

**TOWN OF NEDERLAND
BOARD OF TRUSTEES
REGULAR MEETING MINUTES:
October 4, 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 Joe Gierlach, Mayor Pro Tem Kevin Mueller, Trustees Chris Perret, and Randy Lee.

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

C. CONSENT AGENDA

- Approval of October 4, 2011 Accounts Payable
- Approval of September 20, 2011 Regular Meeting Minutes

Motion to approve the Consent Agenda with Minutes and Accounts Payable Part A was made by Mayor Pro Tem Mueller, seconded by Trustee Perret, and approved unanimously.

Motion to approve the Consent Agenda with Accounts Payable Part B was made by Trustee Perret, seconded by Mayor Pro Tem Mueller, and approved unanimously. Trustee Lee abstained.

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

Betsy Buck, of Nederland, commented on her concerns that Trustee Lee is both the Trustee liaison to PROSAB and the chair of the PROSAB committee. She asked that a different trustee be appointed as Trustee liaison.

Gail Eddy, of Nederland, spoke to her concerns that the DDA has been meeting in violation of the “Sunshine Laws,” that agendas and minutes are not posted in a timely manner, and that financial information is not made readily available.

E. INFORMATIONAL ITEMS

1. JVA Report on review of water treatment plant.

Reis introduced the item, explained the report, and mentioned the upcoming presentation to the Board by JVA on October 18th. Mayor Pro Tem Mueller noted that he had some questions about the testing and some of the charges and hoped to meet with Mark Clift and the JVA and the controls contractor. Reis agreed.

2. Request for Proposals for the Parks/Recreation Master Plan

Reis provided the background for the RFP and she explained the RFQ review process and progress. The contract is expected to come before the Board at its November 15th meeting.

F. ACTION ITEMS

1. Consideration of appointment of Trustees to seats vacated by Joe Gierlach and Rob Joseph.

Mayor Gierlach announced the resignation earlier in the day of Trustee Rob Joseph. He further notified the Board that it could vote to install both existing candidates in the two existing vacancies.

Katrina Harms, of Nederland, spoke in support of Annette Croughwell’s application for Trustee.

Gail Eddy, of Nederland, spoke in support of Peter Fiori’s application, in addition to

her written support for Croughwell and asked the Trustees to appoint both applicants. She also expressed her sadness at Rob Joseph's resignation.

Atashnaa Werner, of Greater Nederland, seconded Gail's statements and criticized the new room set-up.

Dennis Duckett, of Nederland, spoke in support of both the Trustee candidates.

Mayor Pro Tem Mueller asked each candidate what they expected to accomplish as Board members.

Peter Fiori answered Mayor Pro Tem Mueller's question and started by expressing his support for Croughwell. He read a short statement that argued strongly for a unified Board with a common focus on the betterment of Nederland.

Annette Croughwell answered the Mayor Pro Tem's question and spoke to her commitment to Nederland as her hometown, her willingness to apply herself to the huge amount of work that the Trustees have before them, and her desire to represent her neighbors and fellow residents.

Trustee Lee expressed his disappointment that the Board had two seats to fill and his gladness that the Board had two very strong candidates.

Trustee Perret thanked both candidates for their eloquence and voiced his support for both.

Motion was made by Mayor Pro Tem Mueller to approve the appointments of Annette Croughwell and Peter Fiori to the Board of Trustees, seconded by Trustee Perret, and approved unanimously.

Trustees Croughwell and Fiori were sworn in by Town Clerk Myers.

2. Consideration of Resolution 2011-21, known as the Citizens for Sustainability Resolution.

Myers introduced the item.

Donna Kirkpatrick, of Nederland, expressed her support for the Resolution. She urged the Trustees to pass the document.

Pat Everson, of Nederland, expressed her support for the two new Trustees and her optimism for the future. She thanked those who have worked on the Resolution. She urged the Trustees to pass the document.

Karen Anderson, of Greater Nederland, spoke to the astrological aspect of the Resolution and its purpose. She supports the Resolution and its goals.

Arden Buck, of Nederland, spoke in support of the Resolution.

Richard Simonelli, of Nederland, supports the Resolution and sees it as a vision statement that could guide all decisions made by the Town. He noted specific aspects of the Resolution that would be useful in this regard.

