



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

NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466

January 20, 2015, 7:00 P.M.

MINUTES

A. CALL TO ORDER

Meeting convened at 7:02 p.m.

B. ROLL CALL

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

Absent: Mayor Joe Gierlach, and Trustee Topher Donahue

Also present: Alisha Reis, Town Administrator; Eva Forberger, Town Treasurer; LauraJane Baur, Town Clerk; Jason Morrison, Public Works Manager; and Alex Armani-Munn, Town Intern.

C. CONSENT AGENDA

1. Approval of January 20, 2015 Accounts Payable, Schedule A.
2. Approval of January 20, 2015 Accounts Payable, Schedule B.
3. Approval of January 6, 2015 Regular Meeting Minutes.
4. Approval of Utilities Agreement: 80 Big Springs Drive.
5. Approval of easement agreement for access to 2nd Street right of way.
6. Approval of Two agreements (phase 1 and phase 2) to support the Nederland Downtown Development Authority's (NDDA) efforts to update their Master Plan.

Motion to approve the Consent Agenda minus Schedule B and the January 6, 2015 minutes was made by Trustee Larsen, seconded by Trustee Lee, and passed by unanimous approval.

Mayor Pro Tem Fiori noted that he would like to have his statement regarding the NCC capacity corrected. The minutes will be corrected as follows: "Fiori questioned the current capacity of the building and noted the need to ~~increase that capacity~~ for a needs statement about the capacity of the building."

Motion to approve Schedule B and the January 6, 2015 minutes with corrections was made by Trustee Larsen, seconded by Trustee Wood, abstention by Trustee Lee.

D. STAFF REPORTS

1. Alisha Reis, Town Administrator

Referring to her report in the packet, Reis noted the status of the “temporary” and “permanent” flood repairs as they relate to FEMA. Reis also noted that the final request for information regarding the backup generator for the NCC has been submitted to FEMA.

As an update on the Evans annexation application, Reis noted that the IGA amendment is up for consideration at the old court house in Boulder on Pearl Street on March 5th at 2:00p.m. As a clarification of process, Reis stated that this will not be a vote on the annexation, but a vote on the requested amendment to the IGA between Boulder County and the Town of Nederland to allow for an annexation. If approved, the annexation issue will go through the Planning Commission (likely in March or April), and then be referred back to the Board of Trustees (likely in April or May), then on to a public vote at special election should the Board refer the issue to voters.

Reis also noted that we are on track for advertising the NedPeds project the first week in February, as directed.

2. LauraJane Baur, Town Clerk

Baur noted her report in the packet but highlighted the two recent marijuana conferences/training sessions that she attended. Baur noted that they were very clarifying regarding regulations and jurisdictions.

Baur also noted that she will be taking over the business licensing with transitional assistance from Deputy Clerk Bakke. As noted in her report, the Deputy Clerk has become very busy with increasing Planning/Building duties, so this will help Bakke to be able to focus where she needs to, and it makes logical sense that business licensing fall under the responsibilities of the Town Clerk.

3. Eva Forberger, Town Treasurer

Forberger’s report is in the packet. Forberger noted that she is working on finalizing the 2104 figures so they were not available for this meeting; they will be in the second February meeting report. Forberger also noted that the auditors will be here in mid-February.

Forberger stated that she has been busy with many grant applications, and that each one will be presented to the BOT as they are ready. Reis noted that the grant applications are primarily for infrastructure projects.

Mayor Pro Tem Fiori asked which auditing firm Nederland is using this year. Forberger responded with John Cutler and Associates. Fiori then asked who was used last year; Forberger responded with the same. Fiori stated that last year he had indicated a recommendation that we change auditors for this year; he requested a change of auditors next year. Both Forberger and Reis noted that best practices call for changing auditors every five to seven years. This will only be the third year with this firm.

4. Paul Carrill, Town Marshal

Reis introduced the Town Marshal's report noting that the Police Department hosted a POST training, "Introduction to Marijuana for Law Enforcement", earlier today which was followed by a review session on codes and code enforcement with Reis and Code Official Sherry Snyder from SAFEbuilt.

Reis also made reference to personnel changes in the Police Department, and noted that Chief Carrill has been working with Eldora on improving traffic patterns.

