



**TOWN OF NEDERLAND
BOARD OF TRUSTEES
REGULAR BUSINESS MEETING**

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

November 18, 2014, 7:00 P.M.

MINUTES

A. CALL TO ORDER – 7:00 PM

Meeting convened at 7:05 p.m.

B. ROLL CALL

Present: Mayor Joe Gierlach, Trustees Kevin Mueller, Randy Lee, Topher Donahue, and Charles Wood.

Absent: Trustee Kristopher Larsen and Mayor Pro Tem Peter Fiori

Also present: Alisha Reis, Town Administrator, LauraJane Baur, Town Clerk, and Cynthia Bakke, Deputy Clerk.

C. CONSENT AGENDA

- Approval of November 18, 2014 Accounts Payable.
- Approval of October 21, 2014 Regular Meeting Minutes.
- Approval of an Ordinance 734 to clarify vacation of ROW of Tilden Street (previously vacated).
- Approval of a facility use agreement for FDGD.

Discussion continued from last month's meeting regarding how corrections to draft minutes should be handled by the Mayor and Trustees. The final consensus was met that the Mayor/Trustees can correct their own statements. If they feel an error has been made regarding someone else's comments, they should address it with that person to verify the correct information in the minutes.

Motion to approve the Consent Agenda was made by Trustee Lee, seconded by Trustee Wood, and passed by unanimous approval.

D. STAFF REPORTS

1. Alisha Reis, Town Administrator

The Administrator's report was included in the packet. Reis highlighted the update provided by the Town Intern, Alex Armani-Munn, regarding the ongoing progress in Nederland's efforts to achieve full STAR community status. Reis noted that she is confident about reaching 300 points by mid-year.

Reis brought attention to the Remaining Meetings/Events for the Year, noting in particular the Volunteer Appreciation Party at 5:00 p.m. on Thursday, December 11th at the Community Center.

2. LauraJane Baur, Town Clerk

The Clerk's report was included in the packet. Baur noted that a large portion of the report was compiled by Cynthia Bakke, Deputy Town Clerk. Baur has been working on learning "Nederland's ways" and appreciates all of the assistance that her coworkers have given her as she gets up and running.

3. Eva Forberger, Town Treasurer

The Treasurer was unable to be in attendance, but the draft budget will be addressed in the Informational Items. Alisha Reis invited the Board of Trustees to email or call her or Eva Forberger with questions or comments.

Mayor Gierlach said that he would like to have removed from the draft 2015 budget the \$700,000 in planned spending for a new Town shop in the Capital Improvement Program budget, intended to be taken from reserves from each of the General Fund, Water Fund and Sewer Fund. He further requested in the final 2015 budget documents and explanation of the 2015 allocation for \$30,000 each from those funds to support engineering for the Town shop project.

4. Paul Carrill, Town Marshal

The Police Department report was in the packet. Reis, speaking on behalf of Marshal Carrill, highlighted that the "Trick or Trunk" event was met with success with no reported issues and a good time for all. Reis also brought attention to the section of the report noting that the Colorado Division of Revenue Marijuana Unit conducted an investigation that resulted in the closing of a local marijuana retailer.

5. Jason Morrison, Public Works Manager

The Public Works report was in the packet. Reis noted that Public Works is on track for completing all of the planned projects for 2014. She also stated that Jason Morrison, Public Works Manager, has completed his year-long course at the Rocky Mountain Public Works Institute and that she is very proud of this accomplishment; he attended ALL sessions.

6. Dawn Baumhover, Community Center Coordinator

The Community Center report was included in the packet. Baumhover noted that the Toy Drive is being promoted by local churches and the Food Pantry. New or "gently used" toys will be accepted through December 12th.

E. BOARD OF TRUSTEE REPORTS

1. Mayor's Report

In addition to the report included in the packet, Mayor Gierlach gave a presentation on #NedZero, with the assistance of Sustainability Advisory Board member and local resident Jesse Seavers. Gierlach noted that it is the first example of a user interface for the program and pulls posts from Facebook, Twitter, and Google Plus. He has been pulling all feeds regarding Nederland.

