

Town of Nederland
Board of Trustees
Regular Meeting Minutes
October 15, 2013 7:00 PM

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

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

C. CONSENT AGENDA

- Approval of October 15, 2013 Accounts Payable, Schedule A.
- Approval of October 15, 2013 Accounts Payable, Schedule B.
- Approval of October 1, 2013 Regular Meeting Minutes.
- Resolution 2013-10 regarding policy on taking positions on statewide issues.

Motion to approve the consent agenda, schedule A, the regular meeting minutes of October 1, 2013, and Resolution 2013-10 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

There was no written report this month. Reis spoke about the impacts of the flooding, which also appears throughout other staff reports. The Community Center and roads were hardest hit, yet the whole Town really made it through in fairly decent shape compared to other towns. The Town is working with CIRSA, FEMA, and the State for assistance. There are plans to change some of the Community Center features and drainage system so that this level of impact won't happen again; an example is pulling up the carpet and replacing with tile.

Reis also provided an updated meeting schedule for the rest of the year.

2. Michele Martin, Town Clerk

Town Clerk's report was included in the packet. Martin will ensure that all meetings and work sessions are added to the Town calendar.

3. Eva Forberger, Town Treasurer

Town Treasurer's report was included in the packet. Forberger announced there will be a meet and greet at 6:00pm prior to the next BOT meeting on November 5 to meet the new judge, who is scheduled to be appointed that evening.

4. Jason Morrison, Public Works Manager

Public Works Manager's report was included in the packet. Reis said that through a combination of efforts of the Wastewater Treatment Plant operators, moving batches quickly through the plant and the excess capacity of the overflow pond, the Town was able to keep from losing the plant like other communities did. The Town was very fortunate, and if the Town was still on the lagoon system, it would not have fared as well.

Trustee Lee asked what would have happened if the overflow pond had been decommissioned, and Reis answered that wastewater may have gone into the reservoir. The Town received 8" of total rain overall during the storm. This brought up the topic of whether the Town should keep the overflow pond or decommission it as planned. Reis said that she would prefer to further investigate this topic before taking action; she said the Utilities Department is conducting a study in 2014 to look at the different scenarios, and the pros and cons of composting and removal techniques. Mayor Gierlach suggested that perhaps the City of Boulder would be interested in supporting our efforts, since it is really in their best interest for the Town to keep that lagoon. Reis said she would continue to keep in touch with the City of Boulder.

5. Dawn Baumhover, Community Center Coordinator

Community Center Coordinator's report was included in the packet. Reis discussed the activation as an emergency Red Cross shelter and the continued support from different emergency response organizations such as FEMA, Red Cross, Salvation Army and many others. Reis commented that our community network is thriving right now. The goal is to have completion of the flood damaged repairs done by the end of the year and have a grand reopening type of event at the Community Center. Reis pointed out Baumhover's thanks to a number of folks who went above and beyond during this disaster, including the Mayor and several Trustees. Reis wanted to extend her thanks as well.

E. BOARD OF TRUSTEES REPORTS

1. Mayor Joe Gierlach

The Mayor's report, discussing the EcoPass ballot question, was included in packet and will be published in the Mountain-Ear on Thursday.

Mayor said he visited Jamestown on Monday and shared what he saw. He will be meeting with Sam Mamet, Executive Director for Colorado Municipal League, tomorrow to visit the new clerk of Ward, then meet with the Mayor of Jamestown, and then on to the Town of Lyons. He extended the invitation to the Board.

2. Mayor Pro Tem Mueller

The Planning Commission (PC) met on September 25 to review the schedule for the adoption of the Comprehensive Plan and revised zoning map, and review the NedPeds 90% engineering plans. The PC came up with some recommendations on the NedPeds cost cutting efforts and forwarded them on to the project manager. Also, they ranked the three spurs in order of importance, with the first being the section that runs from East Street to the bus stop at the highway.

Mueller also attended the Sustainability Advisory Board (SAB) meeting.

3. Trustee Ledge Long

The Community Center Foundation Board met on October 9; they have two very qualified candidates and one vacancy. Their recommendation to fill the vacancy will be before the Trustees at the next meeting. The other candidate will become a non-voting ex-officio member.

The Site Plan Steering Committee will meet with the site planning consultants at the Library at 6:00 pm on Thursday, October 17 to review preliminary concepts.

4. Trustee Annette Croughwell

The Board of Zoning Adjustment met on October 10 at 7:00 pm, approved a couple of Findings of Fact and adjourned at 7:09 pm.

