

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

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

A. CALL TO ORDER

Meeting convened at 7:11 PM, late due to technical difficulties.

B. ROLL CALL

Present: Mayor Joe Gierlach, Trustees Chris Perret, Randy Lee, Annette Croughwell, Janette Keene Taylor, and Peter Fiori.

Absent: Mayor Pro Tem Kevin Mueller.

Also present: Alisha Reis, Town Administrator, Teresa Myers, Town Clerk, Eva Forberger, Town Treasurer, Carmen Beery, Town Attorney, and Public Works Manager Jason Morrison.

Prior to commencement of business, Trustee Fiori moved that the Board and audience offer 15 seconds of silence in recognition of the passage of "Michigan" Mike Torpie. The Board agreed and the memorial was observed.

C. CONSENT AGENDA

- Approval of December 6, 2011 Accounts Payable
- Approval of November 15, 2011 Regular Meeting Minutes
- Approval of grant application for SIPA grant to improve mobile functionality of the Town website
- Approval of GreenPlay agreement re: Parks/Rec Master Plan update
- Approval of amendment of 2011 COP agreement with Boulder County

- Approval of 2012 lease renewals for Town properties
- Approval of Resolution 2011-24, adopting the Town 2012 Holiday Schedule
- Approval of Resolution 2011-25, adopting the Town Official Notice Posting Sites

Trustee Perret moved to pull the last three items on the Consent Agenda for separate discussion and review.

Motion to approve the Consent Agenda, except for the last three items, was made by Trustee Taylor, seconded by Trustee Perret, and approved unanimously.

The Trustees discussed the police department lease and Trustee Perret argued that the shopping center landlord should donate the police department space, or the police department should be moved to the west wing of the Community Center. The Trustees discussed the feasibility of these options.

Motion to approve the Consent Agenda, lease renewals for Town properties, was made by Trustee Lee, seconded by Trustee Taylor, and approved by a vote of 5 to 1, with Trustee Perret voting no.

Motion to approve Resolution 2011-24, adopting the Town 2012 Holiday Schedule, was made by Trustee Taylor, seconded by Trustee Lee, and approved unanimously.

Motion to approve Resolution 2011-25, adopting the Town Official Notice Posting Site, was made by Trustee Croughwell, seconded by Trustee Fiori, and approved unanimously.

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

Kristin Freland, of Nederland, spoke concerning the continuation of "Michigan" Mike Torpie's NedFest. She informed the Board that a non-profit was being formed to carry out Torpie's wishes regarding the formation of a new organization to continue NedFest. She told the Board that the organization would likely be asking the Board to install power into Guercio Ballfield to provide the electrical needs of the musical festival.

Dawn Baumhover, Community Center Coordinator, told the Board about a Clothes Closet that will soon be open at the Community Center every Saturday for clothes exchange for low-income

individuals and families in the Nederland area. Eldora Mountain Resort has just signed on as a partner and will be donating cold weather wear from its lost and found area.

E. INFORMATIONAL ITEMS

1. Citizens Commendation Award from Boulder County Sheriff to Boulder County Mountain Communities Preparedness Group

Reis introduced the item and explained the reason for the award. She recognized those who have worked so hard in the area of emergency preparedness for our mountain communities.

F. ACTION ITEMS

1. **Consideration of Ordinance 699, adopting a summary of revenues and expenditures for the 2012 Budget.**

Town Treasurer Eva Forberger introduced the item and explained the document.

Motion was made by Trustee Perret to approve Ordinance 699, adopting a summary of revenues and expenditures for the 2012 Budget, seconded by Trustee Lee, and approved unanimously.

2. **Consideration of Ordinance 700, adopting 2012 Budget appropriations.**

Forberger introduced the item and explained the last minute correction made to the packet, which is included in the official and online record.

Motion was made by Trustee Taylor to approve Ordinance 700, adopting the 2012 Budget appropriations, seconded by Trustee Fiori, and approved unanimously.

3. **Consideration of Ordinance 701, adopting the 2011 Supplemental Budget**

Forberger introduced the item and highlighted some items in the supplemental budget.

