



# TOWN OF NEDERLAND BOARD OF TRUSTEES REGULAR BUSINESS MEETING

NEDERLAND COMMUNITY CENTER  
750 Hwy 72 Nederland, CO 80466

April 2, 2013, 7:00 P.M.

## AGENDA

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- A. CALL TO ORDER**
- B. ROLL CALL**
- C. CONSENT AGENDA**
- Approval of April 2, 2013 Accounts Payable.
  - Approval of March 19, 2013 Regular Meeting Minutes.
  - Amended Memorandum of Understanding between Town and Teens, Inc.
- D. PUBLIC COMMENT ON NON-AGENDA ITEMS** (Speakers limited to 3 minutes)
- E. INFORMATIONAL ITEMS**
1. Proclamation for Earth Day.
  2. Proclamation of thanks to the U.S. Forest Service for closing Magnolia Road site to shooting.
  3. Proclamation of thanks to Bill Martin.
  4. Update on Visitor's Center concessionaire process.
  5. Update on bus stop improvement project.
- F. ACTION ITEMS**
1. Consideration of appointment of Baird Morrish to the Parks, Recreation and Open Space Advisory Board (PROSAB)
  2. Consideration of Resolution 2013-04, Declaring Board's position against the Practice of Fracking.
- G. DISCUSSION ITEMS**
- No Discussion Items are scheduled.
- H. OTHER BUSINESS**
- I. ADJOURNMENT**

The Board of Trustees encourages citizen participation. Public hearings and the "unscheduled citizens" agenda item allow an opportunity to address the Board. Discussion is limited to 3 minutes and please address your comments to the Board. Thank you for your cooperation.

The Board of Trustees may take action on any item included on this agenda, regardless of the heading under which such item appears. Discussion items may become action items if the Board determines that deferring final action on an item to a subsequent meeting is unnecessary or unwarranted and that taking immediate action does not compromise any third-party's rights.

The Board of Trustees meeting packets are prepared by Friday before the Tuesday meetings and are available for inspection at Town Hall during normal business hours. The information is reviewed and studied by the Board of Trustee members, eliminating lengthy discussions to gain basic understanding. Short discussion on agenda items does not reflect lack of thought or analysis. The agendas are posted at Town Hall, the post office, and on the Town's website on the Friday prior to the meeting. Copies of the agenda and meeting packet are available at no cost via email from the Town Clerk or from the Town website at [www.nederlandco.org](http://www.nederlandco.org).



