

**TOWN OF NEDERLAND
BOARD OF TRUSTEES
REGULAR MEETING MINUTES:
May 15, 2012, 7:00PM**

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

A. CALL TO ORDER

Meeting convened at 7:06 PM.

B. ROLL CALL

Present: Mayor Joe Gierlach, Mayor Pro Tem Kevin Mueller, Trustees Chris Perret, Randy Lee, Ledge Long, Annette Croughwell and Peter Fiori.

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

C. CONSENT AGENDA

- Approval of May 15, 2012 Accounts Payable, Schedule "A"
- Approval of May 15, 2012 Accounts Payable, Schedule "B"
- Approval of May 1, 2012 Regular Meeting Minutes
- Approval of Motor Vehicle Review Policy amendment to the Personnel Policy Manual

Motion to approve the Accounts Payable, Schedule A and the May 1, 2012 meeting minutes was made by Trustee Lee, seconded by Trustee Fiori, and approved unanimously, with Trustee Long abstaining due to his absence at the previous meeting.

Motion to approve the Accounts Payable, Schedule B, was made by Trustee Perret, seconded by Mayor Pro Tem Mueller, and approved unanimously, with Trustee Lee abstaining due to a conflict of interest.

Trustee Lee requested that the Motor Vehicle Review Policy be considered separately. He expressed concerns that some of the violations listed as “minor” within the policy were actually “major” in his opinion and he questioned whether the policy should be amended to reflect that. Many of the trustees agreed with Trustee Lee’s assessment, but felt that the policy should be flexible to allow for consideration of circumstances and allow the Town Administrator and department heads to craft corrective actions measures that are the most appropriate, up to and including termination of employment.

Motion to approve the Motor Vehicle Review Policy amendment to the Personnel Policy was made by Trustee Perret, seconded by Trustee Long, and approved unanimously.

D. STAFF REPORTS

1. Alisha Reis, Town Administrator

Reis highlighted some of the public meeting dates for the Parks and Rec Master Plan Update, as contained in her report.

2. Teresa Myers, Town Clerk

Myers noted that the Clerk’s Office has begun a partnership with the Chamber of Commerce and will be exploring new approaches to an economically sustainable business community, including re-examining the economic development grant awards.

3. Eva Forberger, Town Treasurer

Forberger requested that the Board approve a small expenditure for the use of DDA funds to purchase flowers to beautify the CBD, which the Board did by verbal agreement. .

4. Jake Adler, Town Marshal

5. Jason Morrison, Public Works Manager

6. Dawn Baumhover, Community Center Coordinator

Baumhover was not present, but Reis highlighted the success of the 9HealthFair, which served approximately 300 people this year. She noted that the Town was beginning a transition to a volunteer event coordinator, rather than a staff event coordinator.

E. BOARD OF TRUSTEE REPORTS

1. Mayor Joe Gierlach

The Mayor's report highlighted some aspects of his "Mayor's Corner" to be published in the Mountain-Ear.

2. Mayor Pro Tem Kevin Mueller

The Planning Commission is prepared to select a firm to assist with the Comprehensive Plan.

3. Trustee Chris Perret

The BZA did not meet.

4. Trustee Randy Lee

PROSAB met and considered the Teens, Inc graffiti wall request, the creation of a noxious weed removal program in partnership with Teens Inc, and the draft of a new memorial policy. The date for the first Saw and Slaws event will be announced shortly.

5. Trustee Annette Croughwell

The DDA has not met. The next meeting is tentatively set for next Tuesday at 8:00AM at the Pioneer Inn. The Intermountain Alliance will be meeting next week and will be joined by Senator Rollie Heath.

6. Trustee Peter Fiori

Trustee Fiori reported that the CCFB is constructing a new marquee sign and requesting community donations to support the cost of the sign.

7. Trustee Ledge Long

Trustee Long highlighted the drainage mitigation conducted near Navajo Trail and suggested that it should be replicated all over town.

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

Kathleen Chippi, of Greater Nederland, spoke against the use of DDA money to plant flowers in the downtown area. She opined that the Board should allow the new DDA board to make that decision.

G. INFORMATIONAL ITEMS

1. 2012 BOT Goals Update

Reis informed the Board that the Town has received a \$4,000 reimbursement toward the Saws and Slaws program and for a fall slash pick-up program. The grant will

reimburse the Town for up to \$4,000, based on a rate of reimbursing 40% of the Town's chipping and hauling incurred costs for the program,

2. Proposed change to Nederland Municipal Code Chapter 16, amending sections concerned with non-conforming lots and structures.

