



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

NEDERLAND COMMUNITY CENTER  
750 Hwy 72 Nederland, CO 80466

March 18, 2014, 7:00 P.M.

**AGENDA**

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**A. CALL TO ORDER**

**B. ROLL CALL**

**C. CONSENT AGENDA**

- Approval of March 18, 2014 Accounts Payable, Schedule A.
- Approval of March 4, 2014 Regular Meeting Minutes.
- Approval of Resolution 2014-04 to cancel the April 1 Board meeting.
- Approval of contract for Operator in Responsible Charge (ORC) services for the water plant.
- Motion to rescind Resolution 2013-08 appointment of Sgt. Larry Johns as Interim Town Marshal as of March 10, 2014.

**D. STAFF REPORTS**

1. Welcome and swearing in of new Town Marshal Jim Matheney.
2. Alisha Reis, Town Administrator
3. Michele Martin, Town Clerk
4. Eva Forberger, Town Treasurer

***Contained in packet only***

1. Jason Morrison, Public Works Manager
2. Sgt. Larry Johns, Interim Town Marshal
3. Dawn Baumhover, Community Center Coordinator

## **E. BOARD OF TRUSTEE REPORTS**

1. Mayor's Report
2. Trustees' Reports

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

## **G. INFORMATIONAL ITEMS**

1. BOT Goals update.
2. Update on NedPeds project amendments.

## **H. ACTION ITEMS**

1. Consideration of renewal of the Visitor's Center Use Agreement.
2. Public hearing and consideration of a petition for annexation of 17 acres of land at 1250 Eldora Road (Arapaho Ranch).

## **I. DISCUSSION ITEMS**

## **J. OTHER BUSINESS**

1. Off-hour Town vehicle policy.

## **K. ADJOURNMENT**

The Board of Trustees encourages citizen participation. Public hearings and the "unscheduled citizens" agenda item allow an opportunity to address the Board. Discussion is limited to 3 minutes and please address your comments to the Board. Thank you for your cooperation.

The Board of Trustees may take action on any item included on this agenda, regardless of the heading under which such item appears. Discussion items may become action items if the Board determines that deferring final action on an item to a subsequent meeting is unnecessary or unwarranted and that taking immediate action does not compromise any third-party's rights.

The Board of Trustees meeting packets are prepared by Friday before the Tuesday meetings and are available for inspection at Town Hall during normal business hours. The information is reviewed and studied by the Board of Trustee members, eliminating lengthy discussions to gain basic understanding. Short discussion on agenda items does not reflect lack of thought or analysis. The agendas are posted at Town Hall, the post office, and on the Town's website on the Friday prior to the meeting. Copies of the agenda and meeting packet are available at no cost via email from the Town Clerk or from the Town website at [www.nederlandco.org](http://www.nederlandco.org).

**TOWN OF NEDERLAND  
WARRANTS FOR 03/18/2014**

<b>Date</b>	<b>Numbe</b>	<b>VENDOR</b>	<b>AMOUNT</b>	<b>DESCRIPTION</b>
28-Feb	28339	JVA	\$ 9,300.60	Master Infrastructure plan and I&I project management
11-Mar	28341	C2	\$ 1,696.05	Sustainability Coordination/Nedpeds project coordination
11-Mar	28342	Donna Schneider	\$ 375.00	monthly prosecutor service
11-Mar	28343	Essential Safety Products	\$ 84.53	safety supplies and equipment for public works
11-Mar	28344	Eva Forberger	\$ 4,650.00	monthly accounting and treasurer services
11-Mar	28345	Interwest Safety Supply	\$ 1,034.00	safety supplies and equipment for public works
11-Mar	28346	Napa Auto Parts	\$ 41.42	minor parts for public works
11-Mar	28347	NedCompost	\$ 31.00	monthly composting service
11-Mar	28348	NeoFunds	\$ 919.15	postage refill and supplies for postage meter
11-Mar	28349	Vranesh and Raisch	\$ 1,740.00	accounting and legal related to augmentation
11-Mar	28350	Business Connection	\$ 117.59	misc copying and printing
11-Mar	28351	The Mountain Ear	\$ 300.00	advertising for election
11-Mar	28352	Canyon Plumbing & Heating	\$ 914.00	plumbing work for WWTP
11-Mar	28353	Ramey Environmental	\$ 100.00	monthly fee for software
11-Mar	28354	Indian Peaks Electric	\$ 1,035.00	electrical work related to community center renovations
11-Mar	28355	Colorado Analytical Lab	\$ 1,003.00	lab tests for water/sewer
11-Mar	28356	Workshop8	\$ 4,729.54	final payment on site plan for community center
11-Mar	28357	Amich & Jenks	\$ 120.00	polygraph for new police chief
11-Mar	28358	Golder Associates	\$ 825.00	update to SCADA system for wastewater treatment plant
11-Mar	28359	TDS	\$ 6,187.00	new tires for grader
11-Mar	28360	Mountain States Specialties	\$ 1,143.55	uniform costs for public works employees
11-Mar	28361	Water User Assoc No. 6	\$ 106.40	annual dues
11-Mar	28362	Flagstaff Surveying	\$ 1,750.00	survey work on open space next to wastewater treatment plant
11-Mar	28363	Mountain Family Health	\$ 273.00	DOT physicals for PW employees
11-Mar	28364	Centennial Controls	\$ 620.00	assistance with HVAC controls for community center
<b>Total Non Payroll Warrants</b>			<b>\$ 39,095.83</b>	

**TOWN OF NEDERLAND  
BOARD OF TRUSTEES  
REGULAR MEETING MINUTES:  
March 4, 2014, 7:00PM**

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

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**A. CALL TO ORDER**

Meeting convened at 7:00 PM.

**B. ROLL CALL**

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

Also present: Alisha Reis, Town Administrator, Eva Forberger, Town Treasurer, Carmen Beery, Town Attorney, Jason Morrison, Public Works Manager, and Michele Martin, Town Clerk.

**C. CONSENT AGENDA**

- Approval of March 4, 2014 Accounts Payable, Schedule A.
- Approval of March 4, 2014 Accounts Payable, Schedule B.
- Approval of February 18, 2014 Regular Meeting Minutes.
- Approval of contract for flood-related Inflow and Infiltration (I&I) repairs.
- Approval of JAG grant renewal for restorative justice program (TEENS Inc.).
- Approval of Boulder County Economic Development Program Agreement for 2014 NedWEB Program.

A few Board members had questions, which staff answered. Trustee Perret asked about the \$29,610.34 paid to Boulder County and Forberger said she would send an email with the exact breakdown of that amount.

Motion to approve the Consent Agenda, Schedule A, the February 18, 2014 regular meeting minutes, the contract for flood-related I & I repairs, the JAG grant renewal for restorative justice program for TEENS Inc., and the Boulder County Economic Development Program for 2014 NedWEB program was made by Trustee Fiori, seconded by Trustee Perret and passed, with Mayor Pro Tem Mueller abstaining.

Motion to approve the Consent Agenda, Schedule B, was made by Trustee Perret, seconded by Trustee Croughwell, and passed, with Trustee Lee abstaining.

**D. PUBLIC COMMENT ON NON-AGENDA ITEMS**

**E. INFORMATIONAL ITEMS**

**1. Request for Proposal (RFP) to Landscape Architects for the performance space.**

Reis introduced the item. As a follow-up from the February 11 work session, staff had been directed to draft a RFP so that a solid, final design could be created for the performance space, which would then be submitted through the Nederland Planning Process (NPP). Mayor Pro Tem Mueller suggested that the Comprehensive Plan and Resolution 2011-21, Preservation of Nederland's Character and Sustainability of its Community, should be part of the initial documents for a RFP.

The Board discussed at length the history of the change orders with Aslan, the grading that was already paid for, the Frachetti drawings, differing opinions on what has been through the NPP process already, and the mixed messages given as direction to staff. Mayor Gierlach was adamant that this space be usable by July 4<sup>th</sup>.

More discussion took place on leaving the performance space portion of the project out of the plan and just focus on the final grading, so that it is completed by June. Reis said it would cost approximately \$5,000 to hire an excavator to finish the grading. Mayor took a straw poll and the Board was split on rushing to get the grading done by July 4<sup>th</sup> vs. putting the existing plan through the NPP process and having the schedule reflect that.

After much deliberation, clear direction was made to staff to skip the RFP at this time, finish the final grading as per Frachetti's plan, the noxious weed removal and green reseeding as per

the Ecologist's recommendations, and have the space finished by June. Five were in favor; Trustees Lee and Perret were opposed.

