

**TOWN OF NEDERLAND  
BOARD OF TRUSTEES  
REGULAR MEETING MINUTES:  
August 2, 2011, 7:00PM**

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

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**A. CALL TO ORDER**

Meeting convened at 7:02 PM.

**B. ROLL CALL**

Present: Mayor Sumaya Abu-Haidar, Mayor Pro Tem Joe Gierlach, Trustees Rob Joseph, Kevin Mueller, Marci Wheelock, and Randy Lee.

Absent: Trustee Chris Perret arrived at 7:05PM.

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

**C. CONSENT AGENDA**

- Approval of August 2, 2011 Accounts Payable
- Approval of July 19, 2011 Regular Meeting Minutes

Motion to approve the Consent Agenda with minor grammatical changes was made by Trustee Joseph, seconded by Trustee Wheelock, and approved by a vote of 4 to 2, with Mayor Pro Tem Gierlach and Trustee Mueller voting no, and Trustee Perret abstaining.

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

Arden Buck, of Nederland, spoke about the petition that some citizens had submitted several weeks ago and was forwarded to the Board at that time. He

complained that citizens who are not on the internet or who cannot visit Town Hall during business hours cannot get adequate information. He argued that the petition represents the opinion of many Nederland-area residents and feels that it was not given adequate weight. He asked that the Board do a better job engaging with those who are opposed to some of the development projects.

#### **E. INFORMATIONAL ITEMS**

1. Mayor's Proclamation of Dave Felkley Day, August 28, 2011.

#### **F. ACTION ITEMS**

1. **Consideration of Ordinance 694, allowing the keeping of chicken hens in Town.**

Trustee Randy Lee commented on the limitations on the size of the chicken run and yard and felt that they were too small. He suggested raising the maximum size from 120 square feet to 200 square feet. Mayor Pro Tem Gierlach asked why it couldn't be 500 square feet and Reis explained that a coop or covered yard that size would trigger the need for a building permit. Trustee Joseph asked whether slaughtering would be allowed and was told that it would be, for personal consumption only. The Boulder County Public Health Department will only cite individuals who barter, trade or sell their chickens, products, or offspring. The Mayor asked whether composting of chicken manure would be allowed under the current language and it was agreed that it would but that additional language would clarify and encourage such use of the manure.

Motion was made by Trustee Lee to approve Ordinance 694, allowing the keeping of chicken hens in Town with a change in the square footage of the chicken run to 200 square feet and the inclusion of composting, seconded by Trustee Perret, and approved unanimously.

2. **Consideration of Resolution 2011-17, creating the Nederland Commission on IT.**

The Mayor clarified that this advisory board was being created as a new advisory board that would report to the entire Board, rather than as a less formal task force to advise the Mayor.

Trustee Lee and the Mayor spoke out against the need for volunteer time to examine the use of BVSD's fiber optic network, due to the expense and complication involved in implementing the cable and its effects on other local internet service providers.

Motion was made by Trustee Joseph to postpone consideration of Resolution 2011-17, creating the Nederland Commission on IT, until more pressing Board priorities have been addressed, seconded by Trustee Wheelock, and approved by a vote of 5 to 2, with Trustees Perret and Mueller voting no.

**3. Consideration of an SRU agreement, concerning the Pioneer Inn beer garden.**

Reis introduced the item and explained the conditions agreed upon between the Town and the applicants, as approved by the Planning Commission.

Motion was made by Trustee Perret to approve the SRU agreement concerning the Pioneer Inn beer garden, including the Fire Department and Town recommendations, seconded by Trustee Wheelock, and approved unanimously.

**4. Consideration of project award to supply and install toddler play equipment at Chipeta Park.**

Reis introduced the item and explained the need for this equipment for smaller children, and she highlighted the bases for her recommendation. Trustee Mueller thanked Reis for her consideration of environmental concerns in making her recommendation.

Mayor Pro Tem Gierlach asked about the other bidders for the project and noted that since the environmental concerns were not outlined in the RFP, Reis really might not have been able to compare the bidders' environmental approaches on an apples-to-apples basis. He further inquired as to why the lowest bidder was not selected, and Reis informed him that she felt that the lowest bidder had not offered a high-quality product.

Jennifer Boehnert, one of the grant-writers and community organizer for this

project, explained her support for Reis' recommendation and her specific concerns about some of the other bidders.

Motion was made by Trustee Perret to approve the project award to Children's Playstructures and Recreation, and allowed for the partial installation option (in addition to the full installation option), seconded by Trustee Joseph, and approved unanimously.

**5. Consideration of appointment of Trustee Randy Lee as Trustee liaison to the PROSAB, and the appointment of Mayor Pro Tem Joe Gierlach to the Board of Zoning Adjustment.**

Motion was made by Trustee Joseph to approve the appointment of Trustee Lee to PROSAB, seconded by Trustee Wheelock, and approved unanimously.