Reis notified the Board that an ordinance to repair these issues will come before them in June, and broadly answered the Board's questions about how this will be addressed.

H. ACTION ITEMS

1. **Consideration of permission for Teens, Inc. to allow a graffiti wall on Town property at the Teen Center site.**

Emma Quarterman, Lara Ruggles, and Paul Fruth spoke on behalf of a graffiti wall on Town property, as built and maintained by the teen group, VIEW. Quarterman explained the teens' meetings with the advisory boards, the advisory boards' recommendations, and the teens' responses to those recommendations. Fruth reported on VIEW's fundraising efforts.

Trustee Fiori expressed some concern about who was determining "vulgarity," and Ruggles explained that they would be mostly concerned with material that might offend young children and families.

Trustee Croughwell asked the teens to be cooperative with the police if the graffiti wall prompted an increase in tagging around town in general. Ruggles acknowledged that the teens would definitely collaborate with the local police in this fashion and focus on restorative justice approaches.

Kathleen Chippi, of Greater Nederland, congratulated the teens and supported the wall.

Pam North, of Greater Nederland, suggested that the Teens treat the two sides of the wall differently and that they keep a photographic record of the art work.

Trustee Fiori suggested a time lapse photography project, and Trustee Croughwell asked if there were any tagging classes available for adults interested. Trustee Lee asked that any motion include a provision that any tagging in the skate park be cleaned up within 24

hours by teen wall supporters. Trustee Perret asked that the teens consider making it structurally stronger to support possible future solar panels.

Ruggles announced that Teens, Inc will be having a bar-b-que and practice "tagging party" on Saturday at noon and all were invited.

Motion was made by Trustee Lee to grant permission to Teens, Inc for a graffiti wall on Town property at the Teen Center site with the provision that any tagging at the skate park be removed within 24 hours by the teens, and that town staff be directed to negotiate a revision of the agreement with NedSk8 regarding skate park graffiti clean-up, seconded by Trustee Perret.

Trustee Fiori moved to amend the first motion to remove the third portion concerning the negotiation of revision to the NedSk8 agreement, seconded by Trustee Long, and rejected by a vote of 4 to 3, with Mayor Gierlach, Trustee Lee, Trustee Long, and Trustee Perret voting no.

The original motion was approved unanimously on a subsequent vote.

2. Consideration of Special Event request to allow camping in Chipeta Park during NedFest.

Myers introduced the item and explained the staff recommendation for a damage deposit of \$5,000.00. Rob Savoye, of Rollinsville, and the Chairman of the NedFest non-profit organization was on hand to answer questions from the Board.

Lynn Hanna, of Nederland, asked whether other people or groups might use Chipeta Park during that weekend and potentially cause damage that would then be credited to NedFest. Myers explained that the event would have exclusive use of the park for the duration of the event.

Chippi argued that the town has over-regulated various aspects of community life. She further shared that she believes NedFest has been good for the Town.

Trustee Fiori asked Myers and Morrison several questions about the deposit amount and the application of the deposit to other events. He also asked Savoye questions about the camping event.

Trustee Lee asked Morrison how he had reached the deposit amount and Morrison explained. Trustee Perret highlighted that the camping at Chipeta has been peaceful and hasn't resulted in damage. Trustee Croughwell opined that the town needs a policy to consistently apply to large events. Trustee Fiori argued that the deposit was set too high, that the camping has never been a problem, and that the event does a lot of financial good to the town as a whole. The Mayor Pro Tem felt the Town should assume the responsibility for the camping and that a \$1,000 deposit was reasonable. The Mayor agreed with a \$1,000 deposit and was in favor of camping.

Motion was made by Trustee Fiori to permit camping without a deposit in Chipeta Park the weekend of NedFest, seconded by Mayor Pro Tem Mueller, and approved by a vote of 6 to 1, with Trustee Lee voting no.

3. Consideration of Ordinance 707, adding parking lot guidelines to Design Guidelines and Standards.

Reis introduced the item and answered some questions raised by the Mayor Pro Tem.

Motion was made by Trustee Perret to approve Ordinance 707, adding parking lot guidelines to Design Guidelines and Standards, seconded by Mayor Pro Tem Mueller, and approved unanimously.

4. Consideration of Ordinance 708, authorizing the Town Marshal to issue a fire ban.

Reis introduced the item on behalf of the Police Chief. Trustee Lee offered some suggested changes to the ordinance.

