

**TOWN OF NEDERLAND
BOARD OF TRUSTEES
REGULAR MEETING MINUTES:
November 5, 2013, 7:00PM**

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

A. CALL TO ORDER

Meeting convened at 7:05 PM.

B. ROLL CALL

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

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

C. CONSENT AGENDA

- Approval of November 5, 2013 Accounts Payable, Schedule A.
- Approval of November 5, 2013 Accounts Payable, Schedule B.
- Approval of October 15, 2013 Regular Meeting Minutes.

Trustee Perret questioned an auto body repair payment, and Forberger explained the Town's insurance and deductible policy.

Trustee Fiori had asked about the Albert Frei road base bill and FEMA reimbursement. As requested by the Board at their last meeting, Reis provided an up-to-date disaster public assistance breakdown from FEMA, CIRSA and the State with their total reimbursement compared to the Town's contribution. 87.5% of funds is expected to be reimbursed.

Motion to approve the Consent Agenda, Schedule A, and minutes of October 15, 2013 was made by Trustee Lee, 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, noting Trustee Lee abstained.

D. PUBLIC COMMENT ON NON-AGENDA ITEMS

Staff had received an email request for public comment to be included into the record from Atashnaa Medicine Shield, regarding the benefit of electronic signs, which Mayor Gierlach read.

Donna Kirkpatrick, of Nederland and former Downtown Development Authority (DDA) board member, expressed her opinion of the current NedPeds plan. She said that she felt the 90% plans have changed drastically from the 60% plans. Kirkpatrick pleaded for the Board to do something to get the project back on track.

Susane Thomas, of Nederland, said she reviewed the 90% NedPeds plan and agreed with everything that Kirkpatrick said. Thomas asked for the DDA to be dissolved and a new board appointed that is for the people. Thomas implored the Board to dissolve the DDA and not to move forward with these plans.

Susanne Tittes, of Eldora and who works on First Street, said she doesn't understand why people would move to the mountains and cut down trees to put in concrete. Tittes suggested there must be different alternatives that could be considered.

Tori Carpenter, of Nederland, said she just heard about the NedPed proposal and just viewed the plans for the first time. Carpenter said she believes there must be others that live in this area that are impacted by this project, that are not aware of this either, and asked the Board to somehow make the community aware of this project to get their feedback. Carpenter asked the Board to do the right thing and not rush into a decision.

David Sites, of Nederland, agreed with what everyone had expressed. He advised the Board to be careful in their decision.

Kristen Wolf, of Eldora, asked the Board to do the right thing for the community.

The Board addressed some of these concerns during agenda item F3.

E. INFORMATIONAL ITEMS

F. ACTION ITEMS

1. Consideration of Resolution 2013-13 appointing a municipal judge.

Forberger introduced the item. In June, the Town's former judge of 17 years resigned to take a position in Washington, DC. A hiring committee was formed, made up of two Trustees, the Chief of Police, and a local attorney who has experience in reviewing backgrounds and recommending judges, to interview the top three candidates, ultimately recommending David R. Gloss for the position.

David Gloss introduced himself to the rest of the Board and said a few words. Trustee Croughwell brought to everyone's attention that Gloss is the longest standing DJ for KGNU; he hosts the Swing Shift on Thursday nights.

There was no public comment.

The Board was thankful for his interest and happy to appoint him.

Motion to approve Resolution 2013-08 to appoint David R. Gloss as municipal judge was made by Trustee Perret, seconded by Trustee Lee, and approved unanimously.

Town Clerk Martin swore in the new judge.

2. Consideration of appointment of Megan Riley to the Community Center Foundation Board (CCFB), with no designated term of office.

Martin introduced the item. There is a vacancy left by Michael Robillard's resignation, of which a letter had been received by staff. The CCFB received the application of Megan Riley and met on October 9 to interview her for the position. The CCFB unanimously recommends Riley for the position.

There was no public comment.

Megan Riley was present to say a few words, and she said she would be honored to be a part of the CCFB.

The Board was in agreement to appoint Riley, and thanked her for her interest.

Motion to appoint Megan Riley to the Community Center Foundation Board, with no designated term of office was made by Trustee Fiori, seconded by Trustee Croughwell, and

approved unanimously.

3. Consideration of two appointments to the Nederland Downtown Development Authority (NDDA), terms expiring June 30, 2014 and June 30, 2016.

Martin introduced the item. There are two vacancies left open by the resignations of Donna Sue Kirkpatrick and MaryAnn Rodak. The DDA had advertised for the positions and received applications from Amanda Kneer, who represents the Mountain Peoples Cooperative property at 30 E. 1st Street, and Susan Schneider, who represents the Mutual of Omaha property at 26 S. Highway 119. The DDA held a special meeting on October 30 to interview the applicants, and unanimously recommended both for appointment. Schneider had submitted a letter from Mutual of Omaha Bank Stacey Pitschka, VP, Manager of Community Banking, Colorado Market to confirm that the bank acknowledges that Schneider is eligible to represent them on the DDA. Kneer is in the process of getting the same type of letter from the Mountain People's Co-op and will submit it as soon as she can.

