

**TOWN OF NEDERLAND  
BOARD OF TRUSTEES  
REGULAR MEETING MINUTES:  
July 3, 2012, 7:00PM**

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

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**A. CALL TO ORDER**

Meeting convened at 7:12 PM, due to technical difficulties.

**B. ROLL CALL**

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

Absent: Mayor Pro Tem Kevin Mueller.

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

**C. CONSENT AGENDA**

- Approval of July 3, 2012 Accounts Payable
- Approval of June 5, 2012 Regular Meeting Minutes

Motion to approve the Consent Agenda, except for Check #2640 was made by Trustee Lee, seconded by Trustee Croughwell, and approved unanimously.

Motion to approve the Consent Agenda, Check #2640, was made by Trustee Perret, seconded by Trustee Croughwell, and approved unanimously, with Trustee Lee abstaining due to a conflict.

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

May Jarril, of Nederland, complained about some code enforcement items and also expressed concern about the firing of an employee from his position with Public Works.

Ron Mitchell, of Nederland, updated the Board on his parking project and made some recommendations concerning parking improvements in town.

**E. INFORMATIONAL ITEMS**

1. Police Department memo regarding emergency preparedness.

Reis introduced the item and provided some background and additional context to the Chief's memo. The Mayor shared some emergency response information that he gathered at the CML conference.

**F. ACTION ITEMS**

1. **Consideration of appointments to the DDA board.**

Myers introduced the item.

Donna Kirkpatrick, of Nederland, spoke up in support of Katrina Harms' application and cited Harms' contributions and skills.

Pat Everson, of Nederland, spoke in support of Katrina Harms' application and cited her knowledge and expertise as advantages to her application.

Ron Mitchell, of Nederland, encouraged the Board to consider all three candidates, thereby expanding the DDA Board. Trustee Fiori asked if the Board could expand the DDA Board and was told by Beery that they could not. The DDA Board would need to amend its bylaws to allow for that.

Trustee Lee expressed his support for the applications of Mary Ann Rodak-Friedman and Katrina Harms. He noted that he would have liked to have met applicant Scott Smith, and Trustee Long seconded that opinion. The Mayor shared that he had met Smith, thought he seemed nice, and would encourage Smith to continue to be involved with the NDDA in other capacities. Trustees Perret, Croughwell, and Fiori expressed support for Rodak-

Friedman and Harms. Trustee Long expressed support for Harms.

Motion to approve the appointment of Mary Ann Rodak-Friedman and Katrina Harms to the DDA Board for a term of four years was made by Trustee Lee, seconded by Trustee Croughwell, and approved unanimously.

**2. Consideration of appointments to the Mayor's Task Force on Housing and Human Services.**

Myers introduced the item. Trustee Lee asked the Mayor if he had determined any goals for the task force, and the Mayor explained that he was interested in investigating whether more human services resources could be brought up to Nederland and also what housing options would be available for low-income residents. He also noted that other mountain communities have expressed an interest in the task force findings. Trustee Fiori thanked the applicants for their willingness to contribute their time and energy toward this task force.

Motion to approve the appointments of Donna Kirkpatrick, Renee Chalfant, and Atashnaa Werner to the Mayor's Task Force on Housing and Human Services was made by Mayor Gierlach and approved unanimously by voice vote.

**3. Consideration of new Special Event permit application and fee waiver request by the Nederland Area Seniors to host Community Bingo Nights.**

Myers introduced the item, and explained the event and the fee waiver request. Jim Elder, of Nederland and President of the Nederland Area Seniors (NAS), read a short statement explaining the goals of the event. Margaret May, of Nederland and Vice President of the NAS, reminded the Board of the NAS contributions to the Community Center.

Pat Everson, of Nederland, asked if young children could participate in the bingo, because it is gaming. Martin Cheshes, of Nederland and the NAS, explained the state gaming laws concerning participation of children in bingo.

Trustee Fiori supported the waiver of both fees, but also reminded the Board that it will be more difficult for the Community Center to be financially self-sufficient if fees are consistently waived. Trustee Croughwell asked about the demand of the room for other events. May explained that if a paying event desired the space during a time allotted to the



NAS, the NAS would relinquish the room to that paying event. She also noted the group's plan to share future profits with other nonprofits in the community. Trustee Croughwell supported the permit and the fee waiver requests. Trustee Lee supported the permit and waiver of the room usage fee. Mayor Gierlach and Trustee Long supported the permit, the waiver of the room usage fee, and a \$50 special event fee. Trustee Perret supported the permit and fee waiver requests.

Betty Porter, of Nederland and an NAS member, noted that the NAS would be willing to make a donation to the CCFB in the future. The Trustees supported the concept of having the NAS donate some future profits to the CCFB, and the NAS agreed to that idea; however, nothing was formalized.

Motion to approve the Special Event permit application and grant the fee waiver request in full was made by Trustee Fiori, seconded by Trustee Long, and approved by a vote of 5 to 1, with Trustee Lee voting no because there was not a condition placed on the approval requiring future contributions to the CCFB.

**4. Consideration of Ordinance 710, affirming results of 2012 election ballot questions concerning utility revenue allocation.**

Forberger introduced the item and explained that the ordinance simply codifies the results of the 2012 ballot question concerning utility revenue allocation.

Motion to approve Ordinance 710, affirming results of 2012 election ballot question concerning utility revenue allocation, was made by Trustee Perret, seconded by Trustee Croughwell, and approved unanimously.

