

**TOWN OF NEDERLAND
BOARD OF TRUSTEES
REGULAR MEETING MINUTES:
September 4, 2012, 7:00PM**

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

A. CALL TO ORDER

Meeting convened at 7:04 PM.

B. ROLL CALL

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

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

C. CONSENT AGENDA

- Approval of September 4, 2012 Accounts Payable
- Approval of August 21, 2012 Regular Meeting Minutes
- Approval of Agreement with Golder and Associates for Automation Controls Support for the Water Treatment Plant.

Mayor Pro Tem Mueller requested that the Golder Agreement be discussed separately, and the Board agreed. The Mayor Pro Tem asked some questions, and Reis replied that she would need to have the questions answered by the utilities staff and asked that the Mayor Pro Tem email her the questions and the item be tabled until a later meeting. The Board approved, through voice vote, tabling the item.

Motion to approve the Consent Agenda except for the Golder and Associates Agreement, was made by Trustee Lee, seconded by Trustee Fiori, and approved unanimously.

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

May Jarril, of Nederland, commented that she didn't appreciate Trustee comments about the Nedtalk Facebook page. She also complained that the NedCompost site near the Town Shop has been attracting domestic animals and wildlife and that she believes that it may be in violation of Town zoning code. Reis explained that the use is allowed because a public hearing was held approximately a year ago to permit the use as an extension of the current "municipal use," as allowed under the code.

E. INFORMATIONAL ITEMS

1. Presentation on Achieving Zero Waste Goals Through Composting.

The Mayor introduced the item. Jane Curtis Gazit, of Keep Magnolia Clean, Wendy Monroe, of Native Medicinals, and Jill Dreves, of Wild Bear Mountain Ecology Center, gave the Board and audience a presentation on a proposed Zero Waste in Nederland project, which highlights the benefits of composting. The use of composted materials could address many community issues, including forest health, drainage problems, and road grime mitigation. They also shared how the pilot project could be used to further ecological education.

Dianne Fleming, of Nederland, supports the pilot project and also hopes that NedCompost does not fall away in the enthusiasm for the mycelium project.

The Board agreed to move forward with a work session on this topic in October, with the date to be worked out by staff.

F. ACTION ITEMS

1. Consideration of SRU agreement with Aspen Grove Community Preschool (formerly Over the Rainbow) for a preschool use in the NC zoning district.

Town Administrator Reis introduced the application and explained the background of the SRU. Jasper Webb, of Aspen Grove Community Preschool, informed the Board of the reasons for the application, including the need to relocate and the desire to expand.

Trustee Lee asked about the status of additional parking, and Webb explained that 10 additional spaces were added after the Planning Commission hearing. The Trustees asked some more parking questions and Webb clarified the new parking plan, including the proposed use of Ralph Meyertons' property for overflow parking for special events at the preschool, and she explained the traffic flow expectations.

Jeanette Smith, of Nederland, explained the history of the property that Aspen Grove is seeking to purchase and use. She noted the limitations of the property and the area.

Ralph Meyertons spoke in opposition to the SRU, citing safety concerns due to the proximity of the Creek.

Tanaya Pieper, of Nederland, expressed concern about the parking for the preschool, particularly during the winter, given snow issues, and she had concerns that the Planning Commission recommendations be followed. Pieper distributed some photographs illustrating her concerns.

Lynn Abrams, of Nederland, shared her traffic flow and parking concerns with the Board.

Webb addressed some of the statements made by the residents who had spoken, including traffic flow issues, enrollment numbers, trash disposal, and speed along the road. Amy DeBenedictis, former preschool board chair, explained the safety precautions taken and the unlikely nature of the children being outside the fenced perimeter, and also explained that the preschool had not understood that Meyertons owned the roads until after negotiating for the purchase of the property.

Reis explained Town maintenance of the roads and Beery explained the limitations on town control of private roads regarding speed, directional flow, etc.

