

**Town of Nederland
Board of Trustees
Regular Meeting Minutes
July 15, 2014 7:00 PM**

**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, Topher Donahue, Charles Wood, and Mayor Pro Tem Peter Fiori.

Absent at Roll Call: Trustee 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 July 15, 2014 Accounts Payable, Schedule A.
- Approval of July 15, 2014 Accounts Payable, Schedule B.
- Approval of July 1, 2014 Regular Meeting Minutes.

Motion to approve Accounts Payable, Schedule A and the regular meeting minutes from July 1 was made by Trustee Larsen, seconded by Trustee Wood and passed unanimously.

Motion to approve Accounts Payable, Schedule B was made by Trustee Larsen, seconded by Mayor Pro Tem Fiori and passed, with Trustee Lee abstaining.

Trustee Mueller was in attendance at 7:05 PM.

D. STAFF REPORTS

1. Alisha Reis, Town Administrator

Reis highlighted the Housing Needs Assessment survey link, noting that preliminary results are anticipated in August. Reis reminded the Board of their upcoming meetings, the first with the Planning Commission on July 29 from 6:00-8:00 PM.

2. Michele Martin, Town Clerk

Martin spoke on the Institute for Municipal Clerks Conference she attended at Colorado University last week.

3. Eva Forberger, Town Treasurer

Forberger had provided an updated year-to-date through June financial report. It was noted that the increase in Sales Tax continues to look favorable.

4. Jim Matheney, Town Marshal

Marshall's report was included in the packet. They had quite a few highlights, some being the office renovation to come into compliance with CBI and NCIC security requirements, and the new Bicycle Patrol with Officer Jake Smith as the first Bicycle Patrolman.

5. Jason Morrison, Public Works Manager

Morrison's highlights included the pumping of the remaining sewer pond, beginning next week. It was scheduled last September and then postponed due to the flooding and winter months. It will stink when being pumped, as it is over 20 years' worth of sludge to be removed. Neighbors and the whole community will be notified in preparation of the pumping. This space will continue to be used as an emergency overflow, which was proven to be necessary from the floods. It was noted the screw press plan is still the plan moving forward.

Trustee Lee asked about the plan for containing the salt/sand this year. Morrison explained it would be the same as last year, which is protocol to put down plastic and put tarps down over it. Lee expressed his concerns over the loss of trees downhill from the pile and brought up the emergency ordinance that was approved last year for a shelter. Reis said there was an RFQ for on-call engineering, which is needed for this project as the previous engineered plans were based on different surface conditions and a building concept. Real anticipates 6-8 months for updated plans and 18-24 months to realize the shelter.

6. Dawn Baumhover, Community Center Coordinator

Community Center Coordinator's report was included in the packet. Reis touched on the recent trainings held such as Red Cross and Mental Health First Aid. After taking the 8 hour Mental Health course, Dawn and Reis are both now certified. Reis confirmed that some of the Community Center Site Plan items have been done, such as drainage updates, or are in motion such as mitigation work and the parking lot.

E. BOARD OF TRUSTEES REPORTS

1. Mayor Joe Gierlach

No mayors report for this month.

2. Mayor Pro Tem Peter Fiori

Sustainability Advisory Board (SAB) is sponsoring the award winning documentary *Chasing Ice* to be shown at the Backdoor Theater on July 16. The academy award producer and number one scientist in the movie will be here in Nederland to promote the movie. The SAB is anticipating more community outreach similar to this at least once a month. Fiori thanked the Backdoor Theater for allowing its use.

Fiori went on to say that the SAB finished the Scorecard Program, and it is now available to all Advisory Boards to use. If an Advisory Board decides to use it, someone from SAB will come out and give them a tutorial on the process.

3. Trustee Randy Lee

Trustee Lee's full report was in the packet. Parks, Recreation and Open Space Advisory Board (PROSAB) meets this Thursday to discuss Buds, Burgers and Beers Special Event proposal as part of the NPP, and the Community Weed Pull last Saturday at Chipeta Park was a success.

4. Trustee Charles Wood

Trustee Wood's full report was in the packet. Community Center Foundation Board (CCFB) is holding a WineFest fundraiser on August 17 with an auctioneer/entertainer. Dale Porter is officially resigning from the CCFB effective September 1. Wood wanted to recognize Porter, who was in the audience, as a member and later Chair of the CCFB since 2001. Porter humbly accepted the applause.

