

Nederland Downtown Development Authority Minutes for November 29, 2011

Board members present: Ken Adler, Udo Sille, Peter Stader, Director Paul Turnburke, Steve Culver, and Teresa Warren.

Also present: Alisha Reis, Pam North, Gail Eddy, Annette Croughwell, Pat Everson, Bestsy Buck, Jeremy Kindle, Jeanette Taylor and Carla Slaughter.

Meeting called to order at 8:07 A.M. Steve Culver took roll call.

1. Under Public Comment Gail Eddy gave a statement. Gail said that even though many of you have treated her very poorly she is glad that she brought to light many of the inconsistencies of the NDDA's financial reporting which left our town of Nederland open to legal action. "I am very glad that the Town staff has stepped in to insure the transparency which I have been requesting for almost a year that is required when dealing with funding provided by your taxpayers and I am very much looking forward to the upcoming process that insures live public input, thank you."

2. Paul Turnburke introduced Jeremy Kindle, who has applied for the open seat on the NDDA Board. Paul asked the NDDA Board members to introduce themselves to Jeremy. Jeremy Kindle introduced himself and said that he was starting up NedSpas, located in the Cohen Law Building. Jeremy said that before moving here he was developing Wind Farms in the Texas panhandle among other businesses. Jeremy said that he was active and wanted to apply himself into the community. Jeremy said he had lived in Nederland a couple of months and was just getting himself established.

Jeremy said that after reading the Town's Vision Statement and NDDA Mission Statement on the Town website, this is what motivated him to apply for vacant board seat.

Teresa Warren welcomed Jeremy to sit in our meeting and we would discuss his application under new business. Paul Turnburke said that if we do recommend Jeremy and the BOT also approves his appointment to the NDDA Board that he would be glad to sit down with him and get him up to speed on the NDDA and the projects we are currently working on.

3. Director's Report. Teresa Warren said that she had been in West Virginia for nine days and was so glad to come back to our great town, that she loves Nederland. Teresa said she did check in with Roy Young

yesterday about the lease and Roy said he never got the email. So Teresa said she resent the lease information back to Roy yesterday and we will wait to hear back from him.

4. Paul Turnburke said he and Alisha Reis and Eva from Town Hall met yesterday to talk about some of the things coming up in the next few months. Paul said coming up in April, there will be a referendum vote by the constituents of the NDDA to approve a debt authorization, which basically makes everything all correct. The debt authorization would cover a number of things; including the Phase 1 sidewalks, assuming there is still anything outstanding at that point. Paul said the language has to be written and approved by January 6th. Alisha said the BOT is aware of what needs to be covered in the referendum vote. Other things that will be covered are the Phase 2 sidewalks, if that is approved by the BOT; our tractor debt; our maintenance obligations; costs for redoing our Master Plan; it would cover the Director compensation; and it would cover beautification. Paul said this would not be a large amount of money, but it would cover completing some small projects within the next year. Paul said updating our Master Plan could take from six months to a year to go through and during that time we will be figuring out with the BOT and our constituents what projects will form our next debt authorization. Paul said we probably won't know in January what our next big projects will be, this will take some time and going through a process to see what rises to the top. Paul said it will most likely be the following April that we go back before our constituents for another debt authorization vote. Paul said the vote in April 2012 will be the debt authorization covering our TIF funds not the mil levy funds.

Teresa Warren said just to clarify, that in April we will be doing a sustaining debt authorization. Paul said if the vote passes this will allow us to move forward on funding the existing projects and debts he mentioned earlier. Paul said another piece we could look at for April is a mil levy extension. Paul said our mil levy extension needs to be done by 2013. Paul said we will need to discuss at a future meeting whether we want to go after a mil levy extension with the vote in April. Paul said it might make sense to go after the mil levy extension when we are voting on the debt authorization and if it didn't pass this April, we would be able to vote on it again the following April. Alisha Reis said that she and Eva recommend doing the mil levy vote in April paired with the debt authorization as a means of long term stability for our financials.

