

**TOWN OF NEDERLAND  
BOARD OF TRUSTEES  
REGULAR MEETING MINUTES:  
November 15, 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, Trustees Chris Perret, Randy Lee, Annette Croughwell, and Janette Taylor.

Trustee Peter Fiori arrived at 7:06. Mayor Pro Tem Kevin Mueller arrived at 7:08.

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

**C. CONSENT AGENDA**

- Approval of November 15, 2011 Accounts Payable
- Approval of November 1, 2011 Regular Meeting Minutes
- Approval of agreement to join Statewide Internet Portal Authority (SIPA), with clarification to staff
- Approval of agreement for 2012 auditing services

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

**D. STAFF REPORTS**

1. Alisha Reis, Town Administrator

Reis reported on the status of the 2012 budget and commended staff and the Board for a thorough considered process, as well as the community for its involvement in the process and the better product that has resulted because of that feedback. She also announced that the Town's annual Thanksgiving Dinner would be held at the Community Center on the Sunday before Thanksgiving, and that Town Hall would be closed on Thanksgiving and the Friday after.

2. Teresa Myers, Town Clerk
3. Eva Forberger, Town Treasurer
4. Jake Adler, Town Marshal
5. Jason Morrison, Public Works Manager
6. Dawn Baumhover, Community Center Coordinator
7. Eric Pendley, SAFEbuilt, presented his report.

Trustee Taylor asked about storm clean-up and Reis provided the current status of the Town's and Xcel's clean-up efforts.

**E. Board of Trustee Reports**

1. Mayor Joe Gierlach

The Mayor highlighted the new Envision 2020 Statements board which will be hung in the Multi-purpose Room as a reminder for all Town meetings and events of the shared vision we have for our Town.

2. Mayor Pro Tem Kevin Mueller

The Planning Commission will be meeting on November 30<sup>th</sup>.

3. Trustee Chris Perret

Trustee Perret did not have a report.

4. Trustee Randy Lee

PROSAB met with the Nederland Area Trails Association, discussed the Magnolia shooting range, and considered an Open Space acquisition. Trustee Lee attended the ribbon cutting for the BVSD renovations at the Nederland High School and made some contacts that could possibly result in an IGA for mutual use of recreational facilities.

5. Trustee Annette Croughwell

Trustee Croughwell attended the Mountain Mayor's Community meeting, where the recent ham radio training was discussed; as a result of the training, Nederland now

has 9 new ham radio operators for emergency situations. The mountain community is planning for various emergency response protocols.

6. Trustee Peter Fiori

Trustee Fiori did not have a report.

7. Trustee Janette Keene Taylor

Trustee Taylor attended the BVSD Nederland High School ribbon-cutting ceremony and encouraged the community to check out the renovations.

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

Greg Ching, of Greater Nederland, reported on his group's plans for a community solar garden. He and Alvin Mites were on hand to sign up interested individuals. More information is available at [www.communitysolargardens.org](http://www.communitysolargardens.org). He also answered some questions about the solar array. Finally, Ching asked that if the sidewalks are built, that radiant heat tubing be placed within them to melt the snow and to collect solar energy.

Vera Schulte, of Nederland, spoke in favor of the sidewalks and argued that sidewalks will not attract tourists, and will encourage pedestrian traffic. She also opined that sidewalks do, in fact, increase pedestrian safety, and some subsequent pedestrian vs. car accidents do not negate that fact.

Atashnaa Werner, of Greater Nederland, attended the joint work session between the BOT and the DDA and came away with a sense of hope for future collaboration and cooperation within our community and between the boards present. She attributed that to the sensibilities of the current Board and the professionalism of the current Town staff.

Bob Svenson, of Nederland, opined that the DDA has operated "under the radar" and argued against the new sidewalks being considered. He felt that the town does not have room for more business traffic, and questioned the legality of the DDA and its jurisdictions. He urged the Board to reject the latest sidewalk proposal.

**G. INFORMATIONAL ITEMS**

1. BOT Goals Update

Reis reminded everyone that the Goals Updates are available online. She highlighted that work on the Wastewater Treatment Plant has begun, and the continuing plans to work on mobile functionality for the website.

2. Recognition of Town Marshal, Fire Department Staff

The Town honored Chief Jake Adler and members of the Nederland Fire Department for their heroic efforts saving the life of Margie Gramlich on October 5, 2011.

3. Open Space acquisition recommendation from PROSAB

Reis explained the location and nature of the property and how the opportunity arose to acquire this space for Town Open Space. Mark Goldstein from Goldstein Enterprises, Inc., a real estate and natural resources investment company, explained how his organization was working with the Town to have the Town acquire the parcel. Trustee Lee noted that the parcel was very desirable as an open space property. The Trustees asked some questions about access, financial contributions, and deadlines.

4. Citizen Statement: Unnecessary Sidewalks

Town Clerk Teresa Myers explained the petition review process.

## **H. ACTION ITEMS**

**1. Consideration of selection of firm to provide consulting services for the update of the Parks and Recreation Master Plan.**

Reis introduced this item, explained the selection process, criteria, and goals of the project. Members of the Board commended the process and Trustee Lee and Reis for their work and efforts.

