

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

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

A. CALL TO ORDER

Meeting convened at 7:07 PM.

B. ROLL CALL

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

Absent: Trustee Chris Perret

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

C. CONSENT AGENDA

- Approval of August 7, 2012 Accounts Payable, Schedule A
- Approval of August 7, 2012 Accounts Payable, Schedule B
- Approval of July 17, 2012 Regular Meeting Minutes
- Resolution 2012 -25, approving the Downtown Development Authority's Plan of Development (POD)

Trustee Fiori requested to pull the POD item from the Consent Agenda.

Motion to approve Schedule A of the Consent Agenda, was made by Trustee Lee, seconded by Trustee Long, and approved unanimously.

Motion to approve Schedule B was made by Trustee Croughwell, seconded by Trustee Fiori, and approved unanimously, with Trustee Lee abstaining due to a conflict.

Motion to approve the minutes from July 17, 2012 was made by Trustee Lee, seconded by Trustee Croughwell, and unanimously approved with Mayor Pro Tem Mueller abstaining.

Discussion ensued on Resolution 2012-25 approving the Downtown Development Authority's Plan of Development (POD) Exhibit A. Trustee Fiori recommended some changes to Point #2. Fiori suggested to remove the reference to kayaking and to expand on the construction of a pedestrian-friendly bridge linking Chipeta Park and East First Street by making it big enough for a car to drive on it in case of emergencies. Reis commented that Points #1-5 of the POD were already approved back in 2006. There certainly could be an amendment to those points in the future, but what is before the Board tonight was strictly the addition of Point #6 to specifically include the NED PED project. The Board felt more comfortable to approve the Resolution if the exhibit were revised to only include Point #6. A motion to approve Resolution 2012-25, which will only include Point #6, was made by Mayor Pro Tem Mueller, seconded by Trustee Fiori, and approved unanimously.

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

Dallas Masters, 30 Sundown Trail, expressed his concern over vacation rentals and for the Town to consider this disruption in residential neighborhoods.

David Sites, 101 E. 2nd Street, wanted to know if the public will ever find out what happened to former Town employee Mark Clift. Town Attorney Beery responded by saying it would not be appropriate due to it being a confidential personnel matter.

E. INFORMATIONAL ITEMS

1. Mayor's Proclamation Celebrating the Nederland Community Presbyterian Church's Centennial.

Frank Lutz, 319 Sherwood Road, provided history of the Presbyterian congregation and its contributions to the community over the past 100 years. Interim Pastor Joanne Dobie and Lutz stood while Mayor Gierlach read a proclamation congratulating the church on their 100th Anniversary as a congregation

2. Presentation on State Fiscal Issues by the Bell Policy Institute.

Wade Buchanan, representative from The Bell Policy Center, was present to discuss State financial issues and the Colorado Reform Roundtable's Statement of Agreement, which has been signed by a number of organizations statewide. Bell's role in this is to educate the public on the State's large and growing imbalance between state revenues and the cost of state services. The Agreement is to acknowledge that an effective solution to the State's fiscal issues is to address the structural problems with the State budget and to increase revenues to provide adequate and stable support for essential public systems in the future.

F. ACTION ITEMS

1. Consideration of Special Event Permit Application and Fee Waiver Request for Presbyterian Church's Centennial Celebration.

Town Administrator Reis introduced the application for a special event permit and fee waiver. The Nederland Presbyterian Church will be celebrating their 100th anniversary at the church by having an outdoor picnic and a non-amplified band on Saturday, August 11. The 200 block of Jefferson between Highway 72 and West 3rd Street will be closed for the day. Public Works has evaluated the closure of that block, and other access is available to neighboring properties. The Town Clerk thought this was a reasonable request due to it being their 100th year celebration.

Interim Pastor Joanne Dobie was present to answer any questions. There was discussion regarding noticing of property owners, and Reis said that wasn't required as part of this type of application. Dobie stated there should be ample parking available through their existing lot and usual parking on the street. Dobie anticipates more participants at this celebration than a normal Sunday service, but folks won't be showing up all at once. The event is from 10 a.m. to 4 p.m. so people will be showing up sporadically throughout the day. The Trustees were unanimously in support of the application and congratulated the Church on their milestone. It was noted that if there are complaints in relation to the noise level, then perhaps staff can re-evaluate the need to notice surrounding property owners as part of the request for a noise variance application.

Motion to approve the Special Event Permit and Fee Waiver Application for the Presbyterian Church's Centennial Celebration was made by Trustee Long, seconded by

Trustee Croughwell, and approved unanimously.