**F. ACTION ITEMS**

**1. Consideration of Special Review Use (SRU) application for Club Ned Cannabis for-profit club use at 154 Highway 72.**

Reis introduced the item. She went through the history of this application from when the applicant had first applied for a business license for this use in February of 2013, the denial of that application due to the absence of this use under zoning code, the applicant's application to the Planning Commission (PC) for an interpretation of a determination as to whether this specific use is permitted, and subsequently, the Board adopting Ordinance 722 to amend Chapter 16 Zoning to provide for club uses, separating uses to allow for non-profit and for-profit clubs. Ordinance 722 required a for-profit club, located in the Central Business District, to submit a Special Review Use application before the PC. The applicant had complied, and the application was heard before the PC on February 26, 2014. The PC recommended unanimous approval of the Special Review Use along with several conditions.

Mayor Gierlach reminded the Board that the action before them was whether or not the five Special Review Use approval criteria were met: Is eligible for a special review under Section 16-32; Is generally compatible with adjacent land uses; Meets all requirements of Section 16-52; Is consistent with the Comprehensive Plan; and The Town has the capacity to serve the proposed use with water, sewer, fire and police protection. All Board members were in agreement that the criteria had been met.

Trustee Lee caught a typo under item 2b of the agreement, in regards to egress lighting, it should read that it has been installed, not that it must be installed.

Mayor took public comment.

Mark Rose, of Nederland, spoke in support of this proposal. He urged folks not to listen to fears in the community. He said he heard these same fears in 2009 when he started his medical marijuana dispensary and the sky hasn't fallen yet. He said he believes this is a logical step similar to bars for liquor.

Barb Hardt, of greater Nederland, thanked the Board for all their hard work, and respectfully

asked them to deny the proposal. Hardt had sent the Board an email on March 3 expressing her concerns. She said does not feel the parking has not been resolved and wondered if the applicants' personal vehicles were considered when determining how many spots would be required. She encouraged Board members to visit the site to see the small size of the existing spots. She noted that a large number of signatures on the petition that Fanelli provided were not Nederland residents. She said she believes the applicant should register her business as a marijuana dispensary or retail store so as to fall under the laws of marijuana businesses.

Cheryl Fanelli, the applicant, was available to answer questions. She introduced her attorney Jeff Gard and her husband Dave Fanelli. She went on to describe her proposal, which includes a Mission Statement and Code of Conduct. They plan to offer packaged food and provide a cozy, safe place for folks to enjoy their own cannabis, which they must bring on their own.

Trustee Fiori asked both the Town attorney and Gard how this proposal would hold up in court in regards to the Colorado Clean Indoor Air Act. Gard responded that since this café falls into a similar private club category as an Elks Lodge, Lions Club, etc., meets the criteria of the number of employees and the revenue it generates is primarily through membership fees and not food, alcohol or the like, and as long as they stay in compliance, it would survive a legal challenge.

Mayor Pro Tem Mueller asked if the exterior of the building would change, and the applicant replied no.

Trustee Lee brought up signage. Fanelli said they haven't determined what their sign would look like yet, but would certainly comply with all Town code and submit an application for a permit when ready. She said they planned to keep it low-key, so as not to bring in people off the street. Lee suggested that no cannabis leaf be portrayed in the sign. Fiori showed the Board a picture of a beer banner that the current Kathmandu restaurant on N. Jefferson Street hangs on their building.

Laura Kriho, former Nederland resident, said she has known the Fanelli family for over 20 years and spoke in support of this proposal and their good character.

Trustee Lee recommended changing 2d of the agreement to say "prior to commencement" that the air scrubber would be installed. Lee also suggested adding to section 2 another condition for no representation of any cannabis leaf on the sign. He went on to say that while he would

vote for the proposal, because it met all the conditions of an SRU, he sympathizes with residents on what message this approval is sending in regards to tolerance and embracing the cannabis culture, and he said he personally thinks it is a mistake. He said he is also concerned about marijuana tourism, and that the Town has a responsibility under Amendment 64 for local users, but that is as far as it should go. He said he feels they should be deemphasizing cannabis tourism, not encouraging it.

Trustee Perret said that another aspect to be looked at is education of pot smokers, of youth, and what the laws are. He said he liked the condition the PC required of a six-month review and to see if neighbors have any issues at that time.

Trustee Fiori said he felt this offers a safer atmosphere for tourists, as they cannot go back to their hotel room and smoke and he said they would end up smoking in their car or in the forest. Fiori said he feels the Board is sending a positive message to youth when 73% of the voters who voted for Amendment 64, now have a place to legally smoke. He suggested the 2,000 square foot industrial air scrubber the applicant is proposing is overkill, and they should just provide one for their 500 square foot space.

Mayor Pro Tem Mueller was also concerned with the message being sent, but then acknowledged the seniors coming forward in support of marijuana due to it helping them cope with their ailments.

Trustee Long said he appreciated Pastor Hansen Wendlandt's letter and perspective of the situation.

Trustee Croughwell said she particularly liked the applicant's Code of Conduct and agreed that the world is watching Nederland right now. She thanked the applicant for their due diligence and said that even though the criteria were met, she would still be voting no on behalf of the concerned residents. She said a number of residents have come to her in regards to this application, and she does not want to dismiss those concerns and fears of neighbors.

Motion to approve the Special Review Use application for a for-profit club use at 154 Highway 72, including the two recommendations by Trustee Lee, was made by Trustee Perret, seconded by Trustee Fiori, and approved by a vote of 6 to 1 with Trustee Croughwell opposed.



**2. Consideration of Resolution 2014-03 to appoint the Town Clerk as the Designated Election Official (DEO) and to allow the Clerk to appoint Election Judges for all future elections.**

Beery introduced the item. She said it is common practice to designate a DEO and that the Board may delegate its authority to appoint election judges to the Clerk and has in every previous election. This would be a perpetual delegation, which can be taken back again by resolution, if the Board desires.

There was no public comment.

All Board members were in favor, except Trustees Fiori and Perret who preferred to do this every two years.

Motion to approve Resolution 2014-03 to appoint the Town Clerk as the DEO and to allow the Clerk to appoint Election Judges for all future elections was made by Trustee Lee, seconded by Trustee Long, and approved by a vote of 5 to 2 with Trustees Fiori and Perret opposed.

The Mayor called a brief recess, which reconvened at 9:02 PM.

**G. DISCUSSION ITEMS**

**1. Discussion of a Non-Compete Agreement for High Peaks Art Festival.**

Reis introduced the item. Cathy Stiers, Executive Director of the High Peaks Art Festival (HPAF) is requesting the Board to honor a Non-Compete agreement that she had with the Chamber of Commerce when she purchased the festival in 2011. If the Board were so inclined an agreement would be drafted.

Stiers was present to provide an overview of her request, her 35 years of experience in the art show world, and the community aspect of HPAF, as they donate 100% of net profits to Nederland Non-Profits, scholarships to the school, support of the High School trip to Belize, and other Nederland funds. HPAF promotes a different Nederland Non-Profit each year and this year is Teens, Inc. She wanted to emphasize that she was not against events in town, she is only asking for what her agreement called for which was not to have another juried art festival in Nederland during the period of June through August. She said she feels that by having another art show in the Visitor's Center parking lot during those three months would be an attempt to duplicate her event and cause confusion to her artists and the public. She said

she doesn't feel the size of Nederland could support two art events.

The Board discussed the proposal. Beery advised the Town that if they chose to limit the number or type of events that they must articulate the reason why that decision would be in the Town's public interest. She said the Board could adopt a policy for a limitation for a time period or location.

Mayor Gierlach liked the idea of the Non-Compete, but not to limit it to the Visitor's Center, as the performance space will be available in the future.

Trustee Croughwell, gave an art vendor perspective, as she has participated in shows before. She said that artists having more than one option could hurt HPAF, as they would pick and choose which weekend worked the best in their schedule. She said she felt it was important for the HPAF to have this agreement.

Trustee Fiori, said he may be convinced of the need for the agreement, because the HPAF is so well done and has such a great reputation, yet he said he feels that competition is extremely important, and noted that there was a huge difference between the Chamber of Commerce, who was a promoter, than the Town, which is the host. He said he thought the Board needed more time to reflect on this.

Motion to extend the meeting to 10:30 PM was made by Mayor Pro Tem Mueller, seconded by Mayor Gierlach, and passed with a vote of 5 to 2, with Trustees Fiori and Perret opposed.