Motion was made by Trustee Perret to approve the recommended firm selection for the Parks and Recreation Master Plan contract, seconded by Trustee Taylor, and approved unanimously.

**2. Consideration of Resolution 2011-23, canceling December 20<sup>th</sup> BOT meeting.**

Reis explained the basis for canceling the meeting and answered questions about planning agendas to account for the cancellation.

Motion was made by Trustee Perret to approve Resolution 2011-23, canceling December 20<sup>th</sup> BOT meeting, seconded by Trustee Taylor, and approved unanimously.

## **I. DISCUSSION ITEMS**

### **1. Discussion, continued from November 1<sup>st</sup> meeting, concerning Intergovernmental Agreement (IGA) between the Town and the Colorado Department of Transportation (CDOT) regarding Sidewalks Phase II.**

The Mayor explained that this item had been continued from the last meeting because most Trustees did not have an opportunity to comment at the last meeting. As such, the item was being resumed where it left off, at the Trustee comment period.

Trustee Croughwell shared her sentiment that this issue has created a chasm among the community and asked that everyone work together to find a solution that is a true compromise. No one is likely to get everything they want in a situation such as this. She noted that she is leaning toward accepting the CDOT money with the condition that public input be required in reaching the final project design.

Trustee Lee thanked all those who have contributed their input to the project. He observed that he believes that sidewalks will improve pedestrian safety, particularly along the highway, and that the sidewalk project will dovetail with goals of the master plan to connect various Town facilities and destinations. He noted that the night's discussion was not a referendum on the DDA, its leadership, or its communication approaches, and that it can be understood that the Town will offer greater oversight over the DDA moving forward. He noted that, for some residents, the sidewalks represent "a line in the sand" concerning the future of the Town and its planning, but he argued that those discussions are more appropriately placed in discussions concerning the Town's comprehensive plan. He urged the Board to resist an urge to try to read the will of the community through one petition or another; instead, the Town should have polled community members through a survey as part of Envision 2020. He pointed out that this was not the design phase of the project, either. He focused on the importance of long-term planning and the benefits of it for all residents. Trustee Lee argued that the existing planning documents represent the work of previous Boards of Trustees and advisory boards and should not be discarded cavalierly. Finally, he noted that rejecting the CDOT money would send negative signals to state granting officials indicating that Nederland is unable to follow-through on existing plans.

Trustee Perret expressed his opinion that, while not opposed to sidewalks in parts of Town, he thinks that the project should have been put to a vote of the people a long time ago, but that

the opportunity has passed. He offered alternatives to the existing design plan, and noted that he is disappointed that the problems generated by Phase I were not adequately studied or addressed prior to the introduction of Phase II. Trustee Perret asked that the Board direct Town staff to work with CDOT to put off acceptance of the funds until after the April vote of DDA members.

Trustee Taylor had some questions about how the DDA debt authorization would work and Reis explained that the Board would be assuming the \$18,000 debt until the DDA obtained authorization through its vote in April. There would be no Town-specific funds otherwise, only DDA district funds to match the federal funds available through CDOT. Trustee Taylor felt that the IGA should be accepted, with the condition that public involvement be part of the design process. She argued for inclusivity of residents with minor to severe accessibility concerns, and emphasized that there exist multiple surfaces beyond concrete that can serve those needs.

Staff clarified that the action before the Board tonight was really a matter of whether to proceed forward with negotiations with CDOT or not. The design aspects of the project cannot be considered until the details of the IGA are worked out, and that timeline is unclear from the CDOT end of things.

Trustee Fiori, with the assistance of Reis, explained why he could not support putting the IGA as a ballot initiative before the residents, due to the constraints created by the state fiscal year calendar. He is against Phase II because he doesn't like the plan, but he is in support of the DDA as a means to use tax dollars in positive ways. He seconded Trustee Croughwell's feeling that the joint meeting with DDA encouraged him that consensus and cooperation can be reached. Trustee Fiori felt that the new sidewalks would be a misuse of public money. He noted that the DDA master plan itself contains other options for use of the same DDA money, and he would support many of those other options. Therefore, he would reject the CDOT IGA.

Mayor Gierlach noted all of the public comment received from residents and businesses, most particularly those organizations and businesses that are on the planned route, which almost entirely supported the new sidewalk plan. He noted that there are many government functions that are not a matter of popular vote, and that the government must enfranchise the voice of minority groups, which in this case might be the elderly, the children in strollers, the disabled

or the physically-challenged. He expressed his confidence that the project can be pursued in a manner that will adequately reflect Nederland character and goals. The Mayor agreed with Trustees Croughwell and Taylor that public input be required as part of the design process.

