

**TOWN OF NEDERLAND  
BOARD OF TRUSTEES  
REGULAR MEETING MINUTES:  
April 19, 2011, 7:00PM**

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

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**A. CALL TO ORDER**

Meeting convened at 7:06 PM, due to the size of the crowd filing into the Multi-Purpose room.

**B. ROLL CALL**

Present: Mayor Sumaya Abu-Haidar, Mayor Pro Tem Joe Gierlach, Trustees Rob Joseph, Chris Perret, Keith Nowicki, Kevin Mueller, Keith Nowicki and Marci Wheelock.

Also present: Alisha Reis, Town Administrator, Eva Forberger, Town Treasurer, Teresa Myers, Town Clerk, and Town Attorney Carmen Beery.

**C. CONSENT AGENDA**

- Approval of April 19, 2011 Accounts Payable

Motion to approve the April 19<sup>th</sup> Accounts Payable was made by Trustee Wheelock, seconded by Trustee Joseph, and approved unanimously.

- Approval of April 5, 2011 Regular Meeting Minutes

Motion to approve the April 5<sup>th</sup> minutes was made by Trustee Mueller, seconded by Trustee Joseph, and approved unanimously.

**D. STAFF REPORTS**

1. Alisha Reis, Town Administrator
2. Teresa Myers, Town Clerk

Trustee Nowicki spoke out against the Town's use of Facebook due to his feelings that the company is unethical.

3. Eva Forberger, Town Treasurer

Trustee Nowicki had questions about the choice of the solar installation size and some sales tax figures in the Treasurer's report.

4. Jake Adler, Acting Town Marshal

5. Hank Richardson, Public Works Manager

Trustee Nowicki had a few questions about the parts that had been ordered for the water meter replacement project.

6. Dawn Baumhover, Community Center Coordinator

7. Eric Pendley, SAFEbuilt, Town Building Inspector

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

1. Kevin Mueller, Trustee

Planning Commission members met to discuss the update to the Comprehensive Plan. Members divided the plan into sections to edit them for technical content and will have another work session next month to continue this work.

2. Rob Joseph, Trustee

Trustee Joseph clarified that the article on "green tourism" included in the packet was submitted by one member of the DDA, not the whole board, and was not intended to create a polarized discussion but to add another perspective to the sustainability considerations of the evening's meeting.

The DDA is working on having parking signs up by the summer, and has been undertaking a voluntary financial planning so that it is prepared and well-positioned to anticipate in any Board-approved projects that may be on the horizon.

The DDA's recent contest to name the new pedestrian flags has resulted in a winner – the "Nedestrian Crossing" name accompanied by a pencil drawing of Grandpa Bredo. The creator of the winning design will receive \$100 in Ned Bucks.

The DDA discussed its position regarding the sustainability resolution before the Board tonight, but Trustee Joseph did not participate in that discussion.

The Mayor's Economic Development Task Force paper is on the Town's website and will be discussed at a May Board meeting.

The Chamber of Commerce recently held an unscheduled meeting to discuss Susan Tate's resignation from the Chamber and the Chamber's current overall financial state. The Chamber reported a \$5000 debt. A member-only meeting will be held on Monday, April 25<sup>th</sup> at 6:00PM at the Community Center to have a conversation about the Chamber's future direction, and the Chamber board will meet later in that week to discuss its next steps.

In the meantime, the High Peaks Arts Festival will be held this year as planned, but the Fourth of July fireworks and the Oktoberfest celebration will not be held. The fireworks cost approximately \$18,000 per year and the first installment of \$8,000, or cancellation of the contract, is due on May 1<sup>st</sup>.

3. Marci Wheelock, Trustee

The CCFB is continuing to make good progress on its projects. Art at the Center is this Saturday from 3:00-5:00PM, and the theme is youth and seniors.

4. Joe Gierlach, Mayor Pro Tem

The PROSAB is meeting later this week. It held a work session recently to discuss the formation of a Parks and Recreation Department to better manage and coordinate the needs of Nederland's parks and recreational areas.

