

**TOWN OF NEDERLAND
BOARD OF TRUSTEES
REGULAR MEETING MINUTES:
March 20, 2012, 7:00PM**

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

A. CALL TO ORDER

Meeting convened at 7:02 PM.

B. ROLL CALL

Present: Mayor Joe Gierlach, Mayor Pro Tem Kevin Mueller Trustees Chris Perret, Randy Lee, Janette Taylor, and Peter Fiori.

Absent: Trustee Annette Croughwell

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

C. CONSENT AGENDA

- Approval March 20, 2012 Accounts Payable "A," all accounts except for Checks #26114 and #26139.
- Approval of March 20, 2012 Accounts Payable "B," Check #26114.
- Approval of March 20, 2012 Accounts Payable "C," Check #26139.
- Approval of February 21, 2012 Regular Meeting Minutes

Trustee Fiori asked some questions about some of the checks in the accounts payable.

Motion to approve the Accounts Payable "A" meeting minutes was made by Trustee Perret, seconded by Trustee Fiori, and approved unanimously.

Motion to approve the February 21, 2012 meeting minutes was made by Trustee Lee, seconded by Trustee Taylor, and approved unanimously, with Mayor Pro Tem Mueller abstaining due to his absence from the last meeting.

Motion to approve the Accounts Payable "B" was made by Trustee Perret, seconded by Trustee Taylor, and approved unanimously, with Trustee Lee abstaining due to a conflict.

Motion to approve the Accounts Payable "C" was made by Trustee Perret, seconded by Trustee Lee, and approved unanimously, with Trustee Fiori abstaining due to a conflict.

D. STAFF REPORTS

1. Alisha Reis, Town Administrator

Reis reported that Town Hall is participating in composting now through Ned Compost. The Earth Tubs will also be working in the next few weeks. Finally, she reminded those present of the Eco-Pass sign-ups at Town Hall every Friday from 2:00 to 5:00PM, and notified everyone that town staff will be contacting residents as soon as Eco-Passes are available for pick-up at Town Hall. Replacement Eco-passes cost \$25.00.

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

E. Board of Trustee Reports

1. Mayor Joe Gierlach

The Mayor reminded everyone that his report will be published in an upcoming *Mountain-Ear*. The Mayor has been working on the Town's GIS database and working with DRCOG and Boulder County officials to update the GIS information widely available about Nederland through County outlets. Participation in the DRCOG GIS network would require an \$1,800 payment to DRCOG. The Board agreed to participate in the program, approving the funding amount to be drawn from General Fund reserves.

2. Mayor Pro Tem Kevin Mueller

The Planning Commission will meet next week and the list of consultants to assist with the Comprehensive Plan update has been narrowed down to six.

3. Trustee Chris Perret

Trustee Perret attended the Sustainability Advisory Board meeting in place of Trustee Taylor, who was out of town. The SAB is working on the Sustainability Action Plan and would like to meet with the new Board of Trustees in May.

4. Trustee Randy Lee

PROSAB met twice since the last BOT meeting. On March 8th a workshop was held with Mayor Gierlach, Ryan Ludlow and Jim Webster from Boulder County, Rick Dirr, Jason Morrison, and Cesar Gellido, organizer and project manager of the Saws and Slaws program in Coal Creek Canyon, in attendance to discuss the creation of a Nederland neighborhood wildfire mitigation program modeled after Saws and Slaws. The prospects of this effort are very promising, and PROSAB is moving ahead with program planning under the direction of Forest Health committee head Alan Brewer.

Much of the regular PROSAB meeting on March 15th was devoted to a discussion with Forest Service representative Ed Parault (representatives from NATO were also in attendance, as well as Scott Gordon, an independent trails designer who authored a successful GOCO planning grant for post-fuels treatment trail work in the West Magnolia area). Parault discussed the wildfire mitigation work that will be performed in the West Mag area this summer and its impact on area trails. Also discussed were opportunities for creating new trails linkages between Nederland and surrounding areas and for improving communication and collaboration between PROSAB and the USFS.

