



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

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

June 7, 2016, 7:00 P.M.

MINUTES DRAFT

A. CALL TO ORDER

Meeting convened at 7:00 p.m.

B. ROLL CALL

Present: Mayor Kristopher Larsen, Mayor Pro Tem Charles Wood, Trustees Stephanie Miller, and Kevin Mueller

Absent: Trustees Topher Donahue and Dallas Masters. Trustee Gustafson arrived at 7:26 pm.

Also present: Alisha Reis, Town Administrator; Cynthia Bakke, Planning & Building Tech; Nicole Bratsos, Utilities Supervisor, Paul Carrill, Town Marshal; and Dawn Baumhover, Community Center Coordinator

C. CONSENT AGENDA

1. Approval of June 7, 2016 Accounts Payable
2. Approval of May 17, 2016 Regular Meeting Minutes
3. Approval of contract amendment for Town Shop to incorporate awarded supplementary grant funds
4. Approval of a Special Event Liquor License fee waiver for Wild Bear
5. Approval of Resolution 2016-18 canceling the Regular Board meeting of June 21, 2016

Motion to approve the Consent Agenda minus meeting minutes was made by Trustee Mueller, seconded by Trustee Wood, and passed by unanimous approval.

Motion to approve the meeting minutes was made by Trustee Mueller, seconded by Trustee Miller, with three in favor and abstention by Trustee Mueller.

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

Martin Cheshes, of Nederland, spoke on behalf of the Nederland Area Seniors (NAS) organization celebrating their 20th anniversary on Saturday, August 20 at Chipeta Park, an event open to the public. Cheshes acknowledged former Town assistance to NAS, with a

request for the Board to consider waiving the fee for use of the Chipeta Park Pavilion. Mayor Larsen directed town staff to include the request for a July agenda.

Donna Monacella, of Nederland, expressed her concerns about the park and parking development created by Ron Mitchell at 100 E 1st Street. Monacella said her landlord Kelvin Dodd is also represented in the concerns she read into the record, with copies submitted to the Board and Town Administrator. Monacella said she felt there was disregard for permit requirements by the Town staff and Mitchell, specifying seepage onto the adjacent property where she resides, as well as fence damage, noise, and urination in the creek by Mitchell's workers. She expressed reservations about future use of the lot.

David Sites, of Nederland, said he sent an email to the Board, which he summarized after Mayor Larsen indicated issues with the Board's mailing list. Sites said that the current NedPeds plans contain large revisions after the plans were approved without a stakeholder walkthrough, including a significant widening of Snyder Street. He said the stakes are already set, despite having specifically requested the walkway not go past his bedroom window. Sites said he feels the public process was not followed properly.

Ron Mitchell, of Nederland, said he worked with Planning and Building Technician Cynthia Bakke for over a month, with numerous meetings prior to permit issuance for 100 E. 1st Street (cited above by Monacella). Mitchell maintained that the lot provides needed parking, with additional spaces (created via a perpendicular parking scheme) in the Town's right-of-way already seeing heavy weekend use. Mitchell said the lot will serve as the beginning phase of a storm drainage area, while providing 13-18 additional parking spaces, a park with creek access, and a viable location for a second pedestrian bridge crossing.

Mayor Larsen directed Town staff to provide further information on Monacella's concerns. Trustee Mueller requested any review by the Town's on-call engineering firm accompany the memo.

E. ACTION ITEMS

1. Consideration of Resolution 2016-19 to adopt Board's 2016-2018 Goals

Mayor Larsen explained that the proposed resolution is the culmination of the Board Retreat on May 9, which included a two-year goal setting session. He said the Board agreed on three broad policy goals: 1) Infrastructure, the new Public Works Facility and associated plans, 2) Housing development, with associated support of policies for diverse and attainable housing, and 3) Economic sustainability in partnership with the Downtown Development Authority (DDA), and with guidance from the DDA Master Plan. Mayor Larsen requested Board feedback.

