

**TOWN OF NEDERLAND
BOARD OF TRUSTEES
REGULAR MEETING MINUTES:
June 3, 2014, 7:00PM**

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

A. CALL TO ORDER

Meeting convened at 7:03 PM.

B. ROLL CALL

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

Absent: Mayor Pro Tem Peter Fiori

Also present: Alisha Reis, Town Administrator, Eva Forberger, Town Treasurer, Carmen Beery, Town Attorney, Administrative Intern Alex Armani-Munn, and Michele Martin, Town Clerk.

C. CONSENT AGENDA

- Approval of June 3, 2014 Accounts Payable.
- Approval of May 20, 2014 Regular Meeting Minutes.
- Approval of contract with Bowen National Research for Housing Needs Assessment.
- Approval of JAG Grant renewal for restorative justice program (TEENS Inc.).
- Approval of Wild Bear Lease for Seniors Van.
- Approval of 2014 Leases for the Community Center Kitchen.

Motion to pull the Alpenet expense from Accounts Payable and create a Schedule B was made by Trustee Wood, seconded by Trustee Larsen and passed unanimously.

Motion to approve the Consent Agenda including Accounts Payable Schedule A was made by Trustee Lee, seconded by Trustee Wood and passed unanimously.

Motion to approve the Consent Agenda Accounts Payable Schedule B was made by Mayor Gierlach, seconded by Trustee Larsen and passed, with Trustee Lee abstaining.

D. PUBLIC COMMENT ON NON-AGENDA ITEMS

Katrina Harms, of greater Nederland, announced that the Colorado Scenic Byway system is celebrating their 25th anniversary and this year they have chosen the Peak to Peak Scenic Byway to conduct their annual Wayfinding project.

The Wayfinding project puts two “strangers” in the front seat and a CDOT engineer and Colorado Tourism person in the back seat. The front seat people are given a list of things and places to find and the back seat people can't help, they just observe. At the end of the day everyone gets together to talk about their experiences, as navigator and observer. In the end there will be a list of things that need to be improved or fixed. Nederland is hosting the get together at the Very Nice Brewing Company on June 6 from 3:30-4:30 PM and the region's Towns staffs, commissioners, and public works have all been invited to attend.

E. INFORMATIONAL ITEMS

1. Update on Charge Ahead Grant.

Armani-Munn provided a brief update on the grant. The Town did receive full funding for the grant from the Regional Air Quality Council (RAQC) and will meet with them next week to discuss the process on moving forward. Armani-Munn will write up a summary memo from that meeting to send to the Board.

2. Presentation of 2013 Financial Audit.

Forberger introduced the item. The audit is performed by John Cutler and Associates, and Cutler was present to answer any questions. Cutler said the main point he would like the Board to know is outlined in his cover letter, which was included in the packet, and that in his opinion the audit turned out great.

Due to flood funding, Mayor Gierlach asked if by having two appropriations it would result in the audit being any different, and Cutler responded no, that some municipalities have 11-12 appropriations.

3. Update on Code Enforcement Program.

Reis introduced the item. The contract with SAFEbuilt for a pilot Code Enforcement Program was approved by the Board on December 3, 2013. Frank Goodard, Code Enforcement Official, will provide quarterly reports beginning in August. In the interim Reis wanted to provide a summary of how the first few weeks went, as the program began on May 7. The program runs through October. There are currently 14 cases open for code violations such as trash accumulation, dumping, and inoperable/unregistered vehicles. Goodard has a 3-step approach, where he issues the violation and gives folks a certain amount of time to take care of it, if not taken care of, then he will issue a second notice, and if a third time, he then issues a summons. Reis acknowledged that in previous towns she has worked for there is always some push back, but over time folks begin to appreciate and cooperate in the efforts and eventually see their community change for the better. Reis pointed out that the violations are complaint driven, as well as what Goodard observes while in Town.

Trustee Donahue was concerned that there are other aggravated issues still not being addressed such as barking dogs that Goodard may not hear at the time. Reis said that because this particular nuisance usually occurs after hours, the process would continue to be for residents to contact the Police Department when an occurrence happens in order to pinpoint where the dog is located.