Mayor Pro Tem Mueller was in support of the agreement and said an argument for the Town's public interest could be that in order to help support the HPAF and to keep this existing event as successful as it is, it would be in the Town's best interest to limit the number of art festivals for this time period as suggested.

Trustee Fiori asked why she is coming forth at this time. Stiers responded that a promoter has submitted an application to Town to hold an art show by the name of Alpine Arts Festival for August in the Visitor's Center parking lot.

The Board discussed several other towns and how they have limited the number of events their town holds. Trustee Croughwell suggested there must be some sort of economical capitalism formula for managing all events in a calendar year. Trustee Long said it would be a good idea

to talk to some of those towns for helpful ideas.

#### H. OTHER BUSINESS

- Pedestrian Crosswalks

Trustee Croughwell spoke on behalf of Janette Taylor, who sent the Board an email on February 27 discussing how bad the crosswalks were and all the near misses she had witnessed. The Board discussed different options for consideration such as stop signs, big planters, blinking lights, or a large flexible pole that could be pulled down and swings up and down to get noticed. Reis said that CDOT is responsible for the highway crosswalks and will speak to them about using a different material that lasts longer. She said that the DDA had put flags up, but they got stolen.

Trustee Croughwell wanted to let the Board know that she was halfway through her term, loves being on the Board, and always has the community's best interest in heart and mind, yet due to personal reasons she is moving out of Nederland within the next six months. With elections coming up, she thought this would be a good time to resign, but she would stay on until the day after elections to allow the Board to fill her vacancy. Beery said the Board had 60 days to fill a vacancy. Forberger asked if the compensation question passed on the ballot, would this position to fill a vacancy be paid and Beery said yes.

Mayor Gierlach thanked Croughwell for all her help and appreciated her letting the Board know in advance.

#### I. ADJOURNMENT

Motion to adjourn was made by Mayor Gierlach, seconded by Trustee Fiori, and approved by unanimous voice vote. The meeting was adjourned at 10:30 PM.

Approved by the Board of Trustees.

\_\_\_\_\_  
Joe Gierlach, Mayor

ATTEST:

\_\_\_\_\_  
Michele Martin, Town Clerk

**TOWN OF NEDERLAND  
Boulder County, Colorado**

**RESOLUTION 2014 - 04**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND  
CANCELLING ITS REGULAR MEETING OF APRIL 1, 2014**

**WHEREAS**, Nederland Municipal Code (“Code”) Section 2-51 provides that the Town of Nederland Board of Trustees (“Board”) shall meet in regular session the first and third Tuesdays of each month at 7:00 p.m.; and

**WHEREAS**, April 1, 2014 is Election Day; and

**WHEREAS**, the Board therefore finds that it would not compromise the public health, safety or welfare to cancel its April 1, 2014 regular meeting; and

**WHEREAS**, Code Section 5-21 authorizes the Mayor to cancel any regular meeting upon forty-eight (48) hours’ notice to Board members so long as at least one (1) regular meeting is held per month; and

**WHEREAS**, despite the Mayor’s unilateral authority to cancel Board meetings, the Board wishes to express its consent to the cancellation of its April 1, 2014 regular meeting.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF  
THE TOWN OF NEDERLAND, COLORADO:**

The regularly scheduled Nederland Board of Trustees meeting of April 1, 2014 is hereby cancelled.

**RESOLVED, APPROVED and ADOPTED this 18<sup>th</sup> day of March, 2014.**

TOWN OF NEDERLAND

By: \_\_\_\_\_  
Joe Gierlach, Mayor

ATTEST:

\_\_\_\_\_  
Michele Martin, Town Clerk



# AGENDA INFORMATION MEMORANDUM NEDERLAND TOWN BOARD OF TRUSTEES

Meeting Date: February 18, 2014

Prepared By: Michele Martin

Dept: Administration

Consent  Information  Action  Discussion

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## AGENDA ITEM:

Motion to rescind Resolution 2013-08 appointment of Sgt. Larry Johns as Interim Town Marshal as of March 10, 2014.

## SUMMARY:

Sgt. Larry Johns had been appointed by Resolution 2013-08 on October 1, 2013 as the Interim Town Marshal after the resignation of former Marshal Jake Adler.

Johns has been with the Town's police department since July 2002, and has done an outstanding job in his service as Interim Town Marshal.

On January 7, by Resolution 2014-01, the Board appointed James Matheney as the Town Marshal for the Town of Nederland effective March 10, 2014.

Resolution 2013-08 appointing Sgt. Johns states that removal may be accomplished by motion.

Staff would like to thank Sgt. Johns for his willingness to step-in to fill a need for this community, and appreciates his professionalism and dedication to the Town.

## ATTACHMENTS:

- 1) Resolution 2013-08

**TOWN OF NEDERLAND  
Boulder County, Colorado**

**RESOLUTION 2013 - 08**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND  
APPOINTING AN INTERIM TOWN MARSHAL**

**WHEREAS**, pursuant to C.R.S. § 31-4-304, the Board of Trustees (“Board”) of the Town of Nederland (“Town”) possesses the authority to appoint such Town officers as it deems necessary for the good government of the Town; and

**WHEREAS**, the Nederland Town Code prescribes certain duties and functions of a Town Marshal, an office which is currently vacant; and

**WHEREAS**, the Board finds that it is necessary and desirable to appoint a person to temporarily perform the duties and functions of each of this office in the interest of maintaining the efficient and effective functioning of the Town; and

**WHEREAS**, the Board further finds that the person so appointed to temporarily perform the Town Marshal duties shall be considered a temporary officer only and, as such, shall not be considered a statutory officer of the Town nor shall such person have any expectation of permanent employment with the Town; and

**WHEREAS**, after due and careful consideration of all relevant parties and factors, the Board desires to appoint an Interim Town Marshal as set forth in this Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF  
THE TOWN OF NEDERLAND, COLORADO:**

Section 1. The Board of Trustees hereby appoints Nederland Police Department Sergeant Larry Johns as the Interim Town Marshal for the Town of Nederland. In recognition of the Colorado Supreme Court’s decision in *Mitchell v. Town of Eaton*, 491 P.2d 587 (Colo. 1971), the Board finds and determines that the office of “Interim Town Marshal” is neither defined nor required by statute or ordinance and therefore, such office is temporary only. The office of Interim Town Marshal is not a permanent statutory office as contemplated by C.R.S. § 31-4-307, to which its removal provisions apply. The person appointed by this Resolution has been advised that he has no expectation of continued employment as the Interim Town Marshal and, as such, he may be removed from this temporary office at any time by a majority vote of the Trustees voting thereon for any reason or for convenience. Such removal may be accomplished by motion.

Section 2. The appointment made by Section 1 of this Resolution shall become effective on October 1, 2013.

Section 4. Unless otherwise provided by the Agreement approved hereby, the person appointed by this Resolution is authorized to perform those duties and functions of the Town

Marshal as set forth in the Nederland Municipal Code and as prescribed from time to time by the Board of Trustees.

**RESOLVED, APPROVED and ADOPTED this 1st day of October, 2013.**

TOWN OF NEDERLAND

By:   
Joe Gierlach, Mayor

ATTEST:

  
Michele Martin, Town Clerk





**AGENDA INFORMATION  
MEMORANDUM  
NEDERLAND  
TOWN BOARD OF TRUSTEES**

Meeting Date: March 18, 2014

Initiated By: /Eva Forberger

Dept: Administration

Consent X Action \_\_\_\_\_ Discussion \_\_\_\_\_

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**AGENDA ITEM:**

Approval of contract for ORC (Operator in Responsible Charge) services for the water plant.

**SUMMARY:**

The Town has been working to build a qualified and efficient utilities staff over the past few years. The Town brought in Ramey Environmental to act as our Operator in Responsible Charge (ORC) for water and wastewater. It also started a search for a senior plant operator to train internal staff. After an extensive search, the Town hired Bill Bodkins from Wellington, CO. Bill worked with our current staff to develop an understanding of our systems and provide guidance towards ORC accreditation. Chris Pelletier, who worked under Bill, is now a "C" level certified operator for both water and wastewater. Pelletier is currently the ORC for wastewater. The Water Plant, however, requires a "B" level certification and thus, the Town plans to keep Bodkins on as the ORC until Pelletier achieves his "B" level accreditation, expected later this year. After that, the Town will retain Bodkins as an occasional advisor only.

It should be noted that in addition to Pelletier, the Town's two other utilities employees have started training and have achieved "D" level accreditation towards both water and wastewater operations. The Town will continue to invest in training and development of internal personnel.