Mikki Osterloo, of Nederland, spoke to her concerns that the Resolution seemed to be portrayed as an anti-development measure in some of the summary materials and her surprise that it has taken so long to reach the Board for a vote. She noted that it seems to dovetail nicely with the goals and concepts in the Envision report.

Suzanne Titus, of Eldora, spoke to the value of the natural resources available here and asked the Board to remember that. She urged the Board to think green, simple, and locally.

Sue Ayer, of Nederland, spoke in support of the Resolution and thanked the Board for its time and support of the Resolution.

Gail Eddy, of Nederland, thanked the Trustees and Town staff for their work on the Resolution and expressed her support for its passage.

Sandra Fields, of Greater Nederland, talked about her love of Nederland's small town atmosphere and her support for the Resolution.

Chris Dwyer, of Nederland, thanked all those who have supported the Resolution, including members of the Sustainability Advisory Board.

Atashnaa Werner, of Greater Nederland, talked about her time spent in Town Hall recently and applauded the professional yet friendly approach of the staff there.

Kunde Die, of Nederland, spoke to her love for Nederland and her hope that it will not change.

Sheldon (inaudible), talked about what brought him to Nederland and his respect and appreciation for the natural beauty and the culture of civil service present here. He hopes that Nederland does not change but stays simple and unique.

Mayor Pro Tem Mueller encouraged everyone to stay involved and to continue work to be done next. He stressed the importance of volunteers in creating and furthering Town policy.

Trustee Lee expressed support for community sustainability but also discussed his concerns about the Resolution, including its origin as a very negative, anti-development, anti-change policy document. He fears those original goals are still the goals of some supporters of the Resolution and will color their promotion of it in the crafting of future policy. He noted his support for the Natural Step program and its absence of the historical baggage this document has accumulated. He explained why he cannot support the Resolution as written, despite his support of overall sustainability goals. He urged his fellow Trustees to have the courage to take a step back and choose a different course of action and a different platform on which to build their sustainability goals.

Trustee Perret noted that resolutions are guidelines only, and that this serves as a good groundwork for a beginning. He acknowledged that some changes will be made

to the policies inherent in this document as it is fine-tuned and applied to the practical needs of the Town.

Trustee Fiori also noted that the Resolution is merely a guiding document and a good basis for a beginning. He feels that he must abstain from voting because he was not part of the process. He urged the Trustees to listen to the crowd in attendance and to move the Resolution forward.

Annette Croughwell acknowledged that the document did start as a negative item, but that it has morphed into a more positive document. She felt strongly that it now reflects the will of the citizenry and would support it with a vote.

Mayor Gierlach noted that the document in its original form was not passable for legal or pragmatic reasons, but after being vetted through the advisory boards and through Town staff, it is a different and better document. He expressed his support for the Resolution.

Motion was made by Trustee Perret to approve Resolution 2011-21, approving the Citizens for Sustainability Resolution, seconded by Mayor Pro Tem Mueller, and approved by a vote of 4 to 1, with Trustee Lee voting no and Trustee Fiori abstaining.

3. Consideration of Resolution 2011-22, approving utility rates.

Town Treasurer Eva Forberger introduced the item and explained the rate increases as necessary to loan conditions. She detailed the rate increases.

Trustee Fiori asked a few questions about the rate increases, and the Mayor Pro Tem asked about the Utility Rates Task Force formation and progress.

Motion was made by Trustee Perret to approve Resolution 2011-22, approving utility rates, seconded by Trustee Fiori, and approved unanimously.

4. Consideration of award of construction contract for the Wastewater Treatment Plant.

Reis introduced the contract and discussed the guaranteed maximum price (GMP) and how it will be reached and fulfilled. Town Attorney Beery highlighted a few changes to the contract and sections of significance.

Mike Pelphrey, from Aslan Construction, responded to some questions about the GMP and Beery talked a bit about the various fees, including the contingency fees and failure to meet deadline fees. Substantial completion of the plant is scheduled for December 2012, with final completion in June 2013.

The Mayor Pro Tem had some questions about the commencement of warranty and Pelphrey answered those, saying it would be at substantial completion. The Mayor Pro Tem expressed his support for the existing team of Aslan and Frascchetti but still has a few concerns and is wondering if he could possibly have a conference call with them to leverage any cost savings that haven't been identified yet. He also expressed some concerns about the warranties.