Trustee Lee asked about the sold vehicle indicated in the Police report. Reis explained that it was a leased vehicle that will be replaced with two vehicles (one for the Police Department and one for Public Works) from the proceeds of the sale.

Trustee Lee also noted the mention of the AED located at the Police Department and noted that he would like to see them at all Town sites, along with training for citizen use.

Fiori noted that he likes the addition of the Monthly Incident Log to the report.

5. Jason Morrison, Public Works Manager

Morrison presented his report with no initial questions/comments from the Trustees. Later Mayor Pro Tem Fiori returned to this report asking about changes in pH levels in the water testing. Morrison reassured the Trustees that Nederland's pH levels are good and that the current pH levels actually help to protect the pipes and machinery. He stated that Nederland has very good water noting that of fourteen items flagged in a recent report all were related to the Chlorine, which is required in municipal treatment.

6. Dawn Baumhover, Community Center Coordinator

Reis introduced the Community Center report noting the Art at the Center event taking place this Thursday, January 22nd.

Mayor Pro Tem Fiori asked if a radon test had been completed in the low grade work out room. Reis was unaware if one had been completed or not, but would follow up and let him know.

7. SAFEbuilt, Year-end Building Report

Reis passed out the SAFEbuilt year-end statistics, noting that they had only sent in the fourth quarter report for the packet. Reis then went on to review the report totals, noting a 30% increase in overall permitting activity, including a 60% increase in commercial building. Trustee Larsen inquired if the increase in building permits covers the cost of the SAFEbuilt services. Reis responded affirmatively that the fees are set up in a manner to cover the costs, though she noted the additional workload placed upon the permitting staff.

E. BOARD OF TRUSTEE REPORTS

1. Trustees' Reports

Trustee Larsen noted that there will be a DRCOG meeting tomorrow night and that it will be an important meeting regarding funding requests. Results for the Phase I TIP funding came through and Nederland did not get any of those grants. Larsen said that Nederland had submitted for two projects: the secondary emergency bridge for Middle Boulder Creek and the Lakeview Drive turnoff at Highway 119. He noted that with the scores we

received, there are about 40 projects between Nederland and the funding level. Tomorrow night at DRCOG they will be discussing Phase II projects; Larsen is not optimistic about receiving funding for our projects this year. Larsen noted that the important part of the DRCOG meeting will be the discussion of criteria for the next round's funding which could include being penalized for not completing previous projects. Due to flooding, Nederland has such projects, so Larsen is intending to negotiate on this issue. Further discussion ensued regarding qualification for DRCOG funding and the projects that we are applying for.

Trustee Wood submitted his report on the CML Policy Committee for the packet but noted that he would like to point out the Affordable Housing and the Marijuana Taxation sections of his report. Wood has underlined sections of note in his report.

Mayor Pro Tem Fiori said that SAB is currently holding discussions on the building code recommendations for the NPP. SAB did their first STAR reporting, using the Trello program, with the assistance of Town Intern Alex Armani-Munn. They will continue to do a STAR report at each SAB meeting.

SAB is continuing their community outreach program and are hoping to show the movie "Bag It" at the Backdoor Theater. Jodi Andrews, a SAB member who was in charge of the sustainability plan for the Olympics in Toronto, will be giving a seminar on sustainability. More information on this will be forthcoming.

Trustee Lee referred to his report, which is in the packet. He noted that there will be an announcement coming up later on in the week regarding Saws and Slaws. Lee also noted the annual volunteer dinner will be held on Saturday and invited the Trustees to attend.

Trustee Mueller reported that the DDA had a public meeting to continue discussion on the Master Plan update, and they will be meeting again tomorrow. Mueller also noted that the Downtown Colorado Inc. (DCI) will be coming in and training the DDA Board to assist in updating the Master Plan for the DDA.

F. PUBLIC COMMENT ON NON-AGENDA ITEMS (Speakers limited to 3 minutes)

There were no public comments.

G. INFORMATIONAL ITEMS

1. Quarterly report of the Emergency Preparedness Action Committee

Trustee Lee stated that EPAC report is in the packet, and that EAPC is off to a good start and they are recruiting members.

2. Proclamation regarding Radon Action Month

Mayor Pro Tem Fiori read the Radon Action Month Proclamation.