**5. Consideration of Ordinance 711, amending the loan documents concerning loans the Town has with the Colorado Revolving Fund for construction of the water plant and wastewater plant.**

Forberger introduced the item and explained the necessity for the ordinance, which stems from the passage of the utility revenue allocation ballot question.

Motion to approve Ordinance 711, amending the loan documents concerning loans the Town has with the Colorado Revolving Fund for construction of the water plant and wastewater

plant and declaring an emergency ordinance, was made by Trustee Fiori, seconded by Trustee Perret, and defeated by a vote of 5 to 1, with Trustee Lee voting no because the Trustees had not had an opportunity to review the amendments being voted upon. Because the ordinance was an emergency ordinance, 6 of the 7 Board members was required for approval.

The Mayor called a 10-minute recess at Trustee Lee's request, so that the amendments could be reviewed and another vote taken. The meeting reconvened at 8:50PM.

Motion to reconsider the previous motion was made by Trustee Fiori, seconded by Trustee Perret, and approved by unanimous voice vote.

Motion to approve Ordinance 711, amending the loan documents concerning loans the Town has with the Colorado Revolving Fund for construction of the water plant and wastewater plant and declaring an emergency ordinance, was made by Trustee Fiori, seconded by Trustee Perret, and approved unanimously.

**6. Consideration of Resolution 2012-22, concerning DDA Refinancing of Mutual of Omaha Bank loan.**

Forberger explained the resolution and the structuring of the loan. Trustee Fiori asked a few questions about amortization and early payment penalties, and Forberger explained how the amortization would be managed and that there was no early payment penalty. Trustee Perret asked how the town could afford to make the loan to the DDA, and Forberger explained the structure and how it benefits the town.

Mitchell requested, on behalf of the DDA, that the interest rate be capped at 7%, and Forberger proposed a small wording change to the current resolution to accommodate that. Everson suggested that the document include a lower boundary on the interest rate of 2.5%, and the Board agreed.

Motion to approve Resolution 2012-22, concerning DDA Refinancing of Mutual of Omaha Bank loan, with the amendment of interest rates not to exceed 7% nor go below 2.5%, was made by Trustee Lee, seconded by Trustee Croughwell, and approved by a vote of 5 to 1, with Trustee Perret voting no.

**7. Consideration of Resolution 2012-23, concerning DDA Loan for Sidewalks Phase I shortfall, sidewalk maintenance, and flowers.**

Forberger explained the item and how it relates to the debt authorization approved by voters on the April 2012 ballot.

Everson informed the Board that the DDA now has a finance subcommittee and advocated for passage of the resolution because it will allow the DDA to start with a clean, balanced ledger. She reported that the DDA Board approved the loan.

The Trustees supported the basis for the resolution, except for Trustee Perret who objected to the use of the water funds in this fashion and argued that it could be used for other purposes. Forberger clarified that the loan would be repaid in approximately one month's time – on August 6, 2012. Trustee Croughwell argued that this was a minimal risk for the Town to take.

Motion to approve Resolution 2012-23, concerning DDA Loan for Sidewalks Phase I shortfall, sidewalk maintenance, and flowers, was made by Trustee Lee, seconded by Trustee Croughwell, and approved unanimously.

**8. Consideration of Resolution 2012-24, concerning DDA Loan for NedPeds Project Design.**

Forberger explained the resolution, that the length of the loan was aligned with the length of the design period for the project, and that there is not a prepayment penalty.

Everson explained how the DDA finance subcommittee reached the recommendation for the structure of this loan and the next priorities for the DDA with regard to the NedPeds project. She also reported to the Board the progress of the Design Advisory Team (DAT) on the NedPeds project. Trustee Fiori requested and received some clarification of numbers in the amortization schedule.

Motion to approve Resolution 2012-24, concerning DDA Loan for NedPeds Project Design, was made by Trustee Croughwell, seconded by Trustee Lee, and approved unanimously.



**G. DISCUSSION ITEMS**

No Discussion Items were considered.

**H. OTHER BUSINESS**

The Mayor introduced his ideas for traffic vests for parking management during special events. Based on his preliminary plan, the Town would provide the vests, the cones, and the locations for parking; the nonprofit organization would provide the volunteers and split the proceeds of the parking with the Town. The Mayor was seeking Board approval to spend \$300 on the vests. Mitchell offered to help train parking volunteers and suggested that the Town require vest deposits in order to either guarantee return of the vests or replace them. The Trustees discussed the potential limitations of a parking plan and the use of volunteers. The Board agreed to consider a work session on a parking plan.

The Mayor asked if the Board would like to direct PROSAB and SAB to consider commenting on the Environmental Impact Study (EIS) regarding proposed changes to Eldora Ski Resort. The Trustees agreed to this approach.

Trustee Perret complained that Snyder Street has now become a diagonal parking lot, without room for delivery vehicles or passage of an emergency vehicle.


Trustee Croughwell asked for an update about the utility maintenance on Bridge Street to repair the sinkhole, and Reis provided an explanation of the sinkhole development and how repairs were made.

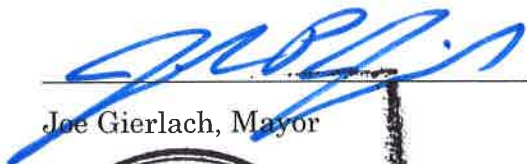
**I. ADJOURNMENT**

Motion to adjourn was made by Trustee Lee, seconded by Trustee Croughwell, and approved by unanimous voice vote. The meeting was adjourned at 9:59 PM.

Approved by the Board of Trustees.

ATTEST:

  
Teresa Myers, Town Clerk

  
Joe Gierlach, Mayor



