



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

NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466

Meeting Date: August 7th, 2018

MINUTES

1. CALL TO ORDER

Meeting convened at 7:02 PM.

2. ROLL CALL

Present: Mayor Larsen, Mayor Pro-Tem Gustafson, Trustee Baumhover, Trustee Conrad, Trustee Rawsthorne. Absent: Trustee Masters and Trustee Apt

Also Present: Town Administrator Karen Gerrity, Town Clerk Nicole Cavalino, Town Treasurer Jennifer Hogan, Town Administrative Assistant Hope Jordan

3. CONSENT AGENDA

- 3.1. Approval of August 2018 Accounts Payable
- 3.2. Approval of July 17th, 2018 Regular Meeting Minutes
- 3.3. NCC Lease - Teens Inc.

Mayor Pro Tem Gustafson asked about the property/location of lease space, inquiring if it could be a possible space suitable for Town Staff space expansion. Town Administrator Gerrity confirmed it is the Magnolia School House, but due to water drainage issues and no heat it is unable to be used for anything but storage.

3.4. Proclamation in Appreciation of Linda and Danny Glasser

Mayor Larsen introduced the Glasser Family with great appreciation for their volunteer service and dedication to the Town over the years and read aloud the Proclamation announcing March 20th 2019 as, 'Glasser's Day' in appreciation.

No further comments from the Board of Trustees.

Trustee Conrad made a motion to approve the consent agenda, Trustee Rawsthorne seconded the motion. A Unanimous Yes, approved the consent agenda.

4. PUBLIC COMMENT ON NON-AGENDA ITEMS

Ron Mitchell – Stated that there have been huge market fluctuations in the sales and rental markets in Town. He suggested the Board should take into consideration the market when making decisions regarding ADUs only being used for long-term housing. Mitchell requested the Board consider including a route of appeal.

Kelly Detzel Hess – Requested that the Board consider not allowing or at least have stricter regulations for full-house vacation rentals in Town, stating the full house STRs take housing away from residents and gave examples of local teachers and staff who cannot find housing. Hess further explained that she feels that she lives next to a hotel in a low density residential area due to the noise and traffic caused by the STR. Hess concluded stating that the Planning Commission took two years to establish guidelines, and in that time her street has seen multiple homes being used for STR.

Mayor Larsen explained that public comments would not be allowed during the work session following the meeting, but asked if anyone who had signed up to speak at the work session would like to speak now for 3 minutes.

Ron Mitchell – Presented two items 1) there is no path of appeal which would keep the inspectors of STR honest instead of making life intolerable and allows the process to be transparent. 2) Anonymous complaints should not be allowed, as it puts extra work on Town Staff and doesn't allow for open communication between neighbors to resolve an issue, although legislation may be needed for specific situations.

Mary Jarril – Stated that on rental websites the owners can specify if parties are allowed and that should be highlighted when enforcing regulations on STR. Two points of concern 1) regarding the procedure of neighbors being notified, she disagreed and feels it puts a burden on those who are operating legitimate rentals. 2) three hour response time isn't realistic, if there isn't enforcement available. Jarril concluded that she spoke with an attorney who stated that the use by right is being jeopardized by regulations. Gerrity replied stating that currently STRs are not permitted by Town code.

5. INFORMATIONAL ITEMS – NONE

6. ACTION ITEMS

6.1 Swearing in of Judge David Thrower

Town Administrator gave a brief background of David Thrower, as stated in his resume attached in the agenda packet.

David Thrower introduced himself and thanked the Board of Trustees for their consideration and applauded the other applicants who had applied for the position for their dedication.

Trustee Conrad and Mayor Larsen both remarked on Judge Throwers extensive background and welcomed him to Town.

No Public Comments

Mayor Larsen read the Oath with Judge David Thrower and congratulated him on being the Town's new Municipal Judge.

A motion to approve Resolution 2018-10 was made by Trustee Rawsthorne and seconded by Mayor Pro Tem Gustafson. The vote was unanimous, approving RES 2018-10 to appoint Judge David Thrower as the Town's Municipal Judge.

