

**TOWN OF NEDERLAND  
BOARD OF TRUSTEES  
REGULAR MEETING MINUTES:  
October 18, 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 Joe Gierlach, Mayor Pro Tem Kevin Mueller, Trustees Chris Perret, Peter Fiori, Randy Lee, and Annette Croughwell.

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

**C. CONSENT AGENDA**

- Approval of October 18, 2011 Accounts Payable.
- Approval of October 4, 2011 Regular Meeting Minutes
- Approval of Guaranteed Maximum Price for Wastewater Treatment Plant construction project

Mayor Pro Tem Mueller asked several questions about the GMP, which were answered by Mike Pelphrey, from Aslan Construction, and Reis. Trustee Lee asked some questions about how the GMP was reached and what it included.

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

## **D. STAFF REPORTS**

1. Alisha Reis, Town Administrator

Reis highlighted the Request for Qualifications for the Parks/Recreation Master Plan and Gateway Park Plan contained in her report. She asked the Board to provide any feedback to her via telephone or email.

2. Teresa Myers, Town Clerk

3. Eva Forberger, Town Treasurer

Sales tax rates for August were up by 17% over last August, due in part to a large disbursement stemming from a clerical error made by the State sales tax division. After adjusting for that, August sales tax is up approximately 10% over last year, and the retail and restaurant rates are up 7% over the first 8 months of last year.

4. Jake Adler, Town Marshal

5. Jason Morrison, Public Works Manager

6. Dawn Baumhover, Community Center Coordinator

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

1. Joe Gierlach, Mayor

The Mayor Pro Tem read his official mayor's report.

2. Kevin Mueller, Mayor Pro Tem

The Planning Commission most recently discussed the Code revision included in the Board's packet this evening. It is also working on the RFQ for a consultant for assistance with the Comprehensive Plan.

3. Randy Lee, Trustee

PROSAB met on September 22<sup>nd</sup> and finished updating its Action Plan, which will be discussed with the Board at its joint meeting in January. It modified committees and committee appointments, evaluated the Phase II Sidewalk proposal, and drafted a recommendation memo, forwarded to the Town Clerk. At its next meeting, on October 20<sup>th</sup>, the board will meet with representation from NATO (Nederland Area Trails Organization) and discuss a possible open space acquisition.

The Nederland Chamber of Commerce had its second of three reorganization meetings. Remaining members of the Chamber board will attend a retreat to discuss the outcomes of the public meetings.

4. Chris Perret, Trustee

The Sustainability Advisory Board continues its work on the sustainability scorecard.

5. Annette Croughwell, Trustee

Trustee Croughwell did not have a report.

6. Peter Fiori, Trustee

Trustee Fiori did not have a report.

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

Edwin Henniman, of Nederland, asked that the Board provide more warning around changes to the water rates and more transparency around what the fees pay for. He also noted that the sidewalk project would be good for commerce. Reis directed him to some information on the website and also asked for his contact information in order to forward him some specific information.

Atashnaa Werner, of Greater Nederland, addressed the need for a Nederland homeless shelter for women and children. She read a memo she had previously submitted to the Board, illustrating the need for such a shelter. She asked that the Board speak to the County Commissioners and Eldora Resort about the possibility of such a shelter.

**G. INFORMATIONAL ITEMS**

1. Resignation of Trustee Marci Wheelock.

Reis explained the process for filling the vacancy, suggesting a deadline of 12:00 noon on October 26<sup>th</sup> for all Trustee applications. The Board agreed through verbal vote.

2. BOT Goals Update

Reis reminded those in attendance that the goal updates are posted on the website and can be obtained from Town Hall at 303.258.3266.

## **H. ACTION ITEMS**

### **1. Consideration of project to repair backwash problem at the Water Treatment Plant.**

Forberger explained the backwash problem at the Water Treatment Plant and the approach suggested by JVA to address the issue. Josh McGibbon, of JVA, explained their recommendations. The Trustees asked some questions about the aluminum in the water and the possibility of contamination of water heading to Boulder. The Mayor asked a few operational questions, which McGibbon answered.

Motion was made by Trustee Fiori to allow Town staff to the apply for the State discharge permit related to the project, allow Town staff to lay the pipe, and selected option 2 in the JVA report for the backwash repair project, seconded by Trustee Perret, and approved unanimously.

### **2. Consideration of recommendation by Sustainability Advisory Board regarding locating of Earth Tubs compost machines at Town's Ridge Road Public Works site.**

Reis introduced the item for the Sustainability Advisory Board (SAB), explained the issues with some of the earlier sites considered, and discussed the proposed location of the Town's existing Public Works yard. Greg Willson, of Nederland Compost, spoke to the demand for a local composting site and the benefits to these kinds of tubs. He outlined the medium-term goals of the organization. Trustee Fiori asked some questions about how the tubs might be received and viewed by the neighbors, and the Trustees asked questions about the tubs attracting animals. Town Attorney Beery suggested that the Board require certain assurances from the organization in the form of a standard agreement, in exchange for allowing it to occupy Town property.

Janet Perry, of Nederland, spoke in support of the composting project.

