

Town Of Nederland  
NEDERLAND DOWNTOWN DEVELOPMENT  
AUTHORITY

The Black Forest Restaurant, 24 Big Springs Drive, Nederland, CO 80466  
June 20, 2013 at 6:30pm

Special Meeting Minutes

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**A. CALL TO ORDER**

The meeting was called to order by Chairman Ron Mitchell at 6:32 pm.

**B. ROLL CALL**

Members Present: Ron Mitchell, Pat Everson, Katrina Harms, Donna Sue Kirkpatrick  
Mary Ann Rodak-Friedman, and Chris Perret arrived at 6:37pm  
Also present: Eva Forberger, Treasurer

**C. PUBLIC COMMENT**

There were 5 members of the community present and Gail Eddy of Nederland provided comments concerning Action Item #1 – the consideration of new / renewal of NDDA Board Members. Because Chairman Mitchell was leading discussion on the item and also looking for renewing his position on the board, and though not illegal, she felt it was improper to do so. She asked that Ron Mitchell recuse himself from the discussion and vote and another board member lead it. Susan Davis Churches also of Nederland, and Secretary to the DDA, read portions from the BOT Code of Conduct and Working Agreements stressing points involving respectful behavior between board members and principles of conduct within the meetings. She asked the Board to reacquaint themselves with these documents. Ron Mitchell read from the NDDA Bylaws 2.230 stating that the BOT was not obligated to appoint DDA recommended members, but of their own selection. He also noted that he will not be involved in discussion or vote for his nomination to the board.

**D. ACTION ITEMS**

**1. Consideration of new / renewal of NDDA Board Members – Ron Mitchell**  
Ron Mitchell began by asking for discussion or motions to recommend candidates to the BOT without response. Sue Churches lead a different discussion of the candidates listed in order of application receipt and handed out copies of their applications and resumes. She asked for discussion of Ron Mitchell with no response. Ron called for discussion, recommendation with a roll call vote for each candidate. It was discussed briefly that there were 4 applicants, with 2 positions needing to be property owners,

according to State Statute. Mary Ann Rodak-Freeman motioned for Ron Mitchell to be reappointed to the board, and Donna Sue Kirkpatrick seconded it. With a roll call vote of 4 to 3 this did not pass.

The motion to recommend Jeffrey Green was made by Katrina Harms and Mary Ann Rodak-Friedman seconded this with a roll call vote of all 6 voting for Jeffrey.

When a motion was called for Doug Armitage, Pat Everson called for a point of order to clarify the positions left to recommend. Jeffrey was voted to replace Will Guercio and the state requirement of a property owner position remained. Ron Mitchell stated that he sought legal advise on this point and that Doug Armitage would have to be given power of attorney by his lessor before the time of recommendation to qualify as a representative of the property owner. Given that has not been done, the only candidate left to recommend, given the fact that the BOT wanted a single recommendation for each position, was Karina Luscher. Because there had not been discussion called about this set of circumstances prior to recommending Jeffrey, Pat called another point of order to clarify that after a motion and second were on the table – that discussion needed to be called regarding the motion. Ron Mitchell motioned to revisit the vote for recommending Jeffrey Green, with Katrina Harms seconding along with an explanation to revisit the motion to include discussion to recommend either Jeffrey Green and Doug Armitage for the Will Guercio position. This was given as a chance to take into consideration the points of order and possibly change their vote. After a brief discussion, Katrina Harms motioned to recommend Jeffrey Green to replace Will Guercio's position on the Board. Ron Mitchell seconded the motion and called for further discussion and since there was none – another roll call vote was taken with 5 votes in favor and 1 against. After this vote, Donna Sue Kirkpatrick asked for a refresher on the code of conduct and Ron Mitchell stated that he wanted the meeting to continue. Pat Everson stated again, having recommended the business lessee position – that the next recommendation was for a property owner. Donna Sue Kirkpatrick brought up the deadline issue for the applicants – and discussion regarding the published June 6<sup>th</sup> deadline ended with a motion by Ron Mitchell, seconded by Mary Ann Rodak-Friedman to recommend to the BOT Karina Luscher for the property owner position on the NDDA Board. Again calling for discussion – Ron clarified his opinion that all of the requirements were met, that the 6/6/13 deadline for applications was arbitrary, and he didn't want any impropriety on his part to prevent anyone from taking the seat that he now holds. With that a roll call vote was taken and with Ron abstaining came out to be 4 in support of the motion with 1 against.

## **2. Consideration of what to do about flags purchased by the NDDA for pedestrian crossing at points on Highway 119 – Eva Forberger**

Because the board wasn't able to look at the actual flags, Eva Forberger suggested tabling this action item until August and Ron Mitchell called a motion to do so with Donna Sue seconding it. With a roll call vote, this motion passed unanimously.

### **3. Consideration of Purchase of Utility Cart and Hitch – Eva Forberger**

Eva Forberger introduced the advantages of purchasing the utility cart and hitch that would hook up to the tractor purchased by the DDA and explained that funding would come out of the sidewalk maintenance budget. Ron Mitchell commented that he felt it was needed and Chris Perret added that the cart could hold sand for winter application. Ron Mitchell put forth the motion to purchase the cart for \$439.00, seconded by Mary Ann Rodak-Friedman and it passed with a unanimous roll call vote.