6.2 Consideration to Approve the Increase in Projected Revenue and Recommended Use of Funds

Town Accountant Hogan presented the actual 2017 revenue surplus and recommended use of funds as stated in the 2017 Excess Fund Balance Report in the agenda packet. With an excess of \$85,000, there are five items identified by staff for uses of this fund:

General Fund Excess Recommendations:

1) Good Will, a discretionary account to spread out between non-profits such as the Food Bank in which the requesting non-profit applies for funding. Mayor Larsen asked how this funding is distributed. Town Administrator Gerrity suggested that the Town announce the funding and allow non-profits to apply and Town Staff will review the requests for funding.

2) Big Spring egress, final design construction and surveying \$45,000

Trustee Rawsthorne expressed his concern regarding the use of the funding for the Big Springs egress and suggested allocating a portion of the funding for survey and the remaining funds be used to address road work needs on Big Springs for emergency.

Town Administrator Gerrity suggested an administrative grant opportunity from DOLA with a 50/50 town match for Big Springs Egress the project. A \$22,500 match would need to be approved by the Board to begin the application process.

Mayor Larsen asked the board for an approval to have Staff work on beginning the grant application for the administrative.

Trustee Rawsthorne supported giving half of the \$45K to the pilot project and half to match the DOLA grant. Mayor Larsen explained that half the funding may not accomplish the project goals. Gerrity explained that 30% of the funding is specifically for the survey.

Trustee Conrad shared her concern in risking the support of the Forest Service and ultimately having the project fall apart.

Mayor Pro Tem Gustafson is in support of approving \$45k with the hope of the DOLA fund, but having the allocation of the needed \$45K to advance the project with or without the DOLA funds.

Trustee Baumhover agreed that the road conditions on Big Springs is a major concern as well as a Town Ordinance which requires us to have three egresses out of Big Spring, and there are currently only two. He supported the \$45K to continue the project as planned and is interested in hearing the design of bettering the roads and safety.

Mayor Pro Tem stated she is uncomfortable ear-marking possible \$22,500 DOLA funding for a project that she is unaware of the details, and would be more comfortable rolling the funding into general fund.

3) Town Hall upgrades, \$24,000

4) Part-time Accounts payable clerk \$5,000 for remainder of 2018

5) SAB requested funding to join the Environmental Communities Project, \$700 for membership through December 31, 2019

Mayor Pro Tem Gustafson asked for staff to look into professional level volunteer accounting assistance prior to using funding to hire additional staff because community members expressed an interest in serving the Town in this capacity. Town Accountant Hogan stated her concern with having volunteers involved with Town finances which would require a degree in financing. Mayor Larsen and Town Administrator Gerrity agreed with Hogan due to legal issues of volunteers in accounting.

Mayor Larsen asked for Nod of four to direct staff to ask legal for advice in allowing volunteers into Town finance. Nod of 4 confirmed the request.

Mayor Larsen confirmed the approval of SAB membership of \$700, Part-time Accounts Payable clerk at the cost of \$5k, Town Hall upgrades \$24,800, and Big Springs at \$45,000 with the hope of receiving the DOLA grant for Public Works pilot project, at a total cost of \$75,500, with anything unused going back to general fund.

Mayor Pro Tem Gustafson made a motion to approve the recommended funding as discussed, for the General Fund 2018. Trustee Baumhover seconded the motion.

Unanimous Vote Approved the General Fund recommendation for 2018.

6) Community Center Excess fund recommendation to replace the roof in MPR, \$50,000 which is a quarter of the current reserve balance.

Town Accountant explained that the project may not be completed in 2018, and if it isn't completed in 2018 the allocated fund will be reallocated into the 2019 fund.

Trustee Baumhover asked if there are any other projects being discussed for the Community Center funding. Hogan explained that the roof is the priority repair, but floors and showers have been discussed, as well as adding heat to the West wing for use of potential office space.

Mayor Pro Tem Gustafson and Trustee Conrad agreed with the roof repair as a priority project.