The Mayor opened the meeting to public comment.

Susane Thomas, of Nederland, asked the Board not to appoint people just because there are vacancies, and that time should be given to consider applicants and the DDA's responsibilities.

Susanne Tittes, of Eldora, said she had worked for Teresa Warren, former Chairperson of the DDA during the formation of the DDA, and again expressed her confusion as to why a select few are given the voice over a whole community.

David Sites, of Nederland, asked to hear from the candidates.

Mandy Kneer, of greater Nederland, has lived and worked in this area for 20 years. She is the Treasurer and sits on the Board of Directors for the Mountain Peoples Cooperative. She said it was an interesting idea to be part of the business community.

Susan Schneider, of Gilpin County and Community Bank Manager of the Nederland Mutual of Omaha Bank, has worked in Nederland for the past seven years. She added that three different people had approached her to join the DDA with no pre-qualifications if she would choose one-side or another.

Trustee Fiori, in response to public comment, asked the applicants if they were willing to give at least five hours of their time per month, if they were prepared to think independently, if

they could make contributions to the DDA, if anyone had asked them for a specific opinion on NedPeds, and if they knew what the two primary sources of income was for the DDA. Both applicants responded yes to the first three questions and no to the fourth, and did mention that they were having a training meeting on Thursday, at which time they would have a better understanding of the sources of income.

The Trustees all knew the applicants, some knowing Mandy for 20 years, and all thought they would be great contributors and additions to the DDA.

Trustee Fiori went on to say that he was extremely upset by Kirkpatrick's speech, as he had recruited both Kirkpatrick and Pat Everson, the current Chairperson of the DDA, and said he doesn't appreciate the accusations that are being thrown around. Fiori said that the DDA doesn't have power to make decisions, they have money. It is the Board of Trustees that ultimately make the decisions on projects like NedPeds, and that the DDA is an advisory board like all the other advisory boards, except for the fact that they have their own funding. He suggested folks to back-off from the personal attacks. Fiori went on to explain the time frame of the NedPeds project and how it started two years ago after the sidewalks were not approved, in order to come up with another strategy to take advantage of available CDOT money to fix the drainage on Second Street. Fiori expressed his shock that people are just now hearing about the project. He, the rest of the Board, and staff have attended many public meetings to discuss this project, and even implemented the Nederland Planning Process (NPP) to involve local residents, business owners, and community members in the public policy-making process and consideration of public projects.

Trustee Perret concurred with Fiori and emphasized that it is the issue at hand, not the people. He encouraged people to look at the whole picture, have a voice, become educated and ask questions, but not to attack people.

Mayor Gierlach went on to explain the Design Advisory Team (DAT), which is a DDA committee made up by approximately 20 members of the community, and encouraged folks to talk to their neighbors.

Motion to appoint Amanda Kneer, term expiring June 30, 2014 and contingent upon a letter from the Mountain People's Co-Op, and Susan Schneider, term expiring June 30, 2016 was made by Trustee Lee, seconded by Trustee Fiori, and approved unanimously.

The Mayor called a brief recess, the meeting reconvened at 8:20 PM.

4. Consideration of Resolution 2013-14 to affirm the updated Comprehensive Plan as adopted by the Planning Commission.

Reis introduced the item. The last comprehensive plan update was adopted in 2003. The Planning Commission (PC) had started working on a new update a couple of years ago on a meeting by meeting basis, when it became clear they could use the assistance of consultants to drive the process and keep the grass roots effort going. In December 2011, the Board approved funding in the 2012 budget, and the SE Group was hired in June 2012. A steering committee was formed and two of those members went on to become PC members. The update sets guidelines on how the Town can approach any type of growth and development, as it may occur in the community. The updated plan includes significant references to sustainability and how its principles and considerations influence various elements. The Town's sustainability consultant, Conor Merrigan, reviewed the plan and offered suggestions, which were incorporated into the plan. Reis said that two major goals were to make the document user friendly to the average person and easy to implement, that it is not a document to just sit on a shelf. Reis acknowledged the hard work by the PC and the Steering Committee, of which Kris Larsen and Betty Porter were present tonight, as well as the public that came out to assist. Reis said that the Board and the PC are tentatively scheduled for their annual joint work session on January 14 to begin implementing some of these principles.

Kristopher Larsen, Chairman of the PC, wanted to thank the rest of the members of the PC, the Steering Committee, the Board liaison Mayor Pro Tem Mueller, staff and the public for their involvement. This document incorporated Envision 2020, the 2003 comprehensive plan, public input, and advisory board workshops, all into one document.

