

Town of Nederland
Board of Trustees
Regular Meeting Minutes
June 18, 2013 7:00 PM

Nederland Community Center
750 Hwy 72 Nederland, CO 80466

A. CALL TO ORDER

Meeting convened at 7:03 PM.

B. ROLL CALL

Present: Mayor Pro Tem Kevin Mueller, Trustees Randy Lee, Annette Croughwell, Peter Fiori, Chris Perret, and Ledge Long.

Absent: Mayor Joe Gierlach and Town Administrator Alisha Reis.

Also present: Eva Forberger, Town Treasurer, Michele Martin, Town Clerk, and Cynthia Bakke, Deputy Clerk.

C. CONSENT AGENDA

- Approval of June 18, 2013 Accounts Payable.
- Approval of June 4, 2013 Regular Meeting Minutes.
- Approval of the IGA for acceptance of Community Sustainability Matching Grant funds.

Motion to approve the consent agenda without the regular meeting minutes, was made by Trustee Fiori, seconded by Trustee Lee, and passed.

Motion to approve the regular meeting minutes of June 4, 2013 was made by Trustee Lee, seconded by Trustee Perret, and passed with Trustees Fiori abstaining.

D. STAFF REPORTS

1. Michele Martin, Town Clerk

Town Clerk's report was included in the packet. There were no further questions.

2. Eva Forberger, Town Treasurer

Town Treasurer's report was included in the packet. There were no further questions.

3. Jake Adler, Town Marshal

Town Marshal's report was included in the packet. There were no further questions.

4. Jason Morrison, Public Works Manager

The Public Works Manager's report was included in the packet. There were no further questions.

5. Dawn Baumhover, Community Center Coordinator

The Community Center Coordinator's report was included in the packet. There were no further questions.

E. BOARD OF TRUSTEES REPORTS

1. Mayor Pro Tem Kevin Mueller

The Planning Commission meets, along with the Comprehensive Plan Steering Committee, on June 26 to review the updates and all the comments received from the public on the Comprehensive Plan.

2. Trustee Annette Croughwell

Trustee Croughwell provided an update from the Downtown Development Authority (DDA) meeting on June 12. Trustee Croughwell said the adopt a planter program was going well, and the Nederland Area Historical Society had donated mining equipment to the DDA and had contacted Donna Sue Kirkpatrick for storage, so the DDA discussed possibilities on where and how that equipment will be stored and displayed. Trustee Croughwell announced that the DDA would be holding a Goals and Objectives workshop on July 17 and Town Administrator Reis will be attending an hour prior to that workshop to discuss future aspects of the DDA. Trustee Croughwell confirmed the joint work session between the BOT and DDA on August 27 to discuss the NedPeds project. Trustee Croughwell stated that during the June 12 meeting, one of the action items was to appoint two new board members and nothing was concluded, the DDA has referred this action item to the Board for tonight. Trustee Croughwell said there will

be a special DDA meeting on June 20 at the Black Forest to continue their meeting from June 12, as they lost a quorum during that meeting. Trustee Fiori asked if the Board should continue with the action item tonight or wait for the DDA's June 20 meeting. Trustee Croughwell suggested to have the Board continue with their agenda as planned tonight and added that she felt that the DDA should have had a recommendation for the Board. Trustee Perret who also attended the DDA meeting on June 12, suggested for the Board to wait until the June 20 meeting, and Trustee Lee suggested waiting until the August work session. Discussion continued for a length of time.

A motion to move agenda item #H7, Consideration of two appointments to the Nederland Downtown Development Authority, to the end of the meeting as a Discussion Item was made by Trustee Perret, and seconded by Trustee Long and denied by a vote of 4 to 2, with Trustees Croughwell, Fiori, Lee, and Long opposed.

Motion to remove agenda item #H7, Consideration of two appointments to the Nederland Downtown Development Authority, to a Discussion Item and move Discussion Items ahead of Action Items was made by Trustee Fiori, seconded by Trustee Perret, and denied by a vote of 4 to 2, with Trustees Croughwell, Fiori, Lee, and Long opposed.