3. STAR Update Presentation

Alex Armani-Munn, Town Intern, confirmed that Nederland met the year-end goal of 100 points and is now working towards the 2015 goal of 300 points by the end of the year. He noted that he still has to give a STAR tag to the Sustainability Action Plan (SAP) items displayed on the Trello platform, which will help streamline the reporting process. Armani-Munn said that Local actions, with lower points, are noted in the system; however, he will have to continue to report on the outcomes, with higher points, outside of the system. He

will continue to report on Nederland's STAR status each month. Armani-Munn requested that Advisory Boards all focus on the SAP action items system (known as #NedZero) as their source for reporting. Trustee Wood asked if the outcomes could be put on the system. Armani-Munn stated that he can tag local actions so they will be captured as they are completed. It takes a little more work to get the data to correlate to specific outcomes; he can do a little more work in the system to make those outcomes more visible. There is a category specific to STAR, and he can add those outcome items to that section.

Mayor Pro Tem Fiori noted that for getting those 100 points basically by himself, Armani-Munn should be commended.

Trustee Mueller asked about tracking the STAR points; can we list the points that we have and what the objectives of those points are – that way we can trend throughout the year to see if we are moving towards or away from those objectives. Armani-Munn responded affirmatively.

4. Update on Single-Use Bag Ordinance Request.

Armani-Munn pointed out the draft ordinance, noting that it does not yet have legal review, and a memo that outlines three phases of the ordinance and program development process, and referenced results from a local business survey, all in the packet. Armani-Munn said that the draft ordinance is a combination based on Boulder, Aspen, and Breckenridge ordinances. He indicated that there still needs to be a survey of residents, which might indicate to the businesses support from people who would help get more businesses' support.

Armani-Munn discussed the issues of fees and bans regarding bags. He said that 10 cents seems to be the norm and recommended a rate study. Some municipalities have a ban on plastic bags and a fee on paper bags, but a statutory municipality cannot enact such a ban. Making note of the differences between paper and plastic bags Armani-Munn said that paper is not necessarily an ideal alternative to plastic, stating that it takes more resources and is more damaging to the environment to create paper bags; so addressing just plastic and not paper is really counterproductive.

He also plans to get more qualitative and quantitative data documenting the impacts of paper/plastic bag use. Armani-Munn noted the title of the draft ordinance as "waste minimization" vs "bag ordinance" to set a platform for further efforts and allows for more flexible use of funding.

Armani-Munn concluded by noting that, in accordance with the timeline presented, he plans to have the ordinance back to the BOT by April. Then, with two months planned to implement it, the effective date would be June 1st which allows businesses, Town Hall, and the community to prepare for it. With implementation in June, he plans to give a progress report to the BOT in September.

Trustee Mueller suggested that the information on impacts should be used in the education process.

Trustee Lee asked if the businesses that were opposed suggested any alternatives. Armani-Munn said for many businesses it was really a non-issue and that B&F offers reusable bags for 99 cents, and also noted a program to distribute reusable bags for free. Trustee Lee then asked if we have considered an educational campaign. Armani-Munn noted the need

to supplement the ordinance with information on recycling as well.

Mayor Pro Tem Fiori noted that SAB has been discussing this for a couple of years. Fiori also brought up the difference between statutory vs home rule towns. Armani-Munn noted that Aspen was taken to court on the issue and won, but it is going to appeals. At this point Fiori asked how the BOT would feel about having a presentation on statutory vs home rule governmental status. To this Reis interjected that it can be put to a vote should the Board wish. She said communities under 2,000 population in Colorado are typically statutory and that home rule status also includes having a charter that sets the foundation of governance. Consensus was that there is plenty of information available for the BOT review on the subject, and Reis would issue it to the Board via e-mail.

Regarding paper vs plastic, Fiori noted that both are detrimental to the environment, but have different life cycles. Plastic lasts longer in the environment and there are other uses for paper. Nederland has a grant for marketing in our Town; Fiori suggested getting 5,000 cotton bags with the Nederland logo on them.