Trustee Wood asked if the resolution binds the Board. Reis clarified that resolutions serve as a declarations of policy. Mayor Larsen said the goals will be furthered with three advertised joint work sessions starting in June with the DDA, in July regarding infrastructure, and in August with the Planning Commission to further housing policy development.

Trustee Mueller requested that goals be accompanied by metrics, with two additional 'whereas' clauses he would propose for the resolution. Mayor Larsen asked if the development of measurable goals can be incorporated into work sessions. Trustee Mueller said established measures, such as adherence to EPA green infrastructure techniques and

Best Management Practices (BMP's) can serve as guides. He gave examples of clear and measurable goals such as reduction of non-renewable fuel consumption, minimization of flooding by increasing pervious surfaces, and improvement of water quality by increasing vegetation in the watershed. Trustee Mueller said metrics will increase transparency and accountability, and help gauge progress and success. Trustee Gustafson agreed with supporting language for metrics while working with Town staff for implementation. Trustee Miller suggested further discussion and weigh in from pertinent boards, and inclusion of a timeline. Reis said metrics can be included in an implementation section.

Referencing measurable goals contained within the Sustainability Action Plan (SAP) and participation in the STAR rating system, Trustee Wood questioned the need to re-establish new criteria. He said Board members can familiarize themselves with adopted plans and guidelines with inclusion of relevant STAR sections updating the Board within work session packets.

Mayor Larsen directed Town staff to include STAR reports for each work session. He supported modification of the proposed resolution's 4th whereas clause to avow recognition of the need to include metrics to accompany Board goals.

Motion to approve Resolution 2016-19 to adopt Board's 2016-2018 Goals with amended whereas clause to include metrics, was made by Trustee Gustafson, seconded by Trustee Miller, with 4 in favor, and Trustee Mueller opposed.

2. Consideration of CIP funds transfer for the backwash improvement project

Reis introduced the item regarding a request for earmarked funding to be allocated for the backwash improvement project feasibility study estimated at \$12,000. She said backwash is a byproduct of the treatment process, and introduced JVA project engineer Andrew Sparn to provide technical information. Sparn referenced packet information from the May meeting, noting that the identification and reduction of non-essential flows to Wastewater Treatment Plant (WWTP) has been planned for about 5 years. Sparn said the most important recommendation is to establish certainty on the process, along with the clarity provided by the recently obtained discharge permit.

Trustee Wood mentioned concerns about aluminum. Sparn noted that 'of potential limits' aluminum was the largest constituent of concern, as alum or polyaluminum chloride is added as a coagulant and present in the backwash, but not limited within the permit. Trustee Miller said that although Colorado does not presently regulate aluminum, future changes to state regulations may arise. Sparn acknowledged that permits are revised periodically, with a new general permit anticipated in about 2-4 years, as the state clears up points of confusion, although an aluminum limit is not anticipated. Sparn responded to a question regarding an alternative to the aluminum-rich coagulant by saying that aluminum coagulants are common and compatible with membranes.

Sparn commended testing and furtherance of Inflow and Infiltration (I&I) projects performed for the Town which have reduced flows measurably and resulting in no violations. Reis said Public Works Manager Chris Pelletier will include further updates in the July staff report.

Trustee Miller had follow-up questions regarding a lack of further bench scale testing by Town staff, especially regarding settle-ability of contaminants. Sparn said that bench scale

testing demonstrated variability for aluminum settling, which Bratsos confirmed. He said the discharge permit shows the results of testing are in compliance with permit standards. Sparn added that minor additions to the WWTP will benefit from reduced loading.

Trustee Gustafson asked how to respond to inquiries about the impact for future needs for upgrading of the WWTP, with this improvement. Reis said the facility will continue to make I&I repairs and investments to improve capacity over time with upgrades to water/sewer infrastructure deducted from Plant Investment Fees (PIFs) collection for new development and expansion.

