

**Town of Nederland**  
**Board of Trustees**  
**Regular Meeting Minutes**  
**November 19, 2013 7:00 PM**

**Nederland Community Center**  
**750 Hwy 72 Nederland, CO 80466**

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**A. CALL TO ORDER**

Meeting convened at 7:46pm, due to a prior Executive Session.

**B. ROLL CALL**

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

Absent: Trustee Annette Croughwell

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

**C. CONSENT AGENDA**

- Approval of November 19, 2013 Accounts Payable.
- Approval of November 5, 2013 Regular Meeting Minutes.
- Resolution 2013-15 appointing Chad Johnson as Building Official.

Trustee Fiori asked to pull Resolution 2013-15 from the Consent Agenda to discuss further.

Mayor Pro Tem Mueller had a few questions on the warrants related to trash and the new Wastewater Treatment Plant. Forberger and Reis explained the details. In regards to the trash, Reis said the Town's recycling, trash, and composting disposal is all a part of the Sustainability Plan Matrix and will put together the data in a more detailed way next time for clearer understanding.

Motion to approve the consent agenda, without Resolution 2013-15, was made by Trustee Fiori, seconded by Trustee Perret, and passed.

Reis went on to explain the need for Resolution 2013-15 and the history behind the move from Boulder County to SAFEbuilt in 2007. Due to a lawsuit three years ago, there was a need to name an actual person as the Building Official, instead of SAFEbuilt. This resolution simply updates that name to Chad Johnson.

Mayor Pro Tem Mueller asked why the International Energy Conservation Code (IECC) was not listed in the resolution, and Reis said because it is already adopted as part of the Town's Building code. Mueller asked about amending the energy efficiency part of new building requirements and Chad Johnson, Building Official from SAFEbuilt, explained what the process would look like. Johnson said that LEED certified is typically the direction taken, or the Town could adopt their own ordinance. Johnson went on to say that it could get very expensive for a remodel, that perhaps any requirement could be geared towards brand new construction or additions.

Trustee Fiori had pulled this resolution to ask about adding a blurb, in either this resolution or SAFEbuilt's upcoming contract renewal, for the ability of folks to have greater access to SAFEbuilt during the planning phase of a project. Fiori went on to explain the frustration with what he said was the lack of communication that he experienced personally with a building project he is planning. Reis said the contract would be more appropriate for this type of service addition. Fiori asked Reis if she could analyze the difference between using SAFEbuilt and going back to Boulder County.

Johnson responded by acknowledging the numerous email communications with Fiori's architect on a project that has not submitted a building permit yet. Johnson went on to state that the Building Department is not allowed to design someone's project, and that a commercial project must have a registered design professional, such as an architect, to answer those questions for folks. Johnson said the normal process is for the applicant to submit a building permit, pay for plan review and then SAFEbuilt reviews and addresses any concerns or issues with the architect.

Reis said SAFEbuilt's contract for renewal is scheduled before the Board on December 3.

Trustee Perret questioned the process of including a resolution in the consent agenda. Reis noted that additional information will be provided on a resolution under the consent agenda in the future.

Motion to approve Resolution 2013-15 appointing Chad Johnson as Building Official was made by Trustee Fiori, seconded by Trustee Perret, and approved unanimously.

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

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

Town Administrator's report was included in the packet, yet Reis highlighted that the greatest need in the community is the infrastructure. The Town is halfway through its first all-systems Master Infrastructure Plan (MIP) by JVA Inc. There will be a presentation of the preliminary plan, with opportunity for Q&A on December 17 at 5:30pm, prior to the Board's regular meeting.

Reis said that a new Graduate Intern starts in January, as part of the Department of Local Affairs and University of Colorado's Best and Brightest, and will be helping the Town for two years.

Reis provided a brief update on flood recovery and the NedPeds project. A NedPeds walk-through of the east Second Street portion is scheduled for November 20 from 3:30-5:00pm.

Trustee Long asked about JVA's involvement in the NedPeds project as it relates to the MIP. Reis said that JVA has the project plans and staff engineer, Mark Weritz, is fully involved with both projects. Reis confirmed that data is being shared and it is a team effort.

Trustee Lee asked for the progress of the meter replacement program. Reis responded that it is better than 80% complete, and Town has discovered many major leaks, with the majority of the folks appreciative of the information. The remaining folks who have not complied will be approached differently.

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

Town Clerk's report was included in the packet. Martin highlighted some points that were in line with the Board's goals.

Residential and commercial rental licensing was discussed.

**3. Eva Forberger, Town Treasurer**

Town Treasurer's report was included in the packet. Forberger gave a brief overview.

**4. Chad Johnson, SAFEbuilt**

Chad Johnson, SAFEbuilt Building Official, was present to discuss their second quarterly report.

Trustee Fiori offered a sub-committee to advise SAFEbuilt on potential grow room safety, as this is unchartered territory. Johnson thanked him for the offer.

