

Nederland Downtown Development Authority Minutes for February 14, 2012

Board members present: Director Paul Turnburke, Peter Stader, Udo Sille and Annette Croughwell.

Absent: Steve Culver

Also present: Alisha Reis, Pat Everson, Katrina Harms, Gail Eddy, Michael McBurnie, Carla and Eva Forberger.

Meeting called to order at 8:06 A.M.

1. Under public comment, Pat Everson said she sent an email to the Town and NDDA Board members with some questions. Peter Stader said that he didn't feel that anyone on the NDDA Board was qualified to answer her questions and said that the Town Clerk, Teresa Myers, may be the most qualified to answer Pat's questions. Alisha Reis said that Teresa Myers was already working on getting the questions answered.

2. Paul Turnburke said that one of the questions Pat had, was whether there were enough NDDA Board members left to have a quorum. Paul said our bylaws state that a quorum is a majority of the members, not the possible members, and since we have only four NDDA Board members at this time and three of the four are present we do have a quorum. Alisha said the Town attorney also came to that same conclusion.

Paul said he talked to a member of the Ft. Collins DDA and they talked about different financing and loan options. He said that the member was doing a study of different DDA's in Colorado and when completed it might be useful to see how other DDA's operate.

Paul had an update on our Worker's Comp Policy. Since taking out a policy over a year ago to cover our tractor drivers and himself, Town workers are now covered under the Town policy and Alisha has said that Paul is also covered by the Town's policy. Paul said since this is the case, the NDDA would be canceling its Workers Comp Insurance and we should be due a small refund after the Insurance Company does a final audit.

Paul said he has been asked to speak to the rumors that are abundant in our town about things. Paul said the rumor that he has heard second or third hand is that folks are resigning on the NDDA because something was amiss, that they didn't want to get caught doing something or this or that. Paul said this could not be further from the truth. Paul said that each

NDDA Board member has had his or her reasons for resigning. Paul said that if anyone has something they want to contribute publicly, rather than through the rumor mill, and they will stand up publicly that he will be glad to address their questions in a public forum and hopefully we can get to the bottom of these things. Paul said there has never been anything that he has witnessed or that he is aware of that anyone who is resigning is trying to get out of some kind of trouble.

Paul said the other question that was out there was how long he was getting paid and will he continue to get paid after the election. Paul said that he will be paid through the month of April, per the budget that was approved in December. After the month of April the NDDA budget will be re-assessed and a new NDDA Board will decide his future position.

3. Alisha Reis said that hopefully in the future when Annette Croughwell was more comfortable with her position that she could takeover giving the BOT report to the NDDA Board since she was a member of the BOT.

Alisha said the biggest thing going on was that the Waste Water Treatment would soon have its dewatering permit and that they will hopefully be breaking ground for the foundation this spring. Alisha said the Boating on Barker proposal was still in its infancy with negotiations with the City of Boulder. Alisha said right now it is not a formal proposal, more of a fact finding mission.

4. Katrina Harms updated us on the NACC. Katrina said they were still working on the membership drive and for the most part everyone seems happy with the new membership/pricing structure.

5. Under old business, Peter Stader asked if there were any bills that needed approval. The answer was none at this time. Alisha Reis said that the NDDA had received a revenue check from Boulder County.

6. Although the minutes from the previous two NDDA meetings had been sent to all members, not everyone had a chance to look them over and since Steve Culver was not at the meeting, the dates for the minutes could not be confirmed so approval of the minutes was postponed at this time.

7. New Business. Peter Stader said at the BOT/NDDA workshop meeting the other night, there was discussions on Resolutions of Support for the April Ballot Questions. As Peter recalled, Paul Turnburke would work

with Town members and Annette would work with BOT members on the wording of the Resolutions and the different types of Resolutions.

Paul said he sent everyone three draft Resolutions to look at for approval or changes, but so far he hasn't gotten any response back from anyone. To clarify, Paul said that Resolutions to support voting yes or no on issues have been done before with the BOT and this is not something new. After the workshop, Paul and Annette decided to draft three Resolutions instead of two. The first would be a Resolution for the BOT to support the debt authorization question, the second to support the mil levy extension, and the third was a generally worded Resolution of the BOT to support the NDDA. Paul asked Annette since the short time frame that we have that these Resolutions be brought before the BOT as a discussion item and not an action item at this time.

Annette said she was concerned about time, but these Resolutions were worthy of being discussed. Annette said she was very concerned that there would be enough time to make everything clear to the BOT about the April election issues. Udo Sille thought that since the workshop and other previous meetings there shouldn't be any surprises in what the April election is about and the BOT members should know by now what these issues are and whether they can support them or not. Annette said she wasn't sure everyone on the BOT really understands the questions, even at this time.