Trustee Rawsthorne inquired as to what type of roof is being installed. It was confirmed that the roof is flat and composed of tar and gravel.

Mayor Pro Tem Gustafson made a motion to approve the recommended \$50K to repair the Community Center roof. Trustee Baumhover seconded the motion. A unanimous vote approved the item.

Mayor Larsen congratulated Public Works Manager Chris Pelletier and Town Administrator Gerrity for being awarded a million dollar grant for the Bio-solid project. Gerrity explained that the Town was awarded 100% of the request.

6.3 Consideration of Ordinance 787 to add one additional member to the Planning Commission.

Town Administrator Gerrity briefly explained the item originated from a discussion in which the Board considered adding an alternate member, then evolved to adding a full member.

Mayor Larsen asked about the resident clause in the ordinance. Gerrity explained that it was a redundant statement and was removed for that reason alone.

Trustee Conrad asked if the additional member was being added out of convenience because a resident applied that no one wanted to cut out of the appointment.

Mayor Larsen explained that the idea has been discussed for a while and an opportunity to grow the board by allowing additional input.

Trustee Conrad asked if other boards are considering additional members, in regards to consistency. Town Administrator Gerrity explained that other boards do have additional members that provide the opportunity for more input and quorum, as well as allowing for an additional vote in a tie.

Trustee Rawsthorne is in favor of an alternate due to the opportunity for a quorum.

Mayor Pro Tem Gustafson explained that she feels if there are interested community who would like to serve, and we have the opportunity to increase the number of members for quorum an additional member would benefit the community.

Town Administrator gave history as to the DDA adding an additional member, which was approved by the Board of Trustees this past May.

Trustee Baumhover is in support of more opportunity for input from the board with an additional member, but has concerns regarding making quorum with an additional member and not an alternate especially during summer months and asked if Town Hall would be in contact with all previous applicants.

Gerrity confirmed that Staff would be in contact with previous applicants as well as posting the position open to new applicants. She explained further that an alternate would only vote in a tie-breaker, but they do help to make quorum.

No Public Comments

Trustee Rawsthorne made a motion to approve the consideration of an additional member to the Planning Commission. Trustee Conrad seconded the motion. A Unanimous vote approved ORD787 to add an additional member to the Planning Commission.

Mayor Larsen instructed Town Staff to be in contact with previous applicants as well as posting the opening on social media to assure a good pool of applicants.

7. DISCUSSION ITEMS – None

8. OTHER BUSINESS

Mayor Pro Tem Gustafson suggested having a fishing competition on Sunday Sept 9th and was requesting support from the Board of Trustees to attend and organize.

Town Clerk Nicole Cavalino explained that on the morning of September 9th the Buffalo Classic Bike Race will be moving through town and that Public Works and Police will be involved in that activity.

Mayor Larsen commented that the race doesn't affect the town and there shouldn't be any complication with the suggested date.

Trustee Baumhover confirmed that he will be available to help organize the event.

Mayor Pro Tem Gustafson asked for the opportunity to discuss our legal counsel and suggested hiring someone part-time who would possibly be a resident or lives near the community with interest in the town particularly with land use and growth in the community. Mayor Larsen agreed with finding some local for the position into the discussion for the 2019 budget. Mayor Larsen asked that a discussion item be added to the Sept. 4th agenda to explain the cost versus coverage.

Town Administrator stated she can put together a DRAFT RFP and discussion agenda item for an early September Board meeting.

Trustee Baumhover shared information regarding a meeting he attended with the Forest Service to discuss the issues on West Magnolia. Gerrity added that the area in West Magnolia is beginning to show a difference due to the joint efforts by the partners of NICHE as well as the outreach efforts of their part-time staff person.

9. ADJOURNMENT

Motion to adjourn the meeting at 8:28 PM was made by Trustee Baumhover, seconded by Trustee Conrad. Adjournment approved with a unanimous YES vote.

Approved by the Board of Trustees

Kristopher Larsen, Mayor

ATTEST: Nicole Cavalino, Town Clerk

Nicole Cavalino, Town Clerk