The Mayor Pro Tem attended a Boulder County Consortium of Cities meeting and heard several presentations, some of which will be repeated tonight, and the Consortium also passed a resolution concerning sustainability, which is included in the packet materials.

5. Chris Perret, Trustee

The Sustainability Advisory Board has a meeting scheduled for next week.

6. Keith Nowicki, Trustee

Trustee Nowicki did not have a formal report but asked that the Town consider an alternative method of honoring the Fourth of July, without using fireworks to glorify war.

7. Sumaya Abu-Haidar, Mayor

The Mayor's written report was contained in the packet, but she also highlighted a few items. She noted that the Envision Nederland 2020 community summit meeting has been rescheduled for June 4<sup>th</sup> at about 9:00AM. The Envision project has hired a facilitator from Longmont who will help run the meeting and distill the information gathered from the envisioning process into a report that can be used to guide policymaking. On May 9<sup>th</sup>, at the Community Center, at 7:00PM, an open community meeting will be held to create a plan and generate ideas for the community summit on June 4<sup>th</sup>.

The Mayor spoke to the Forest Service concerning the possibility of obtaining a parcel near the Wingate Property for Town use or recreational development. The Forest Service will not sell or swap the parcel, but is willing to grant the Town an easement for use for recreational purposes.

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

Donna Kirkpatrick, 115 E. Second St., spoke against the parking variance that was approved at the last meeting for 112 E. Second St. She asked that the Town begin plans to improve and widen Snyder Street from First St. to Highway 119 and Second St. from Highway 119 to East St. She also asked that Second St. remain open to two-way traffic and encroachments along Second St. be removed; additional construction traffic in the area will create congestion and accident risks, so a four-way stop is necessary; a surety bond should be entered into between the owners of the project and the Town of Nederland to insure that the work done to the roadways on Snyder and Second are properly constructed and completed. Furthermore, she asked that the DDA apply some funds from its sidewalk enhancement project to the maintenance and improvement of Snyder and Second Streets. Kirkpatrick also explained that she believes that the chicken ordinance should allow four (4) chickens per member of the household, not four (4) chickens per household total. Finally, she

asked that the Board support the sustainability resolution before it tonight and thanked the Planning Commission and those trustees who voted against the Second St. development approved at the last meeting.

Katrina Harms, 171 Pinyon Way, was concerned that not enough attention was paid to the parking needs of the area approved for development on Second St. at the last meeting. She supports the proposal generally, but was disappointed that parking was not given more consideration.

Gail Eddy, 14 Sundown Trail, expressed a concern about the DDA's comment on the sustainability resolution and wondered if state sunshine laws had been adequately complied with, and she asked the Town to investigate.

Atashnaa Werner, 158 Pinyon Way, spoke to the lack of road signs in Town and requested that signs be placed at every intersection in Town and be at least 10" in height.

Arden Buck, 38 Navajo Trail, expressed his support of local businesses and his concern that tourism is too great a motivator for development decisions being made. He suggested several approaches to encouraging local business development. He argued that the current development plans are not generally supported by the residents, and explained that he feels that major developments are being pushed ahead of the envisioning process.

David Sikes, 101 East Second St., asked that the parking variance granted at the last meeting be reconsidered. He recounted that the Planning Commission had voted against the variance and that the Board had been narrowly divided and that the hour had been very late. He feels that the variance was unfair to previous applicants and business owners.

Randy Lee, 171 E. First St., spoke to the retirement of the Town Marshal and his concern that the "new" department should not resemble the old, pre-Chief Robinson days when the Nederland police department was "the laughingstock" of Colorado

law enforcement. He also thanked the Public Works Dept for its excellent service during the last snow storm.

Lara Ruggles, on behalf of Teens, Inc., 151 East St., appeared with a group of teens and spoke about a song that the teens had written and performed about the state of America's educational system. The teens also created a music video, which will be airing next Wednesday the 27<sup>th</sup> at 6:00PM at the Teen Center (dinner will be served to those who RSVP), and will show the video at the next Board meeting.