3. Trustee Chris Perret

There was no Board of Zoning Adjustment meeting. Trustee Perret noted that he and Trustee Croughwell were planning to switch their Board representation of their current advisory boards tonight.

4. Trustee Ledge Long

Trustee Long attended the Community Center Foundation Board (CCFB) meeting where they discussed an RFP for their site plan review.

Trustee Long said the CCFB is planning a Friends of the Community Center appreciation wine tasting event on August 18; and that Michael Robillard was recommended for appointment at the last CCFB meeting. Robillard is on the agenda tonight.

5. Trustee Randy Lee

Trustee Lee's report was included in the packet. Trustee Lee wanted to add that the next Inter Mountain Alliance meeting is to be held in Ward the following morning.

6. Trustee Peter Fiori

Trustee Fiori attended the Sustainability Advisory Board (SAB) meeting where SAB voted to recommend to the BOT that Greg Willson be appointed for another term and that Cynthia Bakke be appointed to fill Alan Apt's vacancy.

The SAB had discussed the updates to the Comprehensive Plan and Trustee Fiori said he was very impressed with where the plan is right now.

The SAB had heard a presentation from Myco Mountain on their Mushroom Mycelium composting project to create a new type of compost from slash and solid waste. Trustee Fiori said that the SAB had voted unanimously to recommend for the BOT to support a request for funding for this project.

Trustee Fiori said that the Mayor's Task Force on Recreational Marijuana will be putting forth their presentation through the public Nederland Planning Process (NPP) all through the month of July. The presentation will be heard at the Planning Commission, Sustainability Advisory Board, Downtown Development Authority, and then onto the Board of Trustees in August. Fiori encourages the public to attend one of the meetings.

F. PUBLIC COMMENT ON NON-AGENDA ITEMS

Ron Mitchell, of greater Nederland, read from the book *Making Business Districts Work*, by David Feehan and Marvin Feit, regarding conflict of interest and the three best practices for managing conflict amongst board members.

Katrina Harms, of greater Nederland, asked for clarity on the DDA topic. Mayor Pro Tem Mueller confirmed that it will stay as an action item on the agenda tonight.

Alvin Mites, of Nederland and Myco Mountain, spoke about the sludge removal and compost project that Trustee Fiori had discussed during his Trustee Report. Mites went on to talk about funding for the project. Trustee Fiori suggested to Mites to go through the SAB and then it will be brought to the BOT.

Greg Willson, of Nederland, wanted to endorse Alvin Mites and his previous work to date.

G. INFORMATIONAL ITEMS

There were no informational items scheduled.

H. ACTION ITEMS

1. Consideration of reappointments of Mikki Osterloo and Steve Williams to the Planning Commission (PC).

Town Clerk Martin introduced the item. Letters had been provided to the Board from the applicants explaining why they could not be present tonight due to previous work and personal commitments, both were out of town.

PC Chairman Kris Larsen had individually polled the PC to inquire about their recommendation. An email dated June 12 from Chairman Larsen was received recommending unanimous reappointments of both Mikki Osterloo and Steve Williams. Staff supports this recommendation.

Trustee Lee had some general comments about the recommendation and application process. Trustee Lee felt that there was not enough information provided on most applications for Board's to understand someone's background, commitment and interest in order to make a recommendation, and offered SAB applicant Cynthia Bakke's application as a good example of the type of information and level of detail he would like to see. He also felt that this, together with a responsibility to provide members of the public with the opportunity to observe advisory board deliberations about board applications and other input, should mandate that the boards hold such discussions at their public meetings and not via individual recommendations to board chairs, as was done by several board for tonight's meetings. Martin said the applications can be changed anyway the Board would like to edit.

Mayor Pro Tem opened the discussion up for public comment. Roger Cornell, of greater Nederland, agreed that the general applications could be improved upon. Cornell, as a Planning Commission member, was in support of the reappointments and elaborated on both candidates' history with the Commission and their added value to the Commission.

Mayor Pro Tem Mueller agreed with Cornell regarding the applicants. Mayor Pro Tem Mueller suggested adding a question to the application as to why the applicant is interested in the specific advisory board that they are applying to.