The permanent district ranger for the forests surrounding Nederland will be Sylvia Clark from the Pleasant Grove district in Utah.

The April PROSAB meeting will include discussion about extending PROSAB utilization of volunteers, the TEENS, Inc. graffiti wall and a summer collaboration with TEENS, Inc. on a noxious weed program.

5. Trustee Annette Croughwell

Trustee Croughwell was absent.

6. Trustee Peter Fiori

The CCFB did not meet in the last month, but it has a new applicant to board, who will be considered by the Board of Trustees at a meeting later this spring.

7. Trustee Janette Keene Taylor

Trustee Taylor reported that Patrick Stewart is just as handsome in person as he is on television.

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

Gail Eddy, of Nederland, complained that Town staff has not answered election questions appropriately and requested additional oversight of those responses to residents.

Eddy also described the election processes as unfair and overly cumbersome. Reis and Myers responded to her statements. Trustee Taylor and Mayor Pro Tem Mueller asked some questions.

Kayla Evans, of Greater Nederland, thanked the candidates for participation in the Candidate Forum, but asked that, in the future, questions from the public be included. Trustee Taylor explained to Evans that the forum had necessarily been executed under very tight timeframes that didn't allow for the solicitation of public questions.

G. INFORMATIONAL ITEMS

1. 2012 BOT Goals Update

Reis highlighted some aspects of the goals update, including the update on the wastewater treatment plant construction, and reminded everyone that the update is available on the website.

2. Fire mitigation planning – Ned Sort Yard – plan for coordination with Ned Clean-up Day.

The Mayor announced that Ned Town Clean-Up day will be held on June 2nd. The Town will be coordinating with Boulder County, the Center for Resource Conservation, and other organizations to diminish the amount of landfill waste. The site has not been determined as yet.

3. Update on consultant selection for the Comprehensive Plan update.

Reis explained the RFQ scoring process, considerations and next steps. The Board directed that members of the public be solicited to join the Planning Commission as a steering committee for the project.

4. Board request to SAB to develop Nederland Sustainability Action Plan.

Trustee Lee asked if a community steering committee could be formed to participate in this process much as the steering committee for the Parks and Rec Master Plan Update does, and perhaps a consultant retained to propel the project forward and provide some expertise in planning. Trustee Lee also felt that the scope of both the document and the process should be expanded and that it should be properly funded. Mayor Pro Tem Mueller noted that it is important not to silo this action plan, but to overlay it on all projects and all other master plans. The Mayor opined that the project could provide a useful focus and goal for the SAB. Trustee Perret agreed and noted that the SAB was moving forward with its mandate to work on this project. Trustee Lee asked that the plan include measurable goals.

5. Earth Day Proclamation

The Earth Day Proclamation was read into the record and approved unanimously by voice vote.

H. ACTION ITEMS

1. Consideration of special event application for Wild Earth, a new Earth Day celebration event sponsored by Wild Bear Nature Ecology Center.

Myers introduced the item, explaining the nature of the special event and related the findings of the Technical Review Committee, which voted to permit the event.

Trustee Fiori noted that a general parking plan for events should be developed that could be used and adjusted for all events. He also asked if food vendors could be required to use compostable/recyclable food service materials. The Mayor explained the research he'd been conducting on event parking and also the opportunities to promote greater zero waste goals for food service providers.

Motion was made by Trustee Perret to approve permitting of the Wild Earth event, seconded by Trustee Fiori, and approved unanimously.

2. Consideration of Ordinance 706, updating the Nederland Municipal Code to clarify variance criteria.

Reis introduced the item and explained the background of the proposed Code change. The amendment is essentially a clarification of intent in that section of the Code. The BZA vote to

propose these changes was unanimous.

Motion was made by Trustee Perret to approve Ordinance 706, updating the Nederland Municipal Code, clarifying variance criteria with amendments by Mayor Pro Tem Mueller, seconded by Trustee Lee, and approved unanimously, with Trustee Fiori abstaining due to a belief that he did not have the capacity to vote on this item.