Trustee Wood said he likes the idea, noting that he often unsuccessfully tries to remember his bags; but if he had to pay a fee, he'd remember more often. Wood said that he is surprised that only two stores opposed the ordinance, and asked if there was anything to convince them. Armani-Munn responded that 50% of the fee goes to the store – 50% to town for program administration. He also noted that he will be doing a resident survey which may reflect public support, and that there needs to be a sit-down conversation with local businesses.

Trustee Larsen said that Armani-Munn has done a great job and added to keep moving forward.

In regards to the effects of such ordinances on litter, etc.; Armani-Munn noted that he has read stats on decline in use of disposable bags in other locations that enacted a similar ban. He also noted a lack of verification that such legislation translates to less pollution from bags. This is something that will have to be monitored should Nederland enact the ordinance.

H. ACTION ITEMS

1. Consideration of Resolution 2015-04 to adopt the Nederland Noxious Weed Plan.

Mayor Pro Tem Fiori introduced the item, stating that there is no natural system to address noxious weeds making it very important to have a plan for intervention. He stated that after a presentation by the Forest Service and Boulder County, they suggested that we create with a plan, subtly indicating that they could come up with some money if Nederland came up with a plan. He introduced Diana Maggiore and Rea Wrobel, from the Noxious Weed Committee, to answer any questions of the BOT.

Trustee Larsen stated that he thinks this is great, a slam dunk, and should be approved.

Trustee Wood said the plan is great, but noted that he thinks it may be too strict; it is not practical to get *every* weed out of yards. In response, Maggiore clarified that only "List A" species are recommended for total eradication and that there is currently only one type from that list in the Nederland area. She suggested that the first year be education only, no enforcement; then, enforcement on a complaint-only basis. Reis said that the intention is to have our Code Enforcement Official initially just hand out information. Trustee Wood

restated his concern over the plan wording that says “any noxious weed”, and that he would like to see it reworded. Wood went on to ask about what we are going to do, as a Town, for properties that are next to Boulder County properties with weeds.

Mayor Pro Tem Fiori said that, with this plan, we become eligible for funding and with that funding, we can afford to pay to have weeded areas taken care of. Reis said that the ordinance refers to the lists (A, B, & C), so the Resolution and the Ordinance work together.

In conjunction with Trustee Wood’s concerns, Trustee Lee suggested that we look closely at the interaction between the Resolution and Ordinance because he sees many B list species in the plan that say “designated for eradication”. He also stated that he wanted to make a point that he hopes that Nederland will make it a priority to clean up our own act because he has seen noxious weeds flourishing in the waste water plant area.

Trustee Mueller had no questions for the plan, stating that he thinks was well done. He would like to address the staff as to whether we can schedule this out to get it implemented this year. He would like to see some of the money we put to code enforcement used to hire someone to educate and point out weeds to owners. Fiori noted that we cannot hire private people to go on private land. Reis noted that we have GIS data to assist us in locating certain weeds, and that we can also start by eradicating weeds on public property. Mueller said that he would like to do what we did last year with vehicles and non-registered plates. There was continued discussion regarding code enforcement policies and implementation.

Mayor Pro Tem Fiori brought the conversation back to discussion of the plan. Mueller asked how soon we can put together an informational packet to go to local developers as part of the packet when they come for building permits. Reis said that it can be fairly soon. Maggiore indicated that the Noxious Weed Committee has begun putting together information on best practices for builders.

In an effort to address Trustee Wood’s concern, Wrobel referred to page 26 of the Noxious Weed Plan and suggested removing the first sentence on that page which states, “It is unlawful to permit any noxious weeds to grow or remain on any lots, tracts, or parcels of land owned or occupied within the Town.” There was further discussion regarding language in the Plan regarding species on the Colorado list and species on the Nederland “watch” list.

Motion to approve Resolution 2015-04, subtracting the first sentence in the Enforcement section on page 26, was made by Trustee Wood, seconded by Mayor Pro Tem Fiori, and passed by unanimous approval.

2. Consideration of Ordinance 736 to update Municipal Code related to Noxious Weeds.

Reis introduced the Ordinance stating that the existing code related to weeds was fairly broad. It did have a reference to the State noxious weed list and this much more detailed conversion of the plan to will be much easier to implement with code enforcement, she said.

Trustee Larsen questioned the detail of the temperature requirements and asked if Ordinances are usually that detailed. Reis answered that a broader statement could be used, but that this actually helps with information and enforcement of the ordinance.

