



**TOWN OF NEDERLAND  
BOARD OF TRUSTEES  
REGULAR BUSINESS MEETING**

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

**October 7, 2014, 7:00 P.M.**

**MINUTES**

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**A. CALL TO ORDER – 7:00 PM**

Meeting convened at 7:05 p.m.

**B. ROLL CALL**

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

Absent: Trustee Kevin Mueller.

Also present: Alisha Reis, Town Administrator, Eva Forberger, Town Treasurer, Carmen Beery, Town Attorney, Cynthia Bakke, Deputy Clerk, Jason Morrison, Public Works Director and Alex Armani Munn, Town Intern.

**C. CONSENT AGENDA**

- Approval of October 7, 2014 Accounts Payable.
- Approval of September 16, 2014 Regular Meeting Minutes.
- Approval of On-call Engineering Contracts with JVA Inc. and RG and Associates.
- Approval of Timberline Mechanical annual agreement for Community Center HVAC system maintenance.
- Approval of Community Center lease with Mountain Forum for Peace.

Motion to approve the Consent Agenda minus the regular meeting minutes from September 16, 2014 was made by Trustee Larsen, seconded by Trustee Wood, and passed by unanimous approval.

Motion to approve the regular meeting minutes from September 16, 2014, was made by Trustee Larsen, seconded by Trustee Wood and passed by a vote of 5-1, with Mayor Pro-Tem Fiori abstaining as he was absent from this meeting.

#### **D. PUBLIC COMMENT ON NON-AGENDA ITEMS (Speakers limited to 3 minutes)**

Danny Martin of greater Nederland presented news re: Bucyrus Steam shovel. The Nederland Area Historical Society (NAHS) will send the shovel bucket to the Mint Museum in Charlotte, NC for the 100<sup>th</sup> anniversary art collection of Panama Canal memorabilia. The exhibit runs from November 1 to February 1, with an estimated attendance of 50 thousand people. The Bucyrus bucket is the first exhibit, as stand-alone item. All paintings and artwork will be on display, illuminating the rich history of the steam shovel. NAHS presented the Town Hall with a DVD recording of the relocation of the steam shovel from Rollinsville to Nederland.

Kayla Evans, of greater Nederland area added that the exhibition will give positive publicity to the town. She said that Danny Martin & Glenna Carline are the Nederland representatives, and she hopes that it jumpstarts the State landmarking process to restore the steam shovel, as well as being put on the National Historic Registry.

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

Mayor Gierlach presented this item. He attended the American Planning Association meeting in Crested Butte to accept the award for Sustainability and Environmental Planning (Honor Category) for Nederland's 2013 Comprehensive Plan update. Mayor Gierlach then discussed Envision 2020, and the preferential nested systems sustainability model--referenced within the Comprehensive Plan—which shifts emphasis to the ecological limits imposed upon the economy and society. The Comprehensive Plan update was awarded due to its public input process and actionable elements that increase the likelihood of implementation.

Mayor Gierlach cited the Nederland Public Process (NPP) review, aligning goals between BOT and Town Advisory Boards, updates to town planning documents, avoiding the tyranny of majority to honor civil rights and community process. He noted the catalyst Wastewater Treatment Plant (WWTP) project, which now saves ratepayers money and is the most energy-efficient of its kind in the Front Range. He discussed other master plans, projects, and achievements during his time in office, and the 160-item Trustee goal list approved on September 16, 2014.

Mayor Gierlach concluded that they have chosen to complete the Envision 20/20 goals by 2020, to be done in 4 easy steps: 1) Increase community members familiar with the town's master plans from 2% to 5%, (about 300 residents), 2) Assurance to community members working on action items that projects won't be abandoned by the town, as all listed projects must go through NPP review, 3) Projects must include the ability to be easily updated, and 4) On-going progress must be able to be measured.

- **Boulder Valley School District (BVSD) Ballot Initiative Information**

Adam Fels, Nederland Middle/High School Principal introduced the item. He provided handouts for Trustees and staff, along with a Town Hall copy of the associated Facilities Master Plan. He spoke in depth about the upcoming BVSD Facilities Master Plan, a ballot initiative to fund the capitol improvement project affecting BVSD schools district-wide at a proposed cost of \$576 million. He noted that the 2006 fund also involved all district schools, with entire renovations of Columbine Elementary and Casey Middle School. He stated that

the State of Colorado doesn't offer schools a capitol improvement budget, thus the request must come before the voting public.

