

**TOWN OF NEDERLAND  
BOARD OF TRUSTEES  
REGULAR MEETING MINUTES:  
February 7, 2012, 7:00PM  
NEDERLAND COMMUNITY CENTER  
750 Hwy 72 Nederland, CO 80466**

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**A. CALL TO ORDER**

Meeting convened at 7:03 PM.

**B. ROLL CALL**

Present: Mayor Joe Gierlach, Trustees Chris Perret, Randy Lee, Annette Croughwell, Janette Taylor, and Peter Fiori.

Mayor Pro Tem Kevin Mueller arrived at 7:08PM.

Also present: Alisha Reis, Town Administrator, Teresa Myers, Town Clerk, and Eva Forberger, Town Treasurer.

**C. CONSENT AGENDA**

- Approval of February 7, 2012 Accounts Payable, except for Check #26048.
- Approval of February 7, 2012 Accounts Payable Check #26048.
- Approval of January 17, 2011 Regular Meeting Minutes
- Approval of Resolution 2012-07, accepting 2012 Boulder County COP funds for downtown recycling pilot program
- Approval of lease for heavy equipment and police vehicle purchase.
- Approval of contract for sludge removal at the wastewater treatment plant

Trustee Perret asked that the leases for the public works equipment and police vehicle be pulled out as a discussion item. Reis explained that the purchases were part of a competitive

bidding process and were included in the 2012 Capital Improvement Program Budget, as approved by the Board in December. Forberger explained that the leases actually represented a savings over what was budgeted.

Motion to approve the Consent Agenda, all items except for Accounts Payable Check #26048, was made by Trustee Taylor, seconded by Trustee Croughwell, and approved by a vote of 5 to 1, with Trustee Perret voting no, and Mayor Pro Tem Mueller abstaining due to his late arrival.

Motion to approve the Consent Agenda, Accounts Payable Check #26048, was made by Trustee Perret, seconded by Trustee Taylor, and approved unanimously, with Trustee Lee abstaining due to a conflict.

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

Gail Eddy, of Nederland, thanked Trustee Perret for attempting to generate discussion about the leases for the police vehicle and the public works equipment, given the high price amount of the purchase.

**E. INFORMATIONAL ITEMS**

1. 2012 Budget Book
2. Update on de-watering effort at the wastewater treatment plant

Bob Orsatti, from Frachetti Engineering, updated the Board on the selection process for the de-watering contractor and outlined the expected timeline for construction. He explained in depth the efforts taken to get the state Health Department to agree to the current plan, and explained the mechanics of the de-watering process. Trustees Fiori, Lee, and Croughwell, and Mayor Pro Tem Mueller asked some questions about the process, the options available, and potential changes to the cost estimates. Orsatti acknowledged that the wastewater project is currently behind schedule, given the length of the de-watering permit process.

**F. ACTION ITEMS**

1. **Consideration of deed approval regarding the alley at Roose's Addition (Grahn property).**

Reis introduced this item and explained the background of the issue. The item is intended to

clean up poor property titles resulting from a vacation approved in the 1950's but never properly translated to adjacent properties' deeds.

Motion was made by Trustee Taylor to approve the two quit claim deeds regarding the alley at Roose's Addition (Grahn property), seconded by Trustee Fiori, and approved unanimously.

**2. Consideration of the Backdoor Theatre Company 2012 lease renewal.**

Reis explained that additional financial analysis has been conducted and additional negotiations were underway with the lessee.

The Board agreed, by unanimous voice vote, to table the item until the February 21<sup>st</sup> meeting.

**3. Consideration of appointments to the Sustainability Advisory Board.**

Myers introduced the item and explained that the Board had three applicants for two available positions on the SAB. Chelsea Gittle, of Greater Nederland, spoke in support of her application. She explained that she has a strong background in environmental and ecological consulting. She also is a certified GIS engineer. She has been working on the composting program in Nederland, and has attended the last few SAB meetings.

Trustee Taylor noted that both Geneva Mixon and Chelsea Gittle have attended meetings, and the SAB members in attendance at the last meeting (not enough for a quorum) felt that they should be appointed to the SAB, and that Dwayne Wood should be encouraged to apply again in the future, to attend meetings, and to become involved in future projects.

Motion was made by Trustee Perret to approve the appointment of Geneva Mixon to the Sustainability Advisory Board, seconded by Trustee Fiori, and approved unanimously, by voice vote.

Motion was made by Trustee Perret to approve the appointment of Chelsea Gittle to the Sustainability Advisory Board, seconded by Trustee Fiori, and approved unanimously, by voice vote.