5. Trustee Peter Fiori

SAB met on October 14 to interview and recommend Sopa Harmann for appointment, discuss an outreach action plan with a focus on noxious weeds, and to discuss the upcoming introductory meeting on October 24 scheduled by Lisa Friend, Boulder County's Sustainability Planner. Boulder County has hired Mark Wesson from the USDA to provide Zero Waste technical assistance to the Town.

SAB also finalized the new scorecard that all the advisory boards can now use. SAB used it to rate the 90% engineering plans for the NedPEDs project, which scored 2.3 out of 5.

Fiori said the Sustainability Action Plan, prepared by C2 Sustainability, was proving to be a real action plan for the year instead of the assumed guide plan, which was a pleasant surprise.

Fiori went on to provide a brief report on a newly formed NedCompost sub-committee. Fiori said that in the last six months, the NedCompost has gone from not making money to making money, they are actively seeking new customers, they have hired an employee and have over 15 volunteers working for them, and both tubs are fully operational and working hard. Fiori recommended installing a privacy fence.

Trustee Lee noted that the Parks, Recreation, Open Space Advisory Board (PROSAB) already has a noxious weed program, so as not to duplicate efforts. Fiori said SAB's plan is to identify the top five dangerous weeds and Fiori said he will mention to SAB about PROSAB's program.

6. Trustee Randy Lee

PROSAB met on September 19 to discuss the offer by a local businessman in Town of a disc golf game for the park, finalize the public process of naming the gateway park area, which is included in the packet, and review the 90% engineering plans for the NedPeds project, in which they share the same concerns and recommendations as given by the PC.

The Saws and Slaws events were cancelled for September and October due to the flooding. There are plans for an end-of-season social event, but a date has not been chosen yet.

The 2013 Colorado Forestry Fair was also cancelled due to the flood and will be rescheduled sometime in the spring.

The next Intermountain Alliance (IMA) meeting is scheduled for October 17 at the Fire Station.

7. Trustee Chris Perret

Downtown Development Authority (DDA) meets tomorrow, October 16.

F. PUBLIC COMMENT ON NON-AGENDA ITEMS

David Sites, of Nederland, had a question about the NedPeds project. As the project is now at 90% complete, Sites wondered what the next steps were and if he still had an opportunity to express any concerns he may have. Reis explained that the next step is for construction plans to be approved and since this is a public project, the plans would have to go before the DDA first, then the Planning Commission and finally to the Board of Trustees for final approval. The project schedule shows this taking place in November for the DDA and PC and December for the BOT. Sites recommended that perhaps the Board could walk the area before a final vote is taken, as he suggested the plans may not show physical issues that a walk through could provide. Reis said that could certainly be arranged.

G. INFORMATIONAL ITEMS

1. Colorado Lottery Starburst Award.

Matt Robbins, from the Colorado Lottery, presented the Town of Nederland with a Starburst Award for their excellence in the use of lottery funds for the *Parks, Recreation, Open Space and Trails Master Plan Update project*. Reis submitted the nomination and Robbins expressed his gratitude for letting the Lottery know about this project. Robbins presented a poster and the Starburst Award, which included the 30th anniversary logo of the Colorado Lottery.

2. BOT Goals Update.

The goals update was included in the packet and will be posted on the website.

3. 2014 Budget Public Hearing.

Forberger explained the 2014 draft budget PowerPoint presentation. It was noted that this public hearing was properly noticed in the paper. The deadline for the public to comment is

October 31, and then the draft final budget will be before the Board on November 19, with proposed approval on December 3.

The Mayor called a brief recess, the meeting reconvened at 8:15 pm.

Jesse Seavers, of Nederland and Chairman of the Sustainability Advisory Board, asked how the sustainability goals were built into the budget, such as vehicle improvements and investments-- are they the most energy efficient vehicles; have alternative fuels or electric been looked into?

Mayor Gierlach explained the Board's goals-based budgeting process, which is to match the prioritized goals to the budget resources. Mayor suggested a FAQ sheet on how the budget aligns with the goals. Reis said she could pull together the budget work session packet items where the goals are identified and prioritized, along with the budget and summary sheet to post on the website.

Mayor Pro Tem Mueller suggested that it was hard to recognize how the goals are being met. Reis said they can increase the level of detail in the budget to show the specific items.

Trustee Fiori noted that the budget is more of a wish list, and emphasized how important the goal setting part of this process really is.

H. ACTION ITEMS

1. Consideration of appointment of Sopa Harmann to the Sustainability Advisory Board (SAB), term expiring June 1, 2015.

Martin introduced this item. The SAB currently has one vacancy, left by a resignation. SAB received an application from Sopa Harmann. They met on September 23 to interview Harmann, and unanimously recommended for Harmann to join the SAB.

There was no public comment.

Harmann was present to answer any questions. Harmann highlighted her background.