Motion was made by Trustee Croughwell to approve Ordinance 701, adopting the 2011 Supplemental Budget, seconded by Trustee Taylor, and approved unanimously.

4. **Consideration of Resolution 2011-26, adopting the mill levy for the Town.**

Forberger introduced the item and explained it.

Motion was made by Trustee Fiori to approve Resolution 2011-26, adopting the mill levy for the Town, seconded by Trustee Perret, and approved unanimously.

5. Consideration of Resolution 2011-27, adopting the mill levy for the DDA.

Forberger introduced the item and explained how the DDA mill levy is different from the Town's. Trustee Fiori asked about residences within the DDA boundaries and how they are taxed. Reis explained that the boundaries are being currently analyzed and considered by the Town's lawyers.

Motion was made by Trustee Lee to approve Resolution 2011-27, adopting the mill levy for the DDA, seconded by Trustee Perret, and approved unanimously.

6. Consideration of Resolution 2011-28, adopting the 2012 Fee Schedule.

Forberger introduced the item and provided background on the creation of the proposed fee schedule. Trustee Fiori proposed that the Chipeta Park rental fees be assessed on a case-by-case basis focusing on a fee *per event* rather than on a *per day* fee. Myers and Reis explained that fees could not be negotiated on a case-by-case basis; applicants would need to apply to the Board for a special consideration. Trustee Lee asked if Trustee Fiori had a financial interest in Frozen Dead Guy Days, and Trustee Fiori explained that he no longer did.

Trustee Taylor asked for a tiered business license fee to consider small, home-based business.

Mayor Gierlach noted that the Board has chosen to waive the \$5.00 fee for dog licenses for 2012 in order to encourage residents with dogs and no licenses to obtain dog licenses for their pets, without incurring any fees.

Motion was made by Trustee Taylor to approve Resolution 2011-28, adopting the 2012 Fee Schedule, seconded by Trustee Perret, and approved unanimously.

7. Consideration of Resolution 2011-29, adopting the 2012 Water/Sewer rates.

Forberger introduced the item and explained that the rate increase for 2012 was 1/3 lower than previously anticipated, due to the attainment of a better loan rate on the new wastewater treatment plant.

Motion was made by Trustee Perret to approve Resolution 2011-29, adopting the 2012 Water/Sewer rates, seconded by Trustee Fiori, and approved unanimously.

8. Consideration of Resolution 2011-30, concerning disposition of public lands policy.

Reis introduced and explained the item and reminded the Board of the recent cases prompting the review and amendment of the policy. She also noted some changes to the policy that are being proposed. Trustee Taylor asked how other towns approach this policy, and Town Attorney Beery explained most municipalities simply vacate the unused rights-of-way, but acknowledged that it is lawful for the Town to demand some compensation for the loss of the land. The Board discussed the approaches available to it and the benefits of various approaches.

Trustee Lee noted that he supports the change and believes that the Town should receive some degree of compensation for any land it relinquishes.

Motion was made by Trustee Fiori to approve Resolution 2011-30, concerning the disposition of public lands policy, with an amendment to #3 including property tax as a consideration of a benefit to the Town, seconded by Trustee Taylor, and approved unanimously.

9. Consideration of permission to permit discharge of water to prevent freezing of service lines or water mains.

Reis introduced the item and explained the need for the official permission, per Code requirements. Trustee Croughwell clarified that there would be no additional charge to the residents, and Trustee Taylor clarified that the water would not be discharged onto the roads.

Motion was made by Trustee Perret to permit the discharge of water to prevent freezing of service lines or water mains, seconded by Trustee Fiori, and approved unanimously.

10. Consideration of appointment of Jeramy Kindle to the DDA.

Reis introduced the item and explained Kindle's interest in seeking the appointment.

Carla Slaughter, of Nederland, made a point that the applicant was a business owner but not a resident in the DDA district and has not lived in the Town very long. She explained that she would prefer to see a resident in the DDA district appointed to that board.

Paul Turnburke, Executive Director of the DDA, noted that state statute requires the Board to fill the vacancy within 30 days, and it is already behind on that time frame.