When asked why these code violations do not stay with the Police Department, Reis answered that SAFEbuilt was hired to supplement the Police in order to free up their time for higher level enforcement issues.

Trustee Mueller asked for the Board to reconsider the whole code enforcement project now versus waiting for the end of summer. Mueller said he was under the impression that SAFEbuilt would focus on ensuring that marijuana grow houses were kept safe instead of the trash and unregistered vehicles Goodard was going after. Mueller went on to list some of the issues he felt were associated with residential grows. He suggested the Board reprioritize the code violations that Goodard should pursue. Reis commented that direction was given to Goodard based off of the trend of complaints annually received at Town Hall, 70% of which has been trash and junk vehicles, and added that it is not a good idea to pick and choose which laws to enforce. Reis agreed that the safety aspect of grows in residential

districts is a high priority and that the Board is meeting with the Planning Commission for a Joint Work Session to discuss these issues and to better understand the Board's direction. Reis outlined the process for residential grows to become licensed, which starts with filing a letter of intent with the State beginning July 1. She said at this time, it would be an unsafe situation and she does not feel comfortable sending SAFEbuilt into that until the official licensing process has begun.

Mayor Gierlach said it was his impression that some of these codes had not been looked at since 2008 and the code should be reviewed and amended appropriately to weed out some of the foolish laws in there. Reis acknowledged that Goodard was noting problematic and nonsensical code as he comes across them.

Trustee Mueller asked for a copy of the direction that Reis had originally given Goodard. Mayor Gierlach said this can be brought up as a discussion item in July.

4. RFQ for Owner's Representative for the NedPeds Construction Project.

Reis introduced the item. As an update, the Town is seeking professional oversight of the NedPeds project for day-to-day management and to ensure the design and goals of the project are met. Reis has prepared a Request for Qualifications (RFQ) that she will release tomorrow. This RFQ is scheduled to run concurrently with the construction bidding process and is based on a 10-week construction schedule. Reis said that due to the current construction market, the Town may not see any bids, as there is a lot of easy work out there now for contractors.

Trustee Larsen asked if the Town would still be required to pay the Owner's Representative if the project did not start due to lack of bids, and Reis answered that their contract would run the same schedule as construction, so technically no, yet payment would still need to be made for any upfront work, such as reviewing bids, etc.

F. ACTION ITEMS

1. Consideration of reappointment of Roger Cornell and Lisa Mayhew to the Planning Commission, terms expiring June 1, 2018.
2. Consideration of reappointment of Jody Andrews to the Sustainability Advisory Board, term expiring June 1, 2017.
3. Consideration of appointment of Jesse Seavers to the Sustainability Advisory Board, term expiring June 1, 2017.

4. Consideration of reappointment of Mandy Kneer to the Downtown Development Authority Bard, term expiring June 30, 2018.
5. Consideration of appointment of Peter Marshall to the Downtown Development Authority Bard, term expiring June 30, 2018.

Martin introduced the items. All Advisory Board applications and recommendations were included in the packet. Mayor Gierlach asked to combine these agenda items and approve by one motion. All were in favor of approving by one motion.

Trustee Lee had a problem with the process and requested, as discussed last year, to change the schedule to allow the Advisory Boards enough time to meet and discuss the applicants.

There was no public comment.

Motion to reappoint Roger Cornell and Lisa Mayhew to the Planning Commission with terms expiring June 1, 2018, reappoint Jody Andrews to the Sustainability Advisory Board with term expiring June 1, 2017, appoint Jesse Seavers to the Sustainability Advisory Board with term expiring June 1, 2017, reappoint Mandy Kneer to the Downtown Development Authority Board with term expiring June 30, 2018, and appoint Peter Marshall to the Downtown Development Authority Board with term expiring June 30, 2018 was made by Trustee Larsen, seconded by Trustee Donahue, and approved unanimously.