Wood talked about his experience at the CML conference in Breckenridge last month and said it was incredibly informative. He highlighted a program which has collected data from over 40 years from municipalities in Colorado to analyze what makes for healthy finances. Wood has volunteered Nederland to be part of it.

5. Trustee Kevin Mueller

Downtown Development Authority (DDA) met on June 18 to discuss street vendors, NedPeds, the parking committee, Master Plan updates, DRCOG Transportation Improvement Project, and the DDA logo competition. Alex Armani-Munn, Administrative Intern, is assisting the DDA with the Master Plan update process and rebranding of the logo, which also includes a new website. He explained a few of the details. It was noted the street vendor topic has been put through the NPP process and will be back before the DDA for their input.

6. Trustee Topher Donahue

The Nederland EcoPass District met for the first time and came up with three main goals: to promote Nederland's usage, promote usage within the greater region emphasizing Nederland as a leader in public transportation, and to encourage improvement to the RTD service in general.

The Planning Commission (PC) met briefly last month and voted to recommend Stephanie Herring for appointment to fill the last vacancy. The PC began the discussion about marijuana and how to approach it in a positive way, such as having it grown organically and sustainably, and possibly certifying and branding it. Donahue brought this up in preparation of the BOT/PC joint work session scheduled on July 29. Mayor Pro Tem Fiori suggested the Mayor's Task Force on Retail Marijuana should be invited to any marijuana related meeting.

Trustee Mueller commented that Xcel Energy has teamed up with local consultants to review energy impacts from the marijuana growing industry, and the City of Boulder has just recently put out an RFP for similar information. Mueller anticipates some mandates coming out of this and suggest waiting on recommendations until next year when these mandates should be in place. He said Xcel is also coming up with incentives for growers. It was agreed to ask staff to collect any data available from the City of Boulder and Xcel, prior to the joint work session.

7. Trustee Kristopher Larsen

Board of Zoning Adjustment (BZA) did not meet.

F. PUBLIC COMMENT OF NON-AGENDA ITEMS

Dale Porter, of Nederland, announced that a Planned Giving presentation, sponsored by CCFB and the Nederland Area Seniors, will take place next Tuesday, July 22. Planned giving covers planned gifts to area non-profits, such as bequests, insurance beneficiaries, charitable gift annuities and other ways to leave significant donations to non-profits of your choice. CCFB will have a number of improvement phases over the years, and this is one way they can plan their implementation and support.

Ron Mitchell, of Nederland, said he has been traveling around the State to see which towns have an entertainment district, as he feels there is tremendous advantage to these. Mitchell said he is currently circulating a petition around local businesses in order to present to the Board.

G. INFORMATIONAL ITEMS

1. Update on Summer Sandwiches & Socks program.

Hanson Wendlandt was present to provide an update on the program. They have only been getting a handful of kids under 18, which is not as many as they would like. The summer campers have totaled 38 over the past three events. He said he feels the people they are helping are really the people that need the help, he, as well as other volunteers, have been able to personally connect with these folks. He has solicited feedback from people around town, especially the neighbors to the park, and the majority of them are ok with the program. Wendlandt said he is sensing the mission behind the program is working.

Trustee Donahue asked about the food pantry and just wanted to make sure that locals and families were still the main priority, and to just keep an eye on that.

Trustee Lee thanked Wendlandt for his efforts and then went on to thank Trustee Mueller for his help in picking up the trash. Lee asked about reimbursement for trash removal. Wendlandt said there is a budget to work from, as needed.

Trustee Mueller asked what the plan is for next year, as he had heard from some neighbors to transition it out of the public park and transition it to the churches. Wendlandt said the idea behind the park was to attract children with the playground, if this program ends up not attracting the number of children they anticipated, than there would no longer be a need for the playground and the park.

2. Presentation of recommendations of the Mayor's Task Force on Building Code Updates.

Reis introduced the item. On February 18, 2014, the Mayor directed that a Task Force review and make recommendations related to updating the Town's building codes. The Town is currently under the 2006 International Building Code, and the Town's building contractor SAFEbuilt has recommended adopting the 2012 International Code Council codes (IBC, IRC, IECC, etc.). The Task Force was comprised of professionals from various trades, as well as

advisement from the Fire Department, SAFEbuilt and staff. Reis thanked the Task Force members for participating in bimonthly meetings to review all pieces of the code. Their memo of recommendations dated July 15, 2014 was included in the packet. Their recommendations include: the adoption of the 2012 International Code Council building codes excluding the mandate of sprinklers in residences to encourage installation instead of mandating; the adoption of the 2008 National Electrical Code; the adoption of code changes to ensure safety in marijuana cultivation operations, support affordable housing, and to clarify driveway, drainage, ignition-resistant materials, design guidelines, and other standards and actions.

