

**TOWN OF NEDERLAND  
BOARD OF TRUSTEES  
REGULAR MEETING MINUTES:  
March 19, 2013, 7:00PM**

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

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**A. CALL TO ORDER**

Meeting convened at 7:00PM.

**B. ROLL CALL**

Present: Mayor Joe Gierlach, Mayor Pro Tem Kevin Mueller, Trustees Randy Lee, Annette Croughwell, and Chris Perret. Trustee Long joined the meeting after roll call was taken.

Absent: Trustee Peter Fiori.

Also present: Alisha Reis, Town Administrator and Michele Martin, Town Clerk.

**C. CONSENT AGENDA**

- Approval of March 19, 2013 Accounts Payable, Schedule A.
- Approval of March 19, 2013 Accounts Payable, Schedule B.
- Approval of March 5, 2013 Regular Meeting Minutes.
- Approval of Software Licensing Agreement with USTI for new Town software.
- Revised Fee Schedule (updated Liquor License Renewal Fees).

Mayor Pro Tem Mueller had a comment in regards to the March 5 minutes. He remembered a hand vote directing staff to include energy audits into rental licensing. Motion to direct staff to include either energy audits or energy upgrades, similar to what Boulder County Housing Authority offers, into the rewriting of rental licensing regulations was made by Mayor Pro Tem Mueller, seconded by Trustee Lee and passed.

Trustee Croughwell had a question regarding the street light charge from Xcel. Reis explained that was the monthly charge for power. Blinking street lights were discussed, and as per the Town's franchise agreement with Xcel, we are to report when there is blinking so that they can be repaired. A location of the faulty street light needs to be reported for repairs. It was asked of Reis to contact Xcel to ensure the Town is receiving the most cost effective and efficient street lights.

Motion to approve the Consent Agenda, Schedule A, was made by Trustee Perret, seconded by Trustee Croughwell and passed.

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

#### **D. STAFF REPORTS**

##### 1. Alisha Reis, Town Administrator

Reis provided an update on the new Wastewater Treatment Plant. The Town has entered the start-up of all machinery and the training phase of the plant. The sludge removal and decommissioning of the north pond is expected in early April.

Mayor Pro Tem Mueller asked about close-out specifications of the two current outbuildings and how they fit into the LEED Rating system. Reis said the original headworks building will be demolished, and the chlorine contact building will be left in place to be used for the water exchange project with the Teen Center and as maintenance and storage. Mueller suggested contacting the Center for Resource Conservation or the Resource Yard to have them help determine what could be deconstructed on the old headworks to avoid contributing the building to the landfill.

Reis provided information on the following upcoming meetings and events:

- CCFB joint workshop with the BOT, April 9 at 6pm
- 9Health Fair, April 13
- CIRSA Training for the Board, May 14 at 6pm

The final version of the Nederland Parks, Recreation, Open Space and Trails Master Plan will be available soon on the website and a hard copy will be available at Town Hall for public viewing.

Reis will meet with the Visitor's Center RFP Review Committee tomorrow, March 20 to interview the two applicants. A recommendation is planned to be before the BOT at their meeting on April 2.

##### 2. Michele Martin, Town Clerk

Town Clerk's Report was part of the packet.

##### 3. Eva Forberger, Town Treasurer

Mayor Gierlach would like to see the financials from Frozen Dead Guy Days (FDGD). Reis explained the post-event committing meetings are usually scheduled a month after the event.

##### 4. Jake Adler, Town Marshal

Reis presented Chief Adler's report. Discussion ensued on the noise from the FDGD event, which continues to be a significant issue. Reis suggested holding a work session to discuss all special events as they pertain to traffic, noise, location, and impact.

Trustee Lee read from the Resolution for Preservation of Nederland's Character and Sustainability of its Community, which calls upon Town officials to critically assess the impact of Town events and said he wants such an assessment to take place before another event comes before the Board. Trustee Lee said he is convinced that event organizers are incapable, or unwilling, to regulate the noise and that the Town can't seem to control these events. Reis will send around an email of dates to hold this work session and has asked the Board to let her know the specific subjects to be covered, so that staff can conduct some further research prior to a work session. It was suggested to also hold a public forum to get the community's feedback on these events as well.