**4. Consideration of appointment of Debbie Davenport to the Parks, Recreation, and Open Space Advisory Board.**

Myers introduced the item. Davenport spoke in support of her application and explained her interest in the PROSAB.

Motion was made by Trustee Lee to approve the appointment of Debbie Davenport to the PROSAB, seconded by Trustee Croughwell, and approved unanimously, by voice vote.

**5. Consideration of appointment of Roger Cornell to the Community Center Foundation Board.**

Myers introduced the item. Trustee Fiori asked that the item be tabled, as another applicant had just submitted an application for appointment. Dale Porter, CCFB chair, spoke to the fact that the CCFB is in flux and will be needing more new members in the next few months, and could entertain another candidate immediately, if one is available.

By voice vote, the Board declined to table the vote to the next meeting.

Motion was made by Trustee Taylor to approve the appointment of Roger Cornell to the Community Center Foundation Board, seconded by Trustee Perret, and approved by a vote of 6 to 1, with Trustee Fiori voting no.

**6. Consideration of Resolution 2012-08, concerning a new fee waiver/discount policy.**

Myers introduced the item. Fiori asked if the policy could be implemented after Frozen Dead Guy Days, and was told that it could.

The Mayor suggested a new category to capture the Greater Nederland Community, as defined by the boundaries of the Library District, and a discount level of 15% applied to that new category. The Mayor Pro Tem asked for the inclusion of another extenuating circumstances factor to capture the organizer's sustainability efforts. Trustee Lee also added a minor change to the language, allowing the Board to offer a smaller discount, as well as a greater discount, at its discretion.

Motion was made by Trustee Fiori to approve Resolution 2012-08, concerning a new fee waiver/discount policy, with amendments to the policy as noted above, and the policy to take

effect on March 6, 2012, seconded by Trustee Croughwell, and approved unanimously.

**7. Consideration of the Town's in-kind contributions to the Frozen Dead Guy Days event.**

Myers introduced the item. Dallas Masters, of Nederland, spoke in opposition to the in-kind contribution on the basis that the event is being run by a for-profit entity. He felt strongly that granting the request would set a poor precedent.

Amanda MacDonald, of Butterfly Effect Promotions, the Frozen Dead Guy Days organizer, spoke to her company's status and her planned efforts to make the company a non-profit in the future. She stressed that the purpose and goal of the event has not changed.

Trustee Fiori argued in favor of the in-kind contribution to the event. He noted that the organizer dramatically decreased her in-kind request since the last meeting and has ramped up her zero-waste efforts.

Trustee Perret was in favor of the contribution, but felt that if the event made a profit, the organizers should be required to pay back the value of the in-kind contribution.

Trustee Taylor noted that the local businesses feel that the Town should make the contribution because the event brings in so much business. She agrees with requiring a payback over a certain amount of profit. She finally noted that she is not concerned about precedent because this event is long-standing and unique.

Trustee Croughwell explained that she has some issues with the event's for-profit status, but would agree to it if the in-kind contribution would be paid back if a certain profit was made, and that if the non-profit status was not attained by a certain date, then the payback would be triggered as well.

Mayor Pro Tem Mueller asked for a written statement from the organizer that if the business was not a non-profit by the following year, an in-kind contribution would not be approved by the Town and the Board next year. He also would have liked to see more written support from the businesses. He did not support the auditing of the event's profits and a payback trigger.

Trustee Lee did not feel it was fair to the organizers to require a payback of the in-kind contributions, and didn't think that the profit or non-profit status of a group should dictate the contribution. He noted, however, that he has a real issue with the use of Chipeta Park and the potential damage thereto. Finally, Trustee Lee explained that he feels the organizers need to move away from relying on Town contributions, and he asked that the organizers be required to pay a damage deposit for Chipeta Park and receive only a 50% reduction in park rental fees.

The Mayor supported the in-kind contribution and noted the event's sustainability efforts.

The Board expressed its intention that the organizer would not receive an in-kind waiver from the Town for the 2013 event unless the company had been converted to a non-profit status by the time of the in-kind request.

Motion was made by Trustee Taylor to approve the Town's in-kind contribution to the Frozen Dead Guy Days event in the amount of \$2470.00, seconded by Trustee Fiori, and approved by a vote of 6 to 1, with Trustee Lee voting no.

The Mayor called a short recess. The meeting reconvened at 9:00PM.