6. Consideration of a Fee Waiver for Summer Sandwiches and Socks.

Reis introduced the item. Hansen Wendlandt, Pastor of the Presbyterian Church, is proposing a new program to be held at Chipeta Park throughout the summer and is requesting a fee waiver for the rental of the park. The program is to assist families by supplementing food and activities for kids and teenagers during the summer. It would take place on the opposite Thursdays of the Food Pantry during lunchtime to offer games and sandwiches. Due to the transient populations, who will also be welcome to attend, some police oversight is required, at least initially, so staff is recommending a 50% waiver.

Hansen Wendlandt introduced himself for the record and proceeded to describe the program. He said, that even though this program is geared towards the children, it is inevitable that the transient population will make their way down to the park, and in planning for this, the organizations involved have decided to welcome this group. Wendlandt spoke to some of the summer campers to ask their needs and the responses he received back were warm socks; since then socks have been donated. Wendlandt is a member of the long-term task force to address

homelessness in the area and they are looking for ways to help the problem. He said he feels that kindness, engaging in conversation and getting to know the campers better can go a long way to respecting one another and the area in which we live. He said his vision of peace is diversity. If this outreach results in abuse to the park then the program failed. He said he dropped off 47 letters to residents in the neighborhood describing the proposal, and he is asking for a full fee waiver from the Board.

Maggie May, of Nederland, said she is in support of this program. She said it was important to show outreach by offering this program, so that campers and the families being assisted feel that they are part of the community. She said she felt this was a great program, certainly worth a try, and encouraged the Board to grant a full fee waiver.

Dennis Whalen, of Nederland, is on the Board of Directors at the Food Pantry, he encouraged the Board to grant a full fee waiver. He said this program would be a way to demonstrate the openness and compassion that Nederland is known for. He said the Food Pantry already offers lunch sacks twice a month to campers and the majority of them are very cooperative and are just in need of help and support. He said he felt this program would help them and our community.

Amy Hartman, of Nederland, is the owner of Peak to Peak Counseling and runs a Psychotherapy Internship Program, which requires community service. These interns would be present with the volunteers at the park to offer counseling and assessment, as needed. She went on to speak about collective efficacy and mental health issues. She said it was important to give space to connect and talk, studies have shown this improves the quality of life and can lead to reduction of crime. She also encouraged the Board to waive the whole fee.

Devin Miller, of Nederland, was asked to provide friendly volunteer security services at the park during the program. He listed his credentials. He is in support of the program.

Janette Taylor, of Nederland, is also on this Task Force that Wendlandt mentioned. She said the Task Force is to discuss the upcoming transient population and the different things that can be done to help encourage useful and helpful interaction between transients and locals. She said the Food Pantry camper bags provide one sandwich twice a month, which will not encourage folks to move to Nederland. She said this outreach program would provide an opportunity to hand out a two-sided informational sheet on how to live in the woods, put out campfires effectively, beware of wild animals, and list out various places to go in the Foothills

area for assistance. They are putting together a class for non-profit volunteers and business owners on how to deal with aggressive transients, noting that not all are, but how to deal with the ones who are. She said she was in support of the program.

The Trustees went down the line voicing their opinions. All were in favor of staff's recommendation for a 50% fee waiver.

Trustee Donahue said he appreciated the idea behind the program and the vision of getting the groups together, yet said he had concerns about the mix of transients with the children. He would like to recommend the first event be a test, and if too weird, then to stop future events.

Trustee Lee, on behalf of neighborhood concerns, would like to suggest a mid-assessment meeting to listen to any complaints and make adjustments as needed. He said he liked the idea of handing out trash bags, but unless there was a plan for a scheduled pick-up of the filled bags, they would just be added to the trash in the woods.

Trustee Wood, also agreed this was a well-intended and kind program with a good expression of the Town, and yet also voiced his concern for the mix of campers and the children. He would like to ensure there is some sort of Town authority there at the park.

