necessary and that the Comprehensive Plan already shows areas that meet those criteria. Blatnik urged the board to deny on the basis that it is not compatible with zoning or the Comprehensive Plan.

Rich Tillotson, of greater Nederland, wanted to ensure that the new Board members had the previous packet of information regarding this annexation for their review and reference. He said the discussion of zoning is a very critical issue. He said, as a property owner, one expects the zoning that they bought into will stay the same.

David Sites, of Nederland, encouraged the walk through of the property, and knows it brings a different understanding to a project then just to look at drawings.

Mayor Gierlach requested staff to send all documentation to the new Board members.

Reis responded to Tillotson's underlying zoning concerns and said that staff is waiting for the Housing Needs Assessment results to go together with zoning to dial in this concern should things move forward. Reis advised that more detail would be required through a Planned Unit Development (PUD) process past the ballot.

Evans took the podium again to respond and said she also is a property owner who has reasonable expectations that she would be allowed a process to develop her property as she is able to. She stated that the number of 60 units that is still being mentioned is a misnomer and in closing, she understands that change is difficult for everybody, but people should look at the impact on the Town years from now, to look at the big picture, and to let this process run its course through to the voters.

Trustee Mueller mentioned Gary Berlin's email sent on April 11 that was not included in the packet. Reis apologized that was an oversight and the packet will be amended to include it. Mueller summarized the email and said that Berlin was formerly the Division of Wildlife's Boulder District Wildlife Manager and studied the elk herd, and Berlin said he would suggest that having a few single family homes would cause less detrimental impact to the elk herd than high density residential. Reis said she will send the email to the County as well as provide a copy to the applicant.

A Motion to continue this hearing to July 15 to hear additional evidence and testimony was made by Mayor Pro Tem Fiori, seconded by Trustee Larsen, and passed unanimously.

## **G. ACTION ITEMS**

### **1. Consideration of Robert's Planned Unit Development (PUD) agreement and final plan (Grahm).**

Trustee Larsen recused himself at this level, because he heard this at the Planning Commission (PC) prior to the municipal election as a Commission member. Reis introduced the item. The applicants, Tom and Sally Grahm, had been to the PC three times for this proposal, which started out as a lot line adjustment for their property located at 180 East Third Street, 181 and 187 East Second Street, and 250 East Street also known as Block 2, Lots 16-28 and Lots 15 and 29 less the west 10 feet of said lots, plus vacated alley (properties currently consist of 10 apartments, 12 trailers, and two homes on 15 lots). Reis said that the PUD

would clean up this area and create 10 individual lots. The Town's interest was to create the best alignment of these lots and a drainage plan to help with known drainage issues between Second and Third Streets. The applicant's engineer worked with NedPeds engineers to share data and this PUD was tied in with the NedPeds project to create the best possible drainage results for this area.

Sally Grahn, the applicant, was present to provide an overview of the application. They had originally been to the PC on January 23, 2013 with their concept plan, then again on February 26, 2014 and April 23, 2014. The PC reviewed this application in great depth and provided their recommendations in the proposed PUD agreement. Grahn said their goal is to get necessary taps in before the NedPeds project begins in July, if not then whoever buys the lots and pays for the taps will be required to pay for any road damage repairs. Grahn went on to explain the plan for phase out of the existing trailers, apartment and homes.

Trustee Mueller asked about the drainage plan. Reis briefly explained the plan and said that staff would oversee it as part of the building permit process, and Civil Engineer on staff Mark Weritz reviewed the plan and suggested it was done so well that it should be a model of what other drainage plans should look like.

Mayor opened the meeting for public comment. Jesse Seavers, of Nederland, said this was a great idea to adjust the lot lines and put some care into this area. Seavers said this PUD falls inline with the Comprehensive Plan's infill development and urged the Board to approve it.

Mueller had several low-impact development recommendations based on the LEED rating system and best practices, such as shared driveway use, realign lots to a north-south axis, pedestrian paths, and rooftop collection areas, which would reduce construction costs and improve property values.

Trustee Donahue commented that he lives near this site and his house has the same orientation as what is proposed (east-west alignment), and he feels this orientation is best for solar harvesting.

Motion to approve the Robert's PUD agreement and final plat was made by Trustee Wood, seconded by Trustee Donahue, and approved by a vote of 4-2, with Mayor Pro Tem Fiori and Trustee Mueller opposed.

## 2. Consideration of a Special Event application on Town-owned property for Colorado Events Alpine Festival of the Arts.

Martin introduced the item. Normally special events would be handled through the Clerk's office, but due to controversy over this event promoter, staff felt it was prudent to put this application before the Board. Martin received an application from Colorado Events for the Alpine Festival of the Arts in September 2013 and started to receive email complaints/concerns in December from organizations/artists that had previously worked with this promoter, all have been included in the packet. The application was just deemed complete on April 30, six days prior to this hearing.

Steve Wallis, Director of Colorado Events, was available to present his application and answer questions.

Town Attorney Beery reminded the Board they were to consider overall public benefits and what is best for the Town in their decisions, as opposed to benefitting one person or commercial enterprise.

Mayor opened the meeting for public comment. Doug Armitage, of greater Nederland and local business owner, said he thought it would be detrimental to the high quality of the High Peaks Art Festival to have two art shows in Town.

