

**TOWN OF NEDERLAND
BOARD OF TRUSTEES
REGULAR MEETING MINUTES:
May 21, 2013, 7:00PM**

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

A. CALL TO ORDER

Meeting convened at 7:02 PM.

B. ROLL CALL

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

Also present: Alisha Reis, Town Administrator, Eva Forberger, Town Treasurer, Jason Morrison, Public Works Manager, Mark Weritz, Geotechnical Engineer and Project Manager, and Michele Martin, Town Clerk.

C. CONSENT AGENDA

- Approval of May 21, 2013 Accounts Payable.
- Approval of May 7, 2013 Regular Meeting Minutes.
- Renewal of Senior Van Agreement with Wild Bear.

Mayor Pro Tem Mueller had some rewording to the minutes of May 7.

Trustee Lee pointed out a correction to the warrants. The receipt he had submitted was for reimbursement of compostable bags for the Town Clean-Up day, not for printing maps for trails meeting as indicated.

Motion to approve the May 7 regular meeting minutes with rewording, and renewal of the Senior Van Use Agreement was made by Trustee Lee, seconded by Trustee Croughwell and passed.

Motion to approve the accounts payable warrants was made by made by Trustee Fiori, seconded by Trustee Long and passed, with Trustee Lee abstaining.

D. STAFF REPORTS

1. Alisha Reis, Town Administrator

The Administrator's report was included in the packet. Reis updated the Board on a recent Boulder County Sustainability Grant that was awarded to the Town of Nederland for \$15,000 to hire a part-time sustainability coordinator to ensure integrated planning with the Town's comprehensive land use plan and master infrastructure plan, moving overall town operations more toward sustainability.

Another highlight was that the Boulder County Commissioners approved an open space purchase of 200 acres of Guercio land north of town for open space.

2. Michele Martin, Town Clerk

Town Clerk's report was included in the packet. NedWEB surveys are now available online and at Town Hall for businesses and residents who participated in the program, as per the Economic Development Grant the Town received.

3. Eva Forberger, Town Treasurer

Town Treasurer's report was included in the packet. Forberger announced that she was pursuing refinancing of the Community Center bond, which will save a minimum of \$100,000.00 in interest payments over the remaining life of the bond.

4. Jake Adler, Town Marshal

Town Marshal's report was included in the packet.

5. Jason Morrison, Public Works Manager

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

6. Dawn Baumhover, Community Center Coordinator

The Community Center Coordinator's report was included in the packet.

E. BOARD OF TRUSTEES REPORTS

1. Mayor Joe Gierlach

Mayor Gierlach's report was included in the packet. Mayor Gierlach spoke on the proposed performance area that is on the agenda tonight and the process it has already been through up to this point. He also acknowledged the over 40 emails the Board received in support of the performance area.

Mayor Gierlach brought up Amendment 64 and the requirement the Town has to identify a local licensing authority. In order to meet schedule, the Board needs to hear the first reading of the ordinance on August 6, with the second reading and potential adoption on August 20, which means the ordinance must go through the Nederland Planning Process during the month of July, so the Mayor's Task Force on Retail Marijuana needs to wrap up their work in June. Mayor Gierlach acknowledged all the hard work the Task Force has done so far, but is now suggesting a survey be sent to residents to inquire about how many establishments they would like to allow in town, to speed the process along. Mayor took a straw poll on how the

Board felt. Trustee Fiori was very skeptical on a survey being sent to the public this early. Trustee Fiori stated that the Task Force is working very hard on a recommendation and is putting together information for the public so that they can make an informed decision. Trustee Fiori argued that the public needs this information first before filling out a survey. All were in favor of deferring to the Task Force and Trustee Fiori's judgment on this.

The Task Force meets on June 5; at which time they will address how best to poll the community in July. Mayor offered an electronic survey for \$204 vs. a paper version through the newspaper, as suggested by Trustee Perret.

Mayor Gierlach said he feels he has been criticized on this process and feels as if he is being bullied. He wanted to bring this behavior to the attention of the Board.

2. Mayor Pro Tem Kevin Mueller

The Planning Commission meets on May 22 to hear updates to the Comprehensive Plan and a lot line dissolution on Jefferson Street.

3. Trustee Annette Croughwell

Trustee Croughwell attended the DDA meeting where they are working towards their 90% NedPeds engineering plans and discussing membership options, as well as possibly hiring a lawyer on retainer. A Board of Trustees work session has been scheduled with the DDA on August 27 at 6:00 PM.

4. Trustee Chris Perret

There was no Board of Zoning Adjustment meeting.

5. Trustee Ledge Long

Trustee Long attended the Community Center Foundation Board meeting where their main focus was on membership and putting together final recommendations to the Board on improvements related to the Community Center site plan process.

6. Trustee Randy Lee

Trustee Lee's report was included in the packet. Trustee Lee noted that for the first time the Town is paying for an additional dumpster during Town Clean-Up day to dispose of pine needles. The Town has pre-purchased compostable bags, which are available at Town Hall.