Motion was made by Trustee Lee to approve Ordinance 708, authorizing the Town Marshal to issue a fire ban, with the deletion of sections c(4) and c(5) seconded by Trustee Croughwell, and defeated by a vote of 6 to 1, with Trustee Lee voting yes.

Motion was made by Trustee Fiori to approve Ordinance 708, authorizing the Town Marshal to issue a fire ban, with the deletion of section c(5), seconded by Trustee Long, and approved unanimously.

The Mayor called a short recess. The meeting reconvened at 9:39PM.

5. Consideration of Special Review Use for the Roasted Toad BBQ, 229 Boulder Canyon Dr.

Reis introduced the item and David Walter introduced himself, explained his business plan, and answered questions from the Board, including questions about his zero waste containers and initiatives and his smoker operations.

Chippi spoke in support of the new business.

Motion was made by Trustee Fiori to grant the special review use for the Roasted Toad BBQ, 229 Boulder Canyon Dr., in accordance with the Planning Commission's recommendation, seconded by Mayor Pro Tem Mueller, and approved unanimously.

6. Consideration of DDA Board appointments.

The Mayor explained how the voting process would proceed.

Motion was made by Trustee Fiori to extend the meeting to 10:15PM, seconded by Trustee Croughwell, and approved unanimously by voice vote.

The applicants were asked to speak and state their preference for a term length. The Board asked questions of the applicants. Chippi stated that she was focused on fixing previous problems and holding people and organizations accountable. Will Guercio focused his comments on smart planning and leadership. Donna Kirkpatrick expressed her desire to participate in town policymaking and to help guide new planning projects. Ron Mitchell noted his earlier DDA service and opined that he could be more effective now than earlier. Pat Everson and Mary Ann Rodak-Friedman were unable to be present, and both wrote letters of explanation for their absence. Scott Smith did not attend and did not submit a letter of explanation.

Motion was made by Trustee Fiori to extend the meeting to 10:30PM, seconded by Trustee Lee, and approved unanimously by voice vote.

The Board voted for their appointment and term choices, discussing options until consensus had been reached.

Motion was made by Mayor Gierlach to appoint Pat Everson to the DDA Board for a term of two years, seconded by Trustee Fiori, and approved unanimously.

Motion was made by Mayor Gierlach to appoint Donna Sue Kirkpatrick to the DDA Board for a term of two years, seconded by Trustee Fiori, and approved unanimously.

Motion was made by Mayor Gierlach to appoint Will Guercio to the DDA Board for a term of one year, seconded by Trustee Croughwell, and approved unanimously.

Motion was made by Mayor Gierlach to appoint Ron Mitchell to the DDA Board for a term of one year, seconded by Trustee Lee, and approved unanimously.

Motion was made by Mayor Gierlach to appoint Mary Ann Rodak-Friedman to the DDA Board for a term of 6 weeks, seconded by Trustee Croughwell, and approved by a voice vote of 6 to 1, with Trustee Perret voting no.

Motion was made by Trustee Lee to extend the meeting to 10:45PM, seconded by Trustee Fiori, and approved by a voice vote of 6 to 1 with Trustee Perret voting no.

7. Consideration of RFP award for Comprehensive Plan Updates.

Reis introduced the item and explained the Planning Commission's process and recommendations.

Motion was made by Trustee Lee to approve the RFP award for the Comprehensive Plan Updates, seconded by Trustee Long, and approved unanimously.

I. DISCUSSION ITEMS

1. Discussion of permission to allow the Chamber to post an art sign at the Visitor's Center.

Reis introduced the item and explained that the lease of the Visitor Center to the Chamber requires any permanent changes to the Visitor Center be approved by the Board. Katrina Harms of the Chamber of Commerce was on hand to answer questions.

Motion was made by Trustee Fiori to extend the meeting to 11:00PM, seconded by Trustee Croughwell, and approved by a voice vote of 6 to 1 with Trustee Perret voting no.

Some Trustees were ready to move the item to action, but others felt that more discussion was necessary. The Trustees discussed whether the Town is at risk of being known only for Frozen Dead Guy Days and that such association would diminish the other attributes of the Town. They asked Harms to reevaluate the proposal and bring it back to them in June for further discussion.

J. OTHER BUSINESS

Trustee Perret asked that every agenda contain no more than 5 agenda items.

K. ADJOURNMENT

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

Approved by the Board of Trustees.



Joe Gierlach, Mayor

ATTEST:



Teresa Myers, Town Clerk