Board discussion continued regarding analysis of the treatment process and associated costs with information provided by Bratsos and Sparn. Mayor Larsen framed the discussion noting that the Master Infrastructure Plan (MIP) specifically identifies reduction of non-essential flows. Sparn said the goal includes analysis of historical flow records, per capita flow, and growth over 20 years. Trustee Mueller inquired about utility costs per gallon treated at WWTP to quantify savings. Sparn said providing oxygen for the biological process is the biggest cost, entailing blowers regardless of gallons treated, however reduced pumping cost could be anticipated. Bratsos added that the number is also variable by cycle and season. Reis said a very rough estimate, based upon costs to operate the plant each month divided by gallon treated, could be provided.

Mayor Larsen asked about permit expiration. Sparn responded that permits are generally renewed every 5 years, unless state renews the permit rules.

There was no Public Comment presented for this item.

Motion to approve the CIP funds transfer for the backwash improvement project feasibility study was made by Trustee Miller, seconded by Trustee Mueller, and passed by unanimous vote.

3. Consideration of Resolution 2016-20 authorizing a loan in support of NedPeds project construction

Reis introduced the request for an inter-fund loan to complete the NedPeds Stormwater Pathway Project, with much of the project's funding coming from grants from CDOT/regional DRCOG funds. Reis said the project is intended to connect the several community facilities, including the RTD Park-n-Ride, bus stops, the library, and post office, with pathways along Hwy. 72 and 2nd Street. She said the proposed resolution to loan matching funds from the water fund cash balance to the DDA project fund has been reviewed by the DDA and the Town's legal counsel.

The Town is already pledged to match the grant funds with \$340,000 from DDA tax increment finance funds, Reis said, most of which is already pooled in the TIF fund, with further collection in 2017. She clarified that this final debt instrument of the \$913,000 from the 2012 Debt Authorization will consume the remaining authorized funds while also allowing 32% savings of authorized finance charges. She said this was an effective tool for the NedPeds design project, update of the DDA Master Plan and beautification detailed in the history section of the packet analysis. Reis said the DDA TIF-proceeds account contains \$250,000, with another \$60,000 expected in 2017, with loan repayment scheduled

by the end of 2017. The remaining payments for two other loans also will be completed in 2016, taking nearly \$70,000 in TIF proceeds already accumulated.

Trustee Gustafson asked about the structure of the DDA. Reis explained the differing budgetary funds, noting that inter-fund transfers are common for municipal governments.

DDA Chair Katrina Harms said she is excited for inclusion of the economy within the Board's goals to allow the opportunity for the Town and DDA to work together.

Motion to approve Resolution 2016-20 authorizing a loan in support of NedPeds project construction was made by Trustee Gustafson, seconded by Trustee Wood, and passed by unanimous vote.

F. INFORMATIONAL ITEMS

1. Progress report re: Town Shop project

Town Shop Project Manager Joel Price provided a project status update, along with a revised schedule due to weather delays. Price said the site has been cleared, the geothermal system installed, with water line from Ridge Road nearly installed, and electricity anticipated in June. Price referenced the included construction schedule and additional proposals.

Price said the building will be delivered to the site at the beginning of August, with substantial completion anticipated by early November. In the interim, the team has been addressing rock and earthwork issues for site compaction.

Reis said Town staff has begun to work on the application for a grant to assist with clearance of the existing Town Shop site on 5th Street for affordable housing. Trustee Mueller asked about the expected utility costs for the new site. Reis provided a corrected estimate, noting that the goal is not to exceed current costs. She said she will forward the information again.

Trustee Mueller said project elements have been removed for cost savings, but he'd rather include a geothermal exchange system with dual exchange than elimination entirely. Price said he is unaware of units with dual exchange, and said that solar thermal panels were eliminated as cost outweighed the marginal benefits. Price also said that insulation was concentrated to perimeters where predominate heat loss occurs.