## **G. INFORMATIONAL ITEMS**

### **1. Board of Trustees Goals Update.**

Town Administrator Reis reminded those in attendance that the Sort Yard opened today and that the Town will be providing informational assistance to residents concerning pine beetle mitigation.

### **2. Energy Smart Program Presentation by Lea Yancey, of Boulder County.**

Ms. Yancey highlighted the availability of a free program that does energy efficiency evaluations to help business owners improve their energy efficiency, and low-cost evaluations for homeowners. Residents can call 303.544.1000 and businesses can call 877.505.6722. The website is [www.EnergySmartYES.com](http://www.EnergySmartYES.com).

### **3. Zero Waste Initiative Presentation by Lisa Friend, of Boulder County Sustainability staff.**

Ms. Friend talked about current recyclable and compostable materials that end up in landfills, and how Boulder County communities can work to divert these materials. She provided some details of the Zero Waste Initiative Plan and how it helps communities move closer to a zero waste goal. She invited Nederland to work with Boulder County to identify its zero waste goals and how to best get to them.

### **4. "Green Tourism" article, as submitted by a member of the DDA Board.**

## **H. DISCUSSION ITEMS**

### **1. Discussion of Citizen's Sustainability Resolution.**

Dennis Duckett, 131 S. Jackson, introduced the resolution and explained the

background of the resolution. He explained how the Sustainability Advisory Board had reviewed the draft, edited and improved it, and passed it with unanimous support. He summarized the intention of the resolution and the values and benefits of living in a small town. He offered the definition of "sustainability" that was drafted by the United Nations in 1987: "Development that meets the needs of the present without compromising the ability of future generations to meet their needs." He pointed out that this has not been adequately achieved and needs to be reconsidered and re-committed to.

Chris Dwyer, 551 West Pine, co-chair of the Sustainability Advisory Board, spoke to support the resolution and acknowledged that, without commitment, the resolution will not on its own, be able to change anything, but it is an important step to propel the community forward on the sustainability path.

Randy Lee, 171 East First St., expressed his belief that the resolution is too narrowly and aggressively focused on the DDA, Ned Rec, and PROSAB. He supports sustainability and a town dialogue on this subject, but feels that the resolution is actually about keeping tourists away by keeping Nederland "rundown and shabby" and therefore uninviting to visitors.

Dianne Flemming, 131 S. Jackson, acknowledged that the resolution is somewhat redundant to previous sustainability resolutions but that this resolution has more teeth to make actual changes to the Code and gives more consideration to the residents' needs and desires for their town.

Sue Eric, address inaudible, supports the resolution.

Barbara Burnette, 95 W. Fifth St., supports the resolution.

Paul Turnburke 3259 Ridge Road, supports the concept of sustainability but thinks that the definition is too narrowly defined and does not include considerations of social or economic sustainability. He took issue with the "needs vs. wants" evaluation and requested that the Board ask the Town staff for input on the impact of the resolution on various Town projects, including the wastewater treatment

plant.

Audrey Goodell, 135 [street inaudible], Eldora, spoke in support of the resolution and called it an “intelligent start” to putting the residents of Nederland high on the priority list and keeping Nederland from becoming a “tourist trap.”

Jill Dreves, 697 West Pine, spoke to the tension between “rustic and rural” and “sustainability” and pointed out that most “rustic” buildings would never pass an energy audit. She wondered about how to make a community sustainable and suggested that perhaps it would be better approached through individual households and community-based efforts and awareness.

Ray Righi, 32 Doe Trail, spoke in support of sustainability but takes issue with the approach of the resolution. He seconded some of the comments made by Randy Lee, and argued that the resolution merely adds a layer of bureaucracy to development. He further suggested that the conversation could be more appropriately described as a debate concerning future development of the Town.

Scott Hammers, 310 W. Sixth St., and a member of PROSAB, spoke out against the resolution but in favor of sustainability. He offered several suggestions for how sustainability could be incorporated into decisions that are made and plans that are drafted far in advance of reaching the Board. He explained that he would be unable to critique PROSAB projects on the basis of the resolution as written but would welcome more specific guidelines and suggested that the Sustainability Advisory Board focus on that.

