

TOWN OF NEDERLAND BOARD OF TRUSTEES REGULAR MEETING MINUTES: February 15, 2011, 7:00PM

NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466

A. CALL TO ORDER

Meeting convened at 7:04 PM.

B. ROLL CALL

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

Also present: Alisha Reis, Town Administrator, Eva Forberger, Town Treasurer, Teresa Myers, Town Clerk, and Chris Price, stand-in Town Attorney, sitting in for Carmen Beery.

C. CONSENT AGENDA

- Approval of February 15, 2011 Accounts Payable
- Approval of February 1, 2011 Regular Meeting Minutes

Motion to approve the Accounts Payable was made by Trustee Wheelock, seconded by Trustee Joseph, and approved unanimously.

Motion to approve the Minutes was made by Trustee Joseph, seconded by Mayor Pro Tem Gierlach, and approved unanimously, with Trustee Wheelock abstaining due to her absence at the last meeting.

D. STAFF REPORTS

1. Alisha Reis, Town Administrator

Reis reported that bids for the Wastewater Treatment Plant contract were opened today and the Town received eight bids. Further information will be available shortly.

2. Teresa Myers, Town Clerk
3. Eva Forberger, Town Treasurer
4. Dawn Baumhover, Community Center Coordinator – this report was not included due to the employee's illness.

E. BOARD OF TRUSTEE REPORTS

Trustee Perret reported that the Sustainability Advisory Board met last week and did quite a bit of work on the resolution before it concerning limiting development.

Mayor Pro Tem Gierlach attended a PROSAB meeting concerning the riverwalk project and the creek's health generally. He also attended the Consortium of Cities meeting where transportation issues were discussed. Finally, he reported on Colorado Senate Bill 2011-66, introduced last month by Senator Jahn, which would streamline special event liquor license processing.

Trustee Wheelock reported that the CCFB met this month and is receiving bids concerning updating the locker room so that it can apply for grants. The next Art at the Center event is April 23, and will focus on youth and seniors in the community.

Trustee Joseph reported that the DDA is in the midst of a slogan contest for the crosswalk. The community will ultimately get to pick the winning slogan, which will be placed on the crosswalk flags. The DDA also considered two NEA grants that would have helped Nederland with certain art placement and "creativity locations" development, but the timing was deemed to be not right at this time. He updated the Board on the Chamber's subcommittee progress and its concerns about the Town's participation in the July Fourth fireworks. He asked for the Board's consent to request a proposal from the Chamber concerning what they would like from the Town for the July Fourth celebration, and received it. Preliminary discussions about the High Peaks Art Festival concerned future expansion. Some changes will be made to the Frozen Dead Guy Days celebration, including increased security and better fencing. The Shop Local campaign will commence following FDGD. The

Mayor's Economic Development Task Force held its second meeting on January 26, and the economic development plan document is being circulated. The third and final meeting will be held on February 22 at the CC from 6:30PM to 8:00PM.

The Mayor's report was included in the packet, but she chose to highlight a few items, including the new website and the release of the Town Budget Book. The next Envision Nederland 2020 meeting will be held February 16 at the CC.

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

Mary Cottonsteady, 334 W. Fourth St., asked that discussion items be moved to the beginning of the agenda. She also suggested that each item receive a time limit.

Cathleen Chippi, Magnolia Star Route, spoke about the business license language that was approved in the last meeting. She felt that her comments at the last meeting were not heard.

G. INFORMATIONAL ITEMS

1. Board of Trustees Goals Update

Reis noted that the updates are posted to the website regularly.

2. DDA Sidewalk Enhancement Plan

Paul Turnburke, Executive Director of the DDA, explained the concept for the sidewalk enhancement plan, which was part of the original sidewalk plan but was simply a delayed phase. He outlined that the plan will go through PROSAB, then the Planning Commission, and finally to the Board.

Arden Buck, 38 Navajo Trail, felt that the additional enhancements were unnecessary and would damage the existing character of Nederland by turning the Town into "an amusement park for tourists." He conveyed his sense that the Town needs to slow down and think things through and look at other solutions.