Ken Adler asked if the vote allows us to begin work on a new Master Plan, will that automatically negate our original Master Plan or will it still be valid. Ken asked if we are still operating under our original Master Plan until a new plan is approved. Paul said yes, we are building off of that. Ken had a second question, wanting to know if all the lawyers on both sides have come to an agreement on this debt authorization. Paul said while the lawyers will never be 100% in agreement, at staff level they are in total agreement that this is the right thing to do and it makes things a whole lot clearer. Ken asked what the law behind this debt authorization is, is it DDA rules or TABOR laws. He was told it is both, but TABOR comes into play when spending taxpayer's money. Ken asked what if we already have the money and are not in debt, can we spend that money without a vote. Alisha said this is where DDA rules come into play and the TIF funding rules. Alisha said that if you are going to collect funds from TIF, you have to have a debt authorization in place on how it will be spent. Alisha said she didn't know all the reasoning behind these rules, but believes they are in place so that the taxpayers, whose TIF funds are being collected, know specifically where or what those funds are being spent on.

After some other questions, Alisha said the debt authorization doesn't have to go into very specific details on how the money will be spent, but it does have to show what you want to do with those funds. Alisha compared it to a school bond issue where voters are asked to fund a \$100,000,000.00 worth of school upgrades for a group of 30 schools. The language doesn't specifically state where every penny will go, but you know that the money will all be spent on upgrading those 30 schools listed. The details and more exact costs for each part of the project will come later during the design and planning stages. Alisha said the debt authorization cannot just say we want \$500,000.00 to do whatever we want with as we come up with a plan. Ken then asked, does that mean our debt authorization will only be able to cover what is in our original Master Plan. Alisha said yes, but it could also cover things associated with the Master Plan, like working on a new Master Plan. Alisha said it could not cover any random new project(s) that was not listed in our original Master Plan.

Paul said that he and the Town staff agree there could be some wording in the debt authorization to cover smaller projects like beautification which are related to other items in our original Master Plan. Paul said this amount might be only \$50,000.00, which can be broken down into smaller projects throughout the town. Alisha said, as an example, if the

\$50,000.00 amount was approved, then you could then go back before your constituents through meetings or surveys to see where and how they would like to see this money spent. The debt was approved for beautification, but not specific projects which will be decided later on.

Peter Stader said this will be a good opportunity for us to test our communication ideas that we have come up with to get feedback from the public on what they would like us to be working on. Peter said we will need to get the message out to the public that we cannot work on other projects at this time that were not part of our original Master Plan and let them know why. Peter said we will need to change our website to let people know we can only consider projects in our original Master Plan at this time and this is what we will be voting on. We can then let them know we will be working on a new Master Plan for approval and give them the opportunity to let us know what new projects they might like to see included in the new plans. Alisha said hopefully this would encourage folks to get out and become a part of this process.

Paul said just to be clear what is really required is a Plan of Development, which can be as simple as a few pages of verbal descriptions of what it is you want to do. Paul said this would be the bare minimum to comply with the law. Paul said now though, we have so many new ideas and are working on processes to get more people involved in what we might want to do, that this is where he hopes we will continue to go as we work on what could be the revised Master Plan that could be approved as a document.

Paul said he sent out our 2012 Budget which the BOT will be considering at their Dec. 6th meeting. Alisha said this is the same proposal that was put forth by Eva at our BOT/NDDA workshop. Alisha said in the absence of the debt authorization, this carries the NDDA from Jan. through April. Alisha said this continues our debt payments and minimal operational expenses including accounting expenses. Alisha said as discussed before, the attorneys and the accountants have stated, that it is in the best interest of the community to continue with those debt payments and not default on that debt prior to the debt authorization election in April. Then in April after we know the results of the election we can regroup and decide how to move forward. Paul said that also, at the Dec. 6th BOT meeting, they will look at an ordinance that will reconcile a number of budget items, some of which have nothing to do with the NDDA. Alisha said this is a supplementary budget. Paul said we might be looking at a worst case scenario where we have to pay the contractor to finish up Phase 1 of the

sidewalks and then not get reimbursed by CDOT for the funds until next year, which could put us over budget for 2011. Alisha said, that will not be a problem, because that funding is already committed. Paul said the budget that the BOT will be approving for the NDDA will run through April or possibly a little longer. Paul said this is a bare bones budget allowing for an expense of \$3000.00 going towards the preparation of the ballot language by lawyers. Alisha said that Sherman & Howard will be drafting the questions for the NDDA as well as questions for the Town's ballot.