Mayor Pro Tem Gierlach thanked the commentators and raised the issue of peak oil. He suggested that everyone view a YouTube video entitled “The End of Suburbia,” a 50-minute documentary that examines the end of our dependence on oil due to diminishing reserves. He supports the resolution and thinks that it is an important component to the envisioning and planning processes currently underway. He commented on the tension between “tourists” and “residents,” and the fact that many of our “tourists” are actually local neighbors from the Peak to Peak region. He offered an edited version of the resolution and suggested a work session on the



resolution.

Trustee Nowicki said that he believes that this conversation is best addressed in code changes with very specific guidelines. He acknowledged that the resolution can serve as a guiding document for those changes, but that it likely will not be highly enforced, given past Town history. He is in favor of specific metrics by which to measure projects, rather than broad philosophies, but he has no problem passing the resolution as written.

Trustee Wheelock thanked the resolution developers and commentators and noted that everyone is likely in favor of sustainability, and she spoke to her fears that criticizing the resolution will likely be perceived as being anti-sustainability, which she is not. She noted that Nederland residents have chosen to live in a town, not in remote, rural areas that exist in other parts of Colorado, and that many residents have enjoyed the amenities offered here. Trustee Wheelock reminded people that, even though the resolution claims to be a citizens' resolution, it does not represent the views of all citizens in Town, but, she believes, the Envision 2020 process more closely does, and should be the guiding process for this conversation. She also noted that not everyone in Town thinks tourism is bad, and that many who now live here, including herself, started out as tourists. Trustee Wheelock noted that fifty percent of the Town's general operating revenue comes from sales tax, much of which is generated from town visitors. She expressed concerns that this resolution is based on anti-development sentiments; and argued that many folks in Town are not anti-development, but in favor of responsible development. She is in favor of sustainability guidelines, but not the resolution as written, and supports a work session on this issue.

Trustee Joseph thanked all who worked on the resolution for bringing the Board's attention to this important matter and the Sustainability Advisory Board for reviewing the document and providing assistance. He also thanked Mr. Duckett for their meeting. He said that while he was in favor of passing a sustainability resolution, there were important areas that needed to be clarified such as how "sustainability" was being understood. He referenced Scott Hammers' suggestion of developing a scorecard as another good start and asked that any such card include a

balanced mix of environmental, social and economic sensitivities. Trustee Joseph discussed his concern that areas of the resolution tread on Envision 2020 ground and, therefore, can be seen as pre-empting that process. In response to a comment regarding recent unbridled growth in Nederland, he said that shortcomings in the current Town Code along with an historical absence of any significant effort by the Town to enforce the Code were influential contributors fueling that perception and that the BOT would be considering recommendations on how to solve these problems in May. Finally, he voiced his support for Mayor Pro Tem Gierlach's suggestion to hold a work session.

Trustee Mueller is also in favor of a work session to flush out the details of this issue and noted that he is proud of the Board's commitment to discussing this and being thoughtful about how to approach it. He argued that certain environmental concerns have to be addressed first and then social and economic considerations built on top of that.

Trustee Perret agreed that the subject needs a work session and needs to be directed not at specific projects or groups, but as a larger vision for the Town. He noted that the Town has changed dramatically since his arrival in 1982, and he hasn't agreed with everything that's been done. He acknowledged that nearly everyone who lives here started out as a tourist here, and that many people rely financially on the other people who are still visitors and not yet residents. Trustee Perret noted that he thinks this needs to be a part of the Envision 2020 process and focused on the bigger picture for the Town.

Mayor Abu-Haidar spoke about the value of working hard to find common ground through dialogue, such as through Envision 2020. She noted that her reading of the resolution is that it is about character and development, which is really more appropriately placed in an envisioning process, and that she is not in support of passing an envisioning resolution that represents the views of only one group. She did not think it appropriate to approve a resolution that is essentially an envisioning statement, in the middle of the Town's actual envisioning process. She reminded those present that the Board had asked to see specific sustainability aspects in the resolution, but she does not see specifics about water conservation, renewable