Mayor Pro Tem Fiori had a question on procedure – would this be enforced by SAFEbuilt? Reis answered affirmatively, noting that it would be with her guidance and assistance from

Boulder County.

Under Public Comment, Maggiore voiced her concern about having enforcement being too strict immediately. She suggested that the Town take an educational only approach during the first year. Fiori responded that, per the Town Attorney, we cannot have Ordinances that we chose not to enforce. Reis clarified that the protocol for code enforcement is education and warning first, not an immediate summons.

Trustee Wood stated that education should be a big piece of this and that he would like to see education before enforcement kicking in. Reis noted that they can add an effective date to the ordinance other than what would typically be, e.g. 30 days post-publication. Wood suggested that date be after summer. Trustee Lee asked if we defer the date, can we begin to do things. Reis answered that we can instruct SAFEbuilt to provide information initially, telling when more in-depth enforcement will begin. Trustee Mueller said that he agrees with the educational portion first, but would like to see this funded in lieu of the inoperable vehicle code enforcement. Mayor Pro Tem Fiori verified that this is in the "160 list" (SAP action items) and can be funded. Fiori said that he is all for it and we should get the plan published and out there to the Community.

There was some debate about the effective date of the Ordinance. Trustee Wood suggested after the next growing season, possibly December. Trustee Larsen agreed to viewing the summer growing season as an educational period where people can see the weeds and learn what they are. Mayor Pro Tem Fiori suggested waiting a full year until January 1, 2016, and Trustees Lee and Mueller agreed.

Motion to approve Ordinance 736, with an effective date of January 1, 2016, was made by Trustee Lee, seconded by Trustee Larsen, and passed by unanimous approval.

3. Consideration of Resolution 2015-05 to adopt a second supplemental 2014 Budget.

Treasurer Forberger introduced the Resolution, noting that a heavy increase in permit activity in December increased review costs, also causing additional cost to SAFEbuilt. She noted that there are also other items as noted in the packet. Forberger stated that among the changes was that she worked out the solution for replacing the heater at the Town Hall annex. Trustee Lee suggested a change in wording for the 6th "WHEREAS" to read: "WHEREAS, the Town Board of Trustees agreed to cover \$16,000 in additional costs for the stream water monitoring ~~streaming~~ project".

Motion to approve Resolution 2015-05, with the above-noted wording edits, was made by Trustee Lee, seconded by Trustee Larsen, and passed with three votes; Mayor Pro Tem Fiori and Trustee Mueller dissented.

Mayor Pro Tem Fiori called a brief recess, and the BOT meeting continued at 9:39 p.m.

J. DISCUSSION ITEMS

1. Introduction of the Source Water Protection Plan

Reis introduced Dylan Eiler, Colorado Rural Water Association Source Water Protection Specialist, who gave a presentation to the BOT (attached) regarding the Source Water Protection Plan (SWPP).

Motion to extend the meeting by 30 minutes was made by Trustee Lee at 10:00 p.m., seconded by Trustee Mueller, and approved by unanimous voice vote.

After the presentation, Trustee Mueller asked for about the noted action plan. Reis said that is separate and that she will send that around to the BOT.

Trustee Lee mentioned that the Fire Protection District has no resources for mitigation, but the U.S. Forest Service and Boulder County do, so Nederland should partner with them. Reis suggested that Nederland should partner with all three.

Trustee Lee said that he thinks the plan is fundamentally sound. Trustee Mueller said it was a great presentation, and Trustee Larsen agreed. Trustee Wood said that it is a well-conceived, step-by-step, logical approach. Mayor Pro Tem Fiori said that he would like to move it towards adoption.

Motion to move the SWPP to action was made by Mayor Pro Tem Fiori, seconded by Trustee Lee, and passed by unanimous approval.

Motion to adopt the Source Water Protection Plan (SWPP) was made by Mayor Pro Tem Fiori, seconded by Trustee Larsen, and passed by unanimous approval.

K. OTHER BUSINESS

There was no other business.

L. 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 10:06 PM.

Approved by the Board of Trustees.

ATTEST:



Joe Gierlach, Mayor



Laura Jane Baur, Town Clerk