**ATTACHMENTS:**

- 1) Contract between Bill Bodkins and Town of Nederland



# Bodkins

Water & Wastewater Services, LLC



**Bill Bodkins**  
**P.O. Box 805**  
**Wellington, CO 80549**

**970.568.2232 cell**  
**970.568.9555**  
**[Bodkins.bill@gmail.com](mailto:Bodkins.bill@gmail.com)**

March 12, 2014

Alisha Reis, Town Administrator  
Eva Forberger, Town Treasurer  
Town of Nederland  
P.O. Box 396  
Nederland, CO 80466

RE: ORC Contract

Thank you for the opportunity to provide ORC services to the Town of Nederland for the Water Treatment Plant.

MONTHLY FEE: \$500 per month  
Review State records  
Consulting  
Phone and email support  
Includes one local site visit per month

PORTAL TO PORTAL: \$50 per hour  
Staff support as requested  
8 hour minimum

EMERGENCY: \$80 per hour  
8 hour minimum

CANCELLATION POLICY: 30 day notice by either party  
(Effective April 1, 2014 if this meets your approval.)

Thank you  
Bill Bodkins

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Bill Bodkins      Class A#1605

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Alisha Reis



# MEMORANDUM

To: Nederland Board of Trustees  
From: Jason Morrison  
Date: March 11, 2014  
Re: Staff Report -- Public Works

## Collections, Distribution, and Water Treatment Plant

The Utilities Division is focusing on completing a number of projects before spring runoff occurs. A major priority is repairing our pipes within our collections system. We are excited to announce that Layne Inliner, LLC has been chosen for this project and that the work will be started soon. The purpose for repairing these lines is to reduce the flow of I&I (inflow & infiltration) into our plant. I&I is a combination of surface and ground water that enters our collections system through holes and cracks in the lines. These high levels cause upset for our plant. We hope to see I&I levels greatly reduced after this project's completion.



*Left: An example of an offset collection pipe, several of which are to be repaired in the project. This pipe is at Conger Street.*



*Right: Footers being poured for the upgrade of the raw water intake.*

This month, we also expect to complete the replacement of our Valleyview PRV (Pressure Regulating Valve) facility. We appreciate the patience of residents in this area as we complete this project. Now that the weather is warming up we have been able to resume work on our raw water diversion structure. The concrete for the structure has been poured and work is underway to prepare for snowmelt this spring.

For improvements in our treatment process we are researching a new tool that will help us to be more efficient. This technology monitors the water's conductivity and helps us to adjust chemical levels throughout the day based on the changes. It basically measures the dirtiness of the water. By adjusting our treatment we expect to see a reduction in our chemical usage. This will save money on chemicals and also preserve our filter membranes. This equipment has been approved in this year's Capital Improvement Program (CIP).

## **Wastewater Treatment Plant**

The wastewater plant is running well and most mechanical issues have been resolved. We are now able to focus on streamlining our operations with the goal of conserving energy. We are working with the City of Boulder to set up to run an in-house program for phosphorus tests that are required weekly by our Intergovernmental Agreement with them (which also results in the City's contribution to these costs). Representatives from the City of Boulder will visit this month to evaluate our methods and equipment for this testing.

## **Streets and Drainage**

We have been extremely busy with snow recently and with the heavy wet snow, we will be busy for quite a while. This has also taken a toll on our machinery and trucks, nothing major but a lot of little repair issues. It seems mud season has started early this year. Pulling snow from the south sides of roads and pushing over the north side to expose and defrost ditches will be a major focus for the next few weeks to aid in efficient runoff. The sooner this can be accomplished the sooner the roads will dry out. Training of the new crew members has been going well and everyone is working well as a team.

## **Parks**

At this time a full assessment of Chipeta Park after the recent Frozen Dead Guy Days event has not yet been completed, due to snow covering the ground. However, it is apparent that the machinery used to build the coffin race course did a bit of damage to the park but until the snow melts, we will not have a full assessment of damage. I would expect additional damage to the sprinkler system, but until we are able to turn on the water to the park we will not know for sure. Guercio Field, on the other hand, was left in extremely poor condition due to snow melt and mud.

## **Other Items**

The Christmas lights will be coming down this week, as they were requested to remain up in support of the Frozen Dead Guy Days event.

Now that the lights are off the bridge, we hope to finally see the repair of the bridge cap, which was damaged last fall by a National Guard truck carrying soldiers aiding in flood recovery. We have been in touch with the Colorado National Guard to facilitate the repairs.



***Finally, but the most important part of this report, Utilities trainee Nicole Bratsos has passed both her Water and Wastewater D tests. What I find very impressive is she took both tests back-to-back, something most people would not do. So, please congratulate her when you see her.***



# MEMORANDUM

To: Nederland Board of Trustees

From: Sergeant Larry Johns

Date: 3/07/14

Re: Staff Report – Police Department

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In February and early March, Nederland PD has seen an uptick in what I call “cabin fever” complaints, ranging from snow removal issues to roommate disputes. Other noteworthy items over the last month are as follows.

- Marshal Matheney is working on getting himself up to speed and settled at the Police Department.
- Police Clerk Lois Ott spearheaded the installation of an emergency phone located outside the PD. The current pay phone next to the PD has been abandoned by the phone owner. Now 24 hours a day, anyone can pick up the phone and it will immediately call Boulder County Dispatch.
- Report of a male threatening others with a knife on First Street. The investigation showed the knife was actually a flashlight.
- NPD and Nederland Fire were dispatched to a structure fire at the Sundance Lodge. An exterior gas line broke from the weight of the snow. The gas was ignited by the gas log fireplace vent. The siding was starting to smolder and fill the kitchen with smoke. Fortunately, the fire started during business hours.
- Planning for Frozen Dead Guy Days, to include additional staffing for traffic assistance and pedestrian direction, has been concluded this year. My goal was to keep the ski traffic flowing and minimize the extended exit time from town to a minimum.

- FDGD Festival incidents and complaints reported to Nederland Police, included:
  - Friday night, a disturbance between a group of young transients in a van. One young male was kick out of the van highly intoxicated. He was transported to Boulder Community Hospital. A male was contacted in front of Town Hall while vomiting. He admitted to using Marijuana, LSD, and drinking alcohol. He and his wife found a ride back to Boulder.
  - On Saturday, Eldora ski area filled up and turned all cars around before 10:00 AM. The returning vehicles mixing with incoming vehicles overwhelmed town streets. I received complaints that the Old Town area was overwhelmed by vehicles. The festival itself went well, with no reported incidents at the festival or surrounding events. Two medical slip and fall incidents resulted in an ambulance ride for both parties. Three males were taken to detox.
  - Sunday was another busy day for traffic, but no reported incidents at the festival or in town. Eldora ski area had another busy day, resulting in a large outflow of traffic clogging up Highway 119. I received another report of cars cutting through Old Town, speeding and running stop signs. There was traffic control in place and signage along Highway119 to discourage parking in Old Town. This is far and away the largest amount of people I have ever seen in town. It was possibly twice as many people than any other festival or 4<sup>th</sup> of July event.

Feel free to stop by or e-mail Marshal Matheney or me with questions or concerns. We also welcome feedback surrounding 2014 FDGD.



# MEMORANDUM

To: Board of Trustees

From: Dawn Baumhover  
Community Center Coordinator

Date: 3/10/14

Re: Staff report

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Weather and keeping access to the building clear continue to be the major challenges this winter at the Community Center. Classes, events and activities all continue to be well-attended. As the temperatures warm and the snow melts, we are closely watching the water table and monitoring the sump pumps in the building's lower level. The french drain and sump pump installed under the floor of the weight room after the September floods are working well and according to plan. It is rewarding to see these mitigation efforts functioning as intended.

The Nederland Area Seniors held their Pancake Breakfast for Frozen Dead Guy Days and were overwhelmed with hungry visitors resulting in a very successful weekend for the non-profit. A new activity has been added to the Community Center. Brazilian Jiu-Jitsu is now offered Monday and Wednesday nights from 6-8 p.m. in the gym.

The first-floor renovation project hit a snag in timing, due to staff turnover at the contractor's firm. In recent weeks, a new supervisor and his team began working to move our project ahead toward completion once more. The team on the job now is working diligently to make things right and finally complete the project in the next week or so. My hope is that we can be moved downstairs by the end of the month, barring further delays.

The Fitness Place is charging user fees once again. Payment can be made as a drop in or through purchasing a membership, punch card or earned as a volunteer. The situation is awkward but we are making the best of things from operations on a folding table in the hallway. Fortunately, in typical Nederland style, folks don't seem to mind. They are just grateful to have their weight room back!