It was noted that this document is required by State law and will be submitted to the County, Denver Regional Council of Governments, and the Colorado Department of Local Affairs. Reis mentioned that staff did send a copy of the updated plan to Boulder County Land Use, with no comment received back.

Mayor Pro Tem Mueller said there was a lot of effort put into this and was thankful for the consultants to provide a framework to work within, and said he thought it came together really well, something that the community should be proud of. He said the Town has come a long way in our community consciousness, yet still has a long way to go, but is happy to be at this point.

Trustee Fiori said he was pleased that the plan doesn't encourage growth; it provides a roadmap in case that should happen.

Trustee Croughwell thanked everyone involved, and said it was a user friendly document and sees herself referring back to it often, and said she felt it captures the spirit of what Nederland is all about.

Trustees Perret and Long also thanked everyone for their hard work.

Trustee Lee congratulated everyone on a job well done, but did want to recognize a few disappointments that he felt should be kept in mind:

- Fails to incorporate the Nederland Community Wildfire Protection Plan (NCWPP) by reference, indicating a failure to see the overarching importance of this plan for the Nederland community;
- Doesn't adequately address the negative traffic impacts of the Eldora Resort; we should be aggressively seeking impact fees;
- We're eager to tell residents that should reduce consumption of fossil fuels, by driving less, making their homes and businesses more energy-efficient, etc., but we are unwilling to suggest they cut back on meat consumption, even though meat production is one of the greatest contributors to climate change. The Town could be actively working with area restaurants to promote and offer meatless meals and could set an example by proclaiming Meatless Mondays and not serving meat at Monday night meetings;
- Nibbles at the edges of the ever-increasing problem of pass-through traffic without ever addressing it head-on. The plan ignores the fact that the two state highways passing through town are at times inadequate to handle the traffic volume, the problem of neighborhood egress resulting from this traffic and the economic opportunities offered by this traffic that is headed for destinations beyond Nederland;
- Some bad ideas never die; promotes the foolish idea of creating businesses dependent upon the exceedingly expensive and very fragile BVSD fiber optic network; and
- Implementation actions ignore the very finite availability of staff time; current staff cannot be expected to achieve more than a fraction of the listed actions

Motion to approve Resolution 2013-14 to affirm the updated Comprehensive Plan as adopted by the Planning Commission was made by Trustee Perret, seconded by Trustee Lee, and approved unanimously.

G. DISCUSSION ITEMS

1. Discussion and introduction of an Ordinance adopting the updated Zoning Map.

Reis introduced the item while presenting an updated map, as well as the adopted map from 1981. There were no major changes proposed, yet the last time the Board had approved a legal zoning map was by ordinance in 1981. Since that time, approved zoning changes, replats, subdivisions, and annexations were manually attached over the years to the 1981 version, so that it could be used for planning purposes. This agenda item is an introduction of an ordinance to approve the cleaned up version as a baseline map. The map has been reviewed numerous times over the past two years, with Town staff and Planning Commissioners helping to research all map changes. All were reviewed by the Comprehensive Plan Update consultants prior to finalizing the map.

Trustee Lee asked about the existing Public zoning designation in the code. Reis replied that there are no regulations adopted yet for the Public (P) zone designation. Instead of labeling areas of the map "P", with no regulations in place, Reis suggested it makes sense to follow the existing zoning designations until something is in place.

Kris Larsen, Chairman of the PC, said that the PC had held the public hearing for this on October 23, and recommended adoption with the thought that this would be the baseline map to begin with for the next step of making amendments, such as the Public zone.

Mayor Pro Tem Mueller commented on the pocket parks around town and the designated open space parcel located in the Caribou Ridge subdivision. Reis replied that the "P" regulations should have been adopted at the time of designation, but they weren't. One of the next items is to create those regulations, then amend the zoning map to include all of the "P" areas. She said she would suggest doing that all at once, as one project. She noted that the Caribou Ridge area will be denoted as a Planned Unit Development (PUD), which by code, set their own zoning.

The Board was appreciative of the good work and thanked staff and the PC for their efforts.

Since the public hearing had already been held during the PC meeting, a Motion to move this discussion item to an action item was made by Trustee Lee, seconded by Trustee Fiori, and approved unanimously.

Motion to approve Ordinance 724 to adopt the updated Zoning Map was made by Trustee Lee, seconded by Trustee Croughwell, and approved unanimously.

2. Discussion and introduction of an Ordinance 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.

Martin introduced the item. The reasoning behind this draft ordinance and the next one is to clean up certain areas of the code prior to sending approved ordinances from the last two years to the codifier, to update the code books. Martin said that from normal day-to-day activities, inconsistent items have been added to a list for this purpose.

Since this draft ordinance has changes to Chapter 16, Zoning code, a public hearing is required, and a 15-day notice was sent to the paper in preparation of the public hearing and action for November 19.

