

**TOWN OF NEDERLAND  
BOARD OF TRUSTEES  
REGULAR MEETING MINUTES:  
August 5, 2014, 7:00PM**

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

Absent: Trustees Kevin Mueller and Kristopher Larsen.

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

**C. CONSENT AGENDA**

- Approval of August 5, 2014 Accounts Payable, Schedule A.
- Approval of August 5, 2014 Accounts Payable, Schedule B.
- Approval of July 15, 2014 Regular Meeting Minutes.
- Approval of Second Amendment to Agreement for Professional Services with Huitt-Zollars.
- Approval of Facility Use Agreement for NedFest.

Mayor Pro Tem Fiori asked to pull the Facility Use Agreement for NedFest from the Consent Agenda. He said he felt unethical to vote on it as he normally is contracted with them for sound.

Trustee Donahue wanted to state his perspective for the record on the Second Amendment to Agreement for Professional Services with Huitt-Zollars. He acknowledged that he wasn't on the Board at the time, but he wanted to state that he disagrees with the decision that was made.

Motion to approve Accounts Payable, Schedule A, the regular meeting minutes from July 15, 2014, and the Second Amendment to Agreement for Professional Services with Huitt-Zollars was made by Trustee Lee, seconded by Trustee Wood and passed unanimously.

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

Motion to approve the Facility Use Agreement for NedFest was made by Mayor Gierlach, seconded by Trustee Larsen and passed, with Mayor Pro Tem Fiori abstaining.

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

Joseph Pardy, of Nederland, introduced himself as the one who caused the fire on Boulder Street a few weeks ago. He apologized for his actions and thanked the Police and Fire Departments for their help. He admitted to his mistake, plans to stay in Nederland and asked for a second chance.

Alex Armani-Munn, of Nederland, got up to vouch for Pardy, as they have known each other since grade school, and also wanted to say that it took courage for Pardy to come to the meeting to publically apologize to everyone.

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

##### **1. Xcel presentation on Windsource and utility service progress updates.**

Craig Eicher, Area Manager for Xcel, gave a presentation on Xcel's energy and wind power program called Windsource, where customers pay a little extra each month to purchase energy from renewable resources, like wind. Eicher touched on solar power and street lights, where Xcel is working to develop an LED tariff and set of product offerings for municipalities. He provided an update on the feeder reconstruction, which is now focused west of Town to Eldora and undergrounding First Street. He noted that the Obama administration describes Colorado as a poster child in the push to cut carbon emissions.

Mayor Pro Tem Fiori asked if there were a way to have event specific ways to purchase wind credits. Eicher said not at this time, but he will ask the Windsource representative about it and get back to the Board.

Trustee Lee stated for the record that outages are still occurring. Eicher asked for approximate dates and times so that he can go back to the records to look into it. He asked for information to be sent to himself or Reis.

The Board thanked him for his presentation.

#### **F. ACTION ITEMS**

##### **1. Consideration of Resolution 2014-15 to appoint an Interim Marshal.**

Current Marshal Jim Matheney has submitted his resignation effective August 8. Matheney said the reason for his resignation is that he is part of a small minority of people who just never acclimate to altitude, he can't breathe, and his doctor advised him to move to a lower elevation. He went onto say it has nothing to do with Town staff, Reis, or any other rumors that may be floating around out there. He actually attributed his taking of the job to Reis, saying she has been one of the best bosses he has ever had. Matheney said he met Paul Carrill during the interview process and realized they have very similar backgrounds. When Matheney realized he would have to move, he reached out to Carrill, and then suggested him to Reis upon his resignation notice. Matheney went on to provide some of the accomplishments the Police Department has achieved in the short time he was here. He said he wanted to invest in the community, and then contributed \$1,000 of his own money towards the renovations at the department. He understood the Town spent a great deal of time to find a suitable candidate, and provided moving expenses for him. He had just repaid the Town \$1,500 today of

that moving expense. He said he cares about the community, wants to see it succeed, and feels confident in Carrill's ability to take over with a seamless transition.

Trustee Wood thanked Matheney for his time here and repayment of the moving expenses.

Paul Carrill said a few words of thanks to Matheney, and then proceeded to provide his background. His resume was included in the packet. He and his wife had moved to Nederland to retire, this is now their home and community, he knows all of the officers and Boulder County deputies, and volunteers at the Mining Museum.

Reis confirmed this is a six month interim position, but wanted everyone to know that Carrill is an exceptional candidate and that he could, at some point, become a long term candidate.

Barb Hardt, of greater Nederland, just wanted to welcome Carrill and to thank Matheney for all he has done while he was here.

Beery pointed out a typo in the Resolution, which was noted to be fixed.

Motion to approve Resolution 2014-15 to appoint Paul Carrill as Interim Marshal was made by Trustee Lee, seconded by Mayor Pro Tem Fiori, and approved unanimously.

Clerk Martin swore in the new Interim Marshal.