# TOWN OF NEDERLAND

## OFFICE OF THE MAYOR

*"Nederland is just a little bit cooler ... on multiple levels"*

P.O. Box 396  
45 West First Street  
Nederland, CO 80466  
(303) 258-3266



<http://nederlandco.org>

<http://nedermayor.blogspot.com>

### The State of Nederland Address

NederMayor Blog – March 20, 2014

By Mayor Joe Gierlach

This 'State of Nederland Address' was given at the very end of the Nederland Candidates Forum on March 12, 2014, recorded by [Planetmind Radio](#), and broadcast on the internet.

As Mayor, I have the opportunity to attend ribbon-cuttings and ceremonial events around the region. For all practical purposes, it is impossible to attend everything I get invited to. However, I do make the effort to listen to Mayor Hancock's State of the City Address in Denver each year. It is always inspiring to watch the mayor of one of the most important cities in the country (perhaps the world) lay out his policy direction.

So, I'd like to take this opportunity to give the State of Nederland Address, and pull some of the 'greatest hits' from the NederMayor blog.

The [Board of Trustees](#) (BOT) basically is responsible for three things: 1. We approve a balanced budget. 2. We hire and evaluate the Town Administrator. 3. We set policy.

On the day that I was sworn-in (in 2008), our auditor gave the BOT a report saying that the auditors may have to drop the '[going concern assumption](#)'. This is accounting speak for, "They can no longer assume that we are still going to be a town in the future, thus increasing risk, and our interest rates."

The BOT introduced several measures to correct this, like the cash handling audit, quarterly budget reviews, and re-aligning the water funds, Mud Lake fund, and the General Fund. The BOT also has tried to keep programs, like operating the Community Center, financially self sustaining so that the General Fund is not expected to subsidize programming.

The question remained in my mind, "How did it get that way?"



I sat in my first town budget meeting as the board was going line by line, questioning the police chief on things like, "if he needed to buy that many bullets." Truly a Barney Fife moment. Anyone could tell that prior boards had to make serious budget cuts. I found out later that in the past, they were \$200K over budget, and made so many cuts that they ended up \$100K under budget.

Those \$300K major cuts to Police and Public Works not only had a devastating impact on our failing infrastructure, but it was also apparent that making those cuts had destroyed [relationships between the BOT and town staff](#), between the BOT and our citizens, and between the BOT and our own [advisory boards](#), like the Planning Commission, or the DDA.

We had also pretty much cut off any relationships with our regional partners that we had.

I was on the Board of Trustees, when we developed liaisons. I was the first chairman of the newly formed Sustainability Advisory Board (SAB). We needed to heal wounds and develop relationships with our [Advisory Boards](#).

In the wake of that toxic environment of the past, most of Town Staff had turned over. We went through many hiring processes, and selected the best people for the job.

We knew that we needed to [reestablish a working relationship between the BOT and Town Hall](#), even though we were mindful of the check and balance component to the exchange between the BOT and Town Staff and our role of oversight.

We quite literally tore down walls, and made Town Hall a welcoming place for all our citizens.

So, with no money, crumbling infrastructure, and destroyed relationships, the Board of Trustees, made the decision to engage in the year-long process of bringing our community's vision to the surface and make that our guide to our decision making process. It was called [Envision 2020](#), and here is one of the nine vision statements:

"In 2020, Nederland's elected leaders are qualified, competent and representative of the entire community. They are committed to open and clear communication with town staff and all citizens. They actively encourage connections between residents, service providers, businesses and government. Critical information is easily accessible to all, and residents feel included and have a sense of responsibility and ownership in the governance process."

I cannot imagine a time in Nederland's history when this was more true.

It is also interesting to note that after a year and a half of polling our community, one of the top priorities was representative open government. Let's think about that as we vote for this year's candidates.

Three years later I became our mayor. My first two Action Items were approving [Envision 2020 and the Sustainability Resolution](#). The first thing I did was hang a giant poster at the Community Center with the full Envision 2020 text. There it is on the wall. I also [began writing the NederMayor blog](#). We were essentially [healing from miscommunication wounds](#). We revamped the town's website, and town staff began producing consolidated staff reports, which are still on line today.

We aligned our board goals to our budget to ensure that there were no "unfunded mandates" and so that our town's expenditures were predictable, sustainable, and fiscally responsible.

We were able to [reconnect with our own community](#), but also [reconnect within the larger region](#).

We received help from our regional partners like Boulder County, Gilpin County, the Denver Regional Council of Governments (DRCOG), The Colorado Municipal League (CML), the U.S. Forest Service, the State's Department of Local Affairs (DOLA), the Department of Transportation (CDOT), even the State Legislature. We've also partnered with the InterMountain Alliance (IMA) and other communities in the mountains like Gold Hill, Jamestown and Lyons.

My expectation is that the Board of Trustees that we elect will represent our town with these regional partners.

For example, with help from our regional partners, we were able to take steps towards meeting our transportation vision from Envision 2020 with resources we could never hope to accomplish on our own. – [Having the EcoPass funded for two years](#), introducing [the shuttle to the Hessie Trail](#) in the summer, and bringing back the [Peak to Peak Climb](#).

Collaborating with our regional partners was also extremely important when the flood hit. We were the first contract written by CDOT, and we were the first canyon road reopened after 22 days.

Now you say, "Joe, that's all the past, what about the future?" Here's the rub. We could easily have another flood, only this time [it could shut down the canyon for three months](#). What would happen if our businesses had to close for a few months? We would painfully have to cut about a quarter of a million dollars from our budget, which could then trigger similar problems that we experienced in the past.

So, in the wake of the flood, how can we address the impacts of Climate Change? Charles Darwin said, "It is not the strongest of the species that survives, nor the most intelligent that survives. It is the one that is the most adaptable to change."

We can use our EcoPasses to reduce our carbon footprint, We could build bioswales along our roads and design storm water drainage systems to reduce flood damage. And we can do these things in our own Nederland way. With the help of the Nederland DDA, [we've approved the unique NedPeds project](#) which should be completed his summer. We changed our Municipal Code to allow for electric golf carts in town. Fortunately, the road map is right there in the Envision 2020 statements:

"In 2020, Nederland continues to focus planning and economic development activities on efforts that address; non-motorized travel in town, alternatives for building and the use of sustainable materials, and connections to the outdoor environment providing active, healthy lifestyles for people of all ages."

We can take advantage of the [EnergySmart](#) Program to insulate our homes, or add renewable energy.

To make it easier, last year, [we became a Solar Friendly Community](#) as a step towards realizing Envision 2020 which reads:

"In 2020, Nederland's economy is local, community based, self-sufficient and is characterized by diverse and essential products, services and jobs that both support the local community and are mindful of potential impacts on the environment."

Not [just flood recovery, but recovering from our own economic downturn](#). Already, in Envision 2020:

"In 2020, Nederland supports its local businesses and works to attract new businesses that enhance local services while supporting local values, qualities and the 2020 vision."

Well, how did we do? Since I was elected, we have a [couple of new marijuana businesses](#), another liquor store, two breweries, a music store, a costume shop and seamstress, an outdoor gear store, a coffee and bike shop, a candy shop, plus many local artists, and musicians contribute to our local economy.

We've started the NedWEB Shop Local program, the First Friday art tours, [reopened the Visitors Center](#), and [brought back holiday lighting for the first time in over 20 years](#). We will [continue to discuss the impacts of events](#), and how they relate to our local economy.

Now there are rumors of some light manufacturing and distribution companies, and we've begun discussions on co-working office space and a business incubator concept.

After more than a decade of trying, we collaborated with the U.S. Forest service and [closed the old Nederland dump site to shooting](#) in order to to give our residents peace of mind, and reduce forest fire danger.

We need to [continue to address forest health](#) with programs like [Saws and Slaws](#). Partnering with Boulder County with the Nederland Sort Yard. Updating our Building Code to address flood and fire risk. We need to continue developing our emergency preparedness plans, and get a back-up generator for our Community Center (and evacuation center). We need to improve our communication plan for emergencies, and to inform home owners on how to reduce their risk.

And we start right now, by electing the best of these seven people right here.

By doing all the things I mentioned so far, repairing our town's financial situation, improving communication channels, strengthening our locally distinctive economy, and working with our regional partners to address climate change, we can now focus on [repairing decades of neglect on our infrastructure](#). Again, we will do it in our own distinctive Nederland way that follows Envision 2020, and respects the environment.

Here I will highlight [completing the Wastewater Treatment Facility](#). The most fuel efficient of its kind on the Front Range, which saved our taxpayers \$8.9 million dollars.