Trustees Lee and Fiori agreed that Slaughter made some good points, but the DDA could likely benefit from new energy and assistance and so support Kindle's nomination. Trustee Perret asked that applicants be required to be present at the Board meeting when appointment is sought. Trustee Taylor and Fiori noted that some of the Trustees were at the DDA meeting to hear Kindle speak and that members of the DDA were present to support the application. Trustee Croughwell seconded Trustee Perret's request that residents be encouraged to attend the meeting to answer questions about their appointment.

Motion was made by Trustee Taylor to appoint Jeramy Kindle to the DDA, seconded by Trustee Lee, and approved unanimously.

G. DISCUSSION ITEMS

1. Discussion of new snow removal policy.

Public Works Manager Jason Morrison introduced information generally about the Town's approach to snow removal and also the proposed policy for offering extended service to people over 65 or with disabilities and explained the basis for the policy.

The Trustees examined and discussed the snow plowing priority map provided, and Morrison offered some explanations as to prioritizing and the execution of the plan. The Board discussed the snow emergency routes and the Town approach to cars parked along snow emergency routes during snow events. Owners of such cars will receive one warning and then be towed by a Rollinsville-based towing company to their lot.

Morrison discussed his approach to Lower Navajo Trail, which was closed for the duration of last Winter. Morrison is currently committed to keeping it open, barring changes in the street or severe damage from storms. A new culvert is being installed on that street in an effort to avoid full closure. Trustee Fiori argued that the street should be permanently closed, as it is a consistent hazard in bad weather.

Trustee Lee asked about the wording of the section of the Code concerning the emergency snow

routes and asked if some clarification by amendment would be advisable. Reis and Morrison agreed and noted that they would be looking at it after this snow season.

Slaughter spoke to her difficulties in getting out during snow storms and her support of the idea of providing driveway punch-outs during snow events.

Turnburke shared with the Board his discussion with Morrison concerning maintenance of the DDA-maintained sidewalks. Public Works will be taking over the maintenance of those sidewalks with the existing personnel. The sidewalks will be treated similarly to a 2nd priority road.

Trustee Croughwell asked when businesses or residents adjacent to a sidewalk become responsible for maintenance of those sidewalks. Reis explained that the current agreement with the DDA allows for the DDA funds to cover the expense of the maintenance. Reis explained that most communities have this kind of code requiring adjacent property owners to maintain sidewalks.

Morrison explained to the Board his recommendation related to offering any personal service (e.g. driveway punch-outs) for residents during snow events. Morrison informed the Board that he believes that making a commitment to personal services was not fiscally feasible and would be creating expectations that the department might not always be able to fulfill, depending on the event and the personnel available.

Trustee Taylor asked for clarification concerning what was being discussed in terms of "punch-outs" and received clarification. Slaughter spoke out about the effect of snow drifts in her driveway.

Trustee Lee asked if there was a way to gauge community need for the punch-out service, and Mayor Gierlach wondered aloud if the Nederland Area Seniors would be able to assist with ascertaining the need.

Morrison stressed his concerns that the Town would be creating expectations that it couldn't actually commit to, depending on the storms' timing, duration, and severity.

The Board directed staff to acquire additional information to try to ascertain how strong demand would be for the punch-out service. Town Hall staff will be collecting names of those residents who would desire the service and will be working with the NAS to determine who those individuals may be.

H. OTHER BUSINESS

Trustee Fiori asked about replacing the blown amplifier and stolen microphone for the Board audio equipment and will work with staff to sort out the needs and security issues.

Trustee Perret asked some questions about why the Community Center kitchen ran out of hot water at the Community Thanksgiving Dinner. Reis suggested that Mayor Pro Tem Mueller would be the best source of information on this issue, as he is particularly familiar with the kitchen renovations and mechanical functionality.

The Mayor notified the Trustees that Reis would be sending out changes to the joint workshops and joint dinners over the next several months.


I. ADJOURNMENT

Motion to adjourn was made by Trustee Fiori, seconded by Trustee Perret, and approved unanimously. The meeting was adjourned at 9:52PM.

Approved by the Board of Trustees.


Joe Gierlach, Mayor

ATTEST:


Teresa Myers, Town Clerk