### **4. Consideration of Recommendation of NDDA to approve Amendment to C2's Contract for Sustainability Coordination / Project Management of NedPeds Project – Eva Forberger**

Eva Forberger gave an overview of the extension of the NedPeds deadline and if continuing to utilize Conor services was estimated to cost an additional \$10,260 for C2 Sustainability and would come out of the contingency fund. With only approximately \$2,000 remaining in the original contract, and an extended deadline – it would allow him to continue. Ron Mitchell motioned for amending C2's contract for an additional \$10,260 based on the additional timeline – given information received, and Donna Sue Kirkpatrick voiced a second to the motion. Pat Everson had some questions about possible up front billing and verified that the cost would be taken out of the 20k contingency fund. Katrina noted her disappointment and wanted to know the specifics of what was included in the amended contract. The NPP process was briefly discussed about what was remaining and required. Ron agreed with Katrina's concern about the extension of the costs involved, and the technical issues still outstanding. Ron added some specifics about the pavers and Pat Everson also informed the board about the perc tests completed and absorption information that influenced the recent design decisions. Chris Perret suggested a possibility of Conor saving money at a later date on the project to make up for the additional costs. Katrina Harms added that it would be helpful if during the NPP process that the board would be confident in its decisions, and with a basic cost analysis Pat quoted a total NPP process to date – approximately \$15,435 with Conor's average costs to be approximately \$260/\$280 per meeting. Ron Mitchell verified that these costs were coming out of the NedPeds design funds. Ron also wanted to suggest to the BOT that for the 90% presentation that there be a joint meeting of the committees to save on these costs. Katrina Harms stated that she believed in the NPP process – but the community needed to understand the costs involved, as the first large project that has gone through this process. The motion went to a roll call vote and was passed unanimously.

## **E. DISCUSSION ITEMS**

### **1. NedPed Project Updates – Conor**

Conor Merrigan of C2 Sustainability began his discussion item with the utility company's (Excel) re-location suggesting that the town ask the utility for the costs of

undergrounding and / or moving (6x) poles this summer and to pass on a recommendation to the BOT. Ron Mitchell asked about the due date of the required letter to Xcel that Brian McClaren and Alisha Reis were working on to keep it moving forward. In bringing up the extension of his contract, Conor stated his concern about Huitt-Zollars invoicing at 96% completion without 90% design completed and reiterated the costs involved with the meetings. Ron let him know about the approval of the extension of his contract, and asked if the amount would be adequate, with Conor's answer being yes - over the course of the next 6 months. The last item Conor covered was about the schedule that now allows for the last remaining meetings of the DDA regular meetings, Planning Commission and the BOT with Ron expressing his recommendation to combine the meetings. The SAB meeting was removed from the schedule, with the BOT accepting the scoring already completed. Smith Environmental information was coming within the week and after his review Conor would send on to CDOT. Pat Everson had another question regarding the invoicing with Huitt-Zollars – and a meeting was in the works in hopes to have it resolved before the next regular NDDA meeting. There was a short discussion about the use of standard sized gravel for the NedPeds project, and due to the high labor costs that it would be more cost effective to use a standard pervious paver all the way across rather than just the center line. As part of a discussion afterwards, there were concerns voiced about invoicing and contracts, changes in the design with single gravel, perk tests, historic clearance, and other basic problems. Ron Mitchell suggested that someone – perhaps the town engineer could be assigned to stay on top of the project. There was a short discussion about who would ultimately be the administrator of the project, and if the existing concerns would be solved in the meeting next week. Katrina Harms expressed a desire to know the outcome of the meeting prior to the July NDDA meeting. Katrina also stated that she wanted to make sure that the BOT knew how expensive the NPP process has been for the NDDA. In anticipation of drawing to a conclusion on the design phase of the NedPeds project, Pat Everson asked for these cost estimates and Conor will be writing a report concerning the NPP process costs. Chris Perret offered to bring the combined meeting idea before the BOT and would add the SAB to the joint committee meeting that would be open to the public and suggest to the BOT to conduct a separate review the NPP process to streamline the process.

## **2. Report on 1<sup>st</sup> Street Businesses on Entertainment District Concept – Ron Mitchell**

Ron Mitchell introduced this discussion item with stating that he has met with each individual restaurant owner and this entertainment district idea was met with some degree of enthusiasm. Since it is a district wide project and needs an advisory board, he suggested that they go to Greeley see how their event functioned. Wild Mountain is not interested in pursuing this, 1<sup>st</sup> Street was enthusiastic, The Pioneer Inn wanted more information, the Cosmic Cowboy and the Deli both don't have liquor licenses but are requesting more information as well. It will sit on the back burner for now, but Ron will

continue to give reports, and feels that it would benefit the town, and perhaps give it a non-alcoholic try this summer on the 17<sup>th</sup> of August. Katrina Harms mentioned her sister enjoying the Greeley event and the amount of work it takes to put on First Fridays, a once a month event.

#### **H. ADJOURNMENT**

At 8:40 pm Katrina Harms moved to adjourn and Chris Perret seconded the motion and the June 20th Nederland DDA Special Meeting was adjourned.