

Town of Nederland
Board of Trustees
Regular Meeting Minutes
April 15, 2014 7:00 PM

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

Also present: new Board members Kristopher Larsen and Charles Wood, Alisha Reis, Town Administrator, Jim Matheney, Police Chief, Sergeant Larry Johns, Eva Forberger, Town Treasurer, Jason Morrison, Public Works Manager and Michele Martin, Town Clerk.

C. CONSENT AGENDA

- Approval of April 15, 2014 Accounts Payable, Schedule A.
- Approval of April 15, 2014 Accounts Payable, Schedule B.
- Approval of March 18, 2014 Regular Meeting Minutes.
- Approval of Colorado Charge Ahead Grant to support electric vehicle charging stations in town.
- Approval of FEMA Grant for Inflow and Infiltration (I&I) Project.

Trustee Perret asked to pull the Charge Ahead grant to discuss in more detail. Perret wanted to know if electric vehicle spaces and equipment would be made available at the Community Center. Reis replied that the pilot project is to take place at the Visitor Center. Staff will take information from the project and will continue to look for spots in public areas such as the Community Center to add additional spaces and units.

Motion to approve the Consent Agenda Schedule A, the regular meeting minutes from March 18, and the Colorado Charge Ahead and FEMA grants was made by Trustee Lee, seconded by Trustee Fiori and passed unanimously.

Motion to approve the Consent Agenda Schedule B was made by Trustee Fiori, seconded by Trustee Croughwell and passed, with Trustee Lee abstaining.

D. STAFF REPORTS

1. Alisha Reis, Town Administrator

Town Administrator's report was included in the packet. Reis wanted to point out that the flood-related Inflow and Infiltration (I&I) work was supposed to begin this week, but due to additional snow accumulation, the work has been delayed. Reis gave Clerk Martin kudos on a well-run election.

2. Michele Martin, Town Clerk

Town Clerk's report was included in the packet. Martin acknowledged that the majority of her time was spent on the Election and was pleased to report that it went off flawlessly. Martin reminded the candidates that their third and final Campaign Finance Report is due by May 1.

3. Eva Forberger, Town Treasurer

Town Treasurer's report was included in the packet. Forberger announced that the 2014 budget is in the new software format.

4. Jim Matheney, Town Marshal

Police Chief's report was included in the packet.

5. Jason Morrison, Public Works Manager

Public Works Manager's report was included in the packet.

6. Dawn Baumhover, Community Center Coordinator

Community Center Coordinator's report was included in the packet. Reis said staff has finally signed off with the contractor and the grand reopening celebration is scheduled for May 17. All day on the 17th the public is invited to try out classes for free. The 9News Health Fair is scheduled for May 3. Trustee Lee strongly encouraged all Trustees to attend the Red Cross Shelter training scheduled on April 29 from 9am-1pm, so that they are familiar with the protocols and procedures.

E. BOARD OF TRUSTEES REPORTS

1. Mayor Joe Gierlach

The Mayor's report was included in the packet. In becoming re-elected, Mayor Gierlach wondered which previous Nederland Mayors had also served for three terms, which turned into a research project at the Carnegie Library. Mayor Gierlach was able to put together the first list of Nederland Mayors from 1904 to present. One of the more interesting Mayors was Paul Luedtke, who served from 1964 to 1972. During that time the Town's first comprehensive plan, basic zoning plan, and regional collaboration was created. Mayor Gierlach said it is possible that if the Board of Trustees back then had not made these plans, Nederland could have easily degraded into a ghost town like Caribou. The list of Mayors has been added to the Town website.

2. Trustee Randy Lee

Trustee Lee's report was included in the packet. Parks, Recreation and Open Space Advisory Board (PROSAB) met on April 2 to review the Eldora Mountain Resort Ski Area Projects Draft Environmental Impact Statement and formulated a recommendation.