Trustee Lee asked about waterway setbacks, due to flooding. Reis said they are contained in a couple of places, such as the Comprehensive Plan. Reis said staff has already started mapping work on identifying those floodplains and floodways, and impacts on lots.

Trustee Mueller had compiled a list of his own recommendations, and suggested the next steps should be to seek input of professionals who specialize in energy-efficient modeling and resource utilization. He commented that Boulder County has created their own BuildSmart regulations that encourage sustainable development.

Trustee Wood said that he was encouraged to see the Task Force's recommendations did consider affordable housing. Reis added that was one of the group's big considerations and to understand the immediate cost piece of this issue. Mueller asked if it was the first cost or the cost of ownership and Reis replied both, as there was a lot of discussion on both ends.

Trustee Donahue asked for clarification on the business license reference, which Reis replied was directed towards businesses and their subcontractors.

The next steps were discussed. It was decided for the Board to review the recommendations one more time, send any comments to Reis to compile, and this item will be scheduled back as a Discussion item in 1 ½ months. In the meantime, staff will collect additional information from Boulder County BuildSmart program, City of Boulder and Denver, and Xcel Energy and along with SAFEbuilt will review the recommendations and separate out those that can be rolled out immediately and those needing need further discussion, possibly through the NPP process for the PC and SAB to review. All were in favor.

Trustee Mueller brought up the marijuana cultivation recommendations. Reis said these will be discussed at length during the Board and PC joint work session.

3. Report on the performance space project.

Mark Weritz, staff engineer, had provided a completion report on the Performance Space final grading and seeding project, which was included in the packet. The project was completed in early July. Reis commented that the next step would be to determine the use of the space. Mayor Pro Tem Fiori asked about power, and Reis replied there is access to power. Forberger added that utility poles were relocated or utilities placed underground. Trustee Lee asked about the final cost of the project and Reis replied \$25,000, which included the final grading, seeding, equipment, and manpower. The first use could be for FDGD in March.

The Mayor called a brief recess, which reconvened at 8:47 PM.

H. ACTION ITEMS

1. Continuation of a Public Hearing regarding Aspen Trails annexation, from March 18 and May 6, 2014.

Reis introduced the item. She said there was no new information at this time as the Town is awaiting the Housing Needs Assessment. Reis mentioned that the consultant agreed to a site specific assessment related to the annexation piece, as well as the community wide assessment at no additional fee. Preliminary results are expected by mid-August. Once this data is received, then the applicant can dial in their housing numbers more accurately. Reis recommended continuing the hearing to August 19 or September 2.

Mayor continued the public hearing before the Board on the petition to annex approximately 17 acres of land at 1250 Eldora Road, also known as Arapaho Ranch and reminded everyone as to the proper procedure.

The applicant Kayla Evans was present to provide additional evidence. Evans said she is still working on scheduling the site visit with Reis, but due to the weather, the timing has been delayed. Reis will coordinate with the Board once she has visited the site.

Awaiting the Housing Needs Assessment data will cause this application to miss the cutoff date for a coordinated election with the County in November. It would be considered a Special Election when ready.

Ron Mitchell, of Nederland, commented that he has one room available for rent and had received 11 phone calls in 24 hours, thus emphasizing the desperate need for housing in town.

David Freeman, of Nederland, wanted to bring to the Board's attention the blind intersection at West Rollinsville Road and Highway 119 and to consider it with the increase of traffic this proposal will have.

Audrey Godell, of greater Nederland, reminded the Board that the County regulations on the land are there for a reason, which is to keep it rural.

Harold Schneider, of greater Nederland, spoke about the potential traffic congestion.

Staff had an opportunity to respond, and Reis confirmed that traffic concerns are part of the review process with the County.

The applicant responded by saying she appreciated the comments and the application will fall under Boulder County regulations.

Motion to continue the hearing to September 2, 2014 in order to receive the preliminary data in from the Housing Needs Assessment was made by Mayor Pro Tem Fiori, and seconded by Trustee Wood.

Discussion began in regards to waiting on the final data to be received at the end of September. Trustees Lee, Mueller and Wood suggested continuing the hearing to October 7. Trustee Larsen suggested making it the only action item for that agenda. Mayor Pro Tem Fiori suggested making it the first action item, with others being tabled if not gotten to.

Mayor Gierlach asked staff to include all prior public comments in the packet for the next meeting.