Mayor Pro Tem Mueller questioned how the current iteration of the plan addresses the goals of increasing non-vehicular traffic; he requested that the Board try to focus its decisions on empirical data and known studies, rather than personal opinions or anecdotal evidence. He argued that the Board should use the time between now and April to obtain in-depth community in-put and more specific data. Many, many options are available when considering the project design and the IGA clauses, and all of those options should be evaluated. He took issue with the fact that the Board is being asked to approve the project, essentially as it is. The Mayor Pro Tem emphasized the “immense common ground” that exists between those who “oppose” the sidewalk project and those “in favor of” the sidewalk project. He argued again for a means to identify the Town’s goals and objectives and how to measure progress toward those goals and objectives, and he noted that he does not feel that adequate evaluation of “lessons learned” from Phase I has occurred.

Trustees Croughwell and Fiori agreed with much of the Mayor Pro Tem’s comments, specifically in terms of considering the mistakes made during the Phase I project. Fiori, however, again reminded the Board that it is out of time to put the Board-supported “Turnburke Model” into process for the Phase II project.

The Mayor talked through how the Turnburke Model could be applied in the interim, short-term months prior to the end of the current state and federal fiscal years. Trustee Taylor asked if the corrections necessary for Phase I could be identified, examined, and made simultaneous with the progression of the Phase II IGA. Reis and the Trustees discussed the project management element of Phase I and what might be different in Phase II.

The Mayor Pro Tem questioned the existence of maintenance funds to care for the sidewalks beyond the life of the DDA. The Mayor talked about the use of a civil engineer to gather the research and make recommendations for the fundamental question of whether to add more sidewalks or not.

Motion was made by Trustee Perret to extend the meeting until 10:15PM, seconded by Trustee

Lee, and approved unanimously by voice vote.

Mayor Pro Tem Mueller had some questions about what the CDOT money could legally be used for, and Reis responded that the money was designated for the engineering and design of the sidewalks along the CDOT rights-of-way. The Trustees discussed the fact that the DDA money could be used anywhere in the DDA district, and the ramifications of changing the design plan as it affects the CDOT funding.

Motion was made by Trustee Fiori to extend the meeting until 10:30PM, reserving 5 minutes for a debt authorization discussion, seconded by Trustee Perret, and approved unanimously by voice vote.

A straw poll was taken of the Board to ask whether the project was worth \$168,000 of DDA money, and which action option was favored:

Trustee Fiori: No; Do not move forward with the IGA.

Trustee Taylor: Yes; Move forward with the IGA immediately.

Mayor Pro Tem Mueller: No; Wait until April to move forward.

Trustee Perret: No; Do not move forward with the IGA.

Trustee Lee: Yes; Move forward with the IGA immediately.

Trustee Croughwell: No; Wait until April to move forward, while directing Town staff to begin implementation of the Turnburke Model.

Mayor Gierlach: Yes; Move forward with the IGA and develop an alternative design.

The Mayor asked that two Resolutions be drafted: the first to approve the IGA with CDOT, and the second to direct the DDA to implement the Turnburke Model for Phase II.

Motion was made by Trustee Fiori to extend the meeting until 10:45PM, seconded by Trustee Perret, and approved unanimously by voice vote.

There was some discussion of the debt authorization, and Town Treasurer Eva Forberger explained that the question would come before the Board after staff had completed research and preparation of the issue.



The Mayor Pro Tem asked how to direct the DDA to implement the Turnburke Model and to obtain compliance with Board direction. The Mayor advocated for a work session with the DDA to promote and facilitate that approach.

Trustee Perret argued that Phase II should not be considered until Phase I is fixed. Trustee Taylor argued that the Town could do both simultaneously.

Motion was made by Trustee Perret to extend the meeting until 11:00PM, seconded by Trustee Fiori, and approved unanimously by voice vote.

A straw poll was taken to gauge Board position on proceeding with the IGA, waiting until April, or abandoning it now:

Those in favor of proceeding now: Trustee Taylor, Mayor Gierlach, Trustee Croughwell, Trustee Lee.

Those in favor of proceeding with implementing the Turnburke Model: Trustee Lee, Trustee Croughwell, Mayor Gierlach, Trustee Fiori, Trustee Taylor, Mayor Pro Tem Mueller.

**2. Discussion of new policy concerning tiered rental fee rates and fee discounts and waivers.**

This item was tabled by unanimous voice vote until the December 6<sup>th</sup> meeting, due to time constraints.

**J. OTHER BUSINESS**

Staff sought clarification on the SIPA grant, as outlined in the packet. The Board unanimously authorized Reis to handle funds disbursement for the SIPA grant up to the amount of \$2500, above which the Board retains its authority.

Staff sought direction from the Board on the soils and concrete testing services for the new wastewater treatment plant project. Staff supports the recommendations of the consultant, Mark Weritz. The Board directed staff to bring the contract, as recommended, before the Board at its next meeting.

Trustee Perret asked to be removed from the Sustainability Advisory Board, and was informed that all new Trustee liaison assignments would be made after the first of the year, 2012.

**K. ADJOURNMENT**

Motion to adjourn was made by Mayor Pro Tem Mueller, seconded by Trustee Fiori, and approved unanimously. The meeting was adjourned at 10:57PM.

Approved by the Board of Trustees.

  
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Joe Gierlach, Mayor

ATTEST:

  
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Teresa Myers, Town Clerk