**TOWN OF NEDERLAND**

**WARRANTS**

**WARRANTS FOR 04/02/2013**

<b>Date</b>	<b>Number</b>	<b>VENDOR</b>	<b>AMOUNT</b>	<b>DESCRIPTION</b>
21-Mar	27192	Ace Hardware	\$ 758.13	minor parts & equipment for Town facilities
21-Mar	27193	Accurate Payroll Solutions	\$ 150.00	monthly payroll processing fee
21-Mar	27194	Aslan Construction	\$ 214,019.15	Pay App 15 for construction of wastewater plant
21-Mar	27195	AT&T	\$ 240.28	monthly cell phone for Town employees
21-Mar	27196	AV-Tech	\$ 245.03	minor equipment Police vehicle
21-Mar	27197	B&F	\$ 79.76	misc. supplies for Town
21-Mar	27198	Canon Financial Services	\$ 148.00	monthly copier lease
21-Mar	27199	Canon Business Solutions	\$ 36.75	quarterly minimum charge for maintenance
21-Mar	27200	CMCA	\$ 25.00	training for Town Clerk
21-Mar	27201	Commerce Bank	\$ 3,580.45	monthly lease payment for Front Loader/Police vehicle
21-Mar	27236	Dana Kepner	\$ 1,040.35	minor equipment for water plant/water meter project
21-Mar	27203	The Deli @8236	\$ 48.00	NedWeb Program
21-Mar	27204	Don Murphy	\$ 360.00	welding services for water department
21-Mar	27205	DPC Industries	\$ 210.91	chemicals for water/sewer
21-Mar	27206	East Street Garage	\$ 150.45	oil change and other maintenance
21-Mar	27207	Accutest Mtn States	\$ 433.00	lab testing for water
21-Mar	27208	Ferguson Enterprises	\$ 500.00	water meter project
21-Mar	27209	Five Star Products	\$ 561.82	chemicals for water/sewer
21-Mar	27210	Frachetti Engineering	\$ 15,015.25	engineering for construction of wastewater plant
21-Mar	27211	General Air	\$ 21.67	minor parts & equipment for public works
21-Mar	27212	Grainger	\$ 1,255.50	new thaw box
21-Mar	27213	Greenplay	\$ 1,611.00	final invoice for parks and rec master plan
21-Mar	Auto	Home Depot	\$ 139.89	minor parts & equipment for public works/wastewater plant
21-Mar	27215	Indian Peaks Electric	\$ 54.50	electrical work at community center
21-Mar	27216	Interwest Safety Supply	\$ 123.55	minor parts & equipment for public works
21-Mar	27217	James Sincok	\$ 375.00	quarterly website maintenance
21-Mar	27218	Kathmandu	\$ 32.00	NedWeb Program
21-Mar	Auto	Mutual of Omaha	\$ 6,935.59	50% payment for carpet for PD/printer ink/recording/training/on road service repairs for public works/wastewater plant equipment
21-Mar	27219	Mountain Truck & Equip	\$ 187.51	minor parts & equipment for public works
21-Mar	27220	Napa Auto Parts	\$ 108.20	minor parts & equipment for public works
21-Mar	27221	Nederland Feed Store	\$ 96.00	NedWeb Program
21-Mar	27222	New Moon Bakery	\$ 32.00	NedWeb Program
21-Mar	27223	Nicodemus Plumbing	\$ 500.00	Town Pipe repairs
21-Mar	27224	Pioneer Inn	\$ 32.00	NedWeb Program
21-Mar	27225	Ramey Environmental	\$ 13,364.52	SOP/Maintenance Manual/Asset Management Plan
21-Mar	27226	TASC	\$ 505.00	annual fees for flex plan administration
21-Mar	27227	Tire Distribution Systems	\$ 2,827.24	new tires and wheels for sand truck
21-Mar	27228	TZA Water Engineers	\$ 524.50	engineering related to water augmentation
21-Mar	27229	USA Forest Service	\$ 2,279.98	annual land lease for water plant
21-Mar	27230	USA Blue Book	\$ 2,223.37	equipment for water and sewer plants
21-Mar	27231	USTI	\$ 12,775.00	new software for Town (GL/Utilities/Court/Licensing)
21-Mar	27232	Very Nice Brewing Company	\$ 16.00	NedWeb Program
21-Mar	27233	Vranesh & Raisch	\$ 189.00	legal services related to water augmentation
21-Mar	Auto	Wells Fargo Equip Finance	\$ 2,167.44	monthly lease payment on Chevy Silverados
21-Mar	27234	Mary Wingate	\$ 4,000.00	quarterly payment for land acquisition
21-Mar	27235	CMCA	\$ 25.00	training for Town Clerk
22-Mar	27237	Xcel	\$ 7,791.81	monthly electric/gas bill
1-Apr	27238	CEBT	\$ 9,264.62	monthly health insurance
1-Apr	27239	Caribou	\$ 750.00	monthly rent for police department
1-Apr	TBD	Aslan Construction	\$ 143,546.12	Pay App 16 for construction of wastewater plant
<b>Total Non Payroll Warrants</b>			<b>\$ 451,356.34</b>	

**TOWN OF NEDERLAND  
BOARD OF TRUSTEES  
REGULAR MEETING MINUTES:  
March 19, 2013, 7:00PM**

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

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**A. CALL TO ORDER**

Meeting convened at 7:00PM.

**B. ROLL CALL**

Present: Mayor Joe Gierlach, Mayor Pro Tem Kevin Mueller, Trustees Randy Lee, Annette Croughwell, and Chris Perret. Trustee Long joined the meeting after roll call was taken.

Absent: Trustee Peter Fiori.

Also present: Alisha Reis, Town Administrator and Michele Martin, Town Clerk.

**C. CONSENT AGENDA**

- Approval of March 19, 2013 Accounts Payable, Schedule A.
- Approval of March 19, 2013 Accounts Payable, Schedule B.
- Approval of March 5, 2013 Regular Meeting Minutes.
- Approval of Software Licensing Agreement with USTI for new Town software.
- Revised Fee Schedule (updated Liquor License Renewal Fees).

Mayor Pro Tem Mueller had a comment in regards to the March 5 minutes. He remembered a hand vote directing staff to include energy audits into rental licensing. Motion to direct staff to include either energy audits or energy upgrades, similar to what Boulder County Housing Authority offers, into the rewriting of rental licensing regulations was made by Mayor Pro Tem Mueller, seconded by Trustee Lee and passed.

Trustee Croughwell had a question regarding the street light charge from Xcel. Reis explained that was the monthly charge for power. Blinking street lights were discussed, and as per the Town's franchise agreement with Xcel, we are to report when there is blinking so that they can be repaired. A location of the faulty street light needs to be reported for repairs. It was asked of

Reis to contact Xcel to ensure the Town is receiving the most cost effective and efficient street lights.

Motion to approve the Consent Agenda, Schedule A, was made by Trustee Perret, seconded by Trustee Croughwell and passed.

Motion to approve the Consent Agenda, Schedule B, was made by Trustee Perret, seconded by Trustee Croughwell and passed, with Trustee Lee abstaining.

