



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

NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466

June 2, 2015, 7:00 P.M.

MINUTES

A. CALL TO ORDER

Meeting convened at 7:03 p.m.

B. ROLL CALL

Present: Mayor Joe Gierlach, Mayor Pro Tem Peter Fiori, Trustees Randy Lee, and Charles Wood. Trustee Larsen arrived at 7:29pm.

Absent: Trustees Topher Donahue

Also present: Alisha Reis, Town Administrator; Eva Forberger, Town Treasurer; Cynthia Bakke, Deputy Clerk; Chris Pelletier, Public Works Manager; Paul Carrill, Town Marshal; and Alex Armani-Munn, Town intern

C. CONSENT AGENDA

1. Approval of June 2, 2015 Accounts Payable, Schedule A
2. Approval of June 2, 2015 Accounts Payable, Schedule B
3. Approval of May 19, 2015 Regular Meeting Minutes
4. Approval of FEMA grant agreement for the Community Center Backup Generator

Trustee Lee referenced page 15 of the packet/minutes with multiple amendments throughout the referenced section, that he would like corrected for the record. Trustee Lee forwarded the corrections to the Deputy Clerk.

Mayor Pro tem Fiori said he was misinterpreted in the minutes re: the zero-waste ordinance, clarifying that his intent is for all vendors, *not* event organizers to be responsible for sales tax payment at the end of the event. Treasurer Forberger clarified that sales tax is paid to the State, thus the event organizers are asked to ensure this occurs on behalf of associated event vendors.

Motion to approve the Consent Agenda (minus Schedule B) with aforementioned amendments to the minutes was made by Mayor Pro Tem Fiori, seconded by Trustee Lee, and passed by unanimous verbal approval.

Motion to approve the Consent Agenda (Schedule B) was made by Mayor Pro Tem Fiori, seconded by Trustee Wood, with 3 in favor, and abstention by Trustee Lee.

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

1. Ron Mitchell of Nederland said he has a petition signed by 80% of businesses in town to establish an entertainment district to bring a proposal for an 'entertainment district' to a future BOT meeting. Mayor Pro tem Fiori requested that the entertainment district item be added to the agenda as Information and/or Discussion. Mayor Gierlach suggested utilizing CML as a resource for further research for town staff.

E. INFORMATION

1. STAR update: Strategy for next steps

Armani-Munn introduced the item. He said there have been few updates since the March presentation, and provided reporting analysis to-date. He encouraged the Trustees to review the analysis and forward any questions.

Trustee Wood noted the absence of said analysis in the packet. Armani-Munn said he forwarded analysis via email, to present the most current score. He said Nederland has achieved a score within the range of 126-158 points. He referenced unreported items within the presentation chart indicating reporting type requirements and the level of input and/or difficulty of reporting. Armani-Munn said that it is feasible for Nederland to achieve the 300-point requirement to retain STAR status in 2015.

2. Disposable Bag Fee Program – Implementation Plan

Armani-Munn introduced the item. He referenced Ordinance 737 with associated implementation plan, soliciting support and/or suggestions for improvement. He said outreach will include press releases, a presentation of "Bag It" with Q&A, and business audits to determine current usage. Armani-Munn said that quarterly reporting will be required by businesses beginning October 1, 2015. He indicated that penalties will be imposed as of April 2016, with all proceeds offsetting costs associated with ordinance implementation.

Armani-Munn encouraged the utilization of eco-promotional products on plant-able, bio-friendly seed paper, and noted #NedZero branding opportunity for the re-useable bags. He said permanent signage will be posted at each business, with a local and regionally-distributed press release for visitor outreach. Armani-Munn said that re-useable bag distribution will be championed by the Sustainability Advisory Board (SAB).

3. Monthly update on Public Works Center project

Reis introduced the item. She said that the packet includes information from the work session to review the 50% design plans. She indicated that the review will continue to the Planning Commission on June 24 and the Sustainability Advisory Board on June 25, with return to the Board on July 7.

Mayor Gierlach inquired if comments from the work session have been incorporated into the project. Reis affirmed, noting a summarization of LEED information has

been put into a spreadsheet along with directions within the drawings and Owners Project requirement. Mayor Gierlach said he disagrees with the phasing designation, as there is no plan to do Phase 2 items. He noted the similarity with the NedPeds project Phase 2 that included the design plans for alternate spurs, and recommended that any unbudgeted Phase 2 items be included in the drawings. Reis affirmed, and will clarify that this is the engineer's understanding as well. She indicated a similarity to the WWTP project, with additional items budgeted within the capital improvement fund at that time. Reis said that designs will be included with respective pricing estimates and included as an addendum to be put out to bid.

