

**TOWN OF NEDERLAND
BOARD OF TRUSTEES
REGULAR MEETING MINUTES:
September 6, 2011, 7:00PM**

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

A. CALL TO ORDER

Meeting convened at 7:03 PM.

B. ROLL CALL

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

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

Mayor Sumaya Abu-Haidar announced her resignation, effective immediately. The Mayor cited the enormous amount of work that the Board has attacked during the last 18 months in particular. She expressed her appreciation for the time and energy that the Board has put in. However, she noted that the political climate has become "incredibly hostile and negative," and she does not feel that she can be effective in her role as mayor any longer. She urged the community to focus on the things that bind us rather than the things that divide us. The Mayor thanked the Board and the staff. She also mentioned that she feels that many of her biggest priorities have been accomplished and noted a few that are remaining that she hopes other Trustees will pick up and pursue. She said goodbye and the audience applauded her with a standing ovation.

Mayor Pro Tem Gierlach assumed his responsibilities, in the absence of the mayor.

C. CONSENT AGENDA

- Approval of September 6, 2011 Accounts Payable
- Approval of August 16, 2011 Regular Meeting Minutes

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

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

Carla Slaughter, of Nederland, thanked the Trustees for the job they do and criticized the Town staff and the Board for their lack of respect toward the public during public comment.

Atashnaa Werner, of greater Nederland, spoke in support of a community performing arts center. She also noted the need for turn lanes onto Highway 119 from Lakeview Drive.

Paul Turnburke, of greater Nederland, spoke as a citizen and not as a DDA representative. He thanked Sumaya Abu-Haidar for her leadership and her respectful dialogue on tough issues. He challenged the community to move toward greater equanimity in discussing issues and consideration in treatment of staff. He spoke to the effect of “bullies” on the political process, and how they can dominate and control our policy discussions.

Ken Adler, of Rollinsville, spoke of the history of development in Nederland and the history of voices that have opposed that development, from Big Springs subdivision to the Black Forest building, to the shopping center, to Chipeta Park. He noted the contributions those developments have made to Nederland and to the town’s richness. He spoke in support of the sidewalks and the recreational facilities that we have.

Dallas Masters, of Nederland, spoke in support of the sidewalk project and shared his observation and surprise that the town had split itself over them. He also shared his understanding of how hard the Trustees work and how difficult it is to sit

in those chairs. He thanked Sumaya for her attention to process and her professionalism. He also thanked the volunteers on the advisory boards for all their hard work in bringing grants to the town for improvements and trails and jobs for local residents. Finally, he stressed that he does not feel that those attending the meetings necessarily represent the feelings of the entire citizenry.

Garry Sanfacon, of greater Nederland, expressed his sadness at Sumaya's departure and noted what targets town officials can be. He shared his memories of how dysfunctional town meetings used to be and the origin of the Working Agreements that govern all town meetings. He challenged the Board and the community to live by them. He urged people to use civility and respect rather than anonymous threats and name-calling. He noted that the Town staff shouldn't be subject to abusive treatment for doing its job. He commended the Board of Trustees as the "best Board" he's seen in Nederland and expressed his vocal support for their work.

Diane Wohl, of greater Nederland, explained that she is "heartsick" and that the community was "very, very lucky" to have Sumaya in a leadership position. She thanked those Trustees who have supported the Mayor. She shared her own experiences as a leader in a public forum, and urged the Board to recognize that "a very small, very well-organized group has created a perception" that their view is the main one. They do not capture the sentiment of many of the other residents who have not been as vocal. Finally, she thanked Mayor Abu-Haidar for doing "an extraordinary job."

Dianne Fleming, of Nederland, spoke to her surprise at the Mayor's departure, and thanked her and the Board for their dedication and hard work. She noted that it is not a small minority that is opposed to development and many signed a petition recently in opposition to it. This group is disappointed by the fact that their presence and participation has not affected any new development projects. Finally, she thanked the Board of Trustees for the work they do.

Teresa Warren, of Nederland, came to the meeting out of respect for Sumaya and her contributions. She noted that the current developments have been planned for many, many years, and did not happen overnight. She encouraged those who are

passionate about the town to volunteer on town boards and create plans and proactive approaches to preservation.