#### **D. STAFF REPORTS**

##### **1. Alisha Reis, Town Administrator**

Reis provided an update on the new Wastewater Treatment Plant. The Town has entered the start-up of all machinery and the training phase of the plant. The sludge removal and decommissioning of the north pond is expected in early April.

Mayor Pro Tem Mueller asked about close-out specifications of the two current outbuildings and how they fit into the LEED Rating system. Reis said the original headworks building will be demolished, and the chlorine contact building will be left in place to be used for the water exchange project with the Teen Center and as maintenance and storage. Mueller suggested contacting the Center for Resource Conservation or the Resource Yard to have them help determine what could be deconstructed on the old headworks to avoid contributing the building to the landfill.

Reis provided information on the following upcoming meetings and events:

- CCFB joint workshop with the BOT, April 9 at 6pm
- 9Health Fair, April 13
- CIRSA Training for the Board, May 14 at 6pm

The final version of the Nederland Parks, Recreation, Open Space and Trails Master Plan will be available soon on the website and a hard copy will be available at Town Hall for public viewing.

Reis will meet with the Visitor's Center RFP Review Committee tomorrow, March 20 to interview the two applicants. A recommendation is planned to be before the BOT at their meeting on April 2.

##### **2. Michele Martin, Town Clerk**

Town Clerk's Report was part of the packet.

##### **3. Eva Forberger, Town Treasurer**

Mayor Gierlach would like to see the financials from Frozen Dead Guy Days (FDGD). Reis explained the post-event committing meetings are usually scheduled a month after the event.

4. Jake Adler, Town Marshal

Reis presented Chief Adler's report. Discussion ensued on the noise from the FDGD event, which continues to be a significant issue. Reis suggested holding a work session to discuss all special events as they pertain to traffic, noise, location, and impact.

Trustee Lee read from the Resolution for Preservation of Nederland's Character and Sustainability of its Community, which calls upon Town officials to critically assess the impact of Town events and said he wants such an assessment to take place before another event comes before the Board. Trustee Lee said he is convinced that event organizers are incapable, or unwilling, to regulate the noise and that the Town can't seem to control these events. Reis will send around an email of dates to hold this work session and has asked the Board to let her know the specific subjects to be covered, so that staff can conduct some further research prior to a work session. It was suggested to also hold a public forum to get the community's feedback on these events as well.

5. Jason Morrison, Public Works Manager

Reis presented Morrison's report. Public Works has been concentrating their time the past couple of weeks working on restoring water to families in the Big Springs neighborhood that had experienced freezing in their water service lines. Potholes on East First and Second Streets were discussed. The Town is working with the NedPeds project for the long-term repair, but the timing is too far out, so Public Works has been making weekly repairs to this area, including grading. Reis wanted to mention the southeast corner of Second and Snyder Streets is currently blocked off for a larger repair due to drainage problems.

6. Eric Pendley, SAFEbuilt

- Year-end building report (2012)
- Code Enforcement program information

Eric Pendley presented SAFEbuilt's year-end building report for the Town. There were 66 permits issued in 2012 vs. 73 issued in 2011. Pendley then went on to provide information on SAFEbuilt's Code Enforcement Services, which include violations of junk/trash, extended living in RVs, abandoned vehicles, unattached trailer on public streets, noxious weeds, ice/snow removal and other municipal code issues. Pendley said the services can be geared towards a Town's enforcement priorities; there are several different options.

Enforcing marijuana grow operations was discussed. Retail marijuana regulations will be updated in the Town's Municipal Code later this summer, as well as updating Rental Licensing and adopting a newer version of the International Building Code. Once these regulations are updated and adopted, and the public is educated on the process of obtaining a license, applying for a change-of-use building permit and following zoning regulations, then enforcement can begin. Pendley said that SAFEbuilt currently treats grows as a basement refinish, with the applicant applying for the necessary electrical, mechanical, and/or plumbing permits with submitted plans. He did confirm that if an illegal activity based on Building Code was found (particularly those that present safety issues), they would shut the operation down and report to the State Electrical or Plumbing Board, as well as the Town.

Mayor Gierlach asked about the Solar Friendly Communities Recognition Program. Pendley has gone over the 12-step list with Clerk Martin back in February, and it was determined that the Town could be considered bronze status level right now. Martin will continue the process to register for this level and work with Pendley on achieving the next level of silver.

It was agreed to get through all the updates and adoption of new code, budget for enforcement in 2014, and then seek out SAFEbuilt's assistance at that time.