F. ACTION ITEMS

1. Consideration of Resolution 2015-13 to appoint Scott Ehlers as Town Treasurer

Reis referenced the packet containing Ehlers' resume. She said that the hiring committee consisted of Trustee Wood, Treasurer Eva Forberger and Reis whom were all very impressed with Ehlers' quality as a candidate. Ehlers said he is excited to work for and be part of the town, thanking the Trustees for their consideration.

Mayor Gierlach asked Ehlers to categorize his strengths with respect to rules, laws, and regulations on a 1-10 scale with 1 representing the Budget and 10 representing Accounting. Ehlers indicated that he has more finance experience than accounting. He expressed familiarity going through details of preliminary training with Forberger. Ehlers indicated that acquiring his Certified Public Accounting degree is a goal.

Trustee Lee said that Ehlers' resume appears to be diverse, but without job longevity. He asked what motivates Ehlers to move on, and what would prompt him to remain in Nederland. Ehlers said that business diversity is the standard after business school; however he has long endeavored to re-locate to Colorado permanently.

Mayor Pro tem Fiori asked for Ehlers to sum up his greatest asset and weakness. Ehlers said he has a lot of practical experience, and understands day-to-day cash flow management and working capital. His said his biggest weakness is not having obtained his CPA degree, and further his understanding of grant funding.

Trustee Lee asked about Ehlers' familiarity with fund accounting. Ehlers indicated that he has had some experience with fund accounting. Reis added that there are training opportunities available from the Colorado Government Finance Officers' Association (CGFOA).

Trustee Wood said that he supports the appointment, highlighting Ehlers' score in the preliminary interview testing section on fund accounting.

Mayor Pro tem Fiori said that he would prefer the resolution had clarifying language about 'due and careful consideration of the appointment' was done by the hiring selection committee, not the Board of Trustees. Trustee Larsen said that the *intent* within the resolution denotes that the Trustees' decision was based upon the selection committee's consideration. Reis said that this can be adjusted if necessary.

Motion to approve approval of Resolution 2015-13 to appoint Scott Ehlers as the Town Treasurer with aforementioned amendment to language was made by Trustee Lee, seconded by Trustee Larsen, and passed by unanimous vote.

2. Consideration of application for DOJ grant funds for School Resource Officer (SRO)

Reis introduced the item on behalf of Police Chief Paul Carrill. She indicated Carrill's request to apply for grant funding for a dedicated Nederland School Resource Officer (SRO) as district SRO's are working among all schools in the BVSD district. She said that Chief Carrill would like to get an idea of board support with the intention to build community trust, and deter youth crime by working through issues in a restorative justice fashion. Reis said that the grant would provide 75% of the funding for the first 3 years, with the town providing all funding from year 4 onward.

Trustee Lee noted an absence of documentation of need for the request within the packet, nor an indication of public support by school principals in writing or meeting presence. Reis said that the request was derived of Carrill's ongoing discussion with the schools about increasing police patrol presence. Reis said that Carrill supports having a dedicated SRO for the 2016 school year, noting that the grant requirements mandate data-oriented reports on police contact and how goals are being met in relationship-building.

Trustee Lee asked if staff supports diverting funding from much needed infrastructure improvements. Reis acknowledged funding competition between the Police Department and Public Works, but indicated that more recent stormwater and streets improvements are not year-to-year budgeting considerations, with expectation to be addressed via debt obligation and/or grant cycle funding.

Mayor Gierlach referenced the summary of the BVSD budget summary, noting the size of other schools in the district, with less school resource allocation for an SRO in Nederland. Mayor Gierlach suggested this be included within discussion with the school district in October, which Trustee Wood agreed would be beneficial. Reis noted that this is an annual grant opportunity if further interest shown.

Trustee Larsen asked if the SRO is required to be a new hire. Reis clarified that the funding cannot be "supplanting funds", and thus must be a new hire.