Mayor Gierlach asked if this data could be put in a form that would make more sense for our small Town as opposed to charts. Reis said she would put together a couple of paragraphs indicating what the data represents, the importance of infill development, and the building growth.

**5. Jason Morrison, Public Works Manager**

Public Works Manager's report was included in the packet. Reis said that Public Works primary duties have been recovery from the flood and prepping for winter.

Trustee Long noted Morrison's reference to something being dumped into the sewer system and suggested adding something to the water bills to remind folks that it is not acceptable to do so. Reis said there is a "Toilets aren't Trash Cans" flyer that would be good to send out, and that a reminder could be included on the utility bills.

**6. Sgt. Larry Johns, Interim Police Chief**

Interim Police Chief's report was included in the packet. Reis said she appreciated the way this report was presented as it gave a flavor as to what the Police have been facing. Reis provided an update on the new Police Chief who should be in place by January, after the public process has taken place in December.

**7. Dawn Baumhover, Community Center Coordinator**

Community Center Coordinator's report was included in the packet.

**E. BOARD OF TRUSTEES REPORTS**

**1. Mayor Joe Gierlach**

The Mayor's report was included in the packet and will be published in the Mountain-Ear on Thursday. Mayor said he tried to explain the different roles of the Mayor, Trustees and Administrator to educate the public on how Town is run.

## **2. Trustee Ledge Long**

On October 17, the Community Center Site Plan Committee met with the team of W8 and looked at five different drawings. The Community Center Foundation Board (CCFB) held a retreat on October 23 to focus on long range projects. The CCFB met on November 13 and welcomed their new member Megan Riley, and they installed new sunshades in the dance studio. The Site Plan Committee will meet with W8 on November 21 to discuss overall site development and how it ties into the MIP.

Trustee Fiori brought up the Brownfields Town-wide study that was offered a few years back. Reis said there were a few variables as to why that did not take place. Reis said they could start looking at these issues again, especially with the new intern. Reis said the Brownfields money in Colorado doesn't really address asbestos, which is the issue at the Community Center. Fiori asked if Long would look into the CCFB's willingness to be involved in a Town-wide study if the Town were able to get buy-in from other private property owners that were also affected.

## **3. Trustee Randy Lee**

Trustee Lee's report was included in the packet. Lee said that even though recent Nederland Saws and Slaws events were cancelled due to flooding, the organizers wanted to help flood victims, so this past weekend the Sugarloaf, Coal Creek Canyon and Nederland volunteers worked in Four Mile Canyon, and have been approached by Boulder County United Way to help with debris cleanup in Raymond and Riverside next Saturday.

## **4. Trustee Peter Fiori**

Trustee Fiori said it has been noted that the Forest Service considers Nederland past weed pull stage. Fiori said that the next regularly scheduled Sustainability Advisory Board (SAB) meeting has been rescheduled to December 9 to hear a lecture by local Boulder County Weed Manager and Botanist, Steven Sauer at 7:30pm at the Community Center. SAB has invited the DDA and PROSAB to attend.

Fiori has evaluated the sound system in the dance studio in the Community Center, and said that only one of the three speakers are working. He said he would like to see \$200 budgeted for

this. Reis said she would like to see the teachers that use this space raise the money or to help match funds.

Mayor Pro Tem Mueller suggested having SAB specifically invite Wild Bear and Teens, Inc. to the meeting, as they have done weed pulls in the past and this would serve as an educational element.

Trustee Long suggested using an agricultural weed program, such as goats. Fiori said SAB had discussed this before, but will bring it up to them again.

#### **5. Trustee Chris Perret**

Downtown Development Authority (DDA) will meet tomorrow from 3:30-5:00pm for their Second Street walk-thru, and then their regular meeting will be held from 5:30-6:30pm. At 7:00pm they have a joint work session with the Planning Commission for final review of the NedPeds project.

Trustee Fiori asked if the new members will be voting or abstaining, and Reis responded that is their choice.

#### **6. Mayor Pro Tem Mueller**

The Planning Commission meets tomorrow for the NedPeds project, and Mayor Pro Tem Mueller encouraged all members to attend.

The Mayor called a brief recess, which reconvened at 9:20PM.

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

#### **G. INFORMATIONAL ITEMS**

##### **1. BOT Goals Update.**

The goals update was included in the packet and will be posted on the website. Reis asked to schedule a work session in February for the planning process of the amphitheater. Mayor Gierlach requested a goals setting process be included. It was agreed to meet on February 11, 2014 from 6:00-9:00pm to accommodate both of those topics. It was suggested that any ideas or request for research on the goals setting process be sent to Reis, so that she could prepare information; she also mentioned that she could retrieve some data from the managers' listserv.

## **2. Progress memo regarding Master Infrastructure Plan (MIP) project.**

Reis had asked Joel Price, JVA, to provide a breakdown of the overall systems to confirm their understanding of the project by identifying critical needs and listing those needs per neighborhood, as there are different funding sources based on different needs and areas.

Mayor Pro Tem Mueller asked to see an inventory of the Town's natural capital, ecosystem functionality, of which trees play a major role. Reis said if there are any other specific requests to please let her know.