## **E. BOARD OF TRUSTEE REPORTS**

### **1. Mayor Joe Gierlach**

The Mayor's report was in the packet and will be published in the newspaper on Thursday. There is currently a contest running on the Mayor's Blog for ideas to celebrate Nederland's 4<sup>th</sup> of July. Mayor Gierlach has received 4 comments so far, all related to laser light shows. Once he gets more ideas, he said he would then create an online survey for the community to respond. It was suggested to alter the criteria of the proposed event from starting "at dusk" to "after the noon parade", as that limited the options.

Mayor Gierlach reported that at last month's DRCOG meeting, there was a proposal to require communities to incorporate certain "Firewise" defensible space standards into building codes. Mayor Gierlach raised some concerns over the criteria involved and how it may not make sense for small communities. DRCOG pulled the topic from the agenda and tabled the discussion. A municipality can make their own Firewise Community criteria, such as non-flammable building materials. The Town could include those types of elements into a fire section of the building code.

### **2. Mayor Pro Tem Mueller**

There was no Planning Commission meeting in February. The Commission is in the process of finalizing edits to the first draft of the Comprehensive Plan, which will be sent to the consultants for clean-up, and then can be rolled out for public comment sometime next month.

3. Trustee Annette Croughwell

Trustee Croughwell reported that there will be an emergency DDA Meeting on April 3, and then the DDA's regular meeting on April 20 to discuss various issues of the NedPeds project. There was talk about slowing the process down to start work in Spring 2014, but it looks like they are going to try to push forward for Spring 2013.

4. Trustee Chris Perret

There was no Board of Zoning Adjustment meeting.

5. Trustee Ledge Long

CCFB did not meet last week, and the Site Plan Committee meeting is scheduled for Thursday, March 21.

6. Trustee Randy Lee

Trustee Lee's report was part of the packet.

7. Trustee Peter Fiori - absent

**F. PUBLIC COMMENT ON NON-AGENDA ITEMS**

Mark Pscheid, of Nederland, thanked the Board and staff for all their time. He had emailed the Board about the noise of FDGD. He said the event was horrible this year and quoted organizer MacDonald's letter to the editor, as to how the festival has evolved from a somewhat gruesome, morbid focus on death and undead to a lively winter party featuring fantastic music for 3 days, beer from local breweries and competitive contests that are unique to Nederland. Pscheid agrees that it has changed, and the music was unbearable this year for residents. Pscheid went on to say that he has lived across from Chipeta Park for over 22 years and should not have to be forced out of his home during that weekend, as he has done in the past. He said if the Town can't control it, then feels it should be shut down. He said he loves the idea of an open forum for the public to speak about special events and he would attend.

Kayla Evans, of Eldora, had a general question in regards to the word "sustainable" and would like to know what the definition of sustainable means to Nederland.

**G. INFORMATIONAL ITEMS**



1. BOT Goals Update

Town Administrator Reis provided an update on the Wastewater Treatment Plant and the Comprehensive Plan.

2. Amendment 64 Task Force Final Report

Reis reported that the final report of the State Amendment 64 Implementation Task Force was released on March 13, 2013 and contains recommendations formulated by the Task Force to the Colorado legislature for consideration. This is not to be confused with the Town's Task Force on Retail Marijuana, which will meet again on Thursday, March 21. The Town's Task Force will meet twice a month, and the BOT will receive a report once a month in hopes of seeing recommendations by summer.

**H. ACTION ITEMS**

There were no action items.

**I. DISCUSSION ITEMS**

1. Discussion of a proposed loan with Backdoor Theater (BDT) for updated display equipment.

Reis introduced the item. The Town had expressed interest in a public/private partnership with the BDT for equipment. Treasurer Forberger had put some terms and costs together for both new and used equipment and was looking for the Board's input.

Kayla Evans, of the Backdoor Theater, spoke in favor of the support and acknowledged that if they don't transfer over to digital, then the theater will likely cease to exist.

There was discussion on the possible use of the old equipment. Evans said it all depends on the technical needs of the new equipment, what the BDT's tech can advise, and what would be left over for possible sale after the conversion.

Trustee Lee would like to know where the proposed loan would leave the Town's reserves.

It was agreed that it would be nice if the overall upgrade included: connection to a laptop for streaming off the internet with sound, low-tech consumer product capability, such as a regular DVD display, and to be able to continue to run first-run movies.

The Board directed staff to continue investigating equipment options and to bring back terms for a loan to support the public/private partnership on the equipment with the Backdoor Theater.

2. Discussion of a proposed ordinance related to electric cars.

Mayor Gierlach introduced the item and said the Town of Lyons has recently adopted this ordinance, which serves two purposes: to ban All-terrain Vehicles (ATVs) and to allow electric cars. Senate Bill 12-013 allowed local governments to work with the Colorado Department of Transportation to allow neighborhood electric vehicles on roadways.

