

**TOWN OF NEDERLAND  
BOARD OF TRUSTEES  
REGULAR MEETING MINUTES:  
June 21, 2011, 7:00PM**

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

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**A. CALL TO ORDER**

Meeting convened at 7:03 PM.

**B. ROLL CALL**

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

Trustee Marci Wheelock was absent.

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

**C. CONSENT AGENDA**

- Approval of June 21, 2011 Accounts Payable

Motion to approve the June 21, 2011 Accounts Payable was made by Trustee Perret, seconded by Trustee Joseph, and approved unanimously.

- Approval of June 7, 2011 Regular Meeting Minutes

Motion to approve the June 7, 2011 Regular Meeting Minutes was made by Trustee Perret, seconded by Mayor Pro Tem Gierlach, and approved by a vote of 4 in favor, 2 abstaining.

## **D. STAFF REPORTS**

1. Alisha Reis, Town Administrator

Reis provided an update on the Public Works Department's effort to improve and repair Navajo Trail and reported that it would be re-opening in July. Reis also informed the Board that Hank Richardson, Public Works Manager, will be resigning as of July 1<sup>st</sup>.

2. Teresa Myers, Town Clerk

3. Eva Forberger, Town Treasurer

4. Jake Adler, Acting Town Marshal

5. Hank Richardson, Public Works Manager

6. Dawn Baumhover, Community Center Coordinator

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

1. Keith Nowicki, Trustee

Trustee Nowicki informed the Board that he will be resigning, effective immediately, due to his acceptance into a PhD program at the University of Colorado. He commended the Town staff for their work. Mayor Abu-Haidar thanked him for his service, and Trustee Joseph echoed those thanks. The Board will be appointing a new trustee within 60 days.

2. Rob Joseph, Trustee

The DDA is awaiting a proposal from the Mountain Youth Corps for a joint stewardship of the Brian Mahon Memorial Park. The MYC will develop guidelines for maintenance and care of the park. At this point, the park will simply be tidied up, with no changes made. The DDA is also working on obtaining and installing Nedeonian Crossing flags (which will be seasonal) and directional parking lot signs.

The Chamber has received one proposal to assume the responsibility for the High Peaks Art Festival, which was favorably reviewed and received. A letter of intent concerning Frozen Dead Guy Days was received but no proposals, so the deadline was extended. National press has picked up the FDGD story and the Chamber expects greater interest. Doghouse Videos has assumed operation of the Visitor Center, offering additional oversight and some new approaches.

3. Joe Gierlach, Mayor Pro Tem

DRCOG canceled its regular meeting but held a special meeting for municipalities to consider continued funding for municipal Eco-Pass. DRCOG agreed to fund the program, with county and/or municipality contributions. Boulder County has submitted a proposal and will be notified in August.

On July 16<sup>th</sup>, the PROSAB is hosting a trail walk from Mud Lake to Chipeta Park to officially open the trail system. Those interested should meet at 10:00 AM at Chipeta Park.

4. Chris Perret, Trustee

The Sustainability Advisory Board is working on a sustainability-based scorecard to be applied to building projects and special events. The SAB hopes to have the scorecard ready for Board review in July. The SAB will be meeting this coming Monday.

5. Kevin Mueller, Trustee

The Planning Commission will not be meeting in June but is continuing individual work on the Comprehensive Plan.

6. Sumaya Abu-Haidar, Mayor

The Mayor informed the Board that the Envision Nederland 2020 final report and vision statement are being written and edited by the facilitators. She and Reis will be attending the CML conference in Vail later this week. The Boulder County Consortium of Cities had a useful meeting concerning economic development. Boulder County Commissioner Ben Pearlman has expressed interest in working with the Town on fire mitigation issues. The Mayor will also be meeting with District Attorney Stan Garnett to discuss any issues related to the Boulder Valley School District, and she would be happy to carry any concerns or ideas to that meeting.

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

Lester Karplus 333 Sherwood Road, chose to comment on the Citizens for Sustainability resolution, particularly the food portion of the resolution. He

encouraged people to examine their lifestyles with regard to food and to consider its effects.

Dennis Duckett, 131 S. Jackson St., also spoke on the Citizens for Sustainability resolution, specifically Reis' evaluation of the resolution. He took issue with Reis' conclusions regarding the "needs vs. wants" section of the resolution, and encouraged the Board to retain that section of the resolution as a means of reminding people to assess our use of finite resources.

## **G. INFORMATIONAL ITEMS**

### **1. BOT Goals Update**

Reis asked that the Board meet to discuss its goals, so that those can be adequately considered as staff begins to formulate the 2012 budget. Trustee Joseph had some questions about the progress of the Emergency Management portion of the goals, and requested that a summary of that progress be provided. Reis agreed.

### **2. Update on Citizens for Sustainability Resolution**

Reis reported that the resolution, along with the administrative and legal review of it, are posted on the website and public comment is being taken. The resolution is planned for inclusion on the July 19<sup>th</sup> agenda.

## **H. ACTION ITEMS**

### **1. Consideration Request for Fee Waiver for 4<sup>th</sup> of July Parade special event.**

The Mayor explained that the parade had previously been a Town event, organized by a member of the Board. This year, a resident agreed to assume that responsibility. Staff expressed support for the fee waiver.

Randy Lee, 171 E. First St., commented that the spectators will be congregating in residential neighborhood, rather than the business area, due to the change in the parade route necessitated by CDOT rules. He asked that parade organizers be required to make a sweep, post-parade, to clean up any errant litter.

Motion was made by Trustee Joseph to approve the fee waiver request, seconded by

Trustee Perret, and approved unanimously.