E. INFORMATIONAL ITEMS

1. Report on results of third-party commissioning of the Water Treatment Plant.
Reis introduced the item and explained that it was a summary and commentary written at her request by utilities supervisor Mark Clift of a report that the Board had seen earlier, but was technically dense. Trustee Mueller asked some technical questions about the report findings, and Reis answered those. The Mayor Pro Tem expressed his belief that the money for the report was well-spent, and that it will result in a better plant.

F. ACTION ITEMS

1. **Consideration of a real estate listing agreement for Town-owned property at 0 County Road 126, Block 1 Caribou Ridge, Nederland.**

Town Treasurer Eva Forberger provided background on the listing agreement. Heather Games, of Re/Max Alliance, was on hand to explain the proposal to the Trustees and field questions.

Peter Fiori, of Nederland, asked how the property is currently leveraged in the Town's books. Forberger explained the accounting details. The Board discussed the options in front of them and decided to list it at \$110,000.00.

Motion was made by Trustee Wheelock to approve the real estate listing agreement with Heather Games, seconded by Trustee Joseph, and approved by a vote of 5 to 1, with Trustee Perret voting no.

2. **Consideration of Resolution 2011-18, approving the Envision 2020 report and vision statement.**

Town Clerk Myers clarified an error in the packet. The memo included in the Envision 2020 documents was incorrectly dated for July 11, 2011 instead of August 30, 2011, and incorrectly titled. It should be titled "Residents' comments regarding the Envision 2020 final report and vision statement."

Atashnaa Werner, of greater Nederland, asked that the resolution be tabled until the next Board meeting so that residents have additional time to review the resident comments alongside the draft resolution.

Gary Sanfacon, of greater Nederland, served on the advisory committee for the Envision 2020 process, explained and provided background to the Envision 2020 process and urged the Board not to wordsmith the document extensively. He acknowledged that it is not perfect, but that it was reflective of much discussion and argument during the process.

Paul Turnburke, of greater Nederland, echoed Sanfacon's comments and his support of the resolution. He expressed support for resident Annette Croughwell's written comments.

Dianne Fleming, of Nederland, voiced support for the envisioning process and urged the Trustees to pass it tonight.

Trustee Joseph explained that he has considerable reservations about the resolution in that he has received feedback indicating that it does not, perhaps, capture the full spirit of the process. While not supporting a "massive wordsmithing" of the document, he did suggest that another meeting of the subcommittee could result in a better document.

Trustee Lee acknowledged that he would have liked to see a final community meeting to discuss the draft document but does not want to second-guess the steering committee and thinks it probably strikes a good balance and he would support passing it tonight.

Trustee Perret noted that it is a resolution and so can be revised and amended as the Board sees fit in the future. Furthermore, he argued that the Comprehensive Plan is the most important piece of this puzzle and the Board time and energy should be directed toward that.

Trustee Mueller agreed with his colleagues' comments and explained his own

process for reviewing the resident comments and reconciling them with the contents of the vision statement. He felt that upon this review process, there was enough guidance there to be useful. He echoed Trustee Perret's comment that the Comprehensive Plan will be the pivotal document.

Trustee Wheelock thanked everyone who attended the meetings and the facilitators and lauded the final product.

Mayor Pro Tem Gierlach called the report "a well-documented, snapshot" of the envisioning work of the last nine months.

Motion was made by Trustee Lee to approve Resolution 2011-18, approving the Envision 2020 report and vision statement, seconded by Trustee Perret, and approved unanimously.

3. Consideration of Resolution 2011-17, supporting the DRCOG Sustainable Communities Regional Planning Grant Program.

Town Administrator Reis and the Mayor Pro Tem provided the background for the item and explained that it is mostly a "good-faith gesture" to support these kinds of initiatives.

Motion was made by Trustee Perret to approve Resolution 2011-17, supporting the DRCOG Sustainable Communities Regional Planning Grant Program, seconded by Trustee Wheelock, and approved unanimously.