#### 5. Jason Morrison, Public Works Manager

Reis presented Morrison's report. Public Works has been concentrating their time the past couple of weeks working on restoring water to families in the Big Springs neighborhood that had experienced freezing in their water service lines. Potholes on East First and Second Streets were discussed. The Town is working with the NedPeds project for the long-term repair, but the timing is too far out, so Public Works has been making weekly repairs to this area, including grading. Reis wanted to mention the southeast corner of Second and Snyder Streets is currently blocked off for a larger repair due to drainage problems.

#### 6. Eric Pendley, SAFEbuilt

- Year-end building report (2012)
- Code Enforcement program information

Eric Pendley presented SAFEbuilt's year-end building report for the Town. There were 66 permits issued in 2012 vs. 73 issued in 2011. Pendley then went on to provide information on SAFEbuilt's Code Enforcement Services, which include violations of junk/trash, extended living in RVs, abandoned vehicles, unattached trailer on public streets, noxious weeds, ice/snow removal and other municipal code issues. Pendley said the services can be geared towards a Town's enforcement priorities; there are several different options.

Enforcing marijuana grow operations was discussed. Retail marijuana regulations will be updated in the Town's Municipal Code later this summer, as well as updating Rental Licensing and adopting a newer version of the International Building Code. Once these regulations are updated and adopted, and the public is educated on the process of obtaining a license, applying for a change-of-use building permit and following zoning regulations, then enforcement can begin. Pendley said that SAFEbuilt currently treats grows as a basement refinish, with the

applicant applying for the necessary electrical, mechanical, and/or plumbing permits with submitted plans. He did confirm that if an illegal activity based on Building Code was found (particularly those that present safety issues), they would shut the operation down and report to the State Electrical or Plumbing Board, as well as the Town.

Mayor Gierlach asked about the Solar Friendly Communities Recognition Program. Pendley has gone over the 12-step list with Clerk Martin back in February, and it was determined that the Town could be considered bronze status level right now. Martin will continue the process to register for this level and work with Pendley on achieving the next level of silver.

It was agreed to get through all the updates and adoption of new code, budget for enforcement in 2014, and then seek out SAFEbuilt's assistance at that time.

## **E. BOARD OF TRUSTEE REPORTS**

### **1. Mayor Joe Gierlach**

The Mayor's report was in the packet and will be published in the newspaper on Thursday. There is currently a contest running on the Mayor's Blog for ideas to celebrate Nederland's 4<sup>th</sup> of July. Mayor Gierlach has received 4 comments so far, all related to laser light shows. Once he gets more ideas, he said he would then create an online survey for the community to respond. It was suggested to alter the criteria of the proposed event from starting "at dusk" to "after the noon parade", as that limited the options.

Mayor Gierlach reported that at last month's DRCOG meeting, there was a proposal to require communities to incorporate certain "Firewise" defensible space standards into building codes. Mayor Gierlach raised some concerns over the criteria involved and how it may not make sense for small communities. DRCOG pulled the topic from the agenda and tabled the discussion. A municipality can make their own Firewise Community criteria, such as non-flammable building materials. The Town could include those types of elements into a fire section of the building code.

### **2. Mayor Pro Tem Mueller**

There was no Planning Commission meeting in February. The Commission is in the process of finalizing edits to the first draft of the Comprehensive Plan, which will be sent to the consultants for clean-up, and then can be rolled out for public comment sometime next month.

### **3. Trustee Annette Croughwell**

Trustee Croughwell reported that there will be an emergency DDA Meeting on April 3, and then the DDA's regular meeting on April 20 to discuss various issues of the NedPeds project. There was talk about slowing the process down to start work in Spring 2014, but it looks like they are going to try to push forward for Spring 2013.

4. Trustee Chris Perret

There was no Board of Zoning Adjustment meeting.

5. Trustee Ledge Long

CCFB did not meet last week, and the Site Plan Committee meeting is scheduled for Thursday, March 21.

6. Trustee Randy Lee

Trustee Lee's report was part of the packet.