**2. Consideration of appointment of Stephen Culver and Peter Stader to the Nederland Downtown Development Authority.**

Mayor Abu-Haidar and Trustee Joseph both voiced their support for these appointments.

Motion was made by Trustee Joseph to approve the appointment of Stephen Culver to the Nederland Downtown Development Authority, seconded by Mayor Pro Tem Gierlach, and approved unanimously.

Motion was made by Trustee Joseph to approve the appointment of Peter Stader to the Nederland Downtown Development Authority, seconded by Trustee Perret, and approved unanimously.

**3. Consideration of appointment of Brian Gioia to the Community Center Foundation Board.**

Dale Porter, 55 Navajo Trail, reported that the CCFB unanimously supported the appointment of Gioia. Porter informed the Board of some of Gioia's contributions to the CCFB to date.

Motion was made by Trustee Perret to approve the appointment of Brian Gioia to the Community Center Foundation Board, seconded by Trustee Joseph, and approved unanimously.

**I. DISCUSSION ITEMS**

**1. Discussion of the Agreement with the Chamber of Commerce, concerning the Visitor's Center.**

Reis explained the necessity for the agreement and highlighted some of the anticipated operating plans for the Visitor's Center. Trustee Joseph asked if the agreement allows for the Chamber to subcontract running of the Center, and Reis informed him that it did. Trustee Mueller asked that environmentally-sensitive products be used in the cleaning and maintenance of the facility. Trustee Joseph asked that the agreement be moved to an action item, and no one objected.



Motion was made by Trustee Joseph to approve the agreement with the Chamber of Commerce, concerning management of the Visitor's Center, seconded by Trustee Perret, and approved unanimously.

**2. Discussion of the fiber optic network, including update and request for direction to the Mayor's IT Task Force research into the Longmont model.**

Reis explained that the annual maintenance costs estimated by BVSD were currently \$18,000.00, and she feels that the IT Task Force would be best suited to understanding the technological aspects of this project and researching possible approaches. The IT Task Force sunsetted recently and so would need to be re-authorized. Trustee Mueller questioned what the high cost was actually covering, and Reis explained that was part of her own frustration in seeking a conclusion to this negotiation.

Mayor Pro Tem Gierlach expressed support for continuing research into how to utilize the system but does not think the maintenance amount is reasonable.

Trustee Mueller does not support the maintenance contract at its current expense, but would be interested in a more detailed understanding of what the maintenance contract will cover. He also thinks that the Town should pursue use of the network.

Trustee Perret voiced support for looking at the Longmont model, which is a municipal utility; he feels that this could be attractive to incoming businesses.

Trustee Joseph views the current maintenance proposal as a "false option" and is interested in investigating the Longmont option, but he has concerns about the potential competition that a municipal utility could be for local businesses. The Trustees also discussed the composition and purpose of the Mayor's IT Task Force.

The Mayor noted that, while she supports the concept of a fiber optic network, she thinks the Town has bigger issues to address at the moment, with limited staff and fiscal resources. Starting a municipal utility would require staff time that is not currently available. She feels that the project is good, but the timing is not.

Trustee Joseph noted that, unlike other projects, this has the potential to actually generate revenue for the Town. Town Treasurer Forberger noted that the Town

could not make a “profit” from the utility beyond creating an enterprise fund to make the utility self-sufficient, and Town Attorney Beery noted that several legal issues would need to be considered and reviewed. Based on this new information, Trustee Joseph withdrew his support for further investigation, volunteer, and staff time at this juncture.

The Mayor Pro Tem suggested consideration of using the network only for Town purposes, without a maintenance contract. He felt that the IT Task Force could best be utilized in that way. Trustee Mueller agreed. Trustee Perret asked that the Task Force evaluate the BVSD proposal and make recommendations of which direction in which to move.

The Board directed staff to add to an upcoming agenda the creation of the Task Force and pursuit of research to utilize the fiber optic network.

**3. Discussion of the pre-construction design assistance contract with Aslan Construction regarding the wastewater treatment plant.**

Reis provided the background of this contract and the place it holds in the current wastewater treatment plant design and construction. Beery highlighted some of the legal requirements for the agreement and the legal context in which it will operate. The Board discussed the wisdom in using Aslan, the expense of the contract, and the pragmatic basis for it. The Board directed staff to convey the message to the project engineer that they would like additional information regarding how the Aslan contract would impact the contract provision for the engineer regarding the engineer’s estimate, including any lesser cost the Town could expect with Aslan providing this work. Trustee Mueller suggested the project engineer could review the work done by Aslan in an open book approach to ensure understanding of all cost analysis provided by Aslan. The Board particularly requested a breakdown of the \$50,000 in cost for value engineering contained in the project engineer’s contract. The Board would also like to discuss this issue with both the project engineer and Aslan at the July 5 public hearing on the project’s preliminary engineering report amendment and preliminary design.

**J. OTHER BUSINESS**

The Board decided to advertise broadly for the Trustee position vacated this evening by Trustee Nowicki.

The Board discussed meeting to evaluate and review and modify their current list of goals. The meeting was set for July 25, 2011, at 6:00PM,

Trustee Perret raised the issue of dead trees on USFS land that adjoins Big Springs and asked if the Town could obtain permission to harvest the dead trees from that parcel as a fire mitigation measure.

**K. ADJOURNMENT**

Motion to adjourn was made by Trustee Perret, seconded by Trustee Mueller, and approved unanimously. The meeting was adjourned at 9:10 PM.

Approved by the Board of Trustees.



Sumaya Abu-Haidar, Mayor

ATTEST:

  
Teresa Myers, Town Clerk