**2. Consideration of a concurrent application for Minor Subdivision, Easement and SRU for 80 Big Springs Drive (Karowe).**

Reis introduced the application. There are four approvals before the Board. One is to grant a minor subdivision approval to take Block 4, Lot 15B and divide into two lots. The next is to grant an easement on Town land on portions in front of the lots to allow for better access lanes to the building and parking spaces. There is also a Special Review Use (SRU) approval needed due to the mixed-use of adding wholesaling services, as well as the building being over 10,000 square feet. Lastly, the applicant is seeking a fee waiver request of certain fees associated with utilities and building permits. The Planning Commission heard this application on July 23 and approved it with four conditions, which were included in the packet of information.

Steve Karowe, local resident and applicant, was present to further describe his application. He mentioned six distinctive references that stood out to him from reading the 2020 Vision Statement and the Comprehensive Plan, and they were to encourage and attract businesses to Town. He has requested a fee waiver of some of the fees as a way to help in that encouragement.

Trustee Lee asked about the activity-based businesses that Karowe proposed in the future. Reis said any other use than office and retail, or wholesaling services, if approved through the SRU, would have to go back for review to the Planning Commission. She said she could make that section clearer in the Agreement.

Deb D'Andrea, of greater Nederland, asked about parking and how the actual design of the building will fit into the long term vision of the Town. Karowe replied he is providing more spaces than are required and he is going for a mining look and feel, similar to Salto's rustic look. She also asked about line of sight for the existing homes and Karowe said there is one home on the very end whose far corner line of sight could be blocked, but nothing blocking it directly.

Katrina Harms, of greater Nederland, recommended approval of the application saying that this business will add greatly to the Town.

Trustee Wood was concerned about the wording in Section 6 Termination and how it could relate to other potential SRU holders for the same sort of project, so Reis said she would add a section to it in regards to failure to apply for a permit within 12 months would be grounds for termination.

Mayor Pro Tem Fiori would like to see motion sensor lighting.

The fee waiver request was discussed at length. Some wanted to add incentives for renewable energy designs; others thought by granting the fee waiver it would set precedence, especially since there are no incentive policies in place right now. It was decided it wouldn't be fair to attach energy efficient incentives like wind or solar to the fee waiver at this time, as a complete site plan analysis would have to be conducted. The Board agreed to discuss these possible incentives, as well as water use rates, during the upcoming budget discussions and after receiving the Utility Rate Study. Karowe noted for the record that he has many energy efficient designs in his plan.

Mayor Pro Tem Fiori asked Reis, if given the authority, would have granted the fee waiver suggestion of 25%, which equals \$5,311.25. Reis said yes. She felt that given the 18 primary new jobs and overall investment of the project there was justification for the waiver.

Motion to approve a Minor Subdivision with dirt trail easement dedicated to the Town at 80 Big Springs Drive was made by Trustee Lee, seconded by Trustee Donahue, and approved unanimously.

Motion to approve an easement by the Town for a portion of the adjacent road right-of-way at 80 Big Springs Drive was made by Mayor Pro Tem Fiori, seconded by Trustee Lee, and approved unanimously.

Motion to approve the SRU as presented for 80 Big Springs Drive was made by Trustee Lee, seconded by Trustee Wood, and approved unanimously.

Motion to approve a fee waiver request of \$5,311.25 for 80 Big Springs Drive was made by Mayor Gierlach, seconded by Mayor Pro Tem Fiori, and approved unanimously.

The Mayor called a brief recess, which reconvened at 9:25PM.

### **3. Consideration of Ordinance 731 to amend Subsection 10-222(E) concerning False Alarm Service Charges.**

Martin introduced the item. There have been complaints by the Police Department of several false alarms that take up their time to patrol and secure an area. Staff has conducted research on what other municipalities charge. The proposed change is from the first five occurrences free, the next five \$50/each and then \$100 for each thereafter to recommend the first two free, then \$75 for each occurrence thereafter.

Sgt. Johns was present to give some background on the issues the Police have experienced.

Natural circumstances that could trigger alarms were discussed, and Sgt. Johns said that the officers are pretty understandable when issues like that occur; he said they are just trying to

knock down the human error part.

There was no public comment.

Mayor Pro Tem Fiori asked for one additional free false alarm, for a total of three.

Beery wanted to point out that this Ordinance removes the fees and defaults to the Fee Schedule, as well as pulls the appeal process from the Board of Trustees and gives it to the Administrator. It was eventually agreed that for \$75, it was not worth the effort to bring an appeal before the Board.

Motion to approve Ordinance 731 to amend Subsection 10-222(E) concerning False Alarm Service Charges was made by Trustee Lee, seconded by Trustee Donahue, and approved unanimously.

**4. Consideration of Resolution 2014-16 to amend the Nederland Policy regarding Access to Public Records and the 2014 Fee Schedule.**

Martin introduced this item. This is in response to State law, which recently passed HB 14-1193 capping the research and retrieval of public records rate at \$30/hr. While staff was amending the fee schedule to comply, a few edits were made to some wording for clarity.

Mayor Pro Tem Fiori brought up the Noise Variance permit fees, and Reis suggested reviewing any changes to fees during the budget process. Fiori will bring it back up during that time.

There was no public comment.