We have completed the town's Comprehensive Plan, the Master Infrastructure Plan, and we are now completing the Sustainability Action Plan.

With all of these things in place, this is the first time in our recent history, that we've had the luxury of addressing low income housing and human services. Two years ago, we started the Mayor's Task Force on Housing and Human Services.

The Board of Trustees approved facilities for the [Nederland Area Seniors](#), [Nederland Food Pantry](#), the Clothing Closet, and for [NedCompost](#). Envision 2020 states:

"Nederland is a complete community guided by a shared vision reflecting community values and priorities. It is a place where our children thrive and people connect; neighbors know and care for one another, and community members are proud of their town, their deep and rich history, and a quality of life that is both deliberate and second to none."

We have already partnered with Boulder County and [expanded social services in the mountains](#), but now we need to get serious about affordable housing, and the lack housing in general.

In conclusion, while you are voting for the best three candidates that meet our Envision 2020 statements, I am going to ask a favor, that you also vote to pay them something for their effort. It isn't easy being on the Board of Trustees. We've dug out of our financial crisis, so we can afford it, and it brings us in line with the other cities and towns in Boulder County.

Why?, The answer comes straight from the first sentence in Envision 2020:

"In Nederland, our greatest assets are our residents – the diverse people who live, work, play and contribute to all aspects of our unique mountain community."

Thank you for your time, and thank you for caring about your community.



# NEDERLAND TOWN BOARD OF TRUSTEES

## 2012-2014 Goals Action Objectives Report

Report #2014-03: March 11, 2014

Regular text: ongoing tasks

*Bold italicized text: updates*

GOAL	2014 ACTION OBJECTIVES	EST. COMP. DATE	COMMENTS
<p><b>Infrastructure</b></p> <p><i>Maintain and improve current infrastructure to meet community needs now and into the future.</i></p> <p><b><i>*Note: The September 2013 floods damaged pipelines, storm water collection facilities and roadways across the community. Work to repair these damages will continue through 2014.</i></b></p>	<ul style="list-style-type: none"> <li>• Complete the Master Infrastructure Plan with emphasis on streets, drainage planning</li> <li>• Complete Source Water Protection Plan</li> <li>• Complete construction of WWTP</li> <li>• Develop a plan for disposal of treated sludge from the new plant, including dewatering and composting ideas.</li> <li>• Develop a plan and funding mechanism for the new Town shop</li> </ul>	<p>Q1 2014</p> <p>Q1 2014</p> <p>Q2 2014</p> <p>2014</p> <p>2014</p>	<ul style="list-style-type: none"> <li>• Draft plan was presented to the BOT on Dec. 17, 2013; <b><i>final draft in staff review</i></b> <ul style="list-style-type: none"> <li>○ Increase green infrastructure and begin meeting Muni. Separate Storm Sewer Systems standards on a voluntary basis.</li> <li>○ Investigate storm water mgmt. fee</li> <li>○ Investigate viability of metro district for remaining septic conversions to sewer</li> <li>○ Identify funding mechanisms for ongoing maintenance of sidewalks, trails and streets.</li> </ul> </li> <li>• Review of best management practices ongoing by EPA staff and others; Plan draft to come in spring</li> <li>• Plan for plant commissioning and optimization being formulated; contract close-out imminent</li> <li>• Part of Utilities Division goals for 2014, included in draft 2014 Budget</li> <li>• Part of 2014 Budget and Capital Improvement Program</li> </ul>
<p><b>Resident Safety and Well-being</b></p> <p><i>Provide for quality public safety services and outreach to promote the health, safety and well-being of all residents and visitors.</i></p>	<ul style="list-style-type: none"> <li>• Develop a forest health program, including wildfire mitigation efforts on Town property and support for private property mitigation.</li> </ul>	<p>Ongoing</p>	<ul style="list-style-type: none"> <li>• Part of annual budget and mitigation program, including Firewise program, Saws &amp; Slaws program, FEMA mitigation of Mud Lake open space in 2014. <ul style="list-style-type: none"> <li>○ Support the realization of the Community Wildfire Protection Plan (CWPP) in partnership with the Nederland Fire Protection District. <ul style="list-style-type: none"> <li>▪ Other 50% of Water Treatment</li> </ul> </li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>Secure a second bridge across Middle Boulder Creek to support emergency efforts.</li> <li>Secure a second egress from the Big Springs neighborhood in case of evacuation.</li> <li>Develop an integrated emergency response and preparation program/outreach.</li> <li>Support code enforcement as a Town priority, specifically dog-related codes, speeding, and sound nuisances.</li> </ul>	<p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p>	<p>Plant mitigation planned w/Saws &amp; Slaws this summer</p> <ul style="list-style-type: none"> <li>Mud Lake mitigation to kick off with County this spring <ul style="list-style-type: none"> <li>Replace all street signs with metal reflective signs (part of CWPP).</li> </ul> </li> <li>DDA included project in 2014 goals for preliminary engineering; part of consideration in MIP; Public Safety agencies writing letter in support of need.</li> <li>Discussions ongoing with Boulder County, Forest Service officials.</li> <li>Part of staff goals for 2014, including plan for resident awareness of web materials.</li> <li>New software includes code enforcement module, to streamline code enforcement action and follow-up; code enforcement plan funded in 2014 Budget (\$7,500).</li> </ul>
<p><b>Sustainability</b></p> <p><i>Enact policies that encourage the consideration of the long-term economic, social and environmental impacts of all services and initiatives undertaken by the Town.</i></p>	<ul style="list-style-type: none"> <li>Support further creation of affordable housing in the community.</li> <li>Support Boulder County Zero Waste Plan goals in Nederland.</li> <li>Develop an economic development program in partnership with the business community.</li> <li>Develop a Sustainability Action Plan.</li> <li>Develop a parking plan and updated off-street parking codes to best accommodate the community's</li> </ul>	<p>Ongoing</p> <p>Ongoing</p> <p>2014</p> <p>Q1 2014</p> <p>Q2 2014</p>	<ul style="list-style-type: none"> <li>Recommendations of the Mayor's Task Force on Housing and Human Services incorporated into Comp Plan update; <b>Work underway for funding for housing needs assessment.</b></li> <li>Intern working on plan to incorporate Boulder County Zero Waste goals into Town operations, community outreach. <ul style="list-style-type: none"> <li><b>Initial waste audits of all Town facilities completed. Goals for diversion being set.</b></li> </ul> </li> <li>Resolution to re-enact the Mayor's Task Force on Economic Development adopted at the Board on Dec. 18, 2012. Membership recruiting ongoing.</li> <li>Project kicked off in September 2013; metrics development in draft form; initial presentation given Jan. 14 at BOT/Planning Commission work session. <b>Draft released March 4, 2014 for public comment.</b></li> <li>Intern working on standardized parking plan for events; continue with remainder of goal elements.</li> </ul>

	<p>various needs.</p> <ul style="list-style-type: none"> <li>• Develop and support sustainable Town practices, such as incorp. of native, low water vegetation on Town-owned properties, use as much as feasible of local shops and vendors for Town needs, encouraging dev. of alternative transportation facilities, and similar practices.</li> </ul>	Ongoing	<ul style="list-style-type: none"> <li>• Staff routinely incorporates these identified practices into our work.</li> </ul>
<p><b>Recreation and Culture</b></p> <p><i>Enhance the quality of life of residents and visitors through the provision of quality recreational and cultural amenities.</i></p>	<ul style="list-style-type: none"> <li>• Complete an update of the Nederland Trails Master Plan.</li> <li>• Encourage the development of venues and partnerships for music, art, ideas and knowledge.</li> <li>• Encourage creation of a boating program at Barker Reservoir</li> <li>• Maintenance of existing trails</li> <li>• Draft a plan for ball fields.</li> </ul>	<p>2014</p> <p>2014</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p>	<ul style="list-style-type: none"> <li>• PROSAB completing the update.</li> <li>• BOT approved performance space project at old north sewage lagoon west of Barker Reservoir; work session to further plan the project occurred Feb. 11, 2014. <b>Further discussion on March 4, 2014 reduced direction to final grading per FEI plan (summer 2013) and reseeding according to ecologists recommendations, for completion by July 4.</b> <ul style="list-style-type: none"> <li>○ Encourage the development of an outdoor amphitheater.</li> </ul> </li> <li>• Resolution to support program approved at Board in fall 2012; Town presented resolution and discussed subject at Boulder City Council in Jan. 2013; Council remanded issue to City subcommittee for review.</li> <li>• Coordinated effort between Town staff, PROSAB, and Community Volunteers.</li> <li>• Approved as part of the Gateway Park Area Master Plan. <ul style="list-style-type: none"> <li>○ Summer plan to revegetate for use as multi-purpose field, combat weed growth. <b>Requires full-field restoration post-Frozen Dead Guy Days event use. To be completed along with performance space work.</b></li> </ul> </li> </ul>





## NedPeds Update 3/14/2014

TO: Board of Trustees, Nederland Downtown Development Authority

CC: Brian McLaren, Huitt-Zollars  
Alisha Reis, Town of Nederland

FROM: Conor Merrigan, C2 Sustainability

RE: NedPeds Project Update

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Per guidance from the Board of Trustees, a number of revisions have been incorporated and are being incorporated into the design of the project. Updates from Huitt-Zollars are provided on specific items are provided below.