Motion to reappoint Mikki Osterloo and Steve Williams to the Planning Commission, terms expiring June 1, 2017 was made by Mayor Pro Tem Mueller, seconded by Trustee Croughwell, and approved unanimously.

2. Consideration of appointment of Betty Porter to the Planning Commission (PC).

Martin introduced the item. PC Chairman Kris Larsen had individually polled the PC to inquire about two applications received to fill the vacancy left by Bill Martin; one from Betty Porter and the other from Randy Fanning. An email dated June 12 from Chairman Larsen, on behalf of the PC, recommended Betty Porter fill the vacancy due to her long involvement in the town, and particularly with the Comprehensive Plan Steering Committee. Staff supports this recommendation.

There was no public comment. Betty Porter, of Nederland, was present to answer any questions. Trustee Lee and Mayor Pro Tem Mueller asked a few questions, which Porter answered adequately.

Trustee Lee noted that the other applicant, Randy Fanning was present tonight. Fanning announced he would like to withdraw his application at this time.

Motion to appoint Betty Porter to the Planning Commission, term expiring June 1, 2015 was made by Trustee Fiori, seconded by Trustee Lee, and approved unanimously.

3. Consideration of reappointment of Roger Cornell as an alternate Board member to the Board of Zoning Adjustment (BZA).

Martin introduced the item. BZA Chairman Mark Stringfellow had individually polled the BZA to inquire about reappointing Roger Cornell. An email dated June 14 from Chairman Stringfellow was received, on behalf of the BZA, along with two individual emails from two BZA members, recommending reappointment of Roger Cornell. Staff supports this recommendation.

Roger Cornell, of greater Nederland, was present to answer any questions. Cornell said he has been a part of the PC and the BZA on and off for 27 years.

Motion to reappoint Roger Cornell to the Board of Zoning Adjustment, term expiring June 1, 2015 was made by Trustee Perret, seconded by Trustee Long, and approved unanimously.

Trustee Croughwell brought up Trustee Lee's point previously about the process and said she would have liked to have had a chance to meet Randy Fanning and find out more about his background. Mayor Pro Tem suggested that the Board require each advisory board to meet to interview each candidate prior to submitting a recommendation to the Board. An action plan moving forward or perhaps a resolution requiring this of every advisory board was discussed,

as well as each board creating their own application.

Roger Cornell stated that is the policy of the PC, but due to timing issues, staff turnover, etc., the PC felt it was appropriate to handle it through email. Cornell suggested backing up the term expiration dates by 90 days to allow for proper processing.

4. Consideration of reappointment of Greg Willson to the Sustainability Advisory Board (SAB)

Trustee Fiori introduced the item. At its last meeting on June 10, the SAB recommended reappointment of Greg Willson. Staff supports this recommendation.

Greg Willson, of Nederland, was present to answer any questions. Trustee Lee had a few questions for Willson.

Motion to reappoint Greg Willson to the Sustainability Advisory Board, term expiring June 1, 2016 was made by Trustee Fiori, seconded by Trustee Lee, and approved unanimously.

5. Consideration of appointment of Cynthia Bakke to the Sustainability Advisory Board (SAB).

Trustee Fiori introduced the item. At its last meeting on June 10, the SAB made a motion to appoint Cynthia Bakke to fill the vacancy left by Alan Apt. Staff supports this recommendation.

Cynthia Bakke, of Ward, was present to answer any questions. Trustee Fiori said he felt that Bakke brought a new perspective to the SAB and thought the connection to Town Hall as the Deputy Clerk was very beneficial.

Motion to appoint Cynthia Bakke to the Sustainability Advisory Board, term expiring June 1, 2016 was made by Trustee Fiori, seconded by Trustee Croughwell, and approved unanimously.

6. Consideration of appointment of Michael Robillard to the Community Center Foundation Board (CCFB).

Martin introduced the item. At its last meeting on June 12, the CCFB was in unanimous approval to recommend Michael Robillard be appointed to fill the vacancy left by Marylou Harrison. Staff supports this recommendation.