Folks can sign up to take a pledge to support volunteer efforts in the program, and also complete a survey to find their interests. The site will send people to the page of the Nederland Sustainability program that relates to their interests. Anyone in the community can participate.

Seavers spoke in support of the program. It can help with vision and planning for Nederland; as now is a time for action and this is a good way to start.

2. Trustees' Reports

Trustee Mueller

Trustee Mueller reported that the Business Community Exchange event kicked off the process for updating the master plan for the DDA. There were tables set up with 5 areas of interest. There was a decent turnout with lively discussions, with about 15 businesses that attended. There will be another meeting tomorrow night (11/19/14) where Katrina Harms, DDA Chair, will be summarizing the meeting, and she will have more information available by the end of the week.

Trustee Lee

Trustee Lee's report is included in the packet. He also mentioned that PROSAB has applied for renewal as a 2015 Firewise Community.

Trustee Wood

Trustee Wood said they have 3 candidates for the NCCF; two will be appointed this evening and one more will be appointed later.

As liaison to the Colorado Association of Ski Towns, Trustee Wood attended a webinar on affordable housing for resort towns. He noted that residents tend to get priced out by second home owners. The webinar suggested that the use of deed restrictions can help with this issue. Breckenridge participated successfully in a program like this, so Nederland might want to look into it.

Trustee Lee asked if a link to this information could be sent out, and Trustee Wood offered that he will be able to provide a copy of the whole presentation.

Trustee Donahue

Trustee Donahue gave updates from the Planning Commission (PC), noting that new members need specific skills and must be able to assist in the preparation of recommendations and code updates. He also said that they are looking into the Peak to Peak commuter traffic and concerns regarding the RTD ridership vs. the carbon footprint of running the van.

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

Roger Cornell of Nederland, Planning Commission Chairman, spoke regarding marijuana cultivation facilities in residential areas. He agrees with taking a year off to review and

monitor prior to adjusting related Town code. He also said he wanted to set the record straight regarding the Planning Commission's stance on these issues and set someone's reputation straight. He said he felt that Alisha Reis' reputation was questioned at the last meeting. He stated that about a year ago, PC voted not to support any cultivation operations in residential areas. The PC saw a review for cultivations in residential areas again and, again, voted against it. They had a work session with pros and cons, and discussion with the Town Marshal. There are still many questions and decisions to be made. Cornell noted that he was trying to come up with an alternative way to make it work, and he came up with trying to use the home occupation rules. PC again voted against cultivation operations in residential areas. Cornell said he feels that during the Board's discussion on the issue at their last meeting that Reis was attacked as a person, rather than focusing on the issue, and the BOT owes her an apology.

H. INFORMATIONAL ITEMS

- **Report on Code Enforcement Pilot Program**

Prior to discussing his report Frank Goodard, Code Enforcement Manager with SAFEbuilt, introduced Sherri Snyder. Snyder will be taking over for Goodard in Nederland.

Goodard asked the BOT if they had any questions regarding the report, which was included in the packet. Trustee Mueller inquired as to the goals of Code Enforcement. Goodard stated that voluntary compliance is the goal, and that it has been working well with the use of summons not having been needed.

Reis mentioned unsanitary living conditions as being an issue, and noted that Rental Licensing will help with this issue in addition to Code Enforcement. She also stated that Goodard has been able to assist with a specific unsanitary situation with a failed septic system.

Trustee Lee said it was an informative report but suggested that, in the future, personal address information be redacted. He suggested using a case number or block and street address instead.

Mayor Gierlach questioned if these services have been budgeted for next year. Reis answered that it had been budgeted for the same amount as 2014, noting that code compliance related to marijuana-based businesses was added as an enforcement goal for the coming year, given the recent Oct. 1 kick-off of stand-alone retail marijuana business licensing.