Paul said what this bare bones budget will cover Jan. through April are our Director's compensation, coming out of the 5 mil levy. Paul said this means he will not be working on any project management. Paul said the 5 mil levy is for operations and this will allow him to assist in our outreach to our constituents and doing things like that that are more involved with day to day operations. There is also \$300.00 in there for office expenses and \$225.00 for membership dues and that is pretty much it. Teresa asked Paul if he could look at what we spent last year Jan. through April to make sure we weren't missing anything important. Teresa also said our membership dues would probably amount to more than \$225.00 during this time. Alisha said she would look into that and see if she could get the amount raised or most likely they would defer those expenses until April.

A question was asked to Alisha how the Town will determine who gets to vote and who can vote on the NDDA ballot. Alisha explained there are a lot of election related rules to determine your voting public, and that this is managed by the Town Clerk. There are provisional ballots to account for changes to voting status or information. The question was asked about what if you just opened a business within the NDDA. Teresa said that ballots are automatically sent out to property owners within the NDDA, but if you are a tenant within the NDDA you have to take a copy of your lease to Town Hall and register to vote. It was asked if a written Letter of Agreement could also be used if you didn't have a lease. Paul and Alisha said that sounded like a question for the lawyers. Paul said they would also be working with the Town and their business license program and hopefully by April they will have most of the businesses in town documented.

5. Alisha Reis said the BOT meeting on Dec. 6th, will be all budget all the time. The BOT did give approval, at their last meeting, to move forward on work on the IGA contract for Phase II sidewalks. Nederland's Town Attorney had made some changes, suggested by the Town, to the original document from CDOT, and they were still waiting to hear back from CDOT

about those changes. The BOT still does not have the final document to take action on. Alisha said it might be Jan. 3rd or later before they can take action on that final document, once they get it back.

Alisha said that also on Dec. 6th, they will be finalizing the contract for the planning firm to do the update for the Parks & Recreation Master Plan.

Alisha said this project will probably begin in January. Two surveys will be sent out to Town residences and a web based survey will be available for residents outside of town who they are also inviting to participate in this process. Alisha said on Friday the Town staff will be putting in an application for the "Safe Routes to School" funding. This funding will allow the sidewalks to continue on to the Middle/Senior High School as well as work on a crossing from the Elementary School trail to the Community Center and another crossing at the Library. These projects would be a 100% federally funded.

6. Under Old Business, Paul Turnburke presented bills for the NDDA. Ken Adler made a motion:

To approve for payments for a bill from Teens Inc. for \$595.00 for management of the noxious weeds at the Tilden Park property and creating a management plan for this area; a bill from Ebuildout for \$337.50 for work on the NDDA website; a bill from Chris Smith for \$429.00 for bulb planting at the entrance sign to Nederland; and a bill from Grimshaw & Haring for \$2285.79 for legal work through Oct. 31st.

Udo Sille 2nd the motion. Motion was approved unanimously. #112911-1.

Paul Turnburke had sent Steve Culver some grammatical corrections to the DRAFT minutes for the Nov. 8th, NDDA meeting. Paul also wanted to correct what Mike Massa had said about being over budget on our financials. Paul said he did not think that was an accurate description of where we stand on our budget. Paul thought that Mike was referencing the last line showing income in which we were over what was budgeted at this time. So Paul wanted that line changed to reflect what he thought was a more accurate description of where we stand on our budget, and that is that we are under budget at this time and wanted that noted on the minutes. Paul didn't want any confusion that the NDDA was over budget.