Mayor Pro Tem Mueller asked some operational questions about the power source

and the possibility of using alternative energies to power the tubs. Trustee Perret agreed that the location was a good one and suggested that Ned Compost seek funding for alternative energies from Boulder County. He also suggested that the tubs operate only during the Public Works hours, out of consideration for the neighbors. Mayor Gierlach supported the project and spoke to the longer term possibility of siting the composting project on the new Public Works site on Ridge Road, and asked what the process was for obtaining a variance from the County in order to site it there. Reis explained that there is currently not a course for obtaining a variance but that the Board could discuss a change to the County Land Use Code to allow for composting operations in the Forestry district, in which the Ridge Road site is located.

Trustees Croughwell, Lee, and Fiori expressed their support for the project and its site on the existing Public Works yard. Trustee Fiori asked for more detail of the plan and suggested that Willson contact him separately to discuss it.

Motion was made by Trustee Perret to approve the use of the existing Town Public Works yard to site the composting tubs, seconded by Trustee Lee, and approved unanimously.

**3. Consideration of request to post fund-raising sign at Town entry longer than 30-day limit prescribed by Municipal Code.**

Reis introduced the item and explained the request. Trustee Lee raised the question of who has control over the Town entry sign. Katrina Harms, of the Chamber of Commerce, explained that the Chamber had previously controlled the sign and granted permission for temporary signs to be hung on it. Mayor Pro Tem Mueller asked for some history on other long-standing signs at that location, and Trustee Lee answered it to the best of his memory. Mayor Pro Tem Mueller asked questions about the location, and Amy DeBenedictis, Chair of the Board of Over the Rainbow, answered his question. Trustee Lee had some questions about the appearance of the sign and Harms reminded the Board that the Holiday Mountain Market event would want to also hang a sign on that spot shortly.

Trustee Perret noted that he would rather that they had a free-standing sign to place near the main welcome sign. He asked that the permanent signs not be

covered up, and that the free-standing sign not become a dangerous projectile in the wind. Trustee Fiori pointed out that the organization was willing to work with Public Works to insure that the sign would not blow in the wind. The Mayor offered his opinion that Town staff should come up with a standardized temporary free-standing sign for use at the main welcome sign and the Community Center.

Trustee Croughwell supported the variance for 90 days and seconded Trustee Lee's desire to see a drawing of the planned sign. DeBenedictis offered a hand-drawn mock-up of the sign for the Trustees' consideration. Trustee Lee made some suggestions about the placement, construction and design of the sign, and finally offered his recommendation that the Town invest in a LED sign, rather than continually create signs and banners that are used for a short time and discarded. Trustee Fiori supported the extension. Mayor Pro Tem Mueller supported the extension and he and Trustee Fiori had some questions about liability for the damage or injury caused by the sign. Beery provided some information and suggested an indemnification agreement be signed by the sign posters.

Motion was made by Trustee Perret to approve the request to post a fund-raising sign at the Town entry for 90 days along with the execution of an indemnification agreement, seconded by Trustee Croughwell, and approved unanimously.

## **I. DISCUSSION ITEMS**

### **1. Discussion of draft update to the Town Personnel Manual and employee Paid Time Off Policy.**

Reis introduced the item and explained how the personnel manual review was conducted, some significant approaches and sections that were deleted and why, and some new sections and approaches that were included and why. She talked about the ways that the changes will better manage liability risk for the Town. She asked that the Trustees forward their comments and their questions to her for consideration and review.

The Mayor raised some questions about the limitations on gifts. Trustee Lee asked for the rationale for some of the deleted sections and noted a few that he felt should added back into the current draft. Trustee Fiori suggested that purely

administrative items, such as the PTO questions, should be the domain of the Town Administrator and the Board should not involve itself. Mayor Pro Tem Mueller asked some questions about the Leave Without Pay policy. Reis made a correction to the agenda memo, noting that the final draft would not likely come before the Board until December 6<sup>th</sup>.

**2. Discussion of proposed change to Municipal Code Section 16-210, requiring paving of parking lots of 20+ spaces.**

Reis introduced the item, explained the existing Code requirement, the issue's history before the Planning Commission, and the Commissioner's recommendation to make certain changes to the Code. Mayor Pro Tem Mueller provided some detail about the Planning Commission's deliberations and rationales.

The Board talked about the drainage issues caused by paved parking lots and the potential for inconsistency in application on a case-by-case basis.

Trustee Fiori spoke out in support of the case-by-case review, and argued that one of the benefits of a small town is that we don't have the volume of cases to worry about overwhelming staff or advisory boards. Trustee Croughwell stated that she was concerned with surprising business owners with steep fees that they weren't expecting.

Trustee Perret argued against a case-by-case review of parking on the basis that it doesn't create consistency and reasonable expectations for all business owners. He stated that the variance process already exists for those businesses that want an exception. Trustee Fiori pointed out that the issue before the Board was not the number of spaces per business, but whether those spaces must be paved.

Motion to extend the meeting until 10:15PM was made by Trustee Perret, seconded by Mayor Gierlach, and approved by unanimous voice vote.

**J. OTHER BUSINESS**

There was no Other Business.

**K. ADJOURNMENT**

Motion to adjourn was made by Trustee Perret, seconded by Trustee Fiori, and approved unanimously. The meeting was adjourned at 10:01 PM.

Approved by the Board of Trustees.

  
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Joe Gierlach, Mayor

ATTEST:

  
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Teresa Myers, Town Clerk

