

TOWN OF NEDERLAND AGENDA

REGULAR BOARD OF TRUSTEES MEETING

NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466

January 4, 2011

7:00 P.M.

A. CALL TO ORDER

Meeting convened at 7:00 PM.

B. ROLL CALL

Present: Mayor Sumaya Abu-Haidar, Mayor Pro Tem Joe Gierlach, Trustees Chris Perret, Marci Wheelock, Rob Joseph, and Kevin Mueller. Trustee Keith Nowicki was absent from roll call, but arrived at 7:04.

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

C. CONSENT AGENDA

- Approval of January 4, 2011 Accounts Payable
- Approval of December 21, 2010 Regular Meeting Minutes

Due to absences of Board members at the last meeting, it was decided that the Board would approve the accounts payable and the minutes separately. Motion was made to approve the accounts payable by Trustee Wheelock, seconded by Trustee Perret, and approved unanimously. Motion was subsequently made to approve the minutes by Trustee Perret, seconded by Trustee Wheelock, and not approved, because all four of the Trustees who were present at the previous meeting were not in attendance to create a quorum and vote favorably. The minutes were tabled for approval until the January 18, 2011.

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

Dianne Fleming, 131 S. Jackson St., asked a follow-up question to her group's concern raised at the last meeting about the boundaries of the DDA district. Town Attorney Carmen Beery promised to have an answer for the group and the Board soon.

E. INFORMATIONAL ITEMS

1. Report on the water meter project contract.

Town Treasurer Eva Forberger provided background on the water meter project and updated the Board on where in the process the project is currently. She reported that the Town is prepared to hire a project manager to hire local plumbers as contract employees for the project and oversee the operational aspects of the project. She recommended that the project continue as planned.

Trustee Mueller had some questions concerning the technical aspects of the hardware and the number of meters expected to be installed. Ms. Forberger explained that newer homes might not require all of the hardware, and Public Works Manager Hank Richardson explained some of the technical benefits to the hardware. Trustee Mueller asked that information concerning water conservation and the impact on the wastewater treatment plant of food put into the water system through sink disposals be provided to all residents during installation. He also requested that digital photos be taken of each water meter retro-fit before and after, to become part of the standard check-out procedure. Trustee Joseph and Mayor Abu-Haidar thanked staff for the depth and breadth of the background report provided. The Board agreed to direct staff to hire the project manager.

Trustee Nowicki reported that the Forest Health Initiative section of the Boulder County Land Use Division has offered to provide quick fire awareness and defensiveness advice to each homeowner, as well as written reminders for wildfire prevention and safety. It was discussed that perhaps this information could be included in the information delivered to homeowners during meter installation as well.

2. Advisement on upcoming consideration of Ordinance 687 to re-write Section 4-57 of the Nederland Municipal Code.

Ms. Forberger explained the need to update the Town's Code to reflect sales tax changes that occurred in 2008. It is a housekeeping measure only. Staff was directed to proceed with drafting the ordinance.

F. ACTION ITEMS

1. **Consideration of Memorandum of Understanding between the Town and the DDA for maintenance of the sidewalks.**

Ms. Beery explained the changes that had been made to the draft since the last time the Board had been presented with it. Most notably, it was agreed that the employees who will be maintaining the sidewalk, along with DDA Executive Director Paul Turnburke, will be employees of the Town for the purposes of the agreement.

Trustee Mueller questioned the lack of a required mediation clause. Ms. Beery explained why it had not been included and pointed out that mediation would still be possible. Trustee Mueller noted that mediation would only be possible if both parties agreed. Ms. Beery acknowledged that mediation is often a less expensive path to resolve legal disputes. Trustee Mueller also asked that several clauses promoting ecological sensitivity and sustainability be added. Finally, he expressed some concerns about the hiring and firing of

the maintenance staff and the lack of control the Town will have over those issues.

Trustee Joseph, Trustee Perret, and Trustee Wheelock seconded several of Trustee Mueller's concerns. Trustee Wheelock approved the changes, and Mayor Abu-Haidar also said that she was comfortable with the agreement as written.

Randy Lee commented that he could not imagine a scenario wherein the DDA would sue the Town and still expect to have a working relationship with the Town.

Motion to approve the MOU with the deletion of sections 2b (ii), (iii), and (iv) was made by Trustee Mueller, seconded by Trustee Nowicki, and approved by a vote of 6 to 1, with Mayor Abu-Haidar voting against the motion.