Price responded to Mayor Larsen's question about scope reductions which could save approximately \$2,000-\$3,000. Trustee Mueller inquired about the roles and responsibilities of subcontractors as changes to the specifications may prompt subcontractors to raise fees. Mayor Larsen asked when information is needed for the third party commissioning proposal. Price said the Board will need to consider this further after discussion with Iconergy, who presented a commissioning proposal, and estimated a cost of \$11,000-\$12,000 to budget for a potential increase. Reis specified that this would be transferred from outside of the project funds, within the Town's cash balance.

Trustee Mueller said the Town should request a small design review, and request a completed pre-functional checklist. He further explained that a pre-functional checklist and manufacturer checklist can be reviewed by the commissioning agent as part of functional testing, not by the contractors. Trustee Mueller said commissioning is worth the cost for

better trained facility staff and performance checks, and review of utility costs will provide analysis of operational expenses relative to cost output.

Price responded to Board questions regarding associated costs and value. Mayor Larsen said Town staff could work with Iconergy for a revised commissioning proposal, with further discussion in July. Mueller requested revised specifications and light design review for geothermal exchange effectiveness and pre-functional checklist be added to the scope about documentation. Reis said she will prepare an update for the July meeting.

G. DISCUSSION

1. Discussion of an ordinance to update the Zoning Code related to Sec. 16-88 Density Increase

Reis introduced the item. She noted that normally the Planning Commission would host the Public Hearing; however, the Commission chose to forward the item directly to the Board after its discussion. She said NMC Sec. 16-88 currently allows for density increase only within the Neighborhood Commercial (NC) district. Reis said the draft ordinance proposes to establish a similar density increase for the High Density Residential (HDR) zoning district (i.e. Old Town and Conger Street), which would be done on a case-by-case basis, with review before Planning Commission for recommendation to the Board of Trustees, as is the procedure under the current code.

Reis noted that density plays a part in housing affordability, with proposed change to allow one dwelling unit per 2,000 square feet lot, as opposed to the existing requirement of 4,000 square feet per dwelling unit. Reis explained that the Board can further discuss or set a public hearing for July 5. Reis recommended outreach by Town staff to Old Town and HDR lots in town via a courtesy notice for public hearing.

Trustee Mueller said he will be absent from the July 5 meeting. Reis said more attendance is preferred regarding a change of this nature.

Trustee Mueller reiterated the need for goals to be backed by metrics, such as committing the municipality to dedication of the existing Public Works shop for permanent affordable housing, a term he said should be legally defined. Trustee Mueller suggested allowing variances for setbacks and/or lot coverage to assist advancement of affordable housing diversity, including above-garage apartments or accessory dwelling units (ADU's). Reis said that variances and other policy tools will be considered by the Planning Commission, as they further consider recommendations during their work plan on housing through the rest of the year.

H. OTHER BUSINESS

Trustee Miller inquired of status for the emergency egress road for Big Springs. Reis said that the egress route idea was incorporated within the USFS Environmental Analysis for the Forsythe 2 Mitigation Project, as part of the route transits USFS property. Reis clarified that two egress routes have been proposed: 1) an old logging road from the lower part of the subdivision, and 2) at the top of Wildewood Drive, both intersecting at Magnolia Road. She said both routes have the support of the First Responder community and USFS, with GIS and fire analysis utilized to indicate response and exit times depending on the location of a disaster.

Despite several years of negotiation, Boulder County Parks and Open Space (majority property owner) is resistant due to perceived impacts. Re is specified that one or both egress routes would remain as widened trails for emergency response only, not an evident roadway. She said she anticipates a progress report in July, with evacuation planning and education for Big Springs subdivision residents an essential next step.

I. ADJOURNMENT

Motion to adjourn was made by Trustee Mueller, seconded by Trustee Miller, and approved by unanimous voice vote. The meeting was adjourned at 9:31 PM.

Approved by the Board of Trustees

ATTEST:



Kristopher Larsen, Mayor



Cynthia Bakke, Planning & Building Tech