Reis said that Public Works had reviewed the proposal for Nederland. Reis said that Public Works Manager Jason Morrison indicated he had previous experience in witnessing some golf car vs. auto accidents, and said as long as folks obeyed speed limits he doesn't see a problem with allowing such vehicles. He did note that several areas of Town have blind curves that could prove problematic.

The Police Department has not yet had a chance to review the proposal, which was put forth in short time for this meeting.

Permitting golf carts was brought up. Reis said staff will look into what other municipalities do.

The Board directed the Town Attorney to prepare this ordinance for adoption, taking out any reference to "gas powered".

**J. OTHER BUSINESS**

Trustee Lee said that soon after the Forest Service announced the shooting closure on Magnolia in January, citizens had asked for the Town to prepare a resolution of thanks and asked for status. Mayor Gierlach suggested it be a proclamation instead. Staff will draft one for the Board's consideration at the next meeting.

**K. ADJOURNMENT**

Motion to adjourn was made by Trustee Perret, seconded by Trustee Lee and approved by unanimous voice vote. The meeting was adjourned at 9:20PM.

Approved by the Board of Trustees.

\_\_\_\_\_  
Joe Gierlach, Mayor

ATTEST:

\_\_\_\_\_  
Michele Martin, Town Clerk

**AMENDED MEMORANDUM OF UNDERSTANDING  
REGARDING THE NEDERLAND SKATE PARK**

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is entered into and shall become effective this 2nd day of April, 2013 (the “Effective Date”), by and between the Town of Nederland, a Colorado municipal corporation (the “Town”) and TEENS, Inc., a Colorado non-profit Corporation (“TEENS”). The Town and TEENS may be referred to herein individually as a “Party” or collectively as the “Parties”.

WHEREAS, the Town is the owner of certain real property within the Town adjacent to the facility operated by TEENS upon which it proposes to construct a public skate park facility (the “Skate Park”); and

WHEREAS, the purpose of TEENS is to develop and support educational programs, social activities and employment opportunities for youth directed toward the prevention of violence, substance abuse and student drop outs; and

WHEREAS, TEENS desires to support the Skate Park through youth involvement in programming, maintenance and operation of the facility in order to further its purpose;

NOW, THEREFORE, the Parties agree to the following Memorandum of Understanding:

**1.0 COOPERATION**

**1.1** The Town and TEENS agree to mutually cooperate within their respective resources, rights and responsibilities with respect to the programming, maintenance and operation of the Skate Park.

**2.0 FACILITIES**

**2.1** The Town plans to place a maintenance shed for the Skate Park on land leased by TEENS. TEENS agrees to allow this maintenance shed to be located on land that it leases.

**2.2** The parking lot at the Youth and Family Center may only be used by users of the Skate Park at times deemed appropriate by the staff of TEENS. The parking lot shall not be used by users of the Skate Park at times that would interfere with TEENS other programming and events.

- 2.3 TEENS staff will attempt to monitor compliance with the rules regarding the use of the Skate Park, as established by the Town, when feasible and possible during the regular hours of operation of the TEENS facility
- 2.4 TEENS staff will make reasonable efforts to contact emergency assistance if it becomes aware of serious injuries at the Skate Park during its regular hours of operation.

### 3.0 PROGRAMMING

- 3.1 The Town agrees that TEENS may schedule one skateboarding event involving 50 or fewer persons one weekend per month at the Skate Park without obtaining a special event permit from the Town. Additional monthly events and events involving more than 50 persons shall require a special event permit.

### 4.0 MAINTENANCE

- 4.1 The Town will provide brooms, snow shovels, and other cleaning materials that will be stored in the maintenance shed. The maintenance shed will be kept locked and TEENS and the Town will have keys to the maintenance shed. TEENS agrees to make the maintenance equipment available to appropriate persons when needed.

4.2 During its regular hours of operation, TEENS will organize youth to walk around the Skate Park to pick up trash and other debris.

4.24.3 During its regular hours of operation, TEENS will be responsible for removal of any unauthorized graffiti on the Skate Park grounds, other than that on the permitted graffiti art wall.

### 5.0 MISCELLANEOUS

- 5.1 Entire Understanding. This MOU sets forth the entire understanding between the Parties with respect to the Skate Park.
- 5.2 Liability. This MOU is not intended to create any legal liability on the part of TEENS to the Town under the terms of this MOU. The intent of this MOU is to

set forth the spirit of mutual cooperation between TEENS and the Town with respect to the Skate Park.

