

**TOWN OF NEDERLAND
BOARD OF TRUSTEES
REGULAR MEETING MINUTES:
May 1, 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, Peter Fiori and Annette Croughwell.

Absent: Trustee Ledge Long.

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

C. CONSENT AGENDA

- Approval of May 1, 2012 Accounts Payable
- Approval of April 17, 2012 Regular Meeting Minutes
- Approval of Agreement with Wild Bear for use of Town-owned van
- Approval of Licensing Agreement with ASCAP
- Approval of Community Center Kitchen Leases

Trustees Perret and Fiori asked that the Wild Bear and the ASCAP agreement, respectively, be considered separately from the rest of the Consent Agenda.

Motion to approve the Consent Agenda, except for the Wild Bear agreement and the ASCAP licensing agreement, was made by Trustee Lee, seconded by Trustee Fiori, and approved unanimously.

Trustees Perret, Fiori, and Mayor Pro Tem Mueller asked about the lease agreement for the van. Forberger and Beery answered their questions about precedence, financial implications, and liability.

Trustee Fiori explained that his experience with ASCAP suggests that the Town does not need an ASCAP license and he believes that the Town does not need to comply with ASCAP's request for a license. Beery explained that it was less expensive to comply with the ASCAP request than to defend even a frivolous lawsuit later.

Motion to approve the Wild Bear Agreement and the ASCAP Agreement was made by Trustee Lee, seconded by Trustee Croughwell, and approved by a vote of three in favor (Gierlach, Croughwell, and Lee), two against (Mueller and Perret), and one abstaining due to a financial conflict of interest (Fiori).

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

No public comment was received.

E. INFORMATIONAL ITEMS

1. Presentation concerning creation of a Mayor's Task Force on Housing

Atashnaa Medicine Shield Werner, of Greater Nederland, asked the Board to create a Mayor's Task Force on Housing to study housing options for low-income families and seniors. She informed the Board of other Boulder County municipality initiatives to create more low-income housing. A general recitation of her presentation is included in the packet of record. The Board discussed the availability of current services and the increasing need for senior services due to the aging populations. The Mayor informed the Board of DRCOG initiatives in this area, and expressed his support for a Task Force to research and investigate options and opportunities.

Trustees Fiori, Lee, and Perret expressed support for creation of a Task Force.

By voice vote, the Board voted to create a Mayor's Task Force on Housing and Human Services. Interested parties can apply via Town Hall by June 1, 2012.

2. **Announcement of DDA Board application deadline and appointment procedures.**
Myers explained the DDA application procedures, and the Mayor explained how Board voting on the DDA applicants would occur.

F. ACTION ITEMS

1. **Consideration of appointment of Susan Gerhart to the Community Center Foundation Board (CCFB).**

Dale Porter spoke in favor of Gerhart's appointment and informed the Board of Gerhart's qualifications. Gerhart was available to answer any questions.

Motion was made by Trustee Perret to appoint Susan Gerhart to the CCFB, seconded by Trustee Croughwell, and approved unanimously.

2. **Consideration of appointment of Mark Stringfellow to the Board of Zoning Adjustment (BZA).**

Stringfellow was available to answer any questions. Trustee Perret asked if Stringfellow's occupation as a General Contractor in Town posed a conflict of interest. Beery replied that it did not.

Motion was made by Trustee Fiori to appoint Mark Stringfellow to the BZA, seconded by Trustee Lee, and approved unanimously.

The Mayor called a short recess. The meeting reconvened at 8:15PM.

3. **Consideration of DRCOG funding for storm water management and pedestrian pathways (NedPed).**

The Mayor, as the DRCOG representative from the Board, explained the background of the item and briefly outlined the major points. The Mayor highlighted some aspects of the design that may be considered, including building pathways or sidewalks not on CDOT rights-of-way, using materials other than concrete, employing the Nederland Planning

Process in the design consideration, and using an environmental survey company to determine impacts.

The Mayor also explained the proposed calendar for moving forward with the project, as contained within the packet. Trustees Fiori and Croughwell asked whether DDA funding could be used to fund pathways outside the DDA boundaries, and Beery responded that she would research the answers. The Mayor Pro Tem reminded the Board that it had received information from the state that DDA funds could be used outside DDA boundaries in order to achieve DDA goals.

Trustee Lee asked about staff resources to accomplish these goals, and Reis explained that oversight of this project would impact staff time on other projects. The Mayor raised the possibility of using a portion of the funding to hire a project manager to handle the details of the project. He noted that using CDOT funds to address the drainage issues in the downtown area would allow the Town to direct other resources to other problem drainage areas, such as in the Big Springs neighborhood.

Donna Kirkpatrick, of Nederland, thanked the Board for listening to the 2nd St. concerns about drainage. She noted that she hadn't wanted the town to give up the funds previously, and would be glad to see a way to have them retrieved.

Trustee Lee asked if the Board could discuss this in its goal-setting workshop. The Mayor explained that DRCOG is meeting tomorrow and he is under the gun for an answer. Trustee Perret pointed out that, in his opinion, the Board is being asked to proceed with authorization without an adequate plan, because of DRCOG deadline pressure.