CDOT should have provided concurrence per their assurances at this point, however, no such notice has been provided. We are currently waiting on a response from CDOT and will have an update by the meeting(s). From a schedule perspective the project is on track to go out to bid in the beginning of April and have a contractor selected (assuming adequate responses) by early May for approval by the Board of Trustees.

Specific responses to the design requests from the BOT are addressed below by Brian McLaren of Huit- Zollars:

1. Include ecological enhancements at outfall and inlet protection areas. (Permits required (404?)).

**The “Ecological Enhancement Opportunities” report prepared by Western Ecological Resources (WER) recommended planting native willows and/or other shrubs along North Beaver Creek in three areas – near the Library, near the Kwik-Mart, and near the Fisherman’s parking lot, and also suggested using volunteer labor. I would suggest using that option, rather than incorporating the work into the project plans, and consequently increasing the project’s construction cost. We can show the areas on our plans as “Work by Others”, if desired – this would not incur any additional design cost.**

**If we want to show the work as part of the project cost, then we would need to prepare more detailed planting plans for the three areas, none of which were included in the survey provided for the project.**

1. We will indicate these areas as “Work by Others” as we prepare the final set of drawings.
2. Include ecological enhancements on Jefferson to mitigate runoff from CC site and at kwik-mart site as proposed by Western Ecological Resources.

**The WER report discusses the enhancements on Jefferson separately from the work at Kwik-Mart. Enhancements at Kwik-Mart are described above.**



## NedPeds Update 3/14/2014

The report suggests that the improvements along North Jefferson Street would be part of a stormwater management system for the Community Center. These need to be designed and built as part of that system, and should not be built with the NedPeds project.

2. No further update.

3. Reduce width of paved areas on East 2nd starting at Snyder St. Remove paved areas along north side of street that extend beyond existing street edge.

Reductions in the paved width can be accomplished for those portions of E. 2nd St. where the planned roadway width exceeds 14 ft. The minimum width for a one-way, one-lane roadway, per the American Association of State Highway & Transportation Officials (AASHTO) guidelines is 14 feet. There would be no additional design cost associated with this reduction.

3. Please see the attached sketch – the red shaded area is the area that was previously paved, and removed from the paved area per the BOT direction. I would propose native seeding and gravel surfacing for the limits shown on the sketch (the gravel surfaced area would serve as a loading zone for the feed store. Since the reduction in paved areas only applied to the north side of the street, we've left the paved loading zone for Salto's in the plans.

4. Keep existing trees and remove proposed parking area. Make street width more narrow or re-align if necessary. This system should have the flexibility to accommodate the trees now and adjust to the trees being removed later.

It appears that the design alignment for E. 2nd St. can be modified to allow the two spruce trees currently in the Town right-of-way to remain. The redesign will cost an additional \$12,370 in design fees. The realignment will not need to be reviewed by CDOT.

4. This re-design is in process, we should have it completed in about three weeks.

5. Install larger box culvert per request of EPA.

The project plans include the double 2'x4' precast concrete box culvert.

5. No further update.

6. Reduce currently quantity of virgin asphalts.

CDOT specifications used for the project currently allow for the replacement of up to 23% of the binder material with Reclaimed Asphalt Pavement, and up to 5% of the binder material with Reclaimed Asphalt Shingles, provided that the total of the binder material replaced does not exceed 30%. Given that the majority of the Hot Mix Asphalt for the project will be placed alongside S.H. 72, it is unlikely that CDOT will allow increases in these percentages (this pavement will be their maintenance responsibility). We could explore with CDOT



materials staff the possibility of mandating a minimum percentage of recycled material in the mix, but this may increase the construction cost, since the bidders won't have as much flexibility in their choice of material suppliers.

(Note per CM: We have further investigated and feel that achieving the highest allowable content of recyclable content should be reasonable as it can cut the contractor's cost (depending on availability). Furthermore, the location of the batch plant may play a more significant role in the overall environmental impact, so we are looking at encouraging the closest plants with the highest RAP (Recycled Asphalt Pavement) percentage, which should in theory also equate to the cheapest material costs. Using recycled asphalt shingles does remain less likely due to supply issues, cost, and mix requirements)

6. The project specifications, as written, will allow the project bidders the flexibility to procure the asphalt materials with the highest allowable content of recyclable material, and the bidders will seek to secure the best possible price for the materials in order to be competitive. Plant location and recycled content are a major factor in material prices.

7. Extend the bike lanes.

Extending the bike lanes on SH 72 to the Community Center, as part of this project, would require widening along SH72 to provide sufficient additional width to provide the 5-ft. minimum width for the bike lanes.

These improvements are outside the scope of the DRCOG funding for the project. The survey data provided to us by the Town for this project does not cover SH 72 west of the park-n-Ride, so we can't determine the actual amount of widening necessary. Including this work in the current project plans would require additional surveying, and likely, additional CDOT review. Paved shoulders do currently exist along SH 72 for this area.

7. No further update.

8. Develop performance guarantee.

a. At no time shall water pool and freeze on any portion of the new

b. At no time shall the permeable interlocking concrete pavers and surfaces, sub-surface systems move more than a few inches in the course of any year from the result of storm water and/or ground water movement.

c. Manufacture's guarantee? Verification that it's installed correctly

The Professional Responsibility of the designer is addressed in Article IV of our contract with the Town, which includes fairly standard language for professional design services.

8. No further update.



**AGENDA INFORMATION  
MEMORANDUM  
NEDERLAND  
TOWN BOARD OF TRUSTEES**

Meeting Date: March 18, 2014

Initiated By: /Eva Forberger

Dept: Administration

Consent  Action  Discussion

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**AGENDA ITEM:**

Consideration of renewal of the Visitor's Center Use Agreement

**SUMMARY:**

Attached is a lease renewal with Dog House Inc to manage and staff the Visitor Center. In April 2013, the Town of Nederland put out a Request for Proposal for the Visitor Center and received only one response: Dog House Inc. The Town entered in a one year agreement with Dog House Inc in April 2013. Dog House Inc has met the terms of the agreement. Both parties would like to renew this lease for another year.

**QUESTIONS BEFORE THE BOARD**

Two items requested by the lessor to be changed in the lease listed below:

DELETE "The Contractor agrees to offer a small portion of space within the Lease Premises each month for the use by a different locally based business in order to further the Town's goal of promoting local business at the Visitor's Center."

The other would be not paying the lease (3%) and spending those funds on updating the handouts, specifically the town map, and making more readily available to businesses. That would mean more copy expenses.

**ATTACHMENTS:**

- 1) Visitor Center Lease Renewal
- 2) Income Statement from Visitor Center

## **VISITOR'S CENTER LEASE**

This Lease Agreement (this "Lease") is entered into on April 1, 2014, by and between Dog House Inc., ("Contractor ") and the Town of Nederland, Colorado, a Colorado municipal corporation ("Town").

### **1. LEASE DESCRIPTION**

Subject to the terms, covenants, conditions and provisions of this Lease, the Town leases to the Contractor the building commonly known as the Town of Nederland Visitor's Center (the "Lease Premises"), with a street address of 2 West First Street, Nederland, CO, more specifically described and depicted on **Exhibit A**, attached hereto and incorporated herein by reference.

### **2. TERM**

The term of this Agreement is for one year from its effective date. Either party, however, may terminate this lease by providing the other party sixty (60) days written notice of its intent to terminate.

### **3. USE OF PREMISES.**

The Lease Premises may be used by the Contractor solely for the purpose of operating a Visitor's Center for the community. The Contractor shall keep the Lease Premises in good and clean condition. The Contractor agrees that the Lease Premises shall be used and occupied in a careful, safe and proper manner and that the Contractor will pay for any damage to the Lease Premises caused by misuse of the same by the Contractor, its agents or employees. The Town shall, at all times, have the right, by its officers or agents, to enter the Lease Premises to inspect and examine the same.