Mayor Gierlach asked if the services will start again in spring or if they continue throughout the winter. Reis said that they will continue for complaints through winter, and patrols will begin again in spring.

- **2015 Draft Budget and Fee Schedule**

The Treasurer provided the 2015 budget draft with fee schedule in the packet as updated from the October 28th final budget work session. If there are any questions from the BOT, Reis requested that they send an email to her and/or to the Treasurer, so any issues can be resolved prior to the December 2nd BOT meeting, when the budget is scheduled for adoption.

I. ACTION ITEMS

1. Consideration of sign proposal request re: NMSHS sign.

Reis introduced the proposal for the BOT to consider use of Town-owned land for the NMSHS sign as described in the information provided in the packet. She offered that if the BOT decides in favor of the sign, she and the Town Attorney will draft a Facility Use Agreement for consideration on the next Consent Agenda on Dec. 2.

Adam Fels, NMSHS Principal, spoke on behalf of the group and expressed thanks for the support of the recent school bond issue. He also wanted to thank the Trustees and Police Chief Paul Carrill for their support of the Trick or Trunk event and noted the students had put that event together. He noted support of the Rotary as a great opportunity to bring volunteerism to town. Then he also thanked Teens, Inc. for their fundraising efforts.

Regarding the sign, Fels said that the senior class had a meeting to define their senior year, their class and their goals, service, and branding of pride. They have already achieved some of the service aspects. They created the branding with the sign, and have been fundraising for the creation and maintenance of the sign for five years, and can continue fundraising for future years.

Five students each addressed the BOT with supporting statements regarding leaving a legacy, building a bond between the school and the community.

Trustee Lee asked if the sign would be two-sided. The response was yes. He also asked if they had done any community outreach to gauge support. Fels noted that parents, as members of the community, are in support of the sign. He noted that he has also reached out to the elementary school parents, as they are "Panthers", as well.

Trustee Mueller asked if the center portion of the sign would be an actual photo, as shown in the proposal submitted in the packet. Fels said that the details are not yet decided and that they are open to staff and BOT suggestions. He noted that all of the lettering will be metal for added duration and lower maintenance.

Mayor Gierlach asked about the possibility of expanding the sign to include an electronic message board that could be changed to reflect upcoming community events. Fels responded that an electronic sign would cost quite a bit more, but that he will be happy to look into it if that is what the BOT would like.

The Mayor then asked for any public comments.

Dawn Baumhover, of Nederland, spoke in support of the sign, noting that having raised five kids in Nederland she feels it's long overdue.

Katrina Harms, of the greater Nederland area, said she likes the idea but is unsure of the placement. She said it might be distracting in that location.

Jessie Seavers, of Nederland, asked about the panther and why the panther is the mascot. Fels answered that it was picked during the construction of the building and is thought to have been chosen as a result of an old rivalry between Nederland and Boulder. Linda Glasser, of Nederland, noted that she graduated from NHS back when it was in the Community Center building and the mascot has been a panther as long as she can

remember. One of the students, MacKenzie Radandt, noted that the issue of the mascot has been brought up, but no one wanted to change it.

Mayor Gierlach wanted clarification on the location of the sign. Did the town or the school suggest the location – why that particular location? Reis noted that the traffic circle was considered, but CDOT has not been supportive of any development in the traffic circle. The proposed location is owned by the Town; there are other Town-owned locations, but this one seemed to be the most prominent, which fit the schools' desires for location.

Roger Cornell, of Nederland, said the location should be discussed and noted that event banners in the past have been problematic.

The Mayor opened the discussion to comments from the Trustees.

Trustee Mueller said he likes the idea but has concerns over the location. He mentioned that the area is inundated with signs and that it is a lot to take in. He said that the location should be discussed further. He likes the idea of the traffic circle. He also noted that he like the concept of the metal and wood construction of the sign. He brought up the idea of a partnership between the Town and the school for landscaping around the sign. He would like to move forward with this.