3. Trustee Ledge Long

Community Center Foundation Board (CCFB) met and discussed different outreach programs, and how to redefine themselves as a foundation. Dale Porter will stay on until a new chair is in place, and then will assist as a grant writer. Long's term has expired, but he will stay on the Community Center Site Plan Steering Committee until finished.

4. Trustee Chris Perret

Trustee Perret had already resigned from the Downtown Development Authority (DDA) in preparation for his term expiring, so he did not attend the last meeting. Forberger provided the update. The DDA met to review and approve the Colorado Charge Ahead grant that the Board approved as part of the Consent agenda tonight. Reis commented that the BOT/DDA joint work session to look at the next five years of transportation funding is scheduled for May 27. DDA is awaiting final confirmation that the Board is able to make that date.

5. Mayor Pro Tem Kevin Mueller

Planning Commission (PC) will meet on April 23.

6. Trustee Annette Croughwell

Board of Zoning Adjustment (BZA) did not meet.

7. Trustee Peter Fiori

Sustainability Advisory Board (SAB) currently has three applicants to fill vacant positions. They plan to rewrite their bylaws to allow internet attendance and add an alternate member, so that they always have seven members at the meetings, they will forward to the Town Attorney for review. They have received a Noxious Weeds grant and are working with PROSAB to implement. Kayla Evans has given SAB permission to show educational movies from time to time and the next one is *Tiny: A Story About Living Small* which incorporates storage containers. Once they receive the movie in, it will be advertised. Another movie idea is *Bag It* and SAB is exploring the idea of writing an ordinance for a plastic bag ban.

F. PUBLIC COMMENT OF NON-AGENDA ITEMS

G. INFORMATIONAL ITEMS

1. BOT Goals Update.

Reis included the Board's progress report in the packet. Two highlights Reis wanted to mention were that the SAFEbuilt pilot program for code enforcement will be rolling out April 30 with their representative Frank Goodard in Town every Wednesday morning, and the Town has officially been approved for 50% of funding from Housing Authority for a housing needs assessment. The RFP process will be released shortly. Mayor Pro Tem Mueller asked what types of codes would be enforced and Reis responded the nuisance code to clean up junk vehicles, trash in yards, weeds and then we can move onto planning and zoning code violations. There will be an outreach program to introduce Goodard and the enforcement plan to the community. Mueller asked if marijuana grows would be addressed, especially the houses that only have plants living in them. Reis said yes that is part of the program, but not initially at first.

2. Update on Mayor's Task Force on Economic Development.

Reis provided an update and said that membership has been recruited and the Task Force has been seated, with work to take place over the summer. Trustee Lee and Reis are working with the group. They have taken a qualitative approach and feel confident that the members seated have the capability to undertake this sort of work. They will provide an update in the fall.

3. Update on Mayor's Task Force on Building Code Updates.

Reis said the Task Force is comprised of local professionals and advisers and has been working since early March. They plan to bring recommendations to the Board in mid-to-late July. Trustee Fiori commented that the word on the street from some of the local professionals is that this is progressive thinking, appreciated and thanks given to the Town for doing this. Mayor Pro Tem Mueller asked to have the meetings published.

4. Information on 9-1-1 Surcharges.

Reis introduced this item. The Town is part of the Boulder Regional Emergency Telephone Service Authority (BRETSA), and there has been a slight increase in revenues in order to continue to provide enhanced emergency 9-1-1 telephone services. Staff will draft an Ordinance for May 6 accepting this increase. Mayor Gierlach noticed that the Town is considered a rotating Board member, along with the Towns of Erie, Jamestown, Lafayette, Louisville, Lyons and Superior, and it seems that it is Nederland's turn to be the representative. Mayor asked who that would be. Sgt. Larry Johns will find that out. Also, Mayor asked about the GIS technology BRETSA has and commented that it is better information for addresses than what CDOT offers. He asked if we could get the GIS data. Town Marshal Matheny will check into it.