4. Consideration of Resolution 2011-19, approving the Community Emergency Plan.

Reis provided the background for the item and explained the purpose and intention of the document. In essence, it captures the response that the community had to the Fourmile Canyon Fire so that it could be duplicated and acted upon in times of community crisis in the future. Copies of the plan would be available at all Town facilities and with the Mayor for use in times of crisis. Reis noted that it would need to be reviewed and potentially updated annually. The Trustees asked a few questions about the document, which Reis answered, and debated whether the item

should be considered for approval tonight or tabled until the next meeting.

Motion was made by Trustee Joseph to approve Resolution 2011-19, approving the Community Emergency Plan, seconded by Trustee Perret, and approved unanimously.

5. Consideration of renewal of memorandum of understanding with Boulder Valley School District for cooperation with Community Center.

Reis explained that the MOU is an extension of the MOU the Board approved last year and that it will cover the current school year.

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

6. Consideration of Ordinance 695, authorizing the Town to process and issue special event liquor licenses. SECOND READING.

Myers provided the background on this item.

Motion was made by Trustee Perret to approve Ordinance 695, authorizing the Town to process and issue special event liquor licenses, seconded by Trustee Lee, and approved unanimously.

7. Consideration of appointment of Dallas Masters to the Sustainability Advisory Board (SAB).

Trustee Perret also asked that the Board appoint Jesse Seavers at this time, resulting in a complete board.

Motion was made by Trustee Lee to the appointment of Dallas Masters to the SAB, seconded by Trustee Perret, and approved unanimously.

Motion was made by Trustee Perret to the appointment of Jesse Seavers to the SAB, seconded by Trustee Lee, and approved unanimously.

8. Consideration of appointment of Laurie Enke to the Parks, Recreation and

Open Space Advisory Board (PROSAB).

Motion was made by Trustee Lee to the appointment of Laurie Enke to the PROSAB, seconded by Trustee Perret, and approved unanimously.

9. Consideration of appointment of Leonard Kottenstette to the Board of Zoning Adjustment (BZA).

Motion was made by Trustee Perret to the appointment of Leonard Kottenstette to the BZA, seconded by Mayor Pro Tem Gierlach and approved unanimously.

G. DISCUSSION ITEMS

1. Discussion of draft contract for construction of the wastewater treatment plant.

Reis introduced this item and thanked the Mayor Pro Tem for his assistance in the Town's approach to negotiating and reviewing the contract. She highlighted that the Guaranteed Maximum Price (GMP) is one of the main items still missing in the contract. Prior to the next time the Board sees the contract, this information will be filled in. She also noted that 50% of the loan is at 0% interest and 70% of the remaining half of the financing is at a very low interest rate. This contract is another piece of the WWTP puzzle – the Board has approved the engineering contract; this will add the construction contractor piece. Mike Pelphrey, of Aslan Construction, was on hand to answer questions.

Trustee Joseph had some questions regarding progress benchmarks and payment schedules and Beery answered those.

Trustee Lee asked Pelphrey some questions regarding the contract terms and he answered those. He also asked Beery about whether her concerns, as noted in the comments on the draft contract, have been adequately addressed and she explained that conversations are ongoing, as this is most definitely a draft document.

The Mayor Pro Tem asked some questions about terms of the liquidated damages and Pelphrey replied that he anticipated a 12-month schedule. Reis added that

completion is scheduled for December 2012. The Mayor Pro Tem noted that he would like to see a deadline date of December 21, 2012 for substantial completion. The Board discussed the contract deadlines, warranty periods, and contingency expenses.

The Board directed staff to move ahead with finalizing the contract.

2. Discussion of draft ordinance adopting loan agreement for wastewater treatment plant. FIRST READING.

Forberger introduced this item.

Chris Dwyer, of Nederland, asked for an explanation of how the bond is issued and how it will be paid for. Forberger explained that the bond payments will be funded from utility fees and explained how those fees would likely be assessed.

Trustee Mueller asked some questions about the terms of the loan and some discrepancies between the loan document and the ordinance. Reis agreed to go back to the bond attorney to iron out those details. Dwyer asked some clarifying questions and the Mayor Pro Tem answered them, providing background on the loan document.

The Board did not direct staff to make any changes in the ordinance for second reading.

3. Discussion of Frozen Dead Guy Days proposal and Town's participation.

Reis introduced this item and explained the background of the attached memo.

