



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

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

November 3, 2015, 7:00 P.M.

MINUTES

A. CALL TO ORDER

Meeting convened at 7:07p.m.

B. ROLL CALL

Present: Mayor Joe Gierlach, Mayor Pro Tem Peter Fiori, Trustees Randy Lee, Topher Donahue, Kevin Mueller, and Charles Wood.

Absent: Trustee Kristopher Larsen

Also present: Alisha Reis, Town Administrator; Jeff Maggard, Town Treasurer; LauraJane Baur, Town Clerk; Paul Carrill, Town Marshal; and Carmen Beery, Town Attorney.

C. CONSENT AGENDA

1. Approval of November 3, 2015 Accounts Payable, Schedule A
2. Approval of November 3, 2015 Accounts Payable, Schedule B
3. Approval of October 20, 2015 Regular Meeting Minutes

Motion to approve the November 3, 2015 Schedule A was made by Mayor Pro Tem Fiori, seconded by Trustee Wood, and passed by unanimous verbal approval.

Motion to approve the November 3, 2015 Schedule B was made by Mayor Pro Tem Fiori, seconded by Trustee Wood, and passed by unanimous verbal approval with abstention by Trustee Lee.

Motion to approve the October 20, 2015 Minutes was made by Mayor Pro Tem Fiori, seconded by Trustee Donahue, and passed by unanimous verbal approval with abstention by Trustee Mueller.

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

Keith Larsen, of Nederland, spoke against the SRU for marijuana cultivation in a residential area.

Cheryl Fanelli, of Nederland, voiced a complaint about the noise of utility work late at night and police conduct.

Nicole Fanelli, of Nederland, voiced a complaint about the noise of utility work late at night and police conduct.

Gerald Soutiere, of Nederland, spoke regarding the fire hydrant on W. Spring Street.

Mayor Gierlach spoke regarding the office complaint system and encouraged citizens to use it. Alisha Reis explained the work order system, and updated each of them regarding the status of their complaints.

The Mayor invited those who signed up to speak regarding items on the agenda to speak now as they had signed up to speak regarding the next item:

Margaret May, of Black Hawk, spoke regarding the Food Pantry and the Board's idea regarding food drives at events. In response, Trustee Mueller suggested a Board challenge regarding a donation of a portion of their Board stipends to the Food Pantry.

Camille Thorson, of greater Nederland, spoke in support of 1) the discretionary spending request for the Sustainability Action Board (SAB) to assist with creating a community garden by spring 2016, 2) the potential of water retention from the ice rink to a cistern, and 3) creation of a local farmers market.

E. INFORMATIONAL ITEMS

1. Updates on draft 2016 Budget, including report on public comment

Alisha Reis gave an update on the SAB request, noting that the Town has been working with Elizabeth Allen with the Town planters. Reis stated that Allen has been addressing the issue of the existing community garden by the Co-op and that she is expect to make a proposal regarding water for the garden. Reis also said that she will ask the Town's water attorney about the cistern request.

Reis spoke to the discretionary spending list and noted that the 3-year projection will be in the packet for the next meeting's budget review item. Reis noted the addition of the #NedZero items to the Capital Improvement Program (CIP) plan in the packet. Reis then noted that the 3- and 5-year staffing plan layout is also in the packet.

Mayor Pro Tem Fiori spoke regarding the need to support the Food Pantry in light of the impending government shut down in December and the devastating effect it would have on many in the community.

There was further discussion by the Board regarding the proposed fee schedule and business licensing fees.

F. ACTION ITEMS

1. Fee waiver request related to energy efficiency upgrades at 55 Indian Peaks

Mayor Pro Tem Fiori removed himself as a Board member and approached the podium as an applicant for this item. Reis introduced the item and stated that the request is for a refund of fees already paid at 25% as outlined in policy.

Trustee Wood asked if the request was being made is related to sustainability. Fiori referred to his letter in the packet, confirming that it is related to sustainability and energy efficient upgrades to the property.

Trustee Donahue asked why the request was being made retroactively. Fiori answered that it was due to another concurrent request during the same time that Fiori incurred the expenses and also due to the high cost of the solar installation.

Public Comment:

Roger Cornell, of Nederland, spoke regarding the policy saying that it is intended for special events and does not refer to PIF fees. Cornell spoke to the need to address setting a precedent. Fiori agreed with Cornell's comment regarding precedent, noting that he applied because the same type of discount was previously granted to another applicant.