Trustee Lee questioned why the Visitor's Center lot rental was so low in price than for park facilities; he pointed out that the inconvenience of the parking lot being closed all day is a much greater impact than a park rental. Mayor Gierlach suggested separating out the Visitor's Center into a separate line item, for easy discussion during budget talks.

Motion to approve Resolution 2014-16 to amend the Nederland Policy regarding Access to Public Records and the 2014 Fee Schedule with the exception that the Visitor Center Lot being separated, was made by Mayor Gierlach, seconded by Trustee Wood, and approved unanimously.

**5. Consideration of Resolution 2014-17 to adopt the 2014 Master Infrastructure Plan.**

Joel Price, JVA project engineer, was present to answer any questions the Board may have in regards to JVA's response to the public comment period, SAB, PROSAB and Trustee Mueller's questions.

Mayor Pro Tem Fiori apologized for the time taken to address those SAB questions that were outside of the scope of the project. He emphasized that a Life Cycle Cost Analysis and a Needs Statement should be done. Price said they encourage it to be done when prioritizing the projects.

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

There was no public comment.

Trustee Lee had many concerns to discuss and touched on a few, such as: typographical and grammatical errors, raw water, gray water, compostable toilets, Stinky Gulch, and NedPeds paver maintenance. He will send his list to Reis.

Mayor Pro Tem Fiori commented that this is a good starting point, the money has been spent on this plan, it was done by a great design team, and the Board would be committing to the general scope of the plan, any tweaking can be done later.

Price said the whole intent is to get a plan in place to allow the ability to apply for loans, the details and semantics can be figured out later, JVA will address any concerns.

Reis added that this is the first Master Infrastructure Plan the Town has ever had and reminded the Board that this is a 30,000-foot level plan; all details will be worked on and finalized when projects are ready.

Motion to approve Resolution 2014-17 to adopt the 2014 Master Infrastructure Plan and allow for Town staff to make tweaks as needed in regards to typographical and grammatical errors, and issues as submitted by Trustee Lee was made by Mayor Gierlach, seconded by Trustee Wood, and approved unanimously.

Reis will send out a cleaned-up version when ready.

#### **6. Consideration of approval of Grant Agreement re: CDBG-DR Marketing Funds.**

Motion to continue the meeting to 11:00 PM was made by Mayor Pro Tem Fiori, seconded by Trustee Donahue and approved unanimously.

Administrative Intern Armani-Munn introduced this item. He has been working on a Tourism Marketing grant awarded through the Governor's Office of Economic Development and International Trade. He focused his presentation on managing Nederland's perception and how the Town can take a proactive role in its identity. He touched on how this grant fits into 2020 Vision goals and the Comprehensive Plan. He is looking for approval tonight in order to meet the deadline to accept the money that has been awarded.

There was discussion on tourism and the use of the funds. Mayor asked the Board to determine what the reach should be and what percentage should be given to visitor attraction vs. enhancing the visitor experience. Mayor Pro Tem Fiori and Trustee Lee expressed opposition to any funds being used to market Nederland to tourists.

Trustee Donahue suggested changing the wording to visitor education, not visitor attraction, and to not use a typical tourism approach, he suggested maybe something like "Don't drive to Nederland".

Mayor Gierlach gave some background on the Community Development Block Grant-Disaster Recovery (CDBG-DR) and the funding that was available to aid flood-impacted communities. He and Reis have been attending these meetings and the Mayor has asked for funds to help market our businesses along the Peak to Peak Highway.

Donahue suggested filling the tourism requirement of the grant by partnering with the Nederland EcoPass District group to advertise in a more ecologically friendly way to get folks to

ride the bus instead of drive their car to Nederland. Mayor would like to look into the cost of buying an ad for the RTD 'N' bus.

Katrina Harms, of greater Nederland said she would like to see the Board move forward on this.

Harms has been on the committee with Armani-Munn and suggested the reach should be the whole Peak to Peak Scenic Byway and that Estes Park and Gilpin County would partner in directories to keep the Peak to Peak money on the Peak to Peak Highway.

Mayor summarized the guidance given to the committee as 80% of the \$30,000 to be spent on Visitor's Center materials, the website and the visitor experience, and 20% on advertising within the Peak to Peak region.

Motion to approve a Grant Agreement, re: CDBG-DR Marketing Funds was made by Trustee Donahue, seconded by Mayor Gierlach, and passed by a vote of 6-1, with Mayor Pro Tem Fiori opposed.

#### G. DISCUSSION ITEMS

Mayor Geirlach asked about the membership to the fitness place that was discussed before for Board members. Forberger will send an email to Baumhover to let her know Board members are considered employees and as such, will be allowed to use the fitness center.

Trustee Lee reminded everyone about the Community Weed Pull on Saturday, August 9.

Reis reminded the Board of their next goal setting meeting on Tuesday, August 12.

#### H. OTHER BUSINESS

#### I. ADJOURNMENT

Motion to adjourn was made by Trustee Lee, seconded by Trustee Wood, and approved by unanimous voice vote. The meeting was adjourned at 10:50 PM.

Approved by the Board of Trustees.

  
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Joe Gierlach, Mayor

ATTEST:

  
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Michele Martin, Town Clerk