Trustee Lee said that the process is great and commends them for their work. The location is ok as long as it is kept simple. He said he supports an LED sign in lieu of the single use banners currently used. He suggested using Nederland's logo as the center of the sign.

Trustee Wood said he likes it for the community spirit and to denote the schools in the area. He is in favor of the sign and the location.

Trustee Donahue said the students did a great job of presenting, and he likes the photo idea as presented for the center of the sign rather than the logo. He said he thinks the location is ok.

Mayor Gierlach asked about Bryan Mahon Way – is it Town property, and would that location work? Trustee Mueller said they will need to discuss the location more. Fels noted that they looked at many locations and they chose the requested location due to the maximum exposure it can provide.

Motion to approve sign proposal request re: NMSHS sign was made by Trustee Wood, seconded by Trustee Donahue, passed with unanimous approval.

Reis said that she will have a Facility Use Agreement drafted for approval at the Board's next meeting.

2. Consideration of Resolution 2014-28 to adopt amendments to the PROSAB charter.

Trustee Lee introduced the item explaining that adding an alternate member to PROSAB would address the issue of obtaining quorum to be able to effectively address scheduled business.

Trustee Donahue mentioned that having more people complicates things, but it gets more people involved, so he supported the change. Trustee Wood agreed.

Motion to approve Resolution 2014-28 to adopt amendments to the PROSAB charter was made by Trustee Lee, seconded by Trustee Wood, passed with unanimous approval.

3. Consideration of appointment of one regular member and one alternate to PROSAB, and appointment of two members to NCCF.

Each appointee was invited to say a few words prior to the BOT vote.

Motion to approve the appointments was made by Trustee Wood, seconded by Trustee Lee, passed with unanimous approval.

The appointed candidates are as follows:

- 1) Jonathan Baumhover, PROSAB regular member, term expires June 2017
- 2) Kris Hess, PROSAB alternate member, term expires June 2017
- 3) Linda Glasser and Martin Mann, NCCF, no term expiration

Motion to extend the meeting by 30 minutes was made by Mayor Gierlach at 10:00 pm, seconded by Trustee Donahue, passed with unanimous approval.

4. Consideration of appointment of two members to the Planning Commission.

There were three applicants for two PC vacancies. Mayor Gierlach suggested that each applicant be given the opportunity to address the BOT, then the BOT would take a ballot vote to narrow the candidates down from three to two prior to taking a vote for appointments.

After each candidate introduced themselves and gave a brief statement, the BOT asked a few questions of each.

Bill Allen:

Trustee Mueller asked how he feels about the Comprehensive Plan. Allen said he is not familiar with it but is looking forward to becoming more familiar with it.

Trustee Lee asked him about an issue of interest for him. Allen said that, as a parent and as the neighbor of a former grower, marijuana is an issue of interest for him.

Jessie Seavers:

Trustee Wood asked him about working on both SAB and PC; does he have any concerns regarding working on both boards? Seavers said that he had recently sold his business and has the time to help on both. If he would have to choose between the two, he would prefer PC, but still offer non-member support to SAB.

Gregory Guevara:

Trustee Mueller asked if he had read the Comprehensive Plan, and what does he think of it? Guevara answered that he has read part of it; he likes it, especially the part about people being the most valuable asset. Trustee Wood asked him if he found something in the plan that he disagreed with, would he be able to execute decision in agreement with the plan. Guevara stated that, being part of the Envision 2020 steering committee, he agrees with how the envisioning points were integrated into the Comprehensive Plan. He does not feel there would be an issue with that.

This last question was then asked of the other two candidates. Seavers answered that the Comprehensive Plan is a snapshot of the best thinking of the committee. He sees them as a

foundational building block for future decisions. Allen said that, in broad terms, he would be able to support the Comprehensive Plan, especially in support of small businesses.

There were no public comments.

The Mayor invited comments of the Trustees.