Mayor Pro Tem Mueller felt that the Board was misled as to how its decision to turn down the funds originally would affect subsequent funding. He felt that the Board's previous decision should not have affected later funding, such as the Safe Routes to School grant money, which the Town lost, in part due to having accepted and then rejected the sidewalk funding. Reis explained that decisions made by funding entities necessarily contain an element of subjectivity because the scoring is conducted by people examining the application in a broader context, so that will always happen.

The Mayor Pro Tem requested that a study of the watershed be a first step and that the Town consult with a biomimicry engineer before going any further. He also made several changes to the Mayor's proposed calendar for the NPP. Trustee Fiori expressed some concerns about how to insure that the public meetings are productive and civil. The Mayor noted that mediators could be hired to run the meetings, and the Mayor Pro Tem added that people are going to need to get their opinions – and frustrations – out as part of the process.

Trustee Perret asked that all experts hired be familiar with the unique concerns and problems faced by mountain communities.

Trustee Fiori expressed his disappointment that so few members of the public appeared at the meeting, but he said he chose to view their absence as a demonstration of faith in the new Board. He voiced his support for the ambition of the Mayor's plan. He also commended staff for their commitment to working with this process, and he supported the changes offered by the Mayor Pro Tem. He encouraged the Mayor to exercise the continued leadership necessary to keep the public meetings productive and civil.

Trustee Lee opined that he is not entirely comfortable with the heavy workload, both for the Board and for staff. He is worried that the tone of the public meetings will spoil the conversation or hijack the outcome of the discussion.

Motion was made by Mayor Pro Tem Mueller to extend the meeting until 10:15PM, seconded by Trustee Fiori, and approved by a voice vote of five to one, with Trustee Perret voting no.

Trustee Croughwell supported the process and thought it will demonstrate to the constituents that a public process can be employed to address some large infrastructure problems in Town and also potentially reclaim substantial funding.

Trustee Perret felt that it is not a good idea to proceed without additional public input. He agrees that the drainage problems on 2nd St. need to be addressed but was concerned that Trustee Fiori's assumption that the public has faith in the current Board is possibly

misplaced. He commended the Mayor's work toward organizing the project and creating the calendar.

Motion was made by Trustee Fiori to extend the meeting until 10:30PM, seconded by Trustee Croughwell, and passed by a voice vote of five to one, with Trustee Perret voting no.

Mayor Pro Tem Mueller said he supports pursuing the money in order to gather additional information and design ideas to adequately address infrastructure and traffic and pedestrian circulation issues.

Motion was made by Trustee Perret to direct the Mayor to convey to DRCOG that the Town intends to proceed with the project, that staff to continue working on this project in accordance with the guidelines outlined in the materials, and that \$58,000 of DDA funding be applied toward this project, seconded by Trustee Fiori, and approved unanimously.

4. **Consideration of Ordinance 707, approving an amendment to the Use Group Table in the Nederland Municipal Code Section 16-32, to authorize Bed and Breakfast uses as a Special Review Use in residential and commercial zoning districts.**

This item was tabled to the June 19th meeting.

5. **Consideration of Ordinance 708, adding parking lot guidelines to Design Guidelines and Standards.**

This item was tabled to the May 15th meeting.

G. DISCUSSION ITEMS

1. **Discussion of amendments to Chapter 2 of the Nederland Municipal Code.**

Beery introduced the item and explained her suggested changes. Mayor Pro Tem Mueller felt that the public comment portion of the Code should be retained, and his opinion was supported by Trustees Perret, Croughwell, and Mayor Gierlach, Trustee Fiori disagreed and opined that the Mayor should be able to control the meeting and the length and degree of public comment in order to insure decorum and productivity of meetings. Trustee Lee agreed with Trustee Fiori's comments.

Motion was made by Mayor Pro Tem Mueller to extend the meeting until 10:45PM, seconded by Trustee Fiori, and passed by a voice vote of five to one, with Trustee Perret voting no.

2. Discussion of Town contribution toward employee health/dental/vision benefits.

Reis introduced the item and reminded the Board of previous discussions on these issues during budget conversations. Forberger explained the details of the plan options and how various possibilities would affect both the Town budget and employees.

Trustee Lee suggested that the Board move the item to an Action Item.

Motion was made by Trustee Perret to move the item to an Action Item, seconded by Trustee Fiori, and approved unanimously.

Motion was made by Trustee Fiori to approve the proposed changes to the Town contribution for employee health/dental/vision benefits, seconded by Trustee Croughwell, and approved unanimously.

Motion was made by Trustee Fiori to extend the meeting to 11:00PM, seconded by Mayor Pro Tem Mueller, and approved unanimously.

H. OTHER BUSINESS

I. ADJOURNMENT

Motion to adjourn was made by Trustee Perret, seconded by Trustee Croughwell, and approved by unanimous voice vote. The meeting was adjourned at 11:00PM.

Approved by the Board of Trustees.

ATTEST:


Teresa Myers, Town Clerk