The Mayor called a brief recess, to reconvene at 9:05PM. The meeting reconvened at 9:07PM.

I. DISCUSSION ITEMS

1. Discussion of Resolution 2012-12, approving the Nederland Public Process.

The Mayor introduced this item and reminded the Board of the background and how the proposed process would work. Beery clarified that the NPP would only apply to public projects; the NPP cannot be applied to private applicants for a private project.

Trustees Perret and Taylor questioned where public comment or a public meeting would be included in the flow chart. The Mayor clarified that public input would be received and encouraged through the advisory board hearings or meetings, and/or possibly a requirement made by the BOT that the applicant hold a public forum or some other meeting. Trustee Taylor explained that her concern was that future Boards may not interpret the policy to require sufficient public input through the NPP.

Ron Mitchell, of Greater Nederland, argued that the Board should table the document until greater public input can be received.

Evans pointed out to the Board that it needs to be mindful that you cannot force or guarantee the public engagement. She feels that the NPP should anticipate that public comment and engagement may vary greatly, depending on the issue, and that if the public is not engaged and does not provide input, the applicant should not be held accountable.

Dianne Fleming, of Nederland, offered some minor changes to the language and noted that any public meetings that are part of the NPP need to allow ample opportunity for public participation.

Motion was made by Mayor Gierlach to approve Resolution 2012-12, approving the Nederland Public Process, with modifications to the graphic as discussed, seconded by Trustee Taylor, but then withdrawn by Mayor Gierlach.

Motion was made by Trustee Taylor to convert this item from a Discussion Item to an Action Item, seconded by Trustee Fiori, and approved by a vote of 5 to 1, with Trustee Perret voting no.

Motion was made by Mayor Gierlach to approve Resolution 2012-12, approving the Nederland Public Process, with modifications to the graphic as discussed, seconded by Trustee Taylor, and approved unanimously.

Motion was made by Trustee Perret to extend the meeting until 10:15PM, seconded by Trustee Taylor, and approved by a vote of 5 to 1, with Trustee Perret voting no.

2. Discussion of Resolution 2012-13, approving a new code of conduct for Town boards, including the Board of Trustees and advisory boards.

Reis introduced the item and explained the reasoning behind it.

Trustee Taylor suggested that the Board defer action or direction on this item until the next Board convenes. She posited that perhaps by studying it and considering its passage, the next Board might gain useful perspective. Trustees Perret and Lee agreed.

The Mayor Pro Tem offered the option of adopting it and making it "required reading" for the next Board.

Trustee Fiori and the Mayor felt that the experiences of the current Board provide a better basis to consider and approve the item than a brand new Board.

Motion was made by Trustee Taylor to convert this item from a Discussion Item to an Action Item, seconded by Trustee Fiori, and approved by a vote of 4 to 2, with Trustees Lee and Perret voting no.

Eddy offered her support for passage of the Code of Conduct.

Mitchell asked if it applied to all the Town boards and commissions, and was informed that it does. Beery also explained that the code of conduct goes further in offering guidance than what already exists in statute and case law.

Motion was made by Trustee Lee to extend the meeting until 10:20PM, seconded by Trustee Fiori, and approved by voice vote of 5 to 1, with Trustee Perret voting no.

Motion was made by Trustee Taylor to approve Resolution 2012-13, approving a new code of conduct for Town boards, including the Board of Trustees and advisory boards, seconded by Mayor Pro Tem Mueller, and approved unanimously.

J. OTHER BUSINESS

The First Quarter Budget meeting was set for May 1, 2012.

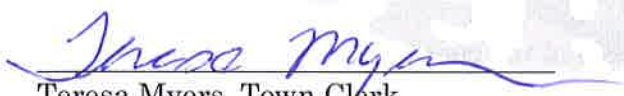
K. ADJOURNMENT

Motion to adjourn was made by Trustee Perret, seconded by Trustee Taylor, and approved by unanimous voice vote. The meeting was adjourned at 10:20PM.

Approved by the Board of Trustees.


Joe Cierlach, Mayor

ATTEST:


Teresa Myers, Town Clerk