Mayor Pro Tem Mueller was not opposed to the site location, but did feel that an agreement should be made with Meyertons for overflow parking. Reis explained that the required parking was actually on the site of the property; the Meyertons property was only about event-level parking. The Mayor Pro Tem voiced his support for the plan, as recommended

by the Planning Commission, but ultimately changed his position as discussion continued.

Trustee Perret opined that the plan was not well-considered and that the applicants should have to work things out with Meyertons. He explained that he has serious concerns with the parking and traffic situation, and suggested that the preschool seek another location to purchase. He did not support the Planning Commission recommendation.

Trustee Fiori shared his experiences as a parent at the preschool and voiced his confidence in their safety protocols. He further noted that parking has never been an issue and he thinks they have adequately addressed the issue.

Trustee Lee said that he thinks the preschool is a good use for the location and he supports the organization and its mission, but disagreed that parking had been adequately addressed, based on his discussions of parking needs with former preschool employees, and so could not support the application.

Trustee Long said that at first he was skeptical of the site, but after a site visit, he is comfortable supporting the Planning Commission's recommendation.

Trustee Croughwell explained that she has a lot of reservations about the application, particularly because the neighbors seem to have a lot of concerns and are not supportive. She agreed with the Planning Commission's process, but cannot support the application.

The Trustees discussed the parking options and the Mayor noted his support for the SRU.

Motion to approve the SRU agreement with Aspen Grove Community Preschool for a preschool use in the NC zoning district with the conditions laid out by the Planning Commission and additional comments as recommended by staff was made by Mayor Pro Tem Mueller, seconded by Trustee Fiori, and defeated by a vote of 4 to 3 with Mayor Pro Tem Mueller, Trustee Croughwell, Trustee Lee, and Trustee Perret voting no.

The Mayor called a brief recess and the meeting reconvened at 9:21PM.

2. Consideration of Resolution 2012-26, approving a Memorial Policy for commemorative memorials on Town property.

Town Clerk Myers introduced the item and reminded the Board of item's history.

Trustee Croughwell expressed her support for the policy and resolution because it allowed the Town staff to work with the applicants to design something appropriate.

Trustee Long was in favor of the policy, but noted that enforcement could be difficult, as with most code enforcement.

Trustee Lee shared his support for the plan and noted that the memorial that triggered the policy would not actually be affected, although he surmised that the City of Boulder would likely agree to its enforcement on their property where the memorial in question is located.

Trustee Fiori, Perret, and the Mayor Pro Tem also expressed their support for the policy and resolution.

Motion to approve the Resolution 2012-26, approving a Memorial Policy for commemorative memorials on Town Property was made by Trustee Perret, seconded by Trustee Lee, and approved unanimously.

3. Consideration of Resolution 2012-27, supporting a program to allow boating on Barker Reservoir.

Reis introduced the item, explained the nature of the resolution, and reminded the Board of the recent history of the program's development.

Trustees Fiori and Lee discussed the content of the current plan. Trustee Fiori asked that a new plan for the program be constructed as part of the talks with Boulder, but Trustee Lee explained that the current plan already addressed the City of Boulder's concerns. The Mayor clarified that the resolution does not support any particular final plan, but merely shows support to move through the NPP and discussions with Boulder.

Gary Sanfacon, of Greater Nederland, spoke in favor of the resolution and the program moving forward through the process. He was less concerned at this point with the details of the plan, as the process will flesh those out.

Diana Nelson, of Greater Nederland, expressed her support of the proposed boating program and noted some of the results gathered during the last boating trial. She urged the Board to rely on good data and not assumptions or fear-based allegations.

Al Nelson, of Greater Nederland, shared his statistical expertise and applied it to the sustainability aspect of allowing boating on Barker, demonstrating the carbon footprint of traveling outside of town to go boating, versus boating in town. He also questioned the validity of some of the signatures on the anti-boating program letter being distributed.