Tania Corvalan, local artist and resident of Nederland had worked with Wallis 10 years ago, and went on to state her view of his trend to cancel shows at the last minute without notice and never refunding fees. She is an artist at High Peaks Art Festival and is concerned that people may confuse the two events. She said that due to her previous history and known trend of this promoter through the art realm, even as a resident, she would not take part in his event.

Rocky Stiers, of greater Nederland has been participating in art shows for 35 years. He said that Colorado is the 49<sup>th</sup> hardest state to make a living in as an artist. He said it has taken years for High Peaks Art Festival to build up to the top notch quality level event that it is today, due to integrity, quality organization and vendors, and reputation. He is not in support of Colorado Events for the negative impact it would have on this festival.

Cathy Stiers, Executive Director of the High Peaks Art Festival, thanked the Board for taking the time to read through the 20+ pages of documented concerns over this event organizer. She said there were 16 complaints alone on festivalnet.com, which is a site for vendors to rate



promoters. As an example Stiers said that High Peaks Art Festival rates a 5/5, whereas Colorado Events rates ½ out of 5. She went on to say that vendors depend on the honesty of the promoters to help navigate them through the bureaucracy of participating in events, and noted that Claire Hunter, Community Protection Division of the District Attorney's office confirmed there were four complaints filed in her office against Colorado Events. She urged the Board not to let this event occur.

Karina Luscher, of Nederland, commented that she felt it was in everyone's best interest to support High Peaks Art Festival and help it grow.

Motion to extend the meeting to 10:30 PM was made by Mayor Pro Tem Fiori, seconded by Trustee Donahue, and passed unanimously.

The Board went down the line discussing their thoughts on the material presented to them. Mayor Pro Tem Fiori said that competition is good, yet he doesn't want to hurt the existing art festival. He suggested this festival go before the Sustainability Advisory Committee (SAB) to be scored.

Trustees Wood, Lee, Larsen, Mueller, and Donahue were in agreement that this new event could dilute the Town's reputation, cause damage to the High Peaks Art Festival, and found the material in the packet disturbing to read.

Mayor Gierlach was in favor of allowing the application to go through SAB and the Nederland Planning Process (NPP).

Motion to deny the Special Event application for Colorado Events Alpine Festival of the Arts was made by Trustee Lee, seconded by Trustee Larsen, and approved by a vote of 5 to 2 with Mayor Gierlach and Mayor Pro Tem Fiori opposed.

Motion to extend the meeting to 11:00 PM was made by Mayor Pro Tem Fiori, seconded by Mayor Gierlach, and passed by a vote of 6-1 with Trustee Lee opposed.

### **3. Consideration of amended plans for NedPeds project.**

Project Manager Conor Merrigan, of C2 Sustainability, was present to introduce the item. On January 21 the Board had asked for a number of design changes, which have now been completed and the project is ready to go to bid. They are still on target for a July construction start. The estimated project cost is over the available funds; however they won't know the true

cost until they go out to bid. If there are no bids, there are still some options, such as discussing potential cost savings with the designer.

Reis stated that an amendment to the engineer's contract is also attached to formally recognize the amended plans design work and the previously approved 2013 historical clearance work done by Smith Environmental and Engineering. The Board would be approving the final design plans and this amendment.

Mayor opened the meeting for public comment. Tori Carpenter, of Nederland, thanked the Mayor and members of the last board who approved the redesign to save the trees. She had hired a Certified Arborist who recommended for construction to occur six feet away from each of the trunks and for the radius around two trees to remain undisturbed. She wanted to confirm that is the project plan and was represented in the drawings. She inquired whether the Town would hire an arborist or ecologist after construction to review the protection set-up area, and if not, then she requested to be told when the set-up is occurring so that she could bring her arborist back out to review it.

Motion to approve the amended plans for NedPeds final design revisions, including the contract amendments, was made by Trustee Larsen, seconded by Mayor Gierlach, and approved unanimously.

## **G. DISCUSSION ITEMS**

### **1. Discussion to review action matrix related to the Sustainability Action Plan.**

Reis and Sustainability Coordinator Conor Merrigan, of C2 Sustainability, introduced this item. This is the actual action portion of the main Sustainability Action Plan. The total plan has 156 items; this section only has 15 items.

This will be discussed at greater length during the Board's June 10 goal-setting meeting to ensure everyone is comfortable with the items.


Trustee Donahue asked how this matrix fits in with the mandatory items needed as part of the Master Infrastructure Plan. Merrigan responded the trick is to figure out priorities, this matrix is just a vehicle to do that.

## **H. OTHER BUSINESS**

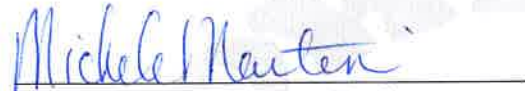
I. ADJOURNMENT

Motion to adjourn was made by Mayor Pro Tem Fiori, seconded by Trustee Larsen, and approved by unanimous voice vote. The meeting was adjourned at 11:00 PM.

Approved by the Board of Trustees.

  
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Joe Gierlach, Mayor

ATTEST:

  
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Michele Martin, Town Clerk