Trustee Mueller offered to help pick-up the trash bags with his truck. He would also like to recommend putting a warning up or to tape-off the creek to the kids. He agreed with a follow-up meeting to assess the event. He said he likes the idea to use this as an opportunity to educate campers on leaving no trace.

A motion to approve a 50% fee waiver for Summer Sandwiches and Socks with the three recommendations as conditions was made by Trustee Lee, seconded by Trustee Larsen, and approved unanimously.

G. DISCUSSION ITEMS

1. Plastic Bag Fee Proposal.

Reis introduced the item from Mayor Pro Tem Fiori's notes during a Sustainability Advisory Board (SAB) discussion. SAB is recommending that Nederland undertake a similar program as the City of Boulder has to charge a 10¢ fee for plastic bag use. Currently Boulder keeps 6¢ to promote administration and education programs on zero waste efforts, and the other 4¢ goes

back to the merchant. SAB does not support such a large portion, but maybe 30% instead of 60%. Also, Reis said that SAB is partnering with the Backdoor Theater to show the movie Bag It.

Trustee Lee asked if SAB talked to local businesses about this. Reis said she thought they had, because they would like to target all retailers, not just the grocery store, but she wasn't sure how far they have gotten with outreach. Lee said he would support this if it is shown to be the most effective way to reduce plastic bags, and suggested more research in this area before the Board considers an ordinance. He offered that there could be grants available to subsidize unique Nederland reusable bags.

Mayor Gierlach had researched and blogged about this on January 7. State Statute prevents the banning of plastic bags, so that is not an option. BEECO, a non-profit organization based in Boulder, spoke with Mayor about their incentive program that offers rewards for consumers who choose to bring their own reusable bags and mugs to participating stores. In his blog, Mayor asked if three people were willing to volunteer to help implement a single-use plastic bag fee program by going around talking to all the business owners. Mayor said the SAB disagreed and thought the Board should just draft an ordinance to make it happen. Mayor referenced the "bag lady" in Boulder, who was instrumental in creating Boulder's Disposable Bag Fee Ordinance. She had told him the number of bags reduced was off the charts.

Trustee Donahue said wherever this has been implemented; it seems to be very effective. He said he would like to see the proceeds to go directly to the businesses instead of suggesting the Town is making any money on it.

Town Attorney Beery stated that any fee the Town imposes needs to be in exchange for a service for that particular fee, that is why there is always a partnership with businesses, and 100% of the fees cannot be given to the businesses. Trustee Wood suggested using the fees to make unique Nederland reusable bags.

Discussion went on about paper versus plastic and having the program be implemented for all businesses versus a select few. Trustee Wood said he would like to hear from the Downtown Development Authority (DDA) to get their thoughts on this.

Trustee Mueller thought it was a good idea, if it works, but that Styrofoam was more impactful to the environment than a plastic bag. He said it was a good start, but there is certainly more that could be done.

Trustee Larsen thought that maybe 10¢ wasn't enough, perhaps to charge 25¢ for plastic and 10¢ for paper, or make merchants not offer bags at all, or charge \$1 for a reusable bag versus 25¢ for a plastic bag. He said he didn't think just charging 10¢ would make an impact. Trustee Donahue cited that Washington, DC charges 5¢ and has seen an incredible reduction in bag use.

Fee collection and the process were discussed, and Treasurer Forberger would certainly want to be a part of any further discussions if it were to be implemented.

It was agreed to direct staff to conduct further research, engage the DDA, follow-up with the SAB, and prepare a draft ordinance for consideration by the Board. Reis said to look for that in September timeframe.


H. OTHER BUSINESS

Mayor Gierlach discussed the Sustainability Action Plan, which he updated for the Board's use to rank priorities during their Goal-Setting Work Session on June 10.

I. ADJOURNMENT

Motion to adjourn was made by Trustee Wood, seconded by Trustee Mueller, and approved by unanimous voice vote. The meeting was adjourned at 9:05 PM.

Approved by the Board of Trustees.



FDV Joe Gierlach, Mayor Peter Honig
Mayor Pro Tem

ATTEST:



Michele Martin, Town Clerk