Dale Porter, of Nederland and Chairman of the CCFB, outlined the CCFB's candidate process.

Michael Robillard was not able to be here due to business travel. Porter reiterated the CCFB's recommendation.

No designated term of office was questioned and Porter responded that the CCFB is a 501c3 Non-Profit and its Foundational Documents do not mention a term of office.

Motion to appoint Michael Robillard to the Community Center Foundation Board, with no designated term of office, was made by Trustee Perret, seconded by Trustee Fiori, and approved unanimously.

Mayor Pro Tem Mueller made a motion to move agenda items #H8 Consideration of switching Board representation between Trustee Croughwell and Trustee Perret, and #H9 Consideration of approval of Ordinance 718 above item #H7 Consideration of two appointments to the DDA, seconded by Trustee Lee, and approved unanimously.

7. Consideration of switching Board representation between Trustee Croughwell (DDA) and Trustee Perret (BZA).

Mayor Pro Tem Mueller introduced the item.

Motion to switch Board representation between Trustee Croughwell (DDA) and Trustee Perret (BZA), was made by Trustee Perret, seconded by Trustee Croughwell, and approved unanimously.

8. Consideration of approval of Ordinance 718 authorizing the issuance of the Town of Nederland, General Obligation refunding Bonds, Series 2013.

Treasurer Forberger introduced the item. CCFB had inquired about different funding options for some improvements at the Community Center. Forberger had researched the options and received four different offers on refinancing bonds. Trustee Fiori commended Forberger on her efforts.

Dale Porter, Chairman of the CCFB, said he is also chairing the Community Center Site Plan Review Committee to look into a site development plan. Porter said he has learned of the potential savings and would like the Board to take note of the Site Plan Review Committee's priority, which is to conduct a Hydrology Analysis of the site, to include drainage, flooding, and how to manage it with better landscaping, etc. Porter said that Town Administrator Reis had told him there would be a more accurate estimate of that cost once the Master Infrastructure

Plan was completed. Porter has estimated \$25,000 for that project; the CCFB would raise additional funds for that analysis if needed.

Porter said another project is to complete locker and shower rooms, and has expressed difficulties in raising funds for that type of project. Porter has asked the Board to identify approximately \$60,000 for that particular project in the future. Porter said the Site Plan Review Committee will have a formal proposal of these projects to the Board sometime this year.

Forberger clarified that the savings will be achieved over time, and that Porter is asking to put some of that money away each budget year for these projects.

Motion to adopt Ordinance 718 authorizing the issuance of the Town of Nederland, General Obligation refunding Bonds, Series 2013, was made by Trustee Perret, seconded by Trustee Fiori, and passed unanimously.

Mayor Pro Tem Mueller called a brief recess, which reconvened at 8:45 PM

9. Consideration of two appointments to the Nederland Downtown Development Authority (DDA).

Trustee Croughwell introduced the item. The DDA has two vacancies: Ron Mitchell's seat, as Mr. Mitchell's term expires on June 30, and the other is to fill a vacancy left by Will Guercio's resignation. One of the appointees must be a property owner, because of a State requirement that a majority of board members reside or own property within the district. The DDA has received four applications to fill these two positions: Ron Mitchell, Jeff Green, Doug Armitage, and Karina Luscher. Karina Luscher and Ron Mitchell are eligible as property owners. The other two applicants are business lessees within the District. As stated previously during Trustee Croughwell's Trustees Report, the DDA met on June 12 to discuss appointments, yet due to controversy and Board members walking out and breaking up the quorum, no recommendations were made. The DDA is referring to the Board to make the appointments.

There was discussion of enlarging the DDA members from 7 to 9, yet that would take an amendment to their resolution, which created the DDA, and is not an agenda item tonight. Trustee Fiori suggested the DDA consider appointing alternates.

The Board took public comment. Katrina Harms, of greater Nederland and a member of the DDA, asked that the Board make a decision tonight, and voiced her choice of Jeff Green and

Karina Luscher.

Pat Everson, of Nederland and Vice-Chair of the DDA, discussed the background of their June 12 meeting, the State Statute defining the DDA, and the applicants. Everson said she thought the best application received was Jeff Green's.