## **G. DISCUSSION ITEMS**

### **1. Discussion of a new snow removal policy for aging and disabled residents.**

Reis introduced the item, provided the background, and detailed her research into the efforts of other communities to address this issue. She recommended that the Town not undertake this effort, due to the potential, and as yet unquantifiable, expense of the effort and its deleterious effect on the potential profits of local snow-plow businesses.

Trustee Lee suggested that some amount – perhaps \$2500 – be earmarked in the 2013 budget to cover this service, and when it runs out, it runs out, and the service would no longer be available to residents for the remainder of the year.

Kayla Evans, of Greater Nederland, suggested that the Town or Nederland Area Seniors use community service workers for this service or that the seniors receive some fee breaks to allow them to provide the service.



Masters pointed out that the Board's decisions at this meeting were not consistent in that it is reluctant to budget for this item, but will contribute nearly the same amount to Frozen Dead Guy Days.

Public Works Manager Jason Morrison was on hand to answer some questions from the Board.

Trustee Croughwell noted that she was gratified to see neighbors in Old Town helping each other during this most recent storm, and that she thinks that is the best way to address the problem.

The Mayor explained that he doesn't feel the Town should be in the business of private snowplowing. He suggested that the seniors could raise money or organize volunteers and support this service for their constituency.

The Board accepted the policy as recommended by staff by a unanimous voice vote.

**2. Discussion of PROSAB's Boating on Barker proposal, to be submitted to the City of Boulder, as tabled from the January 17<sup>th</sup> meeting.**

Trustee Lee introduced the item and explained that the City of Boulder is reluctant to proceed with further discussions or negotiations without the Nederland Board's expressed support of a boating program of some kind.

Trustee Taylor raised some questions that had been conveyed to her through resident emails, which Trustee Lee answered. Trustee Lee also explained that the last meeting with the City of Boulder had been mostly limited to introductions, a presentation of the draft boating proposal and general discussion of the process going forward. Trustees Croughwell and Fiori also asked some questions concerning Boulder's commitment to the program. The Mayor explained that the Board needs to determine whether to move forward with some sort of boating program, as roughly laid out in the materials, or not. He pointed out that ironing out the details comes next, not at this night's meeting. Trustee Perret argued that the public survey should be completed before any further meetings with Boulder are held or plans are made.

The Board discussed how the program would proceed through the policy channels to ascertain resident support for this program, potential expenses of the program, and details of the program. Safety concerns for a boating program were discussed.

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

The Mayor Pro Tem asked that PROSAB make a written commitment to address the specific concerns that have been raised, including hiring an ecology expert, prior to continuing with discussions with the City of Boulder. He also suggested that only locally owned boats be allowed on the reservoir; visitors would need to be sponsored by a local resident. Trustee Lee reminded the Board that the City of Boulder residents own the reservoir and could not be excluded from a boating program.

Motion was made by Trustee Taylor to extend the meeting until 10:30PM, seconded by Trustee Lee, and approved by voice vote of 6 to 1, with Trustee Perret voting no.

Trustee Perret exited the meeting at 10:14PM.

Trustee Lee fielded some of the concerns that had been raised by the Trustees and some residents. The Board debated the environmental impact of the program.

Motion was made by Trustee Fiori to extend the meeting until 10:45PM, seconded by Trustee Taylor, and approved unanimously by voice vote.

The Mayor took a straw poll for support, and the Board indicated support to move forward in conversations with the City of Boulder, with Trustee Fiori expressing a lack of support, based on his belief that the City of Boulder was requiring too much of a commitment from the Board at this point. The Board directed PROSAB to ascertain Boulder's commitment to the program as written, and making clear that the Board would like to see an environmental impact study.

## **H. OTHER BUSINESS**

Trustee Fiori asked if it would be possible to have a ballot measure for April, proposing that the Mayor and Board receive a small salary for service. When informed that the deadline had



passed for inclusion on the April ballot, Trustee Fiori suggested that the Board consider a vote to grant such salaries. The Mayor wondered if some nominal salary would result in a stronger commitment from Trustees and fewer resignations. Forberger researched what other Boulder County towns pay their board or council members and relayed that information verbally to the Board. The Board discussed possibilities for reimbursement and pay, directing staff to bring the issue back before them on February 21.

**I. ADJOURNMENT**

Motion to adjourn was made by Trustee Fiori, seconded by Trustee Croughwell, and approved unanimously. The meeting was adjourned at 10:46PM.

Approved by the Board of Trustees.

  
Joe Gierlach, Mayor

ATTEST:

  
Teresa Myers, Town Clerk