Don Orr, Assistant Superintendent of Operational Services, said that a comprehensive review quantified close to a billion dollars, with approximately 72% of district schools over 30 years old, requiring significant maintenance, of which almost half of the bond is to be geared. This includes roofing, flooring, new boilers, carpet replacement, ceiling tiles, and asbestos abatement. He said there is need for a new preschool through kindergarten with Erie's growing population, along with the need for 3 new elementary schools. Orr noted the inclusion of other sustainability elements within the project to include energy efficiency upgrades to HVAC systems and lighting, and the desire to build healthy, comfortable classrooms with better illumination and sound systems, with outdoor facilities enhancement for compatibility with health and wellness policies, and safety and security elements. The spaces will be shaped by architects, the school community, parents, and kids involved in the process, with a citizen's bond oversight committee to ensure funds are spent as intended.

Leslie Stafford, Chief Operations Officer, said that improvements are also proposed for transportation facilities and district-wide improvements for food service to include a central kitchen for food preparation, the intention to buy more local food to ensure safety, security, and quality of food, allowing operational and bulk savings. She added that the bond will also include technical training, more staff, student, and community space, expansion for early childhood and special education programs, expansion of space for full day kindergarten, upgrades for personal learning innovation and instructional technology, and funds for audio enhancement.

Principle Fels said that this is a unique opportunity to address significant needs for both Nederland schools, including maintenance improvements, cosmetic repairs, and innovation upgrades. He invited all interested parents, teachers, support staff, town staff, and town advisory board members to serve on the Design Advisory Team. He noted a 65% polling approval, and the overarching need to inform the public about the ballot initiative.

Tina Marquis BVSD School Board member, said that feedback developed the plan presented at the meeting and asked the Board for their consideration, citing Mayor Gierlach's minor percentage shift to allow for a 2020 reality as a similar need for the bond initiative before the Trustees.

Jeff Miller, Nederland Elementary School Principal said that the school's carpets are 25 years old, among other needs, and he is excited about the proposal of funding for innovation enhancements. He said that the K-12 system needs to be viewed comprehensively to coordinate with the larger community vision.

Trustee Wood inquired as to how the bonds will be repaid. Leslie said that there will be a separate mill levy, and this will be paid in 2 or 3 different phases over 30 years, with an approximate \$47 increase per \$100 thousand home valuation.

Trustee Lee asked if the School Board considered repurposing schools for the 3 new schools to be built, or purchase/sale of additional property. The response was that the attendance area of these schools serves a defined boundary, and it is difficult to secure area within the boundary that overlaps between these 3 schools.

Mayor Gierlach said that presenters noted district wide improvements, as well as mountain communities to include Gold Hill, Jamestown, and Nederland, of which the schools are of vital importance.

Trustee Wood asked questions regarding funding of the project via separate mill levy tax.

Orr said that the district is composed of a diverse community, of which they've received seen overall encouragement from preliminary polling. He added that the BOT can endorse the initiative as there will be an acknowledgements page for those who endorse the bond.

Administrator Reis said that the draft resolution was only recently received, but she will craft the finalized resolution for support of the ballot initiative. Mayor Gierlach said that the Board passed a resolution that support of any election needs to have a supermajority, and asked if the board interested in entertaining a vote.

Trustee Lee said he opposes school demolition as unsustainable, which has been a similar matter for the Community Center West Wing, a repurposed school building. Referring to proposed upgrades to HVAC systems, he said that he grew up in the BVSD school district, and could not recall ever suffering because of heat, noting that heat is a calendar issue, and not a responsible use of funds to invest in non-sustainable systems like air conditioning.

Orr addressed Trustee Lee's questions noting that most HVAC improvements are geared toward nightly air movement, with newer AC systems proposed for 5 schools with orientation and/or material design challenges and 4 schools offering extended learning during summer months. In the case of building demolition, he said that they applied the Facility Commission Index percentage (70 cents renovation money for \$1 of replacement) to determine whether it is logical to renovate 60+year old buildings, though landfill diversion is done wherever possible.