Donna Kirkpatrick, of Nederland and a DDA member, read a prepared statement and said that the current board is polluted. Kirkpatrick is one of the members that walked out during the meeting and went on to explain what happened. She encouraged the Board to make a decision tonight.

The question the Board felt they needed to decide was whether they were comfortable with moving forward to appoint DDA members without a formal recommendation from the DDA, and to make that decision without having the Mayor, Attorney or Administrator present.

Trustee Fiori wants to know, from an attorney, if it was illegal to bust a quorum, as his decision would be based on that answer.

It was decided to have the three of the four applicants in attendance introduce themselves.

Jeff Green, business owner of Very Nice Brewing Company, introduced himself and discussed his strengths and weaknesses. Green reminded the Board that he had been before them with his business plan prior to opening his business, and part of that plan was to contribute to the Town. He has been a project manager and understands diplomacy and has the skills to cajole teams to work together to finish projects on time. The Board asked questions of Green.

Doug Armitage, business owner of Brightwood Music, started off by saying that Resham and Malla, property and business owners of Kathmandu Restaurant and Plaza, have asked Doug to be their representative, if the Board would like to entertain that offer as another property owner. Armitage then went on to provide his background. The Board asked questions of Armitage.

Karina Luscher was not present. Trustee Lee wanted to note that Luscher had been on the Parks, Recreation & Open Space Advisory Board (PROSAB) and rarely attended the meetings, but he added to her defense, that she was opening her new business at the time. Trustee Lee said he did not feel comfortable in appointing her, without her being here to provide evidence that she had new-found time to commit to the board.

Ron Mitchell, owner of 12 properties in the Downtown District, discussed his involvement and passion of DDAs throughout the State. He said he has been to 13 of the 17 DDAs and attends the conventions each year, and he said he felt that Nederland's is certainly dysfunctional, and said it started two years before he started on the Board. Mitchell went on to explain what happened at the June 12 meeting, as he was the other member who walked out. The Board asked questions of Mitchell.

The Board felt their options were to appoint no members, appoint one member, or appoint two members. Mayor Pro Tem Mueller took a straw poll.

Trustee Croughwell suggested to appoint one member tonight and reiterated her disappointment in not having a formal recommendation.

Trustee Perret suggested tabling the item to the July 2 meeting, letting the DDA have their special meeting, and in other business give us their recommendations, since their agenda has already been posted.

Trustee Long suggested to table the item to the July 2 meeting.

Trustee Lee suggested tabling the item and suggested the DDA has 24 hours to post their agenda, so they could amend it in time to list this as an action item.

Motion to continue the meeting to 10:30 PM was made by Trustee Fiori, seconded by Trustee Long, and approved unanimously.

Trustee Fiori suggested tabling the item to the July 2 meeting.

Mayor Pro Tem Mueller also suggested tabling the item to the July 2 meeting, with the hope for a formal recommendation from their June 20 meeting.

Motion to table this agenda item to the July 2, 2013 meeting, was made by Trustee Perret, seconded by Trustee Fiori, and approved unanimously.

I. DISCUSSION ITEMS

No Discussion Items are scheduled.

Motion to continue the meeting to 10:30 PM was made by Trustee Fiori, seconded by Trustee Long, and approved unanimously.

Trustee Fiori suggested tabling the item to the July 2 meeting.

Mayor Pro Tem Mueller also suggested tabling the item to the July 2 meeting, with the hope for a formal recommendation from their June 20 meeting.

Motion to table this agenda item to the July 2, 2013 meeting, was made by Trustee Perret, seconded by Trustee Fiori, and approved unanimously.

I. DISCUSSION ITEMS

No Discussion Items are scheduled.

J. OTHER BUSINESS

There was no other business.

K. ADJOURNMENT

Motion to adjourn was made by Trustee Perret, seconded by Trustee Lee, and approved by unanimous voice vote. The meeting was adjourned at 10:05 PM.

Approved by the Board of Trustees.

Kevin Mueller, Mayor Pro Tem

ATTEST:



Michele Martin, Town Clerk