**5.3** Modification. This MOU may only be modified upon the mutual written agreement between the Parties.

**5.4** Notices. Any notice or correspondence related to this MOU shall be in writing, and shall be deemed sufficient when directly presented or sent pre-paid, first class United States Mail, addressed as follows:

If to the Town:           Alisha Reis, Town Administrator  
Town of Nederland  
P.O. Box 396  
Nederland, CO 80466

If to TEENS:             Stephen LeFaiver, Executive Director  
P.O. Box 1070  
Nederland, CO 80466

Signed on behalf of:

**TOWN OF NEDERLAND,  
COLORADO**

**TEENS, INC.**

By: \_\_\_\_\_  
Joe Gierlach, Mayor

By: \_\_\_\_\_  
Stephen LeFaiver, Executive Director

ATTEST:

By: \_\_\_\_\_  
Michele Martin, Town Clerk



**EARTH DAY NETWORK**

## **Earth Day Proclamation Earth Day 2013**

### **Town of Nederland**

WHEREAS the global community now faces extraordinary challenges, such as global health issues, food and water shortages, and economic struggles; and

WHEREAS all people, regardless of race, gender, income, or geography, have a moral right to a healthy, sustainable environment with economic growth; and

WHEREAS it is understood that the citizens of the global community must step forward and take action to create a green economy to combat the aforementioned global challenges; and

WHEREAS a green economy can be achieved on the individual level through educational efforts, public policy, and consumer activism campaigns; and

WHEREAS it is necessary to broaden and diversify this global movement to achieve maximum success; and

FURTHERMORE, let it be known that the Town of Nederland hereby encourages its residents, businesses and institutions to use EARTH DAY to celebrate the Earth and commit to building a sustainable and green economy;

NOW THEREFORE IT BE RESOLVED, the Town of Nederland hereby pledges this Earth Day, April 22, 2013, to support green economy initiatives in the Town of Nederland and to encourage others to undertake similar actions.

**RESOLVED, APPROVED and ADOPTED this 2nd day of April, 2013.**

TOWN OF NEDERLAND

By: \_\_\_\_\_

Joe Gierlach, Mayor

ATTEST:

\_\_\_\_\_

Michele Martin, Town Clerk

**Proclamation**  
**In Appreciation of**  
**The U.S. Forest Service for Closure of**  
**Magnolia Road Forest Site to Shooting**

WHEREAS, the Board of Trustees of the Town of Nederland has for many years expressed its position against recreational shooting at the old Nederland dump site on Magnolia Road, including in Resolutions 2007-02 and 2009-07; and

WHEREAS, the Board of Trustees learned of the closure of the Magnolia Road site to shooting in January 2013; and

WHEREAS, the Board of Trustees finds this action to be vital in protecting the safety of Nederland residents near to the site; and

WHEREAS, the Board of Trustees supports a landscape-scale solution to finding proper locations away from residential areas within federal forest lands for recreational shooting.

NOW, THEREFORE, I, JOE GIERLACH, MAYOR OF THE TOWN OF NEDERLAND, do hereby convey the thanks and gratitude of the Board of Trustees and the residents of Nederland to the U.S. Forest Service and specifically, Boulder District Ranger Sylvia Clark and Arapaho & Roosevelt National Forests Supervisor Glenn Casamassa, for the January 2013 closure of the Magnolia Road site to shooting.

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Joe Gierlach, Mayor  
April 2, 2013



## Proclamation In Appreciation of Outstanding Public Service by Bill Martin

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WHEREAS, Bill Martin was appointed to the Planning Commission on November 23, 1999 and served as Chairman of the Planning Commission from April 23, 2002 until January 3, 2013, providing the Town of Nederland with exceptional knowledge and wisdom in the area of land use; and

WHEREAS, Bill Martin has brought respect and integrity to the Town of Nederland by leading by example, exhibiting the highest level of ethics and maintaining superior moral character; and

WHEREAS, Bill Martin volunteered numerous hours, incurred personal sacrifice and exhibited outstanding community spirit in his service, acting as an agent of change, while maintaining a demeanor that made working with him a pleasure; and

WHEREAS, Bill Martin's unwavering commitment, willingness and ability to understand and respond to the concerns of the people of Nederland, has made a substantial contribution to the betterment of the Town of Nederland.

NOW, THEREFORE, I, JOE GIERLACH, MAYOR OF THE TOWN OF NEDERLAND, do hereby proclaim thanks and gratitude to Bill Martin for his time-honored legacy of dedication, enthusiasm and outstanding public service given to the Nederland community for the past thirteen years.

I FURTHER call upon the residents of the Town of Nederland to join me in this declaration of appreciation and thanks for the outstanding service provided.

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Joe Gierlach, Mayor  
April 2, 2013





**AGENDA INFORMATION  
MEMORANDUM  
NEDERLAND  
TOWN BOARD OF TRUSTEES**

Meeting Date: April 2, 2013

Prepared By: Alisha Reis

Dept: Administration

Information  Action  Discussion

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**AGENDA ITEM:**

Update on Visitor's Center concessionaire recruitment process

**SUMMARY:**

As the Board is aware, a Request for Proposals (RFP) was issued on February 20, 2013, in an effort to recruit an operator for the Visitor's Center this year. The effort yielded two local candidates. One of the candidates, however, informed the Town on the eve of candidate interviews that they would need to rescind their proposal. The RFP review committee interviewed the remaining candidate. Upon reflection, the committee recommended extending the deadline for the RFP submissions to April 5, to ensure all interested parties had the opportunity to submit. The notice of extension went out on March 25.