There was discussion on the Middle Boulder Creek emergency crossing. Reis said that former Police Chief Adler was working on a needs statement, but it was noted that Fire Chief Dirr could write the statement as well. Mueller pointed out that widening the weir and repairing the Town's existing path may be more cost effective and demonstrates that the Town is "fixing what we have" and applying a "less is more" approach before taking on new, potentially unnecessary, projects.

Trustee Long questioned the fire hydrants and water pressure. Reis suggested that this would be another good question to bring before JVA at their public presentation on December 17 at 5:30 prior to the regular Board meeting.

Mayor Gierlach asked if results from the Envision Sustainable Infrastructure Rating System, which was conducted on November 8, could be provided. Reis will ask JVA to prepare something for the 17<sup>th</sup> meeting.

Motion to extend the meeting to 10:30pm was made by Trustee Lee, seconded Trustee Fiori and approved by a vote of 5 to 1, with Trustee Perret opposed.

## **3. Final draft budget, including Utilities Rate proposals.**

Forberger explained a few of the changes that were included in the packet and discussed the water and sewer rates history, provided several different options, and included other municipalities' water rates for reference.

There were four options for the 2014 water and sewer rates. Mayor Gierlach described his interpretations of each for the Board. The Board continued discussion on the various elements of each. It was noted that a professional utilities rate study was planned for 2014 and the approval of one of these current options was to get through 2014 until that study was

presented. Mayor Pro Tem Mueller requested the rate study follow the Town's goals and recommended the Town develop a rate structure that results in water conservation. Option #2 was in favor, with Trustee Fiori preferring Option #3. The Board directed staff to move forward with Option #2.

Trustee Fiori then moved the discussion to the 2014 Draft Fee Schedule and suggested the medical marijuana fees be reduced to be aligned with the retail marijuana fees. There was no opposition.

Trustee Lee said he thought the increase from \$25 to \$50 for a CD copy of the Town Code was too high. It was agreed to keep it at \$25. Lee also mentioned that there are barricades lying on the road at the corner of Highway 119 and East Street. Reis will let Public Works know.

Any other comments or concerns regarding the budget should be emailed to Forberger and Reis prior to December 3. Reis said the new Budget book will be available by the end of January.

#### **H. ACTION ITEMS**

- 1. Consideration of Ordinance 725 amending various provisions of Chapters 2, 6, 11, 13, 15, 16, 17 and 18 of the Nederland Municipal Code to correct typographical, grammatical, inconsistent and contradictory errors within the code.**

Mayor Gierlach reminded the Board that this had been introduced at their last meeting. There was no discussion.

There was no public comment.

Motion to approve Ordinance 725, amending various provisions of Chapters 2, 6, 11, 13, 15, 16, 17 and 18 of the Nederland Municipal Code to correct typographical, grammatical, inconsistent and contradictory errors within the code, was made by Trustee Perret, seconded by Trustee Fiori, and approved unanimously.

- 2. Consideration of Ordinance 726 amending Chapter 6 of the Nederland Municipal Code concerning Special Event and Public Assembly Permits.**

Martin introduced the item, and again this had already been introduced at the last meeting.

There was no public comment.



There was discussion on the assemblage number to warrant a special event permit. The number had been 40 previously, but back in 2011 the Board at that time had reduced the number to 25 based on “law enforcement numbers of when ‘crowd mentality’ can happen”, as per the minutes from February 1, 2011.

Trustee Fiori recommended the number go back to 40 and requested to go on the record as saying that he felt the Town is getting over regulated with licenses and permits. It was agreed to amend Ordinance 726 to change the assemblage number back to 40.

Motion to approve Ordinance 726, amending Chapter 6 of the Nederland Municipal Code concerning Special Event and Public Assembly Permits, including the most recent amendment from 25 to 40, was made by Trustee Fiori, seconded by Trustee Long, and approved unanimously.

#### I. DISCUSSION ITEMS

##### 1. Discussion of an Intergovernmental Agreement (IGA) related to EcoPass Public Improvement District (PID) administrative structure.

Mayor Gierlach summarized this item. The Town had provided Boulder County with this agreement and the only change made was for Boulder County to be responsible for the accounting instead of the Town. All else remained the same.

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

There was no public comment.

Motion to approve an Intergovernmental Agreement (IGA) related to EcoPass Public Improvement District (PID) administrative structure was made by Trustee Long, seconded by Trustee Fiori, and approved unanimously.

#### J. OTHER BUSINESS

Trustee Long wanted to acknowledge the passing of Graham Chapman, who wrote *Always Look on the Bright Side of Life*.

#### K. ADJOURNMENT

Motion to adjourn was made by Trustee Fiori, seconded by Trustee Lee, and approved by unanimous voice vote. The meeting was adjourned at 10:25 PM.

Approved by the Board of Trustees.

  
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Joe Gierlach, Mayor

ATTEST:

  
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Michele Martin, Town Clerk