2. Consideration of 2010 Supplementary Budget.

Ms. Forberger explained why the supplementary budget was being presented this evening rather than with the other budget items previously, which had to do with noticing requirements.

Motion to approve the 2010 Supplementary Budget was made by Trustee Joseph, seconded by Trustee Wheelock, and approved unanimously.

3. Consideration of the agreement between the Town and the Nederland Presbyterian Church concerning the use of the church parking lot.

Town Administrator Alisha Reis explained the necessity of the agreement to continue public use of the Church's parking lot. The Board discussed the inclusion of the installation of wheelstops in the parking lot and the feasibility of charging for parking in the lot during special events (and

splitting the proceeds with the Church).

Teresa Warren, Owner of Off Her Rocker, emphasized that this particular lot is very underutilized and that the DDA has an agreement with CDOT to print directional parking signs for placement around Town.

Dennis Duckett, 131 S. Jackson St., requested that natural stone wheelstops be used rather than concrete, if they are used at all.

Trustees Mueller and Joseph reiterated their concerns that the wheelstops be removed from the agreement and that paid parking be considered for special events to offset the wear and tear of visitors on our roads during special events.

Mayor Pro Tem Gierlach expressed his support of the wheelstops based on his concerns that library patrons will be increasingly using the lot, runoff into the Creek should be a consideration, and the lot's proximity to the mining museum and the steam shovel.

Trustee Perret asked that the wheelstops be removed from the agreement and Trustee Wheelock said that she was undecided about them. Trustee Nowicki was ambivalent concerning the use of wheelstops, but strongly felt that concrete should be avoided and boulders used instead. Mayor Abu-Haidar agreed with Mayor Pro Tem Gierlach and Trustee Nowicki with regard to the wheelstops. She suggested that staff be directed to have further discussions with Church administrators concerning the placement of the stops and the use of boulders.

Trustee Wheelock asked that the agreement be tabled until the final details can be settled upon. Ms. Reis said that her impression was that the Church wasn't in a hurry to reach a final agreement, if snow removal can continue in

the interim. Staff was instructed to finalize the details and return with a final agreement that incorporated the Board's latest concerns, through a motion made by Trustee Perret, seconded by Trustee Mueller, and approved by a unanimous voice vote.

4. Consideration of the Backdoor Theater Company 2011 lease at the Community Center.

Ms. Reis explained that the lease was not included with the previous group of approved leases because it took a bit longer to iron out the terms. Trustee Joseph asked lessee Kayla Evans, who was in attendance, if she was satisfied with the terms of the lease. She replied affirmatively. Mayor Pro Tem Gierlach had some questions about utility charges and Ms. Forberger answered those.

Motion to approve the lease was made by Trustee Perret, seconded by Trustee Joseph, and approved unanimously.

5. Appointment of Mayor Pro Tem Gierlach as the Board liaison to the PROSAB, in place of Trustee Nowicki.

Motion to approve the appointment of Mayor Pro Tem Gierlach as Board liaison to the PROSAB, and remove Trustee Nowicki was made by Trustee Nowicki, seconded by Trustee Perret, and approved unanimously.

G. DISCUSSION ITEMS

1. Discussion of a GOGO grant proposal for updated play equipment at Chipeta Park.

Ms. Reis explained the GOCO grant process and that the grant money would be funneled through the Town.

Jennifer Boehnert, 30 N. Blue Spruce, explained that the grant applicants were seeking a GOCO mini-grant of \$20,000.00 that comprised Phase II of the development plan for Chipeta Park. The current play equipment is suitable for children 5 to 12 years of age, and the new equipment would be suitable for toddlers and preschool age children. The grant applicants are required to provide a 25% match for the grant (which they will be generating mostly by community fundraising efforts) and is asking that the Town provide in-kind donation of labor and equipment to install the play equipment once purchased.

Randy Lee, 171 E. First St., reported that the PROSAB voted unanimously, as did the NedRec group (formerly known as NedSk8) did as well, to support the program.

The Board expressed strong support for the project and thanked the grant applicants for taking the lead on this initiative and for working with the PROSAB.

2. Discussion of a GOCO grant proposal for updating and revising the Parks and Recreation Master Plan.

Ms. Reis explained the basis for this grant application and how it differs from the first grant. The application would seek funding for an update of the Parks and Recreation Master plan, as well as a study of Gateway Park, as identified in the current plan.