Ken Adler made a motion:

To approve the minutes for our Nov. 8th NDDA meeting with corrections as noted by Paul Turnburke.

Peter Stader 2nd the motion. Motion was approved unanimously. #112911-2.

Still under old business, Udo Sille wanted to know why the phrase 'Component Unit of the Town' had not been added to our website heading and other listings. Paul said he thought that Udo had wanted this added to our website, not necessarily at the heading and that he had put it on the website. Paul said it is not part of our letterhead or masthead at this time but he could work on making those changes. Udo said he would like to see this phrase placed everywhere possible. Paul said it might be difficult to add that to a letterhead, but the consensus was that it should be a part of our identity. Paul said he would take our ideas and make it work.

7. Under new business would be a discussion of direction for the NDDA, focusing on the next six months. Paul Turnburke said he gave an overview of what will happen between now and April. Paul said on Dec. 14th there is a DCI forum on communicating the value of the district to stakeholders. Paul said he and Jennipher Murphy will be attending this forum. Paul said he hoped to get some good ideas on how we can communicate better with our constituents. Paul said this is exactly what we need to know and learn from other people. Paul said as part of our outreach to constituents he would like to work on getting a voter database. Paul said having a digital database of our constituents would be extremely useful.

Paul then suggested that we divide our district into six areas so each NDDA Board member can get out and communicate and reach out to district members. Paul said this is only a suggestion and that he would actively participate alongside us in this outreach. Paul also suggested hosting some meetings in our district to invite those we could not reach on a one on one basis, to communicate who we are and what our goals are. Paul said he would also like to compile a list of our members who are in support of what we are trying to do in the NDDA.

Paul also suggested we look into doing another newsletter for our constituents as well as the public and that we create a yearly report, like businesses do, showing what we have accomplished in the last year and where we stand at year end.

Paul wanted to know how the board felt about these ideas and said he was looking for ways to distribute the load of work more evenly between the board members.

Teresa Warren asked each board member what they thought of going out and talking to constituents and gathering information for the NDDA. Most board members said this is a good idea and that they would participate in the process. There were some concerns about how much work would be involved and how much actual time it would take and when would this need to be finished. The election will take place on April 3, 2012. There were also concerns on being able to answer questions about the NDDA and our projects accurately.

Paul suggested we plan on having a kick off meeting sometime in January to get all board members together to review what we want to accomplish and how we are going to do it. Paul asked the board members to start forwarding to him questions to help prepare a fact sheet. These could be questions we anticipate being asked or questions we have already heard in private conversations or at meetings.

Teresa said we might want to consider a longer term for our mil levy when it gets renewed. Pat Everson said there are revised State Statutes governing the length of mil levys. Ken Adler said it is very important to go out and talk to people one on one about the NDDA. Steve Culver said it might be good if we printed up new board member business cards that had our new website information listed. Paul said we could put a QR code on the cards also, that would take them directly to our website or current information. A member of the public mentioned that she would like to see our meeting(s) information or the link prominently displayed on our main page so they wouldn't have to search for it.

8. Other business. Teresa Warren said she wanted to discuss recommending Jeremy Kindle to BOT, for filling the vacant seat on the NDDA Board. Teresa asked Jeremy if he felt he would have enough time to contribute to working on NDDA Board. Jeremy said yes he would make that commitment. There was no other discussion.

Ken Adler made a motion:

To recommend that the BOT approve Jeremy Kindle as our new NDDA Board member at there next meeting.

Udo Sille 2nd the motion. A roll call vote was taken and Steve Culver, Ken Adler, Peter Stader, Udo Sille and Teresa Warren all voted in favor of the recommendation. #112911-3.

9. Meeting was adjourned at 9:50 A.M.

Our next regular NDDA meeting will be on Tuesday, December 13th. The meeting will take place at 8:00 AM at the Pioneer Inn, unless otherwise notified.

Submitted by Stephen Culver, Secretary NDDA.