Mayor Gierlach cited the award given to school districts for green schools program, to include Nederland Middle and High School with the only wind-turbine in the school district providing wind data metrics and generating lighting for 4 classrooms, and the play structure with shade structure-thin film technology at Nederland Elementary.

**Motion to support the BVSD ballot measure 3A as a Board and Town was made by Mayor Pro-tem Fiori, seconded by Trustee Donahue, and passed unanimously.**

- **Presentation of Housing Needs Assessment (HNA) results**

Bowen National Research President Patrick Bowen presented the HNA results, thanking Town Administrator Reis for information/data and staff assistance resulting in a high resident survey turnout. The demographic information includes response from 200 residents, 35 rental properties (about 99 rental units), and 30 stakeholders. The primary study area (PSA) is Nederland proper with a secondary study area (SSA) encompassing a 10 mile area surrounding the town.

Bowen said that results included education, population by poverty status (7.1%), housing tenure, household sizes, population trends to include 2.9% growth, with results comparison of the PSA, SSA, Boulder County and Colorado. Nederland's growth is predicted to exceed the larger area with a projected decline for persons aged 35-44, and the greatest growth within the senior community. The median age of the study was 41 years of age.

Bowen noted that household changes and characteristics affect housing units, referencing other demographic highlights of the survey, including theme maps which compare elements such as owner and renter market share, population ages, medium income, population density, crime index and drive time for commutes. Regarding economic highlights, he noted that there are more jobs than prior to the recession.

Bowen explained that the housing supply shows a small percentage of the PSA lives in overcrowded housing, defined as more than one person per room, however roughly one-third of renter-households are cost-burdened, indicating that housing costs exceed over 30% of total income, which is not as high as seen in Boulder County or the rest of the region.

Regarding rentals, Bowen confirmed that there are few vacant units in the PSA, (97% occupancy rate) which is not positive for renters and creates other community associated issues. He noted the mismatch of housing available/needed with rental costs, using an example that to afford rent of \$944 requires an annual income of \$35,000. Bowen noted that there by year built, there is a lot of older product (pre- 1970's) within the Nederland market. Of 99 rentals rated on a scale of A-F, most is C-rated (average) with D-rated and lower being a large share, which is rented mainly due to need, he said.

Bowen discussed the housing gap analysis (housing availability vs. need for a healthy market) was based on 3 categories of annual income: 1) Less than \$30,000, 2) Between \$30-60,000, and 3) \$60,000+.

Bowen said that these statistics can be used as guide for use in development planning. He noted that housing prices are on the rise, with almost half the homes built in 1990, and significantly less older homes being sold. He said that a serious effort was made to find homes for sale (13), a market which favors sellers, due to a low choice of offerings, with homes closing faster than in other parts of the country. He stated that 70% of households cannot afford the housing that available, with almost nothing priced under \$325,000. The housing gap analysis sales findings are comparable to rental findings. He said there is little likelihood to build a home for under \$100,000.

When reviewing vacant land or buildings not in use, he noted that elements such as sufficient land to accommodate parcels, parcels located within the Flood Plain and what is reasonable to build upon leaves the ability to accommodate 138 residential units vs. a need of 109 residential units. Bowen referenced the sites graph, showing overall community housing development opportunities.

Bowen noted the overall lack of affordable and/or moderate-priced housing, availability and senior housing, in a community that has an increasing base of seniors and empty-nesters. The 25 and below age group is decreasing, with housing affordability a consideration. Bowen said that there needs to be high standards to ensure that housing is of good quality, and the inherent challenges of a lack of buildable sites. He suggested adaptive re-use of vacant structures to provide more housing, as well as expansion of town boundaries to increase opportunities for developable land.