Dennis Duckett, 131 S. Jackson, is opposed to the sidewalk enhancement plan and feels that many citizens share his concerns. He thinks the envisioning process is the better

way to go and that there are design guidelines present in ordinance that are adequate. He asked for public forums to discuss development in general.

Betsy Buck, 38 Navajo Trail, shared her feelings about the enhancement plan, reporting that she feels that there are positives and negatives to the plan. Overall, however, she feels like Nederland is a “last frontier” unlike many other small towns that have had a lot of enhancements. She feels that the DDA is “obsessed” with obtaining tourist dollars, and that she thinks that all the development is being made to attract more tourists, not for the local people.

David Horner, Sugarloaf Mountain, spoke about all the change he has seen in Colorado during his lifetime here, and noted that he rarely sees change as a good thing. He doesn't feel that the DDA is showing appreciation for how the Town is, and is concerned that Nederland will be unrecognizable at some point.

Maggie Ross, 274 West Spring, spoke about the group that she is a part of, which works on the gardens around Town, and she was disappointed to discover that some of the gardens would be covered over with concrete under the sidewalk enhancement plan.

Trustee Joseph acknowledged the need for more direct citizen involvement and discussed some of the ideas the DDA had to involve more residents in the process. He also pointed out that the Envision Nederland 2020 process would greatly inform how the sidewalk enhancement plan moves forward. Finally, he noted the long maturation process of most projects of this nature.

Mayor Pro Tem Gierlach asked Town staff to provide input regarding potential maintenance issues with the project.

Trustee Nowicki talked about the greater need for public input and the possibility of creating a mechanism for Board members to simply have listening sessions for citizens who are focused on a particular concern and don't currently have an adequate avenue for their voice.

Trustee Perret thanked Turnburke for his work on the plan and asked to have an opportunity to review it with the Sustainability Advisory Board.

Mayor Pro Tem Gierlach pointed out the advisory boards are the appropriate places for citizen input, because that is where the research and deep discussion is held. With this particular project, he strongly encouraged residents to attend the PROSAB meeting next week to comment and participate.

H. ACTION ITEMS

1. Consideration of Ordinance 690, concerning licensing and zoning of medical marijuana businesses.

Myers explained that the ordinance before the Board incorporated the Board's previous concerns as well as discussions from the Board Work Session on February 8. She explained that the only significant question that did not find agreement among the Trustees in attendance at the February 8 Work Session concerned grow operations in the CBD zone – should it be use by right, use by special review, or no use at all?

Trustee Wheelock asked a question about why a section was deleted and was informed that it was redundant with state law and regulation and so had been removed. Trustee Nowicki asked a question concerning grandfathering in of existing businesses.

Randy Lee, 171 East First St., encouraged the Board to look carefully at expanding the use into the CBD and noted that many people find the smell offensive. He wondered aloud how it might affect attempts to encourage people to shop local. Lee noted that he had no problem with medical marijuana per se, but he doesn't want to smell it.

Roger Cornell, 998 Peak to Peak Hwy. and a member of the Planning Commission, offered a solution to the zoning question: he noted that the current zoning structure in the Code is sufficient to address this question. Under the Code, it would be the decision of the zoning administrator, followed by a review by the Planning

Commission, when appropriate, and appealable to the Board.

Cathleen Chippi, Magnolia Star Route, is opposed to all the ordinance language except for Section 6-255. She said the current zoning is adequate and not too restrictive. She also feels that the presence of grows in multi-use buildings and within the CBD will create many problems and affect the nature of the community. She further noted the environmental risks of having a grow operation in a multi-use building. She also threatened to sue the Town if the ordinance is approved.

Trustee Nowicki, upon further reflection, is firmly against allowing grows in the CBD zone. His fear is that the CBD would turn into stores that were merely fronts – useless retail outlets that aren't intended to really serve citizens – with large grow ops in the back. He argued that the CBD should be available for retail businesses that provide a service benefit to the Town and potential sales tax.