Motion to amend the previous motion to continue the hearing to October 7 instead of September 2, 2014, was made by Trustee Larsen, seconded by Mayor Pro Tem Fiori and passed unanimously. The Board then finished their roll call vote on the first motion, all were in favor.

2. Update on NedPeds bidding process and next steps.

Reis introduced the item. This project went out to bid on June 6, but did not receive any bids as of the July 2 deadline, mainly due to the competition of flood recovery work. Reis recommended reissuing the bids in the first quarter of 2015. She said this has been communicated to CDOT and all they request is a letter with our plans; there is no strike against us for having to postpone the project and it will not affect funding from DRCOG's Transportation Improvement Program (TIP).

Also, Reis requested direction from the Board in regards to the RFQ for an Owner's Representative that went along with the project. The Town did receive interest from four firms, and she asked if staff should hold this short list to be negotiated when the other bids come in, or should the RFQ be reissued at the same time? She confirmed that the Selection Committee was happy with those firms that responded, yet suggested there were openings on the Committee, because right now it is only herself and Trustee Mueller.

There were no public comments.

Mayor Gierlach recommended talking to those four firms and approving a walk through date in December, then out to bid the first two weeks in January. From his experience, he knows that flatwork companies already have their work schedules for the summer by the February/March timeframe.

Trustee Mueller suggested additional language to the Owner's Representation RFQ to ensure specific requirements of the project and the Town's needs. The Committee could see how that is addressed with the firms on the short list in November and open it up to additional firms, if not satisfied.

Trustee Donahue offered aerial camera footage to a contractor if that sweetens the pot, as he was planning to video a time lapse of the project anyway, perhaps help make it a cutting edge neighborhood project and they can use it for their own marketing. Trustee Mueller suggested a trade of the footage for the first annual cleaning of the pavers.

Motion to add additional language to the Owner's Representation RFQ and to discuss with the four firms on the short list in November, then open up to other firms, as deemed necessary, and reissue the construction bids during the first two weeks in January, was made by Trustee Mueller, seconded by Mayor Pro Tem Fiori and passed unanimously.

3. Consideration of a request for exception from N.M.C. Section 13-54 for water tap installation at 55 Indian Peaks.

Mayor Pro Tem Fiori recused himself from the Board. Reis introduced this item. Peter Fiori, the applicant, is requesting an exception from the Nederland Municipal Code, Section 13-54, which requires a separate water service line and tap for each separate building and each

separate use on a single lot. Reis said this proposal has been thoroughly reviewed by Public Works, legal, a third party fire suppression company, and third party engineers. After this review, staff does not oppose granting this exception.

Fiori explained his request, and though his building will have a dual purpose use, it is only one company paying one bill.

Trustee Lee asked Public Works Manager Morrison if he had any issues with the request. Morrison responded that the only known issue could be potential water quality, as the applicant is proposing a 2" connection off the 4" tap and the water will not be moving as constant as a 4" off of the 8" main, but that is up to the applicant as it poses no health threat. Fiori commented that they will only be serving spring water, and not tap water. Fiori added that if he ever sold the building, a new owner would have to ask for the same exception.

David Freeman, of Nederland, asked if there would be enough chlorine in the water. Morrison replied there would be, that there is no public health issue, and that chlorine dissipates, it doesn't evaporate. Freeman also asked about alternate forms of fire suppression, and Fiori responded that it was a metal building.

Motion to grant an exception to the NMC, Section 13-54 to allow only the one water tap installation for 55 Indian Peaks, was made by Trustee Larsen, seconded by Trustee Donahue and passed unanimously, with a vote of 6-0.

I. DISCUSSION ITEMS

Trustee Larsen commented that the DRCOG TIP will be moving from draft table, and he will send out the scoring tables.

Trustee Lee would like the Town to consider reinstating the vendor fee for sales tax back to the 2009 level of 3 1/13 percent or a portion thereof following the State's lead. Reis said staff will look at those amounts to determine what figure that may be and commented that this is a good time as budget is starting up. Forberger said the discussion can be part of the 2015 Budget Work Session.

Reis reminded the Board that the postponed second goal-setting meeting has not be scheduled. It was decided to hold it on August 12 at 6:00 PM, which was scheduled to be the third goal-setting meeting. A third will be scheduled at a later date.

J. OTHER BUSINESS

K. 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 9:55 PM.

Approved by the Board of Trustees

ATTEST:


Michele Martin, Town Clerk




Joe Gierlach, Mayor