Brad Lindseth, of Nederland, informed the Board of his boating experience, his support for the program, and his belief that the program would be safe and of benefit. He also offered some ideas for furthering the program's safety goals.

Janette Smith, of Nederland, spoke in opposition to the program, citing safety concerns and the financial burden of the program to the town.

Jan Mussler, of Greater Nederland, supported the resolution and program, noting that it represents a good community and family activity. She opined that avid boaters, kayakers and the like would consider things like wind and water temp in their activities and equipment.

Mike Mussler, of Greater Nederland, spoke to support the boating program.

Al Johnson, of Nederland, expressed his support for the boating program and shared his experiences boating on the reservoir.

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

John Mattson, of Greater Nederland, took part in the 1999 boating pilot and reviewed for the Board the history of boating on the reservoir. He opined that a small but loud minority is driving the discussion.

Linda Lloyd, of Nederland, shared her experiences boating on Barker and expressed strong support for the program. She noted that the past reports do not support the financial concerns of the opponents, and that she believes that the program would bring a lot of income to the community.

Ron Mitchell, of Nederland, has been a longtime supporter of a boating program and continues to support it.

Doug Radandt, of Nederland, supported the program and urged the Board to pass the resolution.

Nancy Stubbs, of Nederland, explained why she doesn't support the program. She is particularly concerned about the safety of inexperienced boaters visiting Nederland.

Dianne Fleming, of Nederland, advocated against the program and cited parts of Envision 2020 to support her position.

Dallas Masters, of Nederland and SAB chairman, reminded the Board of the work that has gone into this proposal, how carefully it has been considered, and that the SAB had recommended support of the proposal.

Scott Hammers, of Nederland and PROSAB, urged the Board to pass the resolution, because it has been well-considered and has great potential.

Trustee Long supported the resolution and thinks that it could serve the community's interests.

Trustee Fiori did not support the resolution, because he feels that the NPP would be circumvented if the resolution moves forward and discussions with Boulder continue at this point. He felt that other priorities should take precedence, based on the Board's goals, and

expressed deep reservations based on safety concerns. Finally, he lamented the divisiveness of the issue.

Trustee Croughwell was not in support of a boating program, but would have supported the resolution if it were reworded based on her suggestions.

Mayor Pro Tem Mueller was essentially in favor of the program, with some significant changes to the resolution reflecting concerns about environmental sustainability and use of Town resources.

Trustee Lee wholeheartedly supported the program and the resolution. He noted that the resolution is necessary to even continue discussion of this program with the City of Boulder. Trustee Lee was surprised by the proposed changes, as he had thought that the language of the resolution had been agreed upon at the Board's work session. He reiterated that the current preliminary proposal addresses safety, staffing, and fiscal concerns, and pointed out that the program had been discussed since the 1950's, and the recent community survey showed a strong support for boating locally.

Motion to extend the meeting to 11:00PM was made by Trustee Lee, seconded by Trustee Long, and approved by a vote of 5 to 2, with Trustees Fiori and Perret voting no.

Trustee Perret read a letter from Nederland resident Beth Davis and noted that many residents had written similar letters opposing the program. He further shared his safety concerns and his sense that this should not a priority right now.

Mayor Gierlach explained that he felt the most crucial step is the NPP, which will follow from approval of a resolution.

The Board discussed the potential for a non-profit to assume responsibility for the program, and the pros and cons of that were briefly discussed.

The Mayor suggested that the Board review the Mayor Pro Tem's suggested amendments to the resolution, one by one, which the Trustees then did so. The Trustees also considered the new title as proposed by Trustee Croughwell.

Time expired before discussion on this item could be concluded.

G. DISCUSSION ITEMS

There were no Discussion Items.

H. OTHER BUSINESS

No Other Business was attended to.


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 11:01PM.



Joe Gerlach, Mayor

ATTEST:



Teresa Myers, Town Clerk