Paul asked Annette to present these Resolutions of support to the BOT members for a straw vote to see if there is unanimous support for the Resolutions as the Mayor wants and if not, maybe we shouldn't spend anymore time pursuing these Resolutions. Peter Stader said we shouldn't have to draft Resolutions for the BOT saying they support the NDDA. If the BOT supports the NDDA and they feel that support is important to the NDDA they should be able to write and pass their own Resolution in support of the NDDA. Udo said he recalled at the work session that we told the BOT members we need their enthusiastic support of the NDDA, that we shouldn't have to push them in the direction of support for the NDDA. Annette said she was glad to hear Peter say that it should be the BOT writing up their own Resolution of support for the NDDA, not the NDDA. Annette said that by putting it in their words, it would give them a better sense of understanding and give them control over it.

Paul said that what he was hearing from Annette is that there may not be unanimous support for the NDDA or these ballot issues from the BOT. Annette said there are a lot of questions on these issues still floating

around. Annette asked the board if they understand the ambiguity on this and the reluctance of signing this Resolution from members of the BOT and the feelings that they are having. Udo and Peter both said they don't understand this hesitation on the part of BOT members and Annette said that is an issue right there, that we both don't understand how the others think the way they do. Discussion continued on this issue of why some BOT members may not feel comfortable signing their name to a Resolution of support for the NDDA and the two ballot issues.

Annette Croughwell made a motion:

That the NDDA Board forward to the BOT three Resolutions. The first would advocate for support of the extension of the mil levy for the NDDA. The second would advocate for the support of passage of the debt authorization question. The third would advocate support for the NDDA.

Peter Stader 2nd the motion. Motion was approved unanimously. #021412-1.

8. Town Treasurer, Eva Forberger came to discuss a bill approval process for the NDDA. Eva said in the past when invoices came to the NDDA they were brought before the NDDA Board for approval and then the checks were written and sent off. We never had a listing of what checks were written. Eva said this is different than how it is being done at the BOT level. At the Town level, the invoices are approved first by the department heads as per their budgets. Then the checks are written and then the BOT sees the list of checks that were written, a warrant, and then they approve the warrants. Eva would like to know if this would be okay to do the same thing for the NDDA. Eva said the invoices would come in and Director Paul Turnburke would approve the invoices per budget. If there was ever an issue with the invoices exceeding the budget, these invoices would then be brought before the NDDA Board for discussion and approval before we wrote a check. Other than that, Paul would see the invoices, approve them and then we would write the checks and what the NDDA Board would see is a warrant (list) of the checks and would approve the warrant.

Paul Turnburke said this was basically how we were doing things before, but we didn't have a warrant list of the checks, we approved each check separately. We also didn't have copies of the invoices for NDDA Board members to view before approving the bills. Paul said he didn't get a warrant list because most of the time there was only one or two checks. Paul asked if there was anyone in the Town other than department heads or

the Town Administrator who could approve the checks. Alisha said no, the department heads could approve the checks because they were working from a budget approved by the BOT. Alisha said they could not approve checks that were outside of the budget and it is her job to make sure they do not exceed the budget. Alisha said they do have multiple check points in approving the bills and that Eva also oversees the process. Alisha said that after the checks have been approved, then the BOT approves the actual allocation of the funds. The exception to this is if they received something that was outside of the original budget, like grant funding, then these items would have to go before the BOT on an individual basis.

Eva told Paul that she would also oversee the expenditures of the NDDA and if she saw anything that was over budget or out of line she would bring this up with Paul and it would have to go before the NDDA Board. Peter Stader asked if this system works with the Town and Eva said yes. Alisha said it is working well because they have also implemented a policy on purchase orders. This policy is that anything under a \$1000.00 can be approved at the department level, anything from \$1001.00 to \$10,000.00 has to be approved by her, and anything above that has to be approved by the BOT. Alisha said that even for expenditures above \$10,000.00, she has to approve them first before forwarding to the BOT. Alisha said anything within the approved budget, they all manage at staff level.

Eva said if you have to go through a process to approve every expenditure that is within your budget you will get bogged down. Paul asked some other questions on how this process might work for him and it was agreed that they would be able to come up with a solution for Paul to come to Town Hall to view and approve the bills in a timely manner that would work out for everyone. Peter Stader said this procedure sounded good and that the NDDA should adopt it for our checks.

9. Next up was consideration for final payment on the Phase 1 sidewalk project. Eva explained the process in how they arrived at the final expense figure. Alisha said they have been in negotiations with New Design Construction for the last 15 months, trying to come to some form of agreement on what needed to be completed and how much it was going to cost to finalize this sidewalk project. The Town could not close out and claim the final \$60,000.00 from CDOT until we could come to terms with New Design for final payment. Alisha said within the past week or so New Design has agreed to an amount and signed off on a final payment application that we will put forth to CDOT. Alisha said all of those documents have

been forwarded to CDOT and we are now at a point where we need to get approval from the BOT and NDDA for this final payment so we can claim the remainder of the grant funds and then it is done.