Trustee Fiori had a couple of concerns that were addressed.

Motion to appoint Sopa Harmann to the Sustainability Advisory Board, term expiring June 1, 2015, was made by Trustee Perret, seconded by Trustee Fiori, and passed unanimously.

2. Consideration of Ordinance 722, amending NMC Chapter 16 regarding club uses.

Reis introduced the item. Following the introduction of Ordinance 722 at the last meeting, the Board had directed staff to amend the introduced ordinance to separately consider two definitions of clubs and to include them in two line items in the zoning Use Chart, one main club definition to reference non-profit membership organizations and one referencing for-profit establishments. The questions before the Board are whether to agree with these definitions, and whether to allow them as presented in the Use Chart.

Mayor opened the meeting to public comment.

Cheryl Fanelli, of Nederland, provided the background on her ClubNed business use, which initiated this process to be undertaken.

Trustee Lee recommended changing the for-profit definition by removing the last sentence or specifically excluding legal drugs and alcohol, "Activities on the premises may include the consumption of legal drugs and alcohol, provided that all licenses, permits and other approvals necessary for such consumption at the particular location to be lawful are obtained and maintained and that all other laws, rules and regulations applicable to such consumption at the particular location are met.", or to make yet another line item for this specific use and change to all "N"s (not allowed) across the districts. Lee said he felt strongly to not encourage this type of use at all.

Trustees Long and Croughwell suggested to tweak the Neighborhood Commercial (NC) district to not allow a for-profit use and to change the "R" (Special Review Use) to an "N" (not allowed) in the Use Chart.

Mayor Gierlach and Reis indicated that the Board can continue to look at zoning districts, especially those along the highway and what makes sense versus what does not.

It was noted that an "R" would require an applicant to send public notices out to property owners within 300 feet, be heard before the Planning Commission, then the Board of Trustees for final approval, and to trust the system in place to do what it was designed to do.

Motion to approve Ordinance 722, amending NMC Chapter 16 regarding club uses was made by Trustee Fiori, seconded by Trustee Perret, and approved by a vote of 4 to 3, with Trustees Croughwell, Long and Lee opposed.

3. Consideration of Ordinance 723 to sell property identified as CR 126 0 owned by the Town of Nederland.

Forberger introduced the item. Back in August the Town had received an offer to purchase a one-acre lot owned by the Town that has been on the market since 2010. The parcel had been donated to the Town as part of the Caribou Ridge Replat A subdivision. The Board met in an executive session on September 3 to discuss the negotiating points of this sale. This is an emergency ordinance to meet the closing date of November 1.

There was no public comment. The Board discussed various points of the sale, primarily related to whether it was a good idea to sell the land.

Mayor Pro Tem Mueller said he would not support the sale of any Town-owned property.

Motion to approve Ordinance 723 to sell property identified as CR 126 0 owned by the Town of Nederland was made by Trustee Perret, seconded by Trustee Lee, and approved by a vote of 6 to 1, with Mayor Pro Tem Mueller opposed.

4. Consideration of Resolution 2013-11 in support of Amendment 66 (educational state income tax measure).

Reis introduced the item. At the Board's previous meeting, it was expressed to move this draft resolution to action in support of Amendment 66.

There was no public comment.

Trustee Lee opined that this ballot initiative does nothing to address public funding of State infrastructure and service needs and that he felt those issues needed to be addressed comprehensively. He said he didn't want this approval to be perceived as influencing the public in their potential vote.

Motion to approve Resolution 2013-11 in support of Amendment 66 was made by Trustee Perret, seconded by Mayor Pro Tem Mueller, and approved by a vote of 6 to 1, with Trustee Lee opposed.

I. DISCUSSION ITEMS

- 1. Discussion of a Resolution to name the gateway park area (west of Boulder Reservoir).**

Motion to move this discussion item to an action item was made by Trustee Perret, seconded by Trustee Croughwell, and approved unanimously.

Motion to approve Resolution 2013-XX to name the gateway park area (west of Boulder Reservoir) as Barker Meadow Park was made by Trustee Fiori, seconded by Trustee Croughwell, and approved unanimously.

J. OTHER BUSINESS

There was no other business.

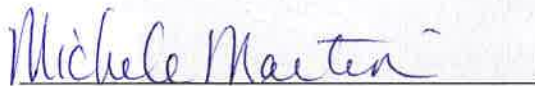
K. ADJOURNMENT

Motion to adjourn was made by Trustee Fiori, seconded by Trustee Croughwell, and approved by unanimous voice vote. The meeting was adjourned at 9:57 PM.

Approved by the Board of Trustees.


Joe Gierlach, Mayor

ATTEST:


Michele Martin, Town Clerk