Mayor Pro Tem Gierlach had argued for use by right at the Work Session due to his desire to streamline the planning and zoning review process, but has now been won over by the arguments of his colleagues and supports a special review of use (SRU) that can take into account all the circumstances and characteristics of the given business and building.

Trustee Perret addressed some of Trustee Nowicki's concerns and voiced his concerns that the SRU process would create a hardship delay and expense on some businesses. He proposed that if the grow operation were linked to a retail MMC, that should be permitted by right, but if it were a remote grow location (not attached to an MMC), it should require an SRU. He further talked about the ventilation options available to curtail the marijuana scent on First Street, which he admitted he does not want to smell in the CBD zone, either.

Trustee Joseph spoke in favor of allowing grow operations in the CBD through an SRU process in order to use otherwise empty commercial space without a negative impact on the existing retail operations. He wants to support the opportunity for local MMCs to have grow operations here in Nederland, so long as there is minimal impact on existing businesses and residents. He further explained that he desires to

protect our current medical marijuana businesses to the extent that the Town can, but he is concerned that the Town not legislate unnecessarily. Reis answered his concerns and recommended that the Town act now and then respond to any State changes as they arise.

Trustee Wheelock also expressed some concern about the State's upcoming changes, but agreed to defer to staff recommendations. She further stated that she feels that the SRU process is the only logical way to proceed with the CBD zoning.

Mayor Abu Haidar thanked the Task Force and those who appeared at the Work Session last week for all the work and comments and input. She feels that it is important to proceed, considering that the State may begin enforcement actions as early as March. She also said that she supports the SRU process for the CBD zone.

Motion was made by Mayor Pro Tem Gierlach to approve Ordinance 690 with additional language permitting grow operations in the CBD zone under SRU, seconded by Trustee Wheelock, and approved by a vote of 4 to 2, with Trustees Perret and Nowicki voting no.

2. Consideration of Ordinance 691, concerning a franchise agreement with CAP Cable/ USA Communications for cable television service.

Reis explained the ordinance and what rights and responsibilities are granted to the franchisee.

Motion to approve the Ordinance 691 was made by Trustee Perret, seconded by Trustee Joseph, and approved unanimously.

3. Consideration of Resolution 2011-04, supporting a GOCO grant proposal to update the Town's Parks and Recreation Master Plan.

Dennis Duckett, 131 S. Jackson St., pointed out that the Envisioning meetings have partly focused on transitioning Nederland from a tourist-based economy to a more local economy.

Mayor Pro Tem Gierlach noted that the grant would not be awarded until June, at which time the Town could accept the award, turn down the award, and/or have further discussions. The grant also pays for planning, which could include public comment and take many forms. He expressed his support for the grant.

Trustee Joseph agreed with the Mayor Pro Tem and liked that the grant will be awarded at about the same time as the completion of the envisioning process. He commended PROSAB for their work.

The Mayor pointed out that the grant language is not final and is subject to change quite a bit. She also stressed her belief that the trails and parks are primarily intended for the residents' use.

Trustee Nowicki supports the effort because the Board has already committed to doing so, but he also pointed out that this grant should focus on the Town of Nederland and the taxpayers therein, which is a much smaller focus than that of the Envision Nederland 2020 process, which involves a much broader Peak-to-Peak community.

Motion to approve Resolution 2011-03 was made by Trustee Perret, seconded by Trustee Wheelock, and approved unanimously.

4. Consideration of an Agreement with the Nederland Presbyterian Church concerning the use of the church parking lot for public parking.

Reis highlighted some aspects of Public Works Manager Hank Richardson's memo and the most recent changes to the Agreement. Mayor Abu-Haidar gave the Board some background on the evolution of this document.

Trustee Wheelock sought clarification of the Church's position, and learned from Pastor Don Dexter, who was in attendance, that the Church supports the Agreement.

Trustee Joseph had some questions about using fallen timbers as wheel stops, and

Reis explained that the Board would always have the option of directing staff concerning which kind of materials were used as wheel stops.

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

5. Consideration of a change order for the Water Treatment Plant.

Forberger provided an explanation of the change order and noted that the project is approximately \$200,000 under budget.