7. Trustee Peter Fiori - absent

**F. PUBLIC COMMENT ON NON-AGENDA ITEMS**

Mark Pscheid, of Nederland, thanked the Board and staff for all their time. He had emailed the Board about the noise of FDGD. He said the event was horrible this year and quoted organizer MacDonald's letter to the editor, as to how the festival has evolved from a somewhat gruesome, morbid focus on death and undead to a lively winter party featuring fantastic music for 3 days, beer from local breweries and competitive contests that are unique to Nederland. Pscheid agrees that it has changed, and the music was unbearable this year for residents. Pscheid went on to say that he has lived across from Chipeta Park for over 22 years and should not have to be forced out of his home during that weekend, as he has done in the past. He said if the Town can't control it, then feels it should be shut down. He said he loves the idea of an open forum for the public to speak about special events and he would attend.

Kayla Evans, of Eldora, had a general question in regards to the word "sustainable" and would like to know what the definition of sustainable means to Nederland.

**G. INFORMATIONAL ITEMS**

1. BOT Goals Update

Town Administrator Reis provided an update on the Wastewater Treatment Plant and the Comprehensive Plan.

2. Amendment 64 Task Force Final Report

Reis reported that the final report of the State Amendment 64 Implementation Task Force was released on March 13, 2013 and contains recommendations formulated by the Task Force to the Colorado legislature for consideration. This is not to be confused with the Town's Task Force on Retail Marijuana, which will meet again on Thursday, March 21. The Town's Task Force will meet twice a month, and the BOT will receive a report once a month in hopes of seeing recommendations by summer.

## H. ACTION ITEMS

There were no action items.

## I. DISCUSSION ITEMS

1. Discussion of a proposed loan with Backdoor Theater (BDT) for updated display equipment.

Reis introduced the item. The Town had expressed interest in a public/private partnership with the BDT for equipment. Treasurer Forberger had put some terms and costs together for both new and used equipment and was looking for the Board's input.

Kayla Evans, of the Backdoor Theater, spoke in favor of the support and acknowledged that if they don't transfer over to digital, then the theater will likely cease to exist.

There was discussion on the possible use of the old equipment. Evans said it all depends on the technical needs of the new equipment, what the BDT's tech can advise, and what would be left over for possible sale after the conversion.

Trustee Lee would like to know where the proposed loan would leave the Town's reserves.

It was agreed that it would be nice if the overall upgrade included: connection to a laptop for streaming off the internet with sound, low-tech consumer product capability, such as a regular DVD display, and to be able to continue to run first-run movies.

The Board directed staff to continue investigating equipment options and to bring back terms for a loan to support the public/private partnership on the equipment with the Backdoor Theater.

2. Discussion of a proposed ordinance related to electric cars.

Mayor Gierlach introduced the item and said the Town of Lyons has recently adopted this ordinance, which serves two purposes: to ban All-terrain Vehicles (ATVs) and to allow electric cars. Senate Bill 12-013 allowed local governments to work with the Colorado Department of Transportation to allow neighborhood electric vehicles on roadways.

Reis said that Public Works had reviewed the proposal for Nederland. Reis said that Public Works Manager Jason Morrison indicated he had previous experience in witnessing some golf car vs. auto accidents, and said as long as folks obeyed speed limits he doesn't see a problem with allowing such vehicles. He did note that several areas of Town have blind curves that could prove problematic.

The Police Department has not yet had a chance to review the proposal, which was put forth in short time for this meeting.

Permitting golf carts was brought up. Reis said staff will look into what other municipalities do.

The Board directed the Town Attorney to prepare this ordinance for adoption, taking out any reference to “gas powered”.

**J. OTHER BUSINESS**

Trustee Lee said that soon after the Forest Service announced the shooting closure on Magnolia in January, citizens had asked for the Town to prepare a resolution of thanks and asked for status. Mayor Gierlach suggested it be a proclamation instead. Staff will draft one for the Board’s consideration at the next meeting.

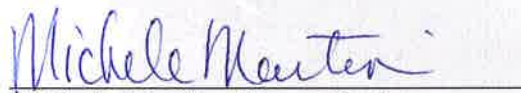
**K. ADJOURNMENT**

Motion to adjourn was made by Trustee Perret, seconded by Trustee Lee and approved by unanimous voice vote. The meeting was adjourned at 9:20PM.

Approved by the Board of Trustees.

  
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Joe Gierlach, Mayor

ATTEST:

  
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Michele Martin, Town Clerk