Mayor Pro tem Fiori summarized his opposition to the request with an SRO already provided by the district, to include a lack of priority as compared to other established goals and needs. He said that this doesn't align with town goals, and sends the wrong message to students. Reis said that despite not being included in the #NedZero list, with reference in STAR criteria to public safety/quality of life. Trustee Larsen referenced the STAR criteria HS-7 specific outcome to school violence (15 points).

Trustee Lee said he appreciates Chief Carrill's initiative in identifying a funding opportunity; however he said he disagrees with the nationwide trend to increase police presence in schools, and criminalize juvenile behavior. He said he'd prefer to see the proposed funding allocated for infrastructure improvements. Mayor Pro tem Fiori said he is in full agreement with Trustee Lee's rationale.

Trustee Larsen said he agrees with not increasing police presence in schools, although he noted the upside of having an extra officer on staff during high-season when school is out of session.

Reis clarified that with no movement for approval, the item can be brought back for further discussion with the school district in October.

3. Consideration of a Minor Subdivision (replat) application for 752 S. Hendricks Street

Reis introduced the item, noting that the application and plat involves 3 parcels in Old Town. She said that applicant Mike Kalil has owned 706 S. Hendricks, with purchase of 752 S. Hendricks in early 2015. She indicated that the parcels are unplatted tracts, thus the minor subdivision would be platting lots as the "Kalil Minor Subdivision". She noted that no issues were noted within town staff or Planning Commission review.

Kalil of Nederland, said he is a 15-year resident on a lot that is under district requirements for lot size. He proposes the minor subdivision in order to make his lot legally conforming, retain one building lot, and trade a portion of land to his neighbor at 626 W Rollinsville Street to account for his fence encroachment upon that parcel. He said all neighbors are in favor of the minor subdivision.

Motion to approve request for Minor Subdivision by Mike Kalil at 752 S. Hendricks Street was made by Trustee Larsen, seconded by Mayor Pro tem Fiori, and passed by unanimous vote.

4. Consideration of Resolution 2015-14 for a Minor Subdivision for Centennial Bank and land donation to the Town

Reis introduced the item. She indicated that Centennial Bank owns Lot A of the Adler Subdivision, with the request for a minor subdivision to divide this lot into legally conforming parcels A1 and A2. She said that Centennial Bank would retain a 32,000sf lot, with the identified wetland area offered as a donation to further preserve the riparian corridor. Reis indicated the drainage area for the Adler Subdivision would continue to serve as a drainage basin in perpetuity, along with a 5-foot easement along the northern boundary of the parking lot retained for maintenance and snow storage. She noted that there will be a small sign erected in recognition of the donation.

Centennial Bank Branch Manager Susan Schneider said the idea for the donation arose in DDA discussion about an east-west pathway for foot travel. She said that although the trail is well traveled, the bank doesn't use this portion of the property, and as it has been treated as public property she would like it to belong to the town to further preservation goals. Schneider invited attendance at the customer appreciation party on June 26 from 5-7pm. She said there will be food and music, and recognition of the land donation.

The Board thanked Schneider on behalf of Centennial Bank for the generous donation.

Motion to approve approval of Minor Subdivision for Town of Nederland/Centennial Bank and approve Resolution 2015-14 for land donation by Centennial Bank at 26 S. Highway 119 was made by Trustee Wood, seconded by Mayor Pro tem Fiori, and passed by unanimous vote.

5. Consideration of an Special Review Use Agreement amendment related to 8 W. Boulder Street for a hotel use

Reis introduced the item. She said that business was previously known as the Nederland International Youth Hostel; however the Special Review Use (SRU) Agreement governing the hostel was outdated. She said that applicant Ron Mitchell

applied to change the business sign, which appeared to be a different level of use, initiating further review. She said that a sign change request commonly triggers a use review, as it may be the first indicator of a change of building usage. Reis said that the SRU Agreement has been updated for hotel use with review by the Planning Commission on April 22. The Commission voted to recommend approval with conditions, as contained in the packet.

Ron Mitchell of Nederland gave the history of the application from his perspective. He said he wanted to change the name to the "Hop Inn", as hostels have lost popularity. He explained that hostels rent by the bed whereas hotels rent by the room. He said that the use is and has been residential, and he disagrees with the change of use designation.