Bowen stated that houses containing marijuana cultivation (without actual conversion numbers) is approximately 24 houses in a community with roughly 3 vacant rentals, which is an issue to be monitored. Mayor Pro-tem Fiori requested clarification as to how many

houses are used for marijuana cultivation, how was the result derived, do these grow operations occupy a whole house or a small portion, and was this question included in other housing studies. Fiori said he supports elimination of whole house occupancy, but lauded the ability to cultivate for personal consumption or for extra income. Bowen acknowledged that the question was Nederland-specific and derived by broad Police Department and utility company input. Town Administrator Reis noted that the study took place prior to October 1, and she can provide follow-up numbers. Mayor Gierlach said a similar number of art/music studios also occupy portions of homes. Trustee Donahue asked if the study question was specific or fill in the blank. Bowen said that the statement in question asked if residents have observed any impact upon the local housing market, with Trustee Donahue noting that the question fed the response.

Trustee Wood discussed statistics and offered the correlation that older people make more money generally. He indicated uncertainty about influx based on affordable housing availability and demand. Bowen said housing estimates are based upon the assumption that if nothing changes, the projections shown will materialize.

Board discussion included questions about senior housing, with Mayor Gierlach noting need for more home-healthcare services. Bowen said that there may not be enough support for development of a nursing home, though transitional senior rental units may fill community need, with more developer interest, as well as freeing up additional homes.

**Mayor Gierlach opened the public comment portion of the discussion.**

Ataashna Medicine Shield, of greater Nederland, said that she started advocating for affordable housing about 6 years ago. She said that on average rental prices are about \$300 more than what is in assessment based upon her experience, and noted that income limits are skewed because Boulder County Housing and Human Services needs a beginning and end point for different levels. She said that the focus should be on taking care of the present community, not future residents.

Matt Phillips, of Eldora, stated that he sees no housing options within the town, has resided in Eldora and heard some Eldora residents oppose the current annexation proposal, however he support the proposal for increased housing, noting the importance of addressing current and future housing need.

The Mayor called a brief recess, which reconvened at 9:30 PM.

**F. ACTION ITEMS**

1. **Consideration of Resolution 2014-23 to recognize Colorado Cities & Towns Week**  
Town Intern Alex Armani-Munn introduced the item. He said this is the inaugural year for the Colorado Municipal League (CML) administered program with the intent for citizen outreach and education by local governments. CML has provided suggestions for outreach and engagement events, but allows for individual town flexibility based upon the values each seeks to promote. He asked if Nederland would like to adopt a resolution to declare Cities and Towns week, along with any suggestions by the Board.

**Motion to approve the resolution was made by Trustee Larsen, seconded by Mayor Pro-tem Fiori, with unanimous approval.**

2. **Continuation of a Public Hearing regarding Aspen Trails annexation, from March 18, 2014 to July 15, 2014; and**

**a. Consideration of Resolution 2014-24 to adopt annexation findings of fact**

Reis introduced the item noting that the drafting of the findings of fact are required for any annexation in Colorado. She said that town staff has accepted further evidence including the Housing Needs Assessment (HNA) results, commentary from the applicant's wildlife biologist, and updated applicant narrative, which will be added to the annexation packet forwarded to Boulder County Land Use staff, in accordance with the Intergovernmental Agreement (IGA), provided that findings of fact are approved. The discussion is not about approval or disapproval of the annexation, which occurs after the county process concludes, should the BOT approve continuation of this item.

Town Attorney Beery weighed in on legal concerns, clarifying that the Board is required to find if a community of interest exists, i.e. does the annexation make sense for the community. She said the Board can make a determination if all criteria is or is not adequately met. Beery responded to questions regarding the resolution and county process, to include whether closure of public hearing means that no more additional information or comments will be accepted. Beery said that if hearing is closed, that they cannot accept additional public comment, however they could also choose to continue the comment period.

**Mayor Gierlach opened the Public Hearing, and read the procedure and options available to the Board.**

Reis referred to the packet with updated narrative from September 30. She clarified that the July 31 housing memo is specific to this proposed development, contained as part of overall HNA results, as well as a letter forwarded by the wildlife biologist and Nederland Middle/High School Principal Adam Fels. She said that the packet contains all public comment taken since March 18, including verbal testimony, letters and emails, as directed by the BOT.