Trustee Donahue said he wanted to see what PC recommended. Reis noted that the pertinent section of the PC minutes is in the packet. Mayor Gierlach said that it gave no real recommendation, but the votes for each candidate were stated. Trustee Donahue noted that the PC has very specific jobs and we need the best people to do those jobs. Implementing Town Code and the Comprehensive Plan should be where we need to concentrate our focus. Allen has noted controversy to issues and was part of the Town during a time that issues were not dealt with. Donahue said he supported the other two candidates. He said that Seavers knows all of the Town's plans, Allen was not at the PC meeting when they voted on their recommendations, and Guevara stayed for the entire meeting.

Trustee Wood said he hopes that Seavers has time for both commissions; and the PC voted for Guevara and Allen, so he thinks he should support the PC decision.

Trustee Lee said they are three good candidates. He noted that Allen and Seavers have public track records and the Guevara has a good reputation.

Trustee Mueller said that he knows Allen as a neighbor; he knows Seavers through putting together the plans; he doesn't know Guevara that well. Mueller said our community is ripe for action, and briefly discussed the planning processes and theory.

Mayor Gierlach passed out paper ballots for each Trustee to narrow down to the two candidates they feel should be appointed. LauraJane Baur, Town Clerk, tallied the ballots as: Bill Allen, 2; Jesse Seavers, 3; Gregory Guevara, 5 – reflecting the vote to appoint Seavers and Guevara to the Planning Commission.

Motion to approve the appointments was made by Mayor Gierlach, seconded by Trustee Mueller, passed with unanimous approval.

J. DISCUSSION ITEM

1. Introduction of Noxious Weed Management Plan.

Sustainability Advisory Board member Diana Maggiore introduced the plan as was provided in the packet and gave a slide presentation. She noted that the Noxious Weed Subcommittee had done GIS mapping which was grant funded, they have given away booklets/brochures, had a banner for the town entrance, and conducted three weed pulls this year. The goal of Noxious Weed Committee is awareness and to get people talking.

Rea Wrobel, Noxious Weed Committee member, said that the plan is not demanding too much and that we can't eradicate all weeds. Following this plan is being a good steward and trying to prevent the spread of noxious weeds to our ecosystems.

Jonathan Baumhover, Teens Inc., said they partnered with the Forest Service with the Fire Wise program on weed management. He noted that, with climate change, species are

moving up to higher elevations than before. Now is a key time to pay attention and not let it get out of hand.

Mayor Gierlach asked what are they asking the BOT to do; are they asking for the BOT to adopt the plan or to fund the plan? Maggiore answered that the current Town code enforcement guidelines are too vague because there are specific weed management techniques for different types of weeds. The current ordinance is not written clearly enough to serve its purpose and should be rewritten. Trustee Mueller suggested that the language of that particular code could be changed to say to follow the recommendation of the plan. Maggiore agreed that the ordinance should refer to the plan.

Reis also commented that the BOT can help by continuing to support the roll-away collection at the sort yard that takes these types of weeds.

Trustee Mueller asked how to address the issue of the disturbance to the soil. A discussion followed regarding construction sites and management protocols. It was suggested that reference be made to include prevention management protocols, which are briefly mentioned in the prevention section of the plan. After discussion of several scenarios, Trustee Wood asked about what the BOT should do next. Maggiore asked whose responsibility is it to implement this – according to Colorado law she believes it is the land owner's responsibility.

Mayor Gierlach requested that a resolution to adopt the Nederland Noxious Weed Plan be prepared for January or February, and that the ordinance be offered to refer to the plan. Reis noted that prior to May's restarting of Code Enforcement patrols, the Town needs to have a strong educational program about the weed plan and management program.

K. OTHER BUSINESS

There was no other business.

L. ADJOURNMENT

Motion to adjourn was made by Trustee Wood, seconded by Mayor Gierlach, and approved by unanimous voice vote. The meeting was adjourned at 10:26 PM.

Approved by the Board of Trustees.

ATTEST:


Laura Jane Baur, Town Clerk


Joe Gierlach, Mayor



Town of Nederland