Trustee Perret acknowledged that there would be questions and more information in the future, but that it would be advisable to move forward with the document tonight and get started.

Gail Eddy asked some questions about the definition of "substantial completion," and the Mayor answered her questions.

Motion was made by Trustee Perret to approve the wastewater treatment plant construction contract contingent on a final GMP of no more than \$3.8 million, seconded by Trustee Croughwell, and approved unanimously.

5. Consideration of Ordinance 697, providing the BOT liaison with full voting rights on the Board of Zoning Adjustment (BZA).

Reis explained the Ordinance and that it was amended to reflect the Board's wishes at its first review on September 20.

Motion was made by Trustee Perret to approve Ordinance 697, providing the BOT liaison with full voting rights on the Board of Zoning Adjustment, seconded by Trustee Lee, and approved unanimously.

6. Consideration of the Boulder County Economic Development Grant Proposal.

Myers introduced the item and explained the grant process to the Board.

Trustee Croughwell asked a question about whether she needed to abstain, given her participation in the Holiday Mountain Market as an artist, but Beery explained that she would not need to. Similarly, Trustee Fiori asked the same question and was told he did not need to abstain at this time, given that he currently has no direct financial interest in any of the events, but, should he desire to avoid any hint of impropriety, he could abstain.

The Trustees asked some questions about the events, discussed how to best support them and divide up the grant money.

Trustee Perret suggested that those events that promote economic development the most should be emphasized, such as Frozen Dead Guy Days and the Fireworks. He noted that the events like Wild Bear's Enchanted Forest do not generate much economic vitality.

Trustee Fiori suggested that the numbers from last year be retained, with the remaining \$1,000.00 being divided equally among the repeating applicants. Trustee Perret offered an alternate motion, dividing the vast majority of the money between five of the applicants – Holiday Mountain Market, Frozen Dead Guy Days, High Peaks Art Fair, Miners Days, and Fireworks. No second on this motion was made, and so it failed.

Mayor Pro Tem Mueller expressed his disappointment that all the applicants were events. Given such, he felt that those events that support the Board's goal – which seems to be sustainability – should be favored. Of the events listed, he felt that the Wild Bear Enchanted Forest was the only event that truly forwarded that goal.

Gail Eddy disagreed with Trustee Perret and commented that she believes that the Wild Bear event does generate revenue for the town.

Katrina Harms suggested that the money be used, in one large sum, to launch a Town-wide campaign or something larger like that and offered to provide assistance to the Town in generating ideas.

Trustee Lee and Reis discussed developing priorities or guidelines for staff and would-be applicants before the next grant cycle.

Motion was made by Trustee Lee to award \$814.00 to all applicants except for the Nederland Community Champions Awards & Taste of the Peaks Competition, and instead award them \$302.00, seconded by Mayor Pro Tem Mueller, and approved by a by a vote of 4 to 1, with Trustee Perret voting no and Trustee Fiori abstaining.

G. DISCUSSION ITEMS

1. Public Hearing concerning the 2012 Budget.

Reis introduced this item and explained the budget process. Forberger led the Board and the audience through an overview power point presentation of the longer, more in-depth report contained in the packet.

Motion was made by Trustee Perret to extend the meeting until 10:30PM, seconded by Mayor Gierlach, and approved by a voice vote.

Gail Eddy asked that the DDA provide more current and frequent budget updates.

2. Discussion of the recommendations of the Mayor's Economic Development Task Force.

This item was tabled at the direction of the Mayor until the October 18th meeting.

H. OTHER BUSINESS

Trustee Lee talked about the potential emergency egress route out of Big Springs that has been identified by Reis, as well the USFS Forsythe Fuels Reduction plan

that extends approximately from Nederland east to Foothills Highway. Public commentary on the plan is open until October 14th, so those with an interest should get their comments to Reis.

Fiori supported Reis' egress plan, and the Board agreed to pursue it.

I. ADJOURNMENT

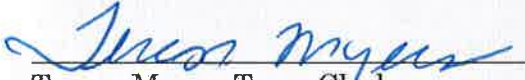
Motion to adjourn was made by Trustee Perret, seconded by Trustee Fiori, and approved unanimously. The meeting was adjourned at 10:25PM.

Approved by the Board of Trustees.



Joe Gierlach, Mayor

ATTEST:



Teresa Myers, Town Clerk