Applicant Kayla Evans, of greater Nederland area, referenced the HNA results and support Principal Fels. Evans said that the project seeks to address community needs to bring something exceptional to Nederland soon and into the future. The proposal is not solely for seniors, but also needed housing within the community that is proximal to bus lines, and the possibility of a much-sought swimming pool, with partnership from BVSD. She noted prominent support from local business owners, the fire department, and the schools. She offered a site visit for the Trustees to see the parcel size, town contiguity, and the distance and natural buffers to surrounding neighbors. Evans thanked the Board for their time and consideration to allow a vote of town residents.

**Motion to extend the meeting until 10:30pm was made by Trustee Lee, seconded by Trustee Wood, approved by unanimous voice vote.**

Business owner Steven Culver said that he supports allowing the process to continue to create affordable housing units and link the town to the Middle/High School with these concerns addressed with the project.

Roger Cornell, Nederland Planning Commission Chairman, said that the proposal has improved since the original Planning Commission presentation. Cornell said that would now support continuation of the process, despite former Commission recommendation of project denial, which was based upon Comprehensive Plan goals for infill development.

Board discussion considered further input from the Commission as well as overall NPP review. Mayor Gierlach clarified that NPP review is limited to public land and events, not private property.

Trustee Wood inquired about the upside for closure of the public comment period. Beery said that it is a measurable benchmark for the County. Per Reis, Boulder County is anticipating the whole package for review before the County Planning Commission and County Commissioners, which includes further public comment until the decision is made.

Mayor Pro-tem Fiori added that conditions can be included with the annexation agreement, which is not possible for private land already within the town boundaries.

Trustee Lee asked Beery to explain the definition of “community of interest.” Beery summed up that per statute the proposed annexation needs to be capable of town integration with the existing character and vision of the town. Trustee Lee asked if resolution approval binds the Board to adopt or approve the annexation, to which Beery clarified that it does not.

The Board conducted a straw poll regarding adequacy of public comment period and whether to address the resolution afterward or keep public hearing open for more input. The Board generally favored closing the public hearing process, with the need to answer more questions. Trustee Lee said that he cannot support resolution approval unless 3 conditions are met: 1) acquiescence of adjacent land owners, 2) a positive recommendation from the Planning Commission, and 3) a cooperative agreement from Eldora residents and other agencies to address traffic impacts upon Eldora Road and Highway 119/72.

Mayor Gierlach asked how towns typically handle traffic concerns on annexed property. Reis said that a County right of way review will occur, which may be benefitted by infrastructure improvement via County and State partnership. She said that staff has been looking at plans including additional traffic control at ski resort let-out, but a long-term solution is needed, with specific input from Boulder County. This condition can be added to the Annexation Agreement, however if annexation is approved by a vote of local residents, a Planned Unit Development (PUD) process is still forthcoming, said Reis.

**Motion to extend the meeting for an additional 30 minutes by Mayor Gierlach, seconded by Trustee Wood, with 4 in favor, and 2 opposed.**

Evans responded to the Board’s comments and questions. She asked that the Board consider the greater good of the project, observing the distance to nearby neighbors in opposition to the development.

**Mayor Gierlach closed the Public Hearing.**

Town Attorney Beery clarified a question concerning Section 3 of the accompanying resolution.

Trustee Larsen said he would like an amendment added that more information can be included from the Planning Commission and the Sustainability Advisory Board, after being forwarded from Boulder County review. Beery said reviews may also be conducted simultaneous to County review.



Motion to approve the Resolution with change noted to Section 3, seconded by Trustee Donahue, with 5 in favor, and Trustee Lee opposed.

**I. DISCUSSION ITEMS**

Discussion of Draft Ordinance to approve changes to Home Occupation code and Planning Commission recommendations related to retail MJ in residential zoning districts.

Motion to table this item due to meeting time constraints made by Mayor Pro-tem Fiori, seconded by Trustee Larsen, with unanimous approval.

**J. OTHER BUSINESS**

Reis said that the budget work session will be held on October 14, from 6-9 pm.

The Board discussed the tentative plan for a BOT goals finalization retreat on October 21. Trustee Larsen said he is unable to attend. Mayor Gierlach admitted the challenge to find a date that works for all the Trustees. He will continue to work on this.

**K. ADJOURNMENT**

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

Approved by the Board of Trustees.

ATTEST:

  
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Cynthia Bakke, Deputy Clerk

  
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Joe Gierlach, Mayor