Motion to approve the agreement was made by Trustee Perret, seconded by Trustee Wheelock, and approved unanimously.

I. DISCUSSION ITEMS

1. Discussion of the water meter replacement project contract award.

Forberger provided some background on the selection process and staff recommendations.

Trustee Mueller, in his notes to the Board in place of his attendance at the meeting, expressed concerns about whether the meters had manual shut-off valves that residents could use as needed. Forberger assured the Board that the meters would have manual shut-off valves as well as remote shut-off valves.

Dennis Duckett asked some questions about freeze protection for the meters. Dan Hardin, of Datamatic Corporation, informed the Board and audience that the meters have dual chambers and a utility notice system should the meters freeze and/or burst. The meters will also be installed inside the heated areas of the home. The company has installed these in several mountain towns with no freezing problems.

Motion to approve the Agreement was made by Trustee Nowicki, seconded by Trustee Perret, and approved unanimously.

2. Discussion of a Boulder County Zero-Waste grant to support a composting facility in Town.

Reis explained the background on the grant and the project. Jennifer Shriver from Boulder County highlighted her presentation as contained in the Board packet. She emphasized that the project is a pilot project and is being figured out as it moves along and lessons are learned.

Trustee Perret asked whether the grant was dependent on the location or if the location be determined later, and was informed by Shriver that the grant was not dependent on the location.

The Trustees had several questions about the location of the facility and what the Town's role would be. Greg Willson, project manager, explained that the actual composting would be done on a farm located near Caribou and the bio-mass site would be a collection site, but not an actual composting site.

The Mayor Pro Tem asked some questions about the hours of operation and the contractor status of the grantee.

Leonard Cottonsteady, 334 West Fourth St., said that while he likes the idea, he feels that it's in the wrong location. He pointed out that the facility would not be permitted under current zoning laws. He reminded the Board that the buildings have been considered for other uses that are more appropriate, in his opinion, to the area and the buildings.

Linda Glasser, (address inaudible) is in favor of a compost site, but not at the proposed location, and she reported that she has been talking to other folks in the neighborhood who feel the same way. She has serious concerns about the blowing trash, predators, the smells, and rodents.

Maggie Ross, 274 West First St., talked about the difficulty of hauling compostables and garbage to the transfer station when a resident doesn't have a car.

Motion to extend the meeting beyond 10:00PM was made at 9:59PM by Trustee Perret, seconded by Trustee Joseph, and approved by a unanimous voice vote.

Willson explained that he is prepared to begin accepting compostables while his organization figures out the permanent facility location, once funds are released.

Trustee Perret had a question concerning the Town's role as the listed contractor in the agreement.

Trustee Wheelock suggested that the Town consider additional code enforcement for the garbage around Town, given the concerns raised at the meeting.

Mayor Abu-Haidar, Mayor Pro Tem Gierlach, and Trustees Nowicki, Joseph, Wheelock, and Perret expressed support for approving the contract, but having a further discussion on the permanent location. Trustee Perret also suggested a language change from the Town as the "contractor" to the Town as the grant "recipient."

The Mayor Pro Tem asked that the powerpoint presentation be placed on the Town's website and that perhaps a public meeting be held to consider additional locations. Trustee Nowicki asked that Willson host a public meeting to discuss any future site proposal if needed.

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

J. OTHER BUSINESS

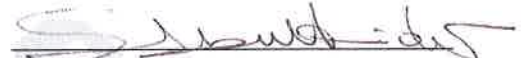
Trustee Joseph asked that at some point in the future the Board arrange a work session to discuss code enforcement efforts and resources.

Trustee Wheelock asked that the Board schedule a work session to discuss meeting procedures and agenda setting.

K. ADJOURNMENT

Motion to adjourn was made by Trustee Perret, seconded by Trustee Joseph, and approved unanimously. The meeting was adjourned at 10:19 PM.

Approved by the Board of Trustees.


Sumaya Abu-Haidar, Mayor

ATTEST:


Teresa Myers, Town Clerk