2. Consideration of Resolution 2012-26, approving new Board of Trustees Rules of Procedure.

Town Administrator Reis introduced the item. In June, Town Attorney Beery had brought forth some changes to Chapter 2, Administration Code, in regards to what the Mayor duties are, how to operate meetings, etc. At that time, the Board directed staff to draft a manual of meeting procedures prior to streamlining Chapter 2. This resolution would enact the Rules of Procedure. The Town Clerk had reached out to several other communities across the State to include other points that would be beneficial to the Board. This could be a procedural document used by the Town's other advisory boards.

There was discussion on whether to put this as a workshop or not. Trustee Lee had several concerns/questions throughout the whole document. Mayor Pro Tem Mueller also had some questions. The Mayor noted there was only one available day, September 11, to hold a workshop until March. Trustee Fiori thought the document was reasonable and did not want to put it to a workshop. The Mayor suggested Trustee Lee go through some of his concerns so the Board could get an idea of whether a workshop was warranted.

After some deliberation, Reis and Beery suggested the Trustees refer this back to staff, put their individual comments together, and email a one-way communication to Reis, who will work with Beery and the Town Clerk to compose all edits and comments into an amended red-lined document of general consensus. Staff will be able to address if the concerns/questions are code provision or a standard practice and can define what level of effort would go into each proposed change. This can be done through an email exchange so that a workshop does not have to be scheduled. This document can then be voted on at the next meeting. All were in favor through a voice vote.

3. Consideration of Back Door Theater Company lease renewal.

Town Treasurer Forberger introduced the new lease, which would be effective as of September 1 and run through December 2013. The Back Door Theater (BDT) had come to Town looking for a way to save money in order to offset the costs of future digital equipment, plus allowing the space to be freed up during the week for other events. The Community Center Foundation Board had expressed interest in the flexibility of using the

theater for other programs if not in use. Currently, the BDT sub-leases the space, now the Town would have that control. The lease renewal reduces the rent by \$100 a month. It was clarified that the decrease of \$100 is one way to help the BDT save towards the new equipment they plan to purchase with the potential assistance from the Town in the form of a loan.

President of the BDT Kayla Evans, 1250 Eldora Road, was present to answer any questions.

All were in favor and support of the new lease, and the wonderful amenity that the BDT provides to the community. Trustee Fiori wanted to point out that during the 2013 budgeting process, he would like to put the digital projector and sound equipment at the top of the priority list. He had some concerns on who should own the equipment. If the Town owns it, the projector would make renting the space on those off days more desirable. If the BDT were to own the equipment, they may not want to loan it out, and the space would not be as desirable to different entities.

Motion to approve the Back Door Theater Company lease renewal was made by Trustee Long, seconded by Trustee Fiori, and approved unanimously.

4. Consideration of Nederland Area Seniors' Request for Fee Discount/Waiver for the Holiday Mountain Market.

Town Administrator Reis introduced the item. The Nederland Area Seniors are requesting a discount of special event fees for its annual Holiday Mountain Market event in December. Normally, they have asked for, and received, a full waiver of these fees. Staff felt this was a step in the right direction for a discount, instead of a full waiver.

Trustee Croughwell agreed that this was a good example to other non-profit organizations, and as a vendor at this event, she wouldn't mind paying a little extra for her booth so they could pay the fee in full.

Trustee Long wondered where the 35% came from. Reis commented that the Board had approved a category-based discount system, and this is where the 35% originated.

Motion to approve the Nederland Area Seniors' Request for Fee Discount for the Holiday Mountain Market was made by Trustee Croughwell, seconded by Trustee Long, and approved unanimously.

The Mayor called a short break. The meeting reconvened at 9:00 p.m.

G. DISCUSSION ITEMS

1. Discussion of Ordinance 712, adding Bed & Breakfasts as a permissible land use in the Nederland Municipal Code Land Use Chart.

Reis introduced the item. Permission to run beds and breakfast (B&B) have been requested throughout the years, more recently perhaps as folks retire or are not able to find work. The last time B&Bs were addressed was with the amendment to the Home Occupation code in 1997. Ordinance 454 prohibited B&Bs as a Home Occupation use. In February 2012, a resident came before the Planning Commission to pursue an amendment to the code to allow such a use. After much deliberation, the Planning Commission felt that including B&B as a Home Occupation didn't provide the level of scrutiny the Commission would feel comfortable with. A Home Occupation only requires a Business License processed through staff and a site inspection by the Town Zoning Administrator. The Commission felt a B&B should be listed in the Zoning Use Group Chart as a Special Review, which means an applicant would submit an application, is heard through a public meeting before the Commission, and a legal agreement would follow with conditions of approval imposed. The Commission has put forth this proposal for the Board's consideration.

