

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

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

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**A. CALL TO ORDER**

Meeting convened at 7:05 PM.

**B. ROLL CALL**

Present: Mayor Pro Tem Joe Gierlach, Trustees Rob Joseph, Chris Perret, Kevin Mueller, and Marci Wheelock.

Trustee Perret arrived at 7:08PM.

Absent: Mayor Sumaya Abu-Haidar and Trustee Nowicki.

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

**C. CONSENT AGENDA**

- Approval of June 7, 2011 Accounts Payable
  - Approval of May 17, 2011 Regular Meeting Minutes
  - Approval of Resolution 2011-12, concerning the Rewinkel Lot Line Dissolution
- Motion to approve the Consent Agenda was made by Trustee Joseph, seconded by Trustee Wheelock, and approved unanimously.

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

No public comment was offered.

## **E. INFORMATIONAL ITEMS**

### **1. Recognition of Bunny Spangler**

The Board of Trustees acknowledged Bunny Spangler's 39 years of doing business in Town with a commemorative plaque, presented by Trustee Perret.

### **2. Administrator's Response to Audit and Next Steps.**

Town Administrator Reis explained her report and its purpose of clarifying both the auditor's report and the Town's new policies as a result thereof.

## **F. ACTION ITEMS**

### **1. Consideration of re-appointment of Randy Lee to the Parks, Recreation and Open Space Advisory Board.**

Motion was made by Trustee Perret to approve the re-appointment of Randy Lee to the PROSAB, seconded by Trustee Joseph, and approved unanimously.

### **2. Consideration of SRU for Rocky Mountain Reptile Rescue.**

Reis explained the purpose of the SRU, the Planning Commission's approval, and its suitability under Town Code. Mark Campbell, 136 Bergren Road, the applicant, was on hand to answer questions from the Board, and he explained the reptile rescue's purpose and his plans for its future. Trustee Joseph applauded the idea and reminded Campbell to work with Town staff on traffic and parking issues for events.

Mayor Pro Tem Gierlach asked, on Trustee Nowicki's behalf, whether snakes can survive at this high altitude. Campbell told the Board that it is the cold winters, not the altitude, that bothers the snakes, but his snakes are kept in climate-controlled environments.

Motion was made by Trustee Perret to approve the SRU for Rocky Mountain Reptile Rescue, seconded by Trustee Joseph, and approved unanimously.

### **3. Consideration of Resolution 2011-13, concerning official posting site for public notices.**

Reis explained that state law requires that the Town annually approve an official posting site for public notices. This should be accomplished annually and will be

brought before the Board each year with other annual resolutions.

Motion was made by Trustee Joseph to approve Resolution 2011-13, concerning the official posting site for public notices, seconded by Trustee Perret, and approved unanimously.

**4. Consideration of the Peak to Peak Healthy Communities' Request for Discount of Fees to host the July Fourth Fireworks.**

Myers explained that citizens, led by Barbara Hardt, have assumed responsibility for presentation of the annual July Fourth fireworks. As they are assuming the complete financial burden of the event, they are asking that the Town waive the special event fees.

Motion was made by Trustee Perret to approve the requested fee waiver, seconded by Trustee Mueller, and approved unanimously.

**G. DISCUSSION ITEMS**

**1. Discussion of proposed noise/sound code amendments.**

Peter Fiori, 6 Sundown Trail, spoke generally in favor of the proposed ordinance and provided some specific notations on the draft. Trustee Joseph, Mayor Pro Tem Gierlach, and Trustee Mueller had some questions for Fiori.

Randy Lee, 171 East First St., argued that the levels proposed in the ordinance should be retained because sound travels in the valley.

Chris Eddy, 14 Sundown Trail, noted that the sound control techniques employed at Ned Fest over the last few years have certainly helped.

Fiori and Eddy also spoke to the intrusive nature of the sound of the shooting range at Magnolia.

Cindy Shaw, 15 E. First St., had some concerns about the noise in her beer garden at the Pioneer Inn and whether the ordinance would prohibitively stifle that. She was assured that the police would work with her if resident complaints are received.

Annette Croughwell, 149 W. Boulder St., spoke to the frequency and nature of the sound in Town and emphasized the focus of the ordinance on “excessive” noise.

Trustee Perret spoke about the noise levels of various vehicles for comparison purposes.

The Trustees provided specific feedback and direction to Town staff to further develop the draft.

**2. Discussion of proposed chicken ordinance to provide guidance to Town staff for further research and development.**

Reis introduced the proposed chicken ordinance and explained what kind of guidance was being sought to assist Town staff in its research direction. The Trustees discussed the specific questions put forth by the staff and offered guidance on those points, as contained in the staff memo in the Board packet.

**3. Discussion of Agreement with the American Red Cross.**

Reis introduced the agreement and explained that this standard agreement is a matter of course for American Red Cross shelters, of which the Community Center is a designated location.

Motion to allow consideration of the American Red Cross Shelter Agreement as an action item was made by Trustee Perret, seconded by Trustee Joseph, and approved by voice vote.

Motion to approve the American Red Cross Shelter Agreement was made by Trustee Perret, seconded by Trustee Wheelock, and approved unanimously.

**H. OTHER BUSINESS**

Trustee Mueller had some questions about some email communications that were exchanged prior to the Envision 2020 and whether they were permissible under the Sunshine Laws. Town Attorney Carmen Beery will review the materials and provide legal guidance as necessary.

Trustee Perret asked whether there are any additional funds in the goodwill portion of the budget to contribute to the July Fourth fireworks event. Reis explained that she would need to meet with Town Treasurer Eva Forberger to determine whether such funds exist.

Mayor Pro Tem Gierlach requested an update on the status of the Citizens' Sustainability Resolution, and Reis explained that it is now under full staff review, including legal review and enforceability review. It was agreed that following the legal review, the draft would be placed on the website for additional public comment. It is now expected to return to the Board's agenda in July. The Board agreed that it would like an update on when the Envision 2020 report might be expected. Mayor Pro Tem Gierlach argued for getting the resolution before the Board, then sending a finished product to the Sustainability Advisory Board for creation of a series of checklists to apply to projects and events. After working with the checklists, the Town and Board could determine what was working and what wasn't. Beery explained that a resolution could not create the basis for enforcement of a set of requirements; such requirements would have to be codified to be enforceable.

Motion to extend the meeting to 10:15 was made by Trustee Perret, seconded by Trustee Mueller, and approved by voice vote.

The Board discussed the feasibility of directing the Sustainability Advisability Board to begin developing the scorecards for sustainability analysis for projects and events.

Mayor Pro Tem Gierlach and Trustee Mueller asked to put the item on the June 21<sup>st</sup> agenda. Trustees Wheelock and Joseph felt that the Town's legal and administrative review should be completed before the Board considers the document.

Motion to extend the meeting to 10:25 was made by Trustee Joseph, seconded by Mayor Pro Tem Gierlach, and approved by a voice vote of 4 to 1, with Trustee Wheelock voting no.

The Board agreed to place the resolution on the June 21<sup>st</sup> agenda as an informational item and to extend a direction to the Sustainability Advisory Board to begin developing the necessary sustainability scorecards for projects and events.

**I. ADJOURNMENT**

Motion to adjourn was made by Trustee Perret, seconded by Trustee Wheelock, and approved unanimously. The meeting was adjourned at 10:21 PM.

Approved by the Board of Trustees.

  
Joe Gierlach, Mayor Pro Tem

ATTEST:

  
Teresa Myers, Town Clerk