Mayor Gierlach spoke to the Town's intent to encourage businesses to invest in the Town and the employment and taxes they would provide. Fiori noted that he is bringing 22 employees to the Town.

There was further discussion regarding tap and PIF fees, fee waivers, and the intent of the policy as adopted in 2012, including discussion regarding ambiguity of the wording in Resolution 2012-08. It was noted that the wording of the resolution and policy needs clarity.

Trustee Lee stated that he supports incentivizing businesses coming to Town, but he does not support the issue coming case-by-case to the Board. Trustee Wood noted he would be against approval because he didn't believe the resolution, as written, intended to give fee discounts for commercial building projects, only to non-profits or programs that specifically benefit the Town. Trustee Donahue stated that he would like to have a better policy in place.

Trustee Lee stated that he did not think that Fiori should be granted the discount, referring to an alleged conflict of interest surrounding the purchase of the location in question. He noted that he believed that Fiori did not appropriately remove himself from Executive Board Sessions regarding the Town's interest in purchasing the property for the new Town shop. He stated that the conflict of interest cost the town a large amount of money.

Motion to approve the 25% fee discount refund was made by Mayor Gierlach, seconded by Trustee Mueller, and passed by a 3-2 vote, with Trustee Lee and Wood dissenting and Mayor Pro Tem Fiori abstaining.

At 8:39p.m. Mayor Gierlach called a short break, reconvening the meeting at 8:46p.m.

2. Consideration of contract for accounting services

Reis introduced the item, referring to the standard services agreement in the packet. The Board questioned Mary Erwin regarding her employment history, Errors and Omissions (E&O) insurance, additional clients, and the contract term.

Trustee Mueller noted that he would like the contract to have more defined tasks; he would like to have Exhibit A of the contract redone with objective tasks specified to be completed on a weekly, monthly, and annual basis.

Trustee Donahue asked about the necessity of the E&O insurance. Reis responded, referring to section 5, regarding bonding, and stated that the E&O may be stricken if

permitted by the Town Attorney. A discussion of liability followed, with Reis stating that she would check with the Town Attorney on the issue.

Mayor Gierlach queried the Board's need for more analysis, charts and graphs for reporting and the ability to suggest improvements, make projections, and budgeting assistance. Erwin responded with information on her background, noting that she has ideas for moving forward.

There was some discussion regarding the benefits to Erwin and/or the Town with this contract, the required work, and qualifications required vs. the compensation/benefits to the contractor.

Motion to approve the contract for accounting services with Mary Erwin was made by Mayor Pro Tem Fiori, seconded by Trustee Wood and passed by unanimous vote.

3. Consideration of contract approval for Community Center Generator installation
Reis introduced the item per the information provided in the packet, and introduced Gary Welp from engineers RG & Associates to answer questions from the Board.

Mayor Pro Tem Fiori questioned the decision to plan for back-up power with a generator vs. solar power with battery back-ups. Reis responded that it is not a possibility with these funds; these funds are specifically for a generator and that if the Board changes that, other funding will need to be found.

Trustee Mueller had technical questions regarding the electrical/amps nature of the project. Reis said that a local electrician would have to be consulted to answer questions regarding the planning and sizing for this program. Mayor Pro Tem Fiori suggested a power analysis regarding the amount of power needed for an emergency. Trustee Mueller noted a concern regarding preventing the generator fuel from freezing.

Trustees Lee and Wood indicated their support of the contract for the generator. Mayor Pro Tem Fiori noted his conflict between accepting the grant funding available and the wastefulness of using fossil fuels with the generator. There was discussion regarding amending the grant, which would result in rebidding possibly by January/February and postponing installation until June. Trustee Donahue noted that any good use of fossil fuels would possibly be only in an emergency. Trustee Mueller said that he has technical concerns and would like to see more analysis.

Motion to approve the contract for the generator installation at the Nederland Community Center was made by Trustee Wood, seconded by Trustee Lee and passed by unanimous vote.

G. DISCUSSION

There were no discussion items.

H. OTHER BUSINESS

Trustee Mueller requested a progress report related to the power quality analysis approved by the Board at the Water Treatment Plant. Alisha Reis said that she would get an update for the Board and e-mail them with that progress.

I. ADJOURNMENT

Motion to adjourn was made by Mayor Pro Tem Fiori, seconded by Trustee Wood, and approved by unanimous voice vote. The meeting was adjourned at 9:54PM.

Approved by the Board of Trustees

ATTEST:



Joe Gierlach, Mayor



Laura Jane Baur, Town Clerk