It is expected that the committee will forward their recommendation for operation of the Visitor's Center at the Board's regular meeting of April 16.



## AGENDA INFORMATION MEMORANDUM NEDERLAND TOWN BOARD OF TRUSTEES

Meeting Date: April 2, 2013

Initiated By: /s/ Alisha Reis

Dept: Administration

Information \_\_\_\_\_ Action  Discussion \_\_\_\_\_

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### AGENDA ITEM:

Consideration of appointment of Baird Morrish to the Parks, Recreation and Open Space Advisory Board (PROSAB).

### SUMMARY:

The PROSAB currently has two vacancies, one term expires in 2013, the other in 2014.

### HISTORY AND PREVIOUS BOARD ACTION:

The PROSAB had received an application dated March 1, 2013 from Baird Morrish. At their last board meeting, they had recommended for Mr. Morrish to join the PROSAB. The PROSAB is asking that the Board appoint him to PROSAB.

### QUESTION BEFORE THE BOARD:

Should Baird Morrish be appointed to the PROSAB?

### RECOMMENDATION:

The PROSAB has recommended appointment of Baird Morrish.

### ATTACHMENTS:

- 1) Morrish application.
- 2) PROSAB Memorandum, dated March 29, 2013

RECEIVED  
3/1/13



**TOWN OF NEDERLAND  
STANDARD APPLICATION FOR  
APPOINTMENT OR REAPPOINTMENT TO TOWN  
ADVISORY BOARDS AND COMMISSIONS**

This is an application for appointment  or reappointment

Applicant Name: BAIRD MORRISH

Mailing Address: PO BOX 1724, NEDERLAND, CO 80466

Street Address: 83 NAVAJO TRAIL, NEDERLAND, CO 80466

Telephone number(s): (920) 320-8342, (303) 258-3359

Email address: morrish.baird@gmail.com

Board or Commission for which (re)appointment is sought:

P.R.O.S.A.B.

If a NEW APPOINTMENT, please describe any special knowledge, abilities, background or interests which you feel will provide a positive contribution to the goals and purposes of the board or commission for which you are seeking appointment. (Attach resume if desired or use an extra sheet of paper if necessary.) If a RE-APPOINTMENT, please describe previous board(s) experience and contributions. **Please plan on attending the BOT meeting at which your appointment will be considered.**

SEE ATTACHMENT

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Baird Morrish  
Applicant Signature

3.1.13  
Date

Dear Board of Trustees

This letter comes to you on behalf of my interest to join The PROSAB as a member.

My family and I are avid outdoor enthusiasts (mt. biking, backpacking, hockey, kayaking, etc.). We moved to Nederland fourteen years ago to be in the mountains for the vast space, tight-knit community, a location most suited to our hobbies and the various other local recreational past times found here (music festivals, community events, etc.).

Over the years I have attended several PROSAB meetings. While frustrating to attend at times, I have always seen the value in at least a basic level of involvement with these issues which are important to me, my family and the many friends I have made over the years here. However, it was not until I had attended particular meetings surrounding Boating on Barker and the West Magnolia mitigation project last year that I felt I should get more involved.

I believe my experience and skills are relevant, both professionally and recreationally. Professionally, I have worked in various roles in the outdoor industry for several years starting in the early '90s. I have organized and led whitewater expeditions in US, Nepal, Costa Rica and Canada, operated whitewater kayak schools, worked as head river guide and as a ski patrol and worked in retail and wholesale manufacturing. As for volunteer work, I have organized river clean-up projects, helped to coordinate local outdoor festivals (EG; Gore River Festival, Lyons Outdoor Games), coached junior ski racing teams at Eldora and assisted coaches on my son's hockey teams at Ned Rink. Recreationally, I have spent years hiking and biking local trails, paddling and fly fishing local Colorado creeks and skiing local backcountry mountains regularly. Over the course of these experiences I have worked directly with citizens and governments on river and trail rights and access.

Apart from the outdoors, my professional experience is in sales, management, marketing and operations. I think the relevant skills I have here are in my ability to craft and present win-win proposals, developing promotional programs and initiatives that generate revenue and streamline process and managing/supporting highly productive sales teams.

I have a deep appreciation for the parks, trails and open space here and am very interested in working with the board to maintain them for myself, my family and friends. I think my experience, interests and connection to Nederland recreation would have a positive impact on my contributions as member of PROSAB.