There was discussion on vacation rentals by owner (VRBO) and how that relates to B&Bs, short-term rentals, rental licenses, and enforcement of the above.

Trustee Long asked when the Town plans to start regulating VRBOs. VRBOs are not regulated right now, and Reis informed the Board that rental licensing hasn't been meaningfully enforced for the past 30 years. Town Clerk Myers has been spending a tremendous amount of time looking for inspectors to assist with the enforcement of these licenses. This has been a high priority to ensure folks have a decent place to live.

Leonard Kottenstette, 334 West 4th Street, was concerned about the enforcement of

these rentals. He understands the Special Review Use process, but urges the Board to be careful in how to word conditions. He cited a few issues from the current B&B code definition: one bathroom is required for five rooms; rooms could be double occupancy, so that gives one bathroom for ten people; also the B&B definition states that guests are not allowed to stay more than seven (7) consecutive days, but Kottenstette pointed out that people could leave after seven days, stay away for a day, and check back in for another seven days.

Town Attorney Beery wanted to express that a Special Review Agreement is a tool for enforcement. An agreement states what you can and cannot do, and can be revoked at anytime if conditions are not met.

Reis stated that the discussion before the Board tonight was whether or not to instruct staff to pursue this suggested code change, provide additional research, table this for short-term rental discussion, or not move forward with B&Bs at all.

Trustee Fiori recommended tabling the discussion. In theory, he agreed to the B&B approval being part of the Special Review Use process, but wanted to emphasize that the Town should be very careful not to license and regulate themselves out of business. B&Bs would provide a new revenue stream, encourage cottage industry, and help keep the Town's economy self-sustaining.

Trustee Lee agreed with much of what Trustee Fiori stated. He was not overly confident in the SRU enforcement process. He suggested that the required public notification to property owners should be increased from 300 feet to 500 feet.

Mayor Pro Tem Mueller thought the Special Review Use is the right process for now, but it will take a little more work to define what a B&B is, and he certainly doesn't want staff spending too much more time on this. He is in agreement with Trustee Lee on increasing the noticing to 500 feet. Mueller suggested that the Planning Commission should hear the Board's concerns before a B&B go through a Special Review Use.

Reis stated that staff can conduct further research on towns that allow B&Bs, and what concerns and issues they have come across. There is no time pressure to complete this.

Reis also mentioned that code enforcement is worthy of a larger discussion, and what the Board has in mind for code enforcement goals for the town.

H. OTHER BUSINESS

Trustee Croughwell shared information about a cultural exchange program that has occurred between Brittany, France and Nederland, Colorado due to resident Dallas Masters' wife, Laurence, being from Brittany. A group of folks from Brittany are coming to town on August 29, and Croughwell suggested a picnic on Sunday, September 2 at Chipeta Park to welcome them. Croughwell will extend an invite to everyone and encourages all to attend. She asked if the Town would be able to assist with anything, and Reis said there is Board "goodwill" money available for this type of event, and will look into what can be done.

Trustee Fiori encouraged everyone on the Board not to be part of a new Facebook page called NedTalk. A staff member has recently been verbally abused on this site, and he felt the Board should step up in a show of support to staff and stay off of the site. Recent comments were particularly nasty, ugly and inaccurate, Fiori said. Mayor Gierlach stated that on the flipside to that, NedHeads has been a very reliable, productive, and useful group.

Trustee Lee asked about a show of appreciation to staff. Mayor Gierlach noted the upcoming workshop on August 14 would discuss staff recognition.

Trustee Fiori asked if the Board could support Proposition 64 (on November's statewide ballot). Town Attorney Beery said the Board can adopt a resolution in support for anything.

It was suggested to adopt a resolution in support of the Colorado Reform Roundtable's Statement of Agreement.


I. ADJOURNMENT

The Board is scheduled for a workshop on August 14 at 6:00 p.m. to talk about communication, and set the agenda for the next six months.

Motion to adjourn was made by Trustee Lee, seconded by Trustee Croughwell, and approved by unanimous voice vote. The meeting was adjourned at 9:55 p.m.


Joe Gierlach, Mayor

ATTEST:


Michele Martin, Deputy Town Clerk