Peter Fiori, who has proposed to purchase the event from the Chamber of Commerce, was on hand to answer questions. Fiori explained his investment in the event and his requests for support from the Board.

The Trustees asked questions about Fiori's plans to address some of the concerns in Myers' post-event memo, and Fiori attended to many of them.

Trustee Perret explained that he thinks that the festival is good for the local

economy and likes the events, but has some problems with the highly alcoholic nature of the festival. He also noted that he would like Nederland to be known for its rich music heritage, not for a frozen dead man. Finally, he expressed his concerns about how the town is overrun during the event. Fiori explained that some of those concerns would be addressed through the implementation of tickets to the tents. Perret said that he would be okay with the Town's in-kind financial contribution, but not over many years.

Trustee Perret moved to extend the meeting beyond 10:00PM, which was seconded by Trustee Joseph and approved unanimously through a voice vote.

Trustee Lee noted that he finds the event to be "a major irritant" to many residents and voiced his concern that the congestion brought by the event is likely part of the polarizing feelings in town, but he also recognized that many, many people enjoy it. He asked that sound levels be reduced out of consideration for downtown residents. Trustee Lee said that he would support the in-kind Town contribution for this year again, but not for years to come.

Mayor Pro Tem Gierlach expressed his support for the event overall and said he believes that the event is better for the local economy than a self-contained event like NedFest. The Mayor Pro Tem was okay with extending the Town's in-kind support for another year and asked that public parking options be examined.

Trustee Wheelock said that she is a big fan of the event – that it is one of the reasons she and her husband moved here – and thinks that the Town gets more back from the event than is quantifiable. She thanked Fiori for assuming the responsibility for the event and thanked staff for acquiring the numbers that allow the Board to more thoughtfully determine its contribution. She also cautioned Fiori not to be too critical of previous years' management.

Trustee Mueller explained that he supports the festival and thinks that it's important to the local economy and town identity. He acknowledged that some folks in Town do not like it and he will hear those complaints each year. He applauded Fiori's plans for moving the event somewhat away from its alcohol emphasis, and his

willingness to incorporate sustainable goals into the event. Finally, Trustee Mueller spoke strongly in favor of more stringent parking requirements and encouraged staff to work on this.

Trustee Joseph supports the event and likes the ideas of charging for tent admittance and parking permits. He also supports the in-kind contributions for another year.

The Board directed that the in-kind support of Public Works for the event be included in the ongoing discussions of the 2012 Budget.

H. OTHER BUSINESS

Trustee Lee suggested that the Board have a workshop to discuss the selection of a mayor and/or filling the vacant spot. Beery provided legal guidance to the Board concerning the process for filling both the mayoral position and any potential vacancy at the Trustee level. The Trustees confirmed their support for the Mayor Pro Tem to temporarily serve in the mayor's capacity until a new mayor is selected. The Board decided to have a work session to discuss next steps.

Trustee Lee moved to extend the meeting until 10:45PM, which was seconded by Trustee Joseph and approved unanimously by voice vote.

The Mayor Pro Tem offered to carry the mayoral duties for the remainder of the term so that the Board can focus on filling the Trustee vacancy. The Board expressed their support for this. The Mayor Pro Tem also suggested a Board retreat to plan the next six months, and the Trustees agreed. The Board agreed to place the appointment of the Mayor Pro Tem as Mayor on the next agenda. At that time, they will also discuss the appointment of a new Mayor Pro Tem and a new Trustee.

Trustee Perret moved to extend the meeting until 10:48PM, which was seconded by Trustee Wheelock, and approved unanimously by voice vote.

The Trustees scheduled a Board retreat on Thursday, October 13th.

I. ADJOURNMENT

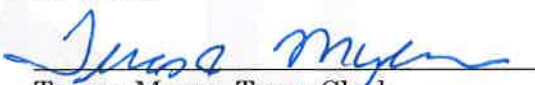
Motion to adjourn was made by Trustee Perret, seconded by Trustee Lee, and approved unanimously. The meeting was adjourned at 10:47PM.

Approved by the Board of Trustees.



Joe Glerlach, Mayor

ATTEST:



Teresa Myers, Town Clerk