5. Presentation of a proclamation of appreciation to Sgt. Larry Johns in his service as Interim Town Marshal.

Mayor Gierlach read a proclamation of appreciation to Sgt. Larry Johns. Sgt. Johns responded to his standing ovation and thanked the Board and citizens, and said he appreciates the confidence to have been put in that position.

6. Proclamation of Earth Day.

Mayor Gierlach read a proclamation for Earth Day, April 22, 2014.

7. Recognition of the outgoing Board of Trustees members.

Mayor Gierlach believes this was one of the best Boards since Luedtke 50 years ago. Mayor said he has felt truly honored to serve with this Board and feels they have accomplished a lot in the last two years. Mayor read the prepared certificates for Annette Croughwell, Ledge Long, and Chris Perret thanking them for their service to their community, with sincere appreciation.

H. ACTION ITEMS

1. Swearing in of the newly elected Mayor and Trustees.

Town Clerk Martin swore in newly re-elected Mayor Gierlach and Trustees Larsen, Wood, and Mueller.

2. Appointment of the Mayor Pro Tem.

Mayor Gierlach made a motion to nominate Trustee Fiori as Mayor Pro Tem. Trustee Mueller seconded the motion and it passed unanimously.

3. Appointment to fill a vacancy created by former Trustee Annette Croughwell (term to end April 2016).

Reis introduced this item. Town Attorney Beery had provided a memo to the Board with several options for this appointment, such as advertising for the position and requesting applications to review, choose one of the remaining candidates from the April 1 election, or to authorize a special election to fill the vacancy.

Betty Porter, of Nederland, provided two reasons why she felt the Board should appoint the next candidate in line from the election, Roger Cornell. She said that the fact that Mueller and Cornell were one vote apart means that the electors want Cornell and encouraged the Board to respect the election, the democratic process and to honor the electors' choice. Porter went on to support Cornell and expanded on his proven 30-year experience, having served as Trustee, Mayor Pro Tem, Mayor and Planning Commission member, and that his qualifications should be enough.

Dale Porter, of Nederland, also was in support of Cornell, as he has worked with him over the last two years on Community Center issues, and pointed out that he felt Roger was hardworking, knowledgeable and fair. Porter said that he understand that the Board wants to avoid potential controversy, yet encouraged them to have the courage to appoint Cornell.

Roger Cornell, of Nederland, reminded the Board that they know him and all of the work that he has done for the community. He wished to defer his three minutes to later in the meeting when appropriate.

Paul Turnburke, of greater Nederland, encouraged the Board to appoint Cornell stating his long service to the Town, and not to ignore the votes of the citizens.

Discussion began with the relevance of respecting the election and voter input to appoint Cornell as the logical choice to be the next Trustee. Opposition arose from the fact that Larsen

and Wood campaigned together with Cornell, which could limit the diversity of opinions. Also, Mayor Pro Tem Mueller stated that he felt there have been many previous encounters during Town meetings, which resulted in road block conversations that never allowed tasks to move forward. Everyone was unanimous in their appreciation for all the work that Cornell has done in the past for the community, and those opposed to having him on the Board stated that it was not out of disrespect.

Motion to appoint Roger Cornell to fill the vacancy left by Annette Croughwell, was made by Trustee Fiori, seconded by Trustee Lee and died by a tie vote, with Mayor Pro Tem Mueller, Trustee Fiori, and Mayor Gierlach opposed.

Discussion ensued for Topher Donahue as the next possible choice for a number of reasons. Trustee Larsen wanted to ask both candidates how they feel they would fit in with the current six members of the Board.

Donahue commented on the things he would bring to the Board and in regards to sustainability, he said we have to accept less than perfection in order to get things done. Trustee Wood asked if he would feel comfortable in knowing he was appointed vs. being elected, and Donahue responded that a precedent had been set in a previous election year when another vacancy presented itself, and the Board at that time had skipped the next highest vote getter, so he said he felt pretty confident in being appointed.

Cornell started off his response to feeling misrepresented tonight. He proceeded to give examples of how he has worked to move ahead and work with people in the past to get things done. Cornell answered Larsen's question by saying he would stick to agenda topic items.