The Contractor agrees to offer a small portion of space within the Lease Premises each month for the use by a different locally based business in order to further the Town's goal of promoting local business at the Visitor's Center.

### **4. LEASE PAYMENT**

Rent for the Lease Premises shall be at the rate of 3 percent of the net profits sustained from sale of merchandise at the Visitor's Center each month, payable by the Contractor on the 10<sup>th</sup> day of each month within the Term of this lease. The lease payment shall be sent to the address of the Town set forth in this Lease.

### **5. IMPROVEMENTS**

The Contractor shall make no permanent improvements to the Lease Premises without the expressed written approval by the Nederland Board of Trustees.

### **6. MAINTENANCE**

The Contractor shall be responsible for all routine maintenance associated with the upkeep of the Lease Premises, including cleaning and routine maintenance of the attached public restrooms. The Town shall be responsible for all necessary repairs to the Lease Premises, beyond routine maintenance.

**7. UTILITIES; OPERATING EXPENSES**

The Town shall be responsible for the provision of water and sewer to the Lease Premises. The Contractor shall be responsible for the provision of any other services relating to their use of the Lease Premises, such as gas, electricity, telephone and internet services, printing, copying, faxing, etc.

**8. INSURANCE**

The Town will purchase, maintain and pay the premiums on insurance for public liability, property, casualty and building insurance on the Lease Premises and on any personal property contained therein belonging to the Town. The Contractor is responsible to purchase, maintain and pay the premiums on insurance on any personal property within the Lease Premises that belongs to the Contractor.

**9. FINANCIAL REPORTING**

The Contractor will provide to the Town financial reports, in a mutually agreed upon format on a quarterly basis, to represent revenues and expenditures related to the Visitor’s Center operations.

**10. SUBLEASING; ASSIGNMENT**

The Contractor shall neither assign nor sublease the Lease Premises without the prior written consent of the Town.

**11. INDEMNIFICATION**

The Contractor agrees to indemnify and hold harmless the Town and its officers, insurers, volunteers, representative, agents, employees, heirs and assigns from and against all claims, liability, damages, losses, expenses and demands, including attorney's fees, on account of injury, loss, or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with this Lease if such injury, loss, or damage is caused in whole or in part by, the act, omission, error, negligence, or other fault of the Contractor or any of its officers, employees, representatives, or agents.

**12. NOTICE**

Any notice under this Lease shall be in writing and shall be deemed sufficient when directly presented or sent pre-paid, first class United States Mail, addressed as follows:

<u>Town:</u>	<u>Contractor:</u>
Alisha Reis, Town Administrator	Katrina Harms, Owner
Town of Nederland	Dog House Inc.
P.O. Box 396	PO Box 635
Nederland, Colorado 80466	Nederland, Colorado 80466

**13. SEVERABILITY**

If any provision of this Lease is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.

**14. MODIFICATION**

This Lease may only be modified upon written agreement of the parties.

**15. ASSIGNMENT**

Neither this Lease nor any of the rights or obligations of the parties hereto, shall be assigned by either party without the written consent of the other.

**16. GOVERNMENTAL IMMUNITY**

The Town, its officers and its employees, are relying on, and do not waive or intend to waive by any provision of this Lease, the monetary limitations (presently one hundred fifty thousand dollars (\$150,000) per person and six hundred thousand dollars (\$600,000) per occurrence) or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended, or otherwise available to the Town and its officers or employees.

**Town of Nederland**

\_\_\_\_\_  
Joe Gierlach, Mayor

ATTEST:

\_\_\_\_\_  
Michele Martin, Town Clerk

**CONTRACTOR:**

By: \_\_\_\_\_  
Katrina Harms, Owner

STATE OF COLORADO )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was subscribed, sworn to and acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ , by \_\_\_\_\_.

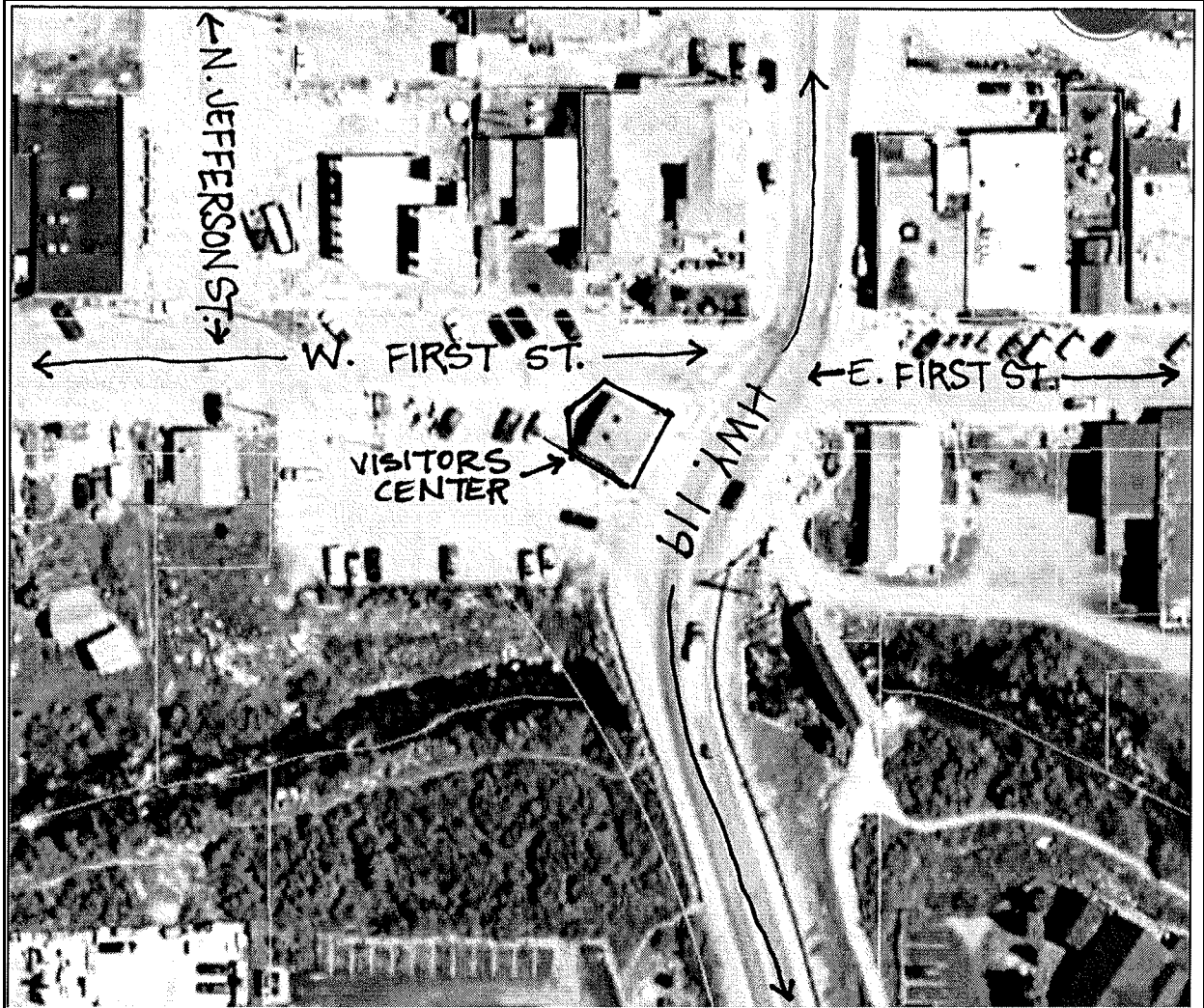
My commission expires:

(S E A L)

\_\_\_\_\_  
Notary Public

**EXHIBIT A**

The structure located as of the effective date of this Lease at:  
LOT 10 LESS PT TO HWY BLK 5 NEDERLAND &  
1/2 VAC STREET ON EAST & LOT 9 LESS PT TO HWY





**Net Sales**                    **\$32,090.00**

**Expenses**

paid labor (janitor/mgr)        \$2,750.00  
cost of goods                    \$18,099.00  
handouts (copies)                \$700.00  
utilities                            \$1,150.00

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**total expenses**                **\$22,699.00**

**Net Income**                    \$9,391.00

3.00%                              \$302.73

fdgd income                      \$20,544.00

other income                      \$11,546.14

**per month net income**        \$782.58