Randy Lee clarified for the Board that this is a PROSAB initiative, not a NedRec initiative, although NedRec will be partnering with PROSAB. He explained that the Master Plan is the main focus of PROSAB and is overdue for an update. The existing version of the Master Plan contains many goals that have been met, some that have changed, and some that need additional guidance and community input.

Ms. Reis explained that the Town's matching funds could possibly be disbursed over a two-year period.

Dianne Fleming, 131 S. Jackson St., asked for clarification of the numbers, and was told that the grant request would be for \$70,000, and the Town's portion, as requested from PROSAB, would be \$7,500.

The Board expressed support for the grant application and directed that it move forward with the Board's approval.

3. Discussion of the BZA's recommendations concerning future fees for the Rewinkel project.

Ms. Reis explained the background of the BZA's recommendation and advised the Board not to set this particular expectation, and Ms. Beery agreed. In their mutual opinions, to do so will send the message that if people feel that they have not received the service they felt they deserved from Town staff, they can seek compensation from the Board.

Trustee Mueller shared his feelings that to waive fees simply because someone feels that they have been wronged, without sufficient, detailed documentation does not seem appropriate. Trustee Joseph spoke in support of compensating a resident who had been mistreated by Town staff and waiving the fees. Mayor Pro Tem Gierlach said that he was in favor of waiving the fees for the variance but not the permit. Trustee Perret suggested refunding the fee for one of the building permits previously issued.

Trustee Wheelock expressed her concerns that to waive future fees is very open-ended and that the Town will incur expenses that are real, because it will still have to compensate SafeBuilt for its services. Trustee Nowicki suggested that the Town offer to refund its portion of the building permit fees

already paid (20%), rather than agree to waiving future fees, which are unknown. Mayor Abu-Haidar pointed out that the Board's responsibility is to evaluate the staff and make staff changes if necessary (which it has), make any necessary apologies (which it has), and refunding fees already paid if it so feels that such a gesture is appropriate. The Mayor also explained that she feels that the BZA overstepped their bounds in making this recommendation concerning fees, which is beyond their purview and charge. The appeal before the BZA was solely concerning the determinations made by Interim Town Administrator Cheri Andersen, and the BZA's findings and recommendations should have been limited to that issue. The Mayor stated that she agreed with Trustee Nowicki that waiving future fees was not a good idea, but was also uncomfortable with refunding any fees previously paid. Trustee Mueller agreed with Trustee Nowicki's suggestion.

The Board directed staff to come up with a refund amount based on the Town's portion of the building permit fees previously paid, and present a reasonable amount, to be applied to future permit applications, to the Board for consideration.

4. Discussion of Town employee PTO pay-out request.

Ms. Reis discussed the request and its unique nature. She noted that Mr. Clift received only 6 days off during a 365-day period in 2010, including weekends and holidays. She also explained to the Board that the Town's current PTO accrual structure is causing problems each year, and is being currently reviewed by Ms. Reis and Ms. Forberger.

Dennis Duckett, 131 S. Jackson St., spoke in support of Mr. Clift and of his dedication to his job. He called Mr. Clift "a real asset to this Town," and encouraged the Board to grant his request.

Trustee Nowicki said that it was "absolutely fair and appropriate" to grant

the request. Trustee Wheelock agreed that granting the request was “the responsible, reasonable, humane thing to do.” Trustee Perret noted that it should obviously be granted due to the special circumstances. Mayor Pro Tem Gierlach said that the PTO accrual system is clearly broken and needs to be fixed, and that granting the request requires no thought. Trustee Joseph and Trustee Mueller agreed that granting Mr. Clift’s request is the fair and just thing to do.

Mayor Abu-Haidar expressed, on behalf of the Board, her most sincere thanks and appreciation to Mark Clift for his dedication and contributions to the Town during the past year. The Mayor specifically noted that, were it not for Mr. Clift, the Town would likely not have had water over the summer and that “his dedication to his job helped keep the Town afloat during a very trying period.”

H. OTHER BUSINESS

Trustee Joseph informed the Board that Ms. Reis will be convening a small working group to review and recommend changes for some of the planning and zoning irregularities with the Municipal Code and to simplify the planning and zoning process for residents.

Mayor Abu-Haidar talked about some DRCOG initiatives.

I. ADJOURNMENT

Motion to adjourn was made by Trustee Nowicki, seconded by Trustee Perret, and approved unanimously. The meeting was adjourned at 9:40 PM.

Approved by the Board of Trustees.


Sumaya Abu-Haidar, Mayor

ATTEST:



Teresa Myers, Town Clerk