Respectfully,

Baird Morrish



## **Memorandum**

**Date: March 29, 2013**

**From: Parks, Recreation & Open Space Advisory Board**

**To: Town of Nederland Mayor and Board of Trustees**

**Re: Baird Morrish Application for Membership**

Mayor Gierlach and Trustees,

PROSAB currently has two open seats, one expiring in 2013, the other in 2014. Baird Morrish has submitted an application for appointment to the Board and was interviewed at the March 21 PROSAB meeting. PROSAB members in attendance voted unanimously to recommend Mr. Morrish for appointment. His preference is to be appointed to fill the vacancy for the term ending in 2014.

Sincerely,

PROSAB





**AGENDA INFORMATION  
MEMORANDUM  
NEDERLAND  
TOWN BOARD OF TRUSTEES**

Meeting Date: April 2, 2013

Prepared By: Alisha Reis

Dept: Administration

Information \_\_\_\_\_ Action  Discussion \_\_\_\_\_

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**AGENDA ITEM:**

Consideration of Resolution 2013-04, Declaring Support for Longmont and Fort Collins in the Adoption of their Respective Anti-Fracking Regulations

**SUMMARY:**

Attached for the Board's consideration is Resolution 2013-04, declaring support for the communities of Longmont and Fort Collins in the adoption, administration and defense of their respective anti-fracking regulations. The Board, at its March 19 meeting, expressed the desire to support these actions against the process of hydraulic fracturing, a common technique in oil and gas production.

**QUESTION BEFORE THE BOARD:**

Shall the Board approve the resolution?

**ATTACHMENTS:**

1) Resolution 2013-04

**FINANCIAL CONSIDERATIONS:**

None

**TOWN OF NEDERLAND  
Boulder County, Colorado**

**RESOLUTION 2013 - 04**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND  
DECLARING ITS SUPPORT FOR THE COMMUNITIES OF LONGMONT AND FORT  
COLLINS IN THE ADOPTION, ADMINISTRATION AND DEFENSE OF THEIR  
RESPECTIVE ANTI-FRACKING REGULATIONS**

**WHEREAS**, at an election conducted on November 6, 2012, the voters of Longmont, Colorado, voted to approve an amendment to the City's Home Rule Charter that prohibits, within the City, the use of hydraulic fracturing to extract oil, gas and other hydrocarbons (commonly known as "fracking") and the open-pit storage and disposal of solid and liquid wastes created in connection with fracking; and

**WHEREAS**, on March 5, 2013, the City Council of the City of Fort Collins, Colorado, adopted Ordinance No. 032, 2013, amending the Ft. Collins Municipal Code to prohibit fracking and the open-pit storage of fracking waste within the City, making certain exceptions for oil and gas operators with sites existing in the City as of February 19, 2013; and

**WHEREAS**, expressions in support of these bans in each of the above-named communities included concerns about the potentially-adverse impacts that fracking and the open-pit storage of its waste products may have on the health, safety and welfare of the community in which such activity occurs, including but not limited to the degradation of air quality, water quality, ecosystem stability and viability, and loss of scenic views, recreational opportunities and tranquility; and

**WHEREAS**, the City of Longmont has been sued by the Colorado Oil and Gas Association in response to its fracking ban; and

**WHEREAS**, the City of Fort Collins adopted its fracking ban in the face of threats of a similar lawsuit from the COGA and the state of Colorado; and

**WHEREAS**, the Board of Trustees of the Town of Nederland ("Board") finds that the concerns stated in support of the bans in each of these communities are legitimate and that the long-term effects of fracking and the open-pit storage of its waste on the community in which such activities are located is not definitively known; and

**WHEREAS**, the Board further finds that the protection and preservation of natural resources is a strongly and widely-held value and priority in Nederland, as expressed by *Envision Nederland 2020* and the Board's continuing and demonstrated commitment to environmental stewardship, including the adoption of a zero-waste goal for all events in Town and choices made in the design of the new Town wastewater treatment plant; and

**WHEREAS**, given the synergy between the Town's environmental values and those values served, at least in part, by the anti-fracking bans adopted by Longmont and Fort Collins, the Board finds it desirable and appropriate to express its support of these cities in the adoption, administration and defense of their respective bans on fracking and its associated activities.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF NEDERLAND, COLORADO:**

The Board of Trustees of the Town of Nederland hereby declares its support for the citizens, elected officials and communities of Longmont and Fort Collins in the adoption, administration and defense of each community's respective anti-fracking regulations.

**RESOLVED, APPROVED and ADOPTED this 2<sup>nd</sup> day of April, 2013.**

TOWN OF NEDERLAND

By: \_\_\_\_\_  
Joe Gierlach, Mayor

ATTEST:

\_\_\_\_\_  
Michele Martin, Town Clerk