Mitchell referenced conditions within the SRU Agreement that he disagrees with, to include a building inspection to bring the property into compliance, as the building has no foundation. He indicated that he will comply with Colorado hotelier rules to the extent that they are reasonable, but will not designate the living room as a public space for Police patrols, nor allow police presence without probable cause as common space is restricted to guests. With respect to phasing of customary business use to allow an existing cottage tenant to remain, he indicated that occupant does not want to divulge a name for protection purposes, nor do other occupants, seeing it as an invasion of privacy. He said that he requested a business name change for the sign, but doesn't want to comply with aforementioned conditions.

Reis indicated that a multi-family residential unit is prohibited in the General Commercial (GC) district, along with "rooming houses/boarding houses". She indicated that the SRU Agreement governing the business use application needs to be updated for current use, thus the Commission's request for review, triggered by the sign change request. She said that hotel use is allowed, as indicated within the amended SRU Agreement and the applicant's provided business plan. Reis said that Mitchell was informed of these considerations during review, and he can retract his SRU Agreement, although no action will result in code enforcement.

Mayor Gierlach asked Mitchell to identify the business use. Mitchell stated that it is operating as a hostel with stays longer than 30 days. Reis indicated the lack of remaining in keeping with specified SRU requirements, and said that Mitchell's stance has differed from his stated position during the Planning Commission review. She clarified that in the absence of a specific use for youth hostels in Sec. 16-32, it is considered as a lodging use, with town staff of understanding that the business would formalize the customary hotel use. Reis said that the Planning Commission is aware of noncompliance for the hostel, with recommendation for the business to amend the agreement, allowing time for the business to come into compliance.

Forberger indicated that sales tax is paid for stays of under 30 days, with Reis adding that commercial areas are intended for sales tax revenue collection.

Trustee Lee asked Reis for clarification of the "public space" requirement. Reis said that it is customary for commercially licensed businesses to have lobby space for police to interact with business owners without needing warrant.

Reis clarified that the business signage was specifically required to be brought into compliance within the agreement, not the property itself. She said that any change of use for a business requires a life safety inspection, with any specific safety violations needing to be prioritized. She said that a lack of foundation would be relevant if the building is found to be unsound.

Trustee Larsen asked how many rooms are being rented and what is length of stay. Reis indicated that residents of 8 W Boulder have routinely requested an ecompass, which requires at least 6 month residency. Due to disagreement of the use type by the applicant and town staff, Reis suggested the application be tabled at this time.

Town Attorney Beery clarified that the applicant can decide to further the SRU amendment process, and determination regarding the existing use can be made by a judge, if in disagreement. Beery agreed with Reis's recommendation to table the item until further work is done on the agreement.

Board direction was given to staff to work with applicant on terms of the SRU Agreement, supporting code enforcement if the business use is not brought into compliance. Reis said that any materiel changes would need to revisit the Planning Commission, but minor alterations may be done prior to returning before the Board.

Motion to table the application with further staff direction to work with the applicant to amend language of the SRU Agreement made by Trustee Larsen, seconded by Trustee Lee, and passed by unanimous vote.

K. OTHER BUSINESS

Trustee Larsen asked if the town has committed additional funding for fireworks. Katrina Harms said that a Daily Camera article appeared to suggest that the town is funding the fireworks event. Reis said that the town has partnered, however is not taking on the event entirely.

Reis noted that the Hesse Trailhead shuttle service begins on June 13, also going to the Visitors' Center. She said that a formal request for fundage may come before the Board to add an additional shuttle, with the majority provided by Boulder County.

L. ADJOURNMENT

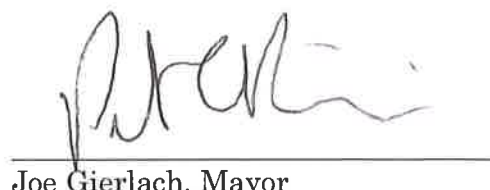
Motion to adjourn was made by Mayor Pro tem Fiori, seconded by Trustee Lee, and approved by unanimous voice vote. The meeting was adjourned at 9:22 PM.

Approved by the Board of Trustees.

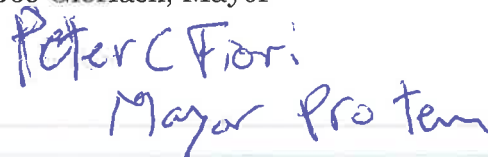
ATTEST:



Cynthia Bakke, Deputy Town Clerk



Joe Gierlach, Mayor


Peter C Fiori
Mayor Pro tem