Mayor Pro Tem Mueller had a few questions, which Martin answered.

The Board directed staff to move this ordinance to action for their next meeting.

3. Discussion and introduction of an Ordinance amending Chapter 6 of the Nederland Municipal Code concerning Special Event and Public Assembly Permits.

Martin introduced the item. Similar to the previous agenda item, in regards to preparing changes for updating the code book, Martin has come across some changes, which would allow the special event application process to be a bit more efficient.

Trustee Fiori and Mayor Pro Tem Mueller asked why a permit is required for an assemblage of 25 people instead of the previous 40 people. Martin suggested that she could research the minutes from February 2011, where this was approved, to relay to the Board what the intent was at the time. Reis said that it could certainly be changed again, if the Board chose to. Trustee Croughwell asked Martin to find that out, prior to the Board making a decision.

Mayor Pro Tem Mueller asked about the Appeals section, and how an applicant would even know if they were denied or approved, prior to seeking an appeal. Town Attorney Beery said she could add some standard language to make it clear. Martin confirmed that she is in constant communication with an applicant and they know when they are approved. Reis added that the change of days from ten to seven is to be consistent and have a standard timeframe for all appeals.

It was agreed to direct staff to move this ordinance to action for their next meeting.

4. EcoLab Demonstration Project

Mayor Pro Tem Mueller provided a summary of this item. When Boulder Canyon was closed due to the flood, a group of people got together to address food production and have a desire to demonstrate to the community how residents can be more resilient. The idea would start with sprouting seeds with the ability of supplementing the food bank, partnering with NedCompost, and offering a resource exchange program in the current Wild Bear storage space in the West Wing of the community center. Mueller said this request is for an in-kind donation of zero rent for one year. The idea is to teach the community to have the skills necessary, so that there isn't panic when a natural disaster strikes.

There were many questions, such as occupancy, plans to educate the community that this resource exists, funding, and a business plan. Mueller explained that it was his understanding that it would be occupied by volunteers and does not foresee the space to be heavily occupied. Mueller said they would certainly be using social media to get the word out; there would be no money involved as everything would be based on donations and volunteers, and Wild Bear would be the formal organization, if one was required. It was noted that someone must appear on the lease. Mueller agreed to be the liaison and update the Board on a monthly basis on the progress.

Trustee Fiori said that he just attended a solar thermal school, where it was taught that there is no such thing as waste, that we can get everything we need off grid. He said this would be a wonderful resource for our village to learn from.

Ries was asked for a staff perspective, and she enthusiastically said that a number of these things are contained in the updated Comprehensive Plan such as zero waste, energy independence and food production and that it was good to see educational outreach. Reis said that staff is willing to work with this group to iron out any kinks.

Dale Porter, of Nederland, Chairman of the Community Center Foundation Board, and member of the Community Center Site Plan Steering Committee, said that he is in support of this project, but wanted everyone to know that the West Wing is officially a Brownfield zone, because of the asbestos in every surface, even the grout. Porter said that anyone who takes space in the West Wing needs to be made aware of the situation, that alterations should not be made. He said he would like more definition of who will be responsible for the space. He also suggested that either the Town form an advisory committee, or staff could create a hand-out, describing the asbestos issues.

Jill Dreves, of Nederland and the Executive Director of the Wild Bear Mountain Ecology Center, passed around a clipboard for sign-up to be part of this grass roots group. Dreves went on to explain that eventually this storage space would not be needed and during a meeting, this group described what they envisioned and it made sense for all parties that this storage space could become a showroom for this use. Dreves said that Wild Bear is mission aligned with this proposal and wants to support the effort; an in-kind donation of rent would certainly help.

Wendy Monroe, of Eldora, was in support and willing to donate her time to this project. Monroe went on to explain what the project would look like, starting with simple food production, by utilizing the south-facing passive solar that is already existing and nurturing seeds in the window sills. The group would partner with NedCompost and Keep Magnolia Clean. The concept is to start simple, by demonstrating ways in which people can make a difference in their own homes. Monroe said she has experience and has created two labs already. She said other ideas include vermiculture, sewing classes, weatherproofing, etc...

Who would be responsible for liability was brought up, and Dreves said that is a topic she will have to discuss with her Board of Directors.

It was agreed to direct staff to work on a one-year lease to Wild Bear for zero dollars for this specific use, and to allow Wild Bear the time needed to meet and discuss with their board. This will be brought back to the Board at that time.

H. OTHER BUSINESS

I. ADJOURNMENT

Motion to adjourn was made by Trustee Perret, seconded by Trustee Long, and approved by unanimous voice vote. The meeting was adjourned at 10:00 PM.

Approved by the Board of Trustees.


Joe Gierlach, Mayor

ATTEST:


Michele Martin, Town Clerk