The Mayor called a brief recess, which reconvened at 9:43 PM.

Cornell addressed the Board and said in the best interest of the Town, he is willing to withdraw his name from consideration and encouraged the Board to vote for Donahue.

Motion to appoint Topher Donahue to fill the vacancy left by Annette Croughwell, was made by Trustee Larsen, seconded by Trustee Fiori and passed unanimously.

Motion to continue the meeting to 10:30 PM was made by Trustee Fiori, seconded by Trustee Wood and approved unanimously.

4. Resolution 2014-05, re-appointing Alisha Reis as Town Administrator.
5. Resolution 2014-06, re-appointing Alisha Reis as Zoning Administrator.
6. Resolution 2014-07, re-appointing Michele Martin as Town Clerk.
7. Resolution 2014-08, re-appointing James Matheney as Town Marshal.
8. Resolution 2014-09, re-appointing Eva Forberger as Town Treasurer.
9. Resolution 2014-10, re-appointing Carmen Beery as Town Attorney.
10. Resolution 2014-11, re-appointing David Gloss as Municipal Judge.
11. Resolution 2014-12, re-appointing Donna Schneider as Town Prosecutor.

The Board agreed to vote on Resolutions 2014-05 through 2014-12 altogether and Mayor asked for public comment.

Kayla Evans, of greater Nederland, wanted to express her appreciation for current staff, and went on to say they all work cohesively together, are courteous and very helpful at Town Hall, and commends their high level of professionalism.

Motion to approve Resolutions 2014-05 through 2014-12 appointing Town staff, was made by Trustee Larsen, seconded by Trustee Lee and passed unanimously.

12. Appointments to regional groups and advisory board liaison positions.

Mayor Gierlach had previously sent out an email requesting Trustees preferences. The following is what had been decided:

- Mayor Pro Tem Fiori - Boulder County Consortium of Cities and Sustainability Advisory Board
- Trustee Lee - Intermountain Alliance and Parks, Recreation, Open Space Advisory Board
- Trustee Larsen - Denver Regional Council of Governments and Board of Zoning Adjustment
- Trustee Wood - Colorado Municipal League and Colorado Association of Ski Towns and Community Center Foundation Board
- Trustee Mueller - Downtown Development Authority
- Trustee Donahue - Nederland EcoPass District and Planning Commission

Motion to approve the above appointments to regional groups and advisory board liaison positions, was made by Trustee Larsen, seconded by Trustee Fiori and passed unanimously.

I. DISCUSSION ITEMS

J. OTHER BUSINESS

Forberger requested additional check signers. Reis ran through the list of upcoming meetings. Mayor Gierlach brought up the Board retreat and suggested that everyone should attend the CML conference from June 18-20 in Breckenridge for the experience, and they could then have the retreat there while all the topics were still fresh in everyone's mind, or have the retreat back in Nederland. The Board tossed the idea around along with their schedules and decided to have dual retreats/work sessions, one being on June 10 at 5:00 PM (location still to be determined) for goal-setting, then attend the CML conference, for those able to attend, and follow-up with a second meeting in July to confirm the goals. Tuesdays worked better than having to sacrifice a Saturday. The June 17 regular meeting will be cancelled due to the conference. Trustee Mueller suggested that goals be tied to Vision 2020. Trustee Larsen suggested that the first agenda item could be to look at past goals and build on those. Trustee Donahue asked to see what all the projects and goals are. Reis said the goals go back to 2009 and she can pass those around and put them in the packet for that work session. Reis will send a google poll around to see which days of the conference would work the best for everyone in order to register and reserve rooms

K. ADJOURNMENT

Motion to adjourn was made by Mayor Pro Tem Fiori, seconded by Trustee Wood, and approved by unanimous voice vote. The meeting was adjourned at 10:27 PM.

Approved by the Board of Trustees.

ATTEST:


Michele Martin, Town Clerk


Joe Gierlach, Mayor