Alisha said she cannot begin to explain how difficult this process has been, that she has never had this much of a problem with a vendor and she is still very upset with how this has all worked out. However, she does feel this is the best possible compromise that could be struck and that she can with clean conscience forward this amount for our approval. Eva said there were actually some legitimate claims to some of these additional costs after Kevin from Loris & Associates and New Design re-measured the entire sidewalk project. Alisha said that we can see from her handouts that we have a 3% over budget amount. Eva said that from a project standpoint, 3% is not that much out of line. Everything is now done and we need to move on. Peter Stader said we can now use some of this as a learning tool, but it is time to stop arguing over small details and finalize this project.

Annette Croughwell asked where the additional money will come from for this final payment and Eva said it will come from NDDA funds that are in the bank. Eva said the final agreed upon amount for this project is \$785,963.00. Eva said the final amount of the final check written will be \$99,430.41 as shown on the final page of the handout. A question was asked again where will this money will come from and Alisha said those funds are already in the bank for the NDDA. Peter said now we can really finish this and after this amount of time and this amount of fighting with the vendor, 3% over budget sounds very good to him and we should move forward with approving this payment.

Udo Sille made a motion:

To approve the last payment to New Design Construction, finalizing and closing out the Phase 1 Sidewalk Project.

Annette Croughwell 2nd the motion. Motion was approved unanimously.
#021412-2.

10. Paul Turnburke introduced Michael McBurnie of MyTherapyCompany on First Street. Paul said the reason Michael was here today was that when the debt authorization issue was brought up and a hasty budget was done to fill in for the time before the election in April, we failed to consider how much money it might take to keep things going from an office cost category for the NDDA. Paul said he believe our budget allowed expenditures of \$300.00 for office expenses until the end of April. Since that budget was

approved and instead of going back before the BOT to ask for some more money to communicate with our constituents, not about the election, but to survey them about how we are doing and establish connections for future communications, Paul didn't feel we had enough money to do all of that now. After the BOT voted to reject the Phase 2 sidewalks, Michael McBurnie wrote a letter offering to support the NDDA in our efforts. Paul said he has talked to Michael about this and Michael would like to talk to the NDDA about our outreach efforts regarding the survey, not the election. Paul said he invited Michael to our meeting so that everything would be completely transparent and even though he giving of his time and money he wanted everything to be out in the open.

Michael said he thought there should be a survey with the NDDA constituents to get their feedback on what they thought about the NDDA. Michael said that he didn't really know much about the NDDA and what we were about and if he didn't know, there were probably others that felt the same way. Michael said he thought an online survey would be more preferable than a mail-in survey, and more anonymous. He also thought a newsletter would be good with updates about the NDDA and that this should be mailed out to NDDA constituents and telling them to be on the lookout for the survey. As for the survey, he was thinking of about five or six questions that could be answered in less than two minutes and would have space for additional comments if they wanted to say more.

Paul said one of the other things that can come out of this survey is that we will be able to collect email contact information of our constituents and get a much more accurate data base of email addresses than what we currently have collected over the last few years. Paul said we will actually be able to connect a name to an email address so we know who we are contacting.

Michael continued talking about how the survey might be handled and other surveys and newsletters he is familiar with. He has talked to other business owners on how hard it is sometimes to find information and he knows people who have created newsletters and surveys.

The question was asked if Michael was volunteering his time for this and he said yes. Another question was who was going to pay for this newsletter and survey and Michael said he pick up those costs also.

Discussion continued on what the survey would accomplish, was the timing right, and who would come up with the questions on the survey.

Paul said the purpose of having Michael on the agenda was to get feedback from the current NDDA Board to find out if the efforts Paul is doing are constructive for this Board or should he be doing something else at this time. Paul said with regards to the legality of the newsletter and survey, the reason he didn't go to our lawyers is that he didn't believe we need to go to the lawyers as long as there is nothing in there advocating the election issues. Paul said as far as this survey going out to our constituents and not the broader public, he said this is fine because these are the people who will be funding these projects in future for the NDDA. Paul said it would be also productive sometime in the future to do a larger survey of the people in the surrounding areas, but this is not what Michael has volunteered to do with his time or money. Paul said that while we would like to hear from everyone about things going on in the NDDA, we need to start somewhere and hearing back from our constituents is a good place to start. Paul said that what he really wants to hear now is, is this what the NDDA Board wants him to be doing right now or is there something else he should be spending his time on?

Udo Sille said yes and at worst a survey like this would still be very informative as to where our NDDA constituents actually stand with the NDDA. Udo said that as far of the legality of the newsletter and survey, he doesn't see this as an issue as long as we don't address the election questions. Annette said she would agree with Udo. Peter also said yes to continue with the newsletter and survey, but be very careful with the wording on anything to do with the election. Annette said she would like to see a process on this survey.

Michael said that he would come up with some sample questions he could send out. Udo and Peter said work with Paul on getting this information out to the NDDA Board. Paul asked Michael to send the sample questions to him and he would send them out to the NDDA Board for them to respond back individually on what they liked or disliked and what they might change. Peter Stader thanked Michael for volunteering his time and money in doing this.

Meeting was adjourned at 10:03 A.M.

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

Submitted by Stephen Culver, Secretary NDDA.

Note: These minutes were never formally approved by the NDDA due to a majority of the membership resigning.