Trustee Perret offered Mayor Pro Tem Gierlach the option of assuming his current role as Trustee Liaison to the Sustainability Advisory Board, but the Mayor Pro Tem declined.

Motion was made by Trustee Joseph to approve the appointment of Mayor Pro Tem Gierlach to the Board of Zoning Adjustment, seconded by Trustee Perret, and approved unanimously.

**6. Consideration of approval of a professional services agreement for a diversion design proposal for the water treatment plant with JVA.**

Trustee Mueller noted that the header and footer on the document still reflected that it was a template document that hadn't been fully tailored to the Town.

Trustee Perret asked that the item be tabled until next meeting, allowing time for those corrections before the agreement is formally approved.

Motion was made by Trustee Mueller to approve the professional services agreement with JVA with changes made to the header and footer name, seconded by Trustee Wheelock, and approved by a vote of 6 to 1, with Trustee Perret voting no.

## **G. DISCUSSION ITEMS**

### **1. Discussion of the preliminary Envision 2020 report and draft vision statement.**

Matt Bennett, Chair of the Envision 2020 Steering Committee, made a presentation to the Board, the content of which will be included in the historical files from the meeting.

The Mayor thanked Matt and the others involved in the envisioning process for all their hard work and noted the value of the community-building aspect of the process, regardless of the ultimate outcome. She encouraged the Board to focus on the overall spirit of the report and not to “wordsmith” it.

Dennis Duckett, of Nederland, asked that the report remain on the website for further comment, and the Mayor agreed that it would remain for now.

Gary Sanfacon, of Nederland and of the Envision steering committee, agreed with the Mayor that the Board does not need to do substantial wordsmithing on the vision statement, and he commended the facilitators for not allowing the process to become a marathon of debate over semantics. He also noted that this report builds on the 2010 work, which he feels is important. He further encouraged the Board to make a deadline, to adopt the report at its next meeting, and to use it as a guiding document for all advisory boards and community groups.

The Mayor asked Beery if it would be appropriate for the Board to approve the report and acknowledge its importance to the Town, and Beery replied that it would be appropriate and advisable if the Board wants the report to have weight.

Trustee Mueller offered a round of applause to the committee and all those who participated in the envisioning process and asked that the report remain on the website and public comment be gathered for consideration by the Board at its next meeting.

Mayor Pro Tem Gierlach asked that the report be authorized without changes,

rather than approved (because it was not produced by or for the Board), and that it be available on the website for the next 10 years for community review and use. He noted that it is a snapshot of what happened here in Nederland this year.

Trustee Lee called the report “masterful,” given the polarized nature of the community. He questioned whether the community’s polarization would undermine the usefulness of the information contained in the report.

Trustee Wheelock thanked the committee and participants and expressed her belief that it will be an important document for many years to come and will help inform the Town in so many ways.

Trustee Joseph thanked the report writers for their work, agreed that it should remain on the website for community use and reference, and noted that this document will provide a good framework for consideration of the sustainability resolution. He explained that he believes that the report will also help the business community and the Chamber of Commerce as it tries to determine future directions.

Trustee Perret extended kudos to all who participated and asked that public input be taken until the first week in September. He further noted that the report does a great job of summing up Nederland and that it will serve as a valuable outline for where to go next. Finally, he noted that the children of Nederland provided candid feedback and should be heard and listened to.

The Mayor thanked the Board for not wordsmithing and seconded Trustee Perret’s emphasis on the children’s input.

The Mayor Pro Tem noted that public comment is only useful at this point if the Board is considering changing the document. Trustee Mueller noted that he was interested in public comment to verify that those who participated are comfortable with the summary of the meetings and that the end product reflects the process they experienced.

The Board agreed that the document will be available and public comment will be



taken until August 29<sup>th</sup> and that the report will come before the Board at its September 6<sup>th</sup> meeting.

## H. OTHER BUSINESS

The Board discussed the process for selection of the new police chief. The Town has contracted with an independent law enforcement consultant to review the resumes for suitability and to conduct background and reference checks; this part of the process is complete. The Mayor handed out a sheet outlining her recommendations for the full process.

Beery recommended that the hiring committee include only two Board members, or else the hiring committee discussions and meetings would need to be open to the public, which might not be comfortable to the candidates, who likely have a reasonable expectation that their resumes and information would be confidential until they reach the finalist stage. The Board agreed. Dianne Fleming, of Nederland, suggested that a newer trustee and a trustee with more history in town be included on the committee. The Board selected the Mayor and Trustee Perret to serve on the hiring committee and asked that the Mayor serve as Chair.

## I. ADJOURNMENT

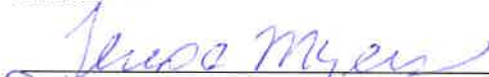
Motion to adjourn was made by Trustee Perret, seconded by Trustee Joseph, and approved unanimously. The meeting was adjourned at 9:01PM.

Approved by the Board of Trustees.



Sumaya Abu-Haidar, Mayor

ATTEST:

  
Teresa Myers, Town Clerk