7. Trustee Peter Fiori

Trustee Fiori reported that the Sustainability Advisory Board (SAB) is working on a web page for the Town website and are going over the scorecard again, as they don't feel it is neutral enough. SAB is very excited to hear about the Sustainability grant that was awarded.

Trustee Fiori said that the Retail Marijuana Task Force had steered right from task to the proposed related ballot initiative petition. Trustee Fiori said they are trying to put together recommendations quickly for the Board.

Trustee Fiori wanted to comment on what he feels is a very regrettable situation which has occurred. He said he has been misquoted by media and social networks many times now and his words have been misinterpreted and taken out of context. This time it had affected Trustee Lee, and Trustee Fiori wanted to ensure that the public knew how valuable Trustee Lee is and how tough it is to be a public servant and sit on the Board. He said he hopes people would be more understanding and compassionate in the future.

F. PUBLIC COMMENT ON NON-AGENDA ITEMS

The Mayor had inadvertently skipped this section as the Board moved onto Informational Items. Once those items were complete, the Board came back to public comment.

Kathleen Chippi, of greater Nederland, had left a written comment that the Mayor read into the record.

Two others from the public were signed up to speak, but had to leave due to the time. Mayor apologized for the oversight.

Greg Ching, of greater Nederland, suggested some electrical outlets by the hybrid parking signs in the Community Center parking lot. He offered some assistance financially, if needed.

G. INFORMATIONAL ITEMS

1. Board of Trustees (BOT) Goals Update.

The Goals Update was included in the packet. Reis provided a quick reminder about a wildfire mitigation thinning project at the Water Treatment Plant; Saws and Slaws will be helping with a saw safety class this Saturday and possibly an extended class on Sunday. During the summer, the Town will be providing their annual assistance to low-income families, offering wood permits for fuel wood.

2. 2012 Town Audit Presentation.

John Cutler, of John Cutler and Associates, was present to provide the audit report. He commented that all questions were answered and all the information provided was adequate. The general fund did increase by \$39,000.00 during the year and the Town itself was under budget.

Trustee Fiori questioned why the Other Liabilities weren't broken out in more detail. Forberger explained that was a mix of deferred revenue, property taxes, etc.

Mayor Gierlach said he was quite proud of Town staff and the last couple of Boards to bring us to this position today. Mayor Gierlach said they changed auditors and think they made a wise choice.

3. Presentation re: EcoPass Options, Countywide EcoPass Study.

Boulder County Commissioner Elise Jones, Director of Boulder County Transportation George Gerstle, and Transit/Planner of Boulder County Transportation Jared Hall were present to discuss Nederland's options to continue the EcoPass program. The current grant money runs out this year and they have come up with some potential funding options for the Town, such as: property tax, which is already tied to the library district; implementing a new improvement district; sales tax; or through a billing district, such as a utility or water district.

Trustee Croughwell suggested using one of those funding options, in addition to offsetting that with a charge to the rider.

It was agreed to have a separate meeting with the County to discuss the options in more detail; Reis will coordinate.

Mayor Gierlach took a straw poll, and all were leaning towards the property tax option and a possible fee. Board members thanked the County for their work on this program and allowing Nederland to participate in it.

4. Presentation re: Community Solar Garden project.

Greg Ching, of greater Nederland, gave the presentation. Ching said this is a project that he has been a part of since 2009, then under the name of Nederland Renewable Energy Project. Ching is now working with Bella Energy, a local company, to submit an application, along with a fee of \$100,000.00 to a lottery system on the Town's behalf. If the application is accepted, Bella has one year in which to build the facility. The Town would enter into a lease agreement to locate the project on a portion of the Public Works site on Ridge Road. Bella needs a Letter of Intent from the Town to ensure that the Town is behind this project. Among the benefits is also the opportunity for the Town to pre-purchase power and hold equity in the project.

All Board members were in favor to allow Bella Energy to put up \$100,000.00 on the Town's behalf to join the lottery, to see if the project was possible.

The Mayor called a brief recess, and reconvened at 8:44PM.

H. ACTION ITEMS

1. Consideration of appointment of Jody Andrews to the Sustainability Advisory Board (SAB).

Andrews was present to answer any questions. SAB had recommended Andrews for appointment at their last meeting.

Motion to appoint Jody Andrews to the Sustainability Advisory Board for the term expiring in 2014 was made by Trustee Perret, seconded by Trustee Fiori and approved unanimously.

2. Consideration of Proposal for Performance Space at Decommissioned Lagoon Site.

Reis introduced the item. At its meeting on May 7, the Board directed staff to request pricing for power to the site and a concrete pad for a potential performance space. Frachetti Engineering estimated the cost for a 20-foot circular pad at \$15,000.00, upgrading the existing electrical at \$10,000.00, and additional landscaping and final drainage at roughly \$19,250.00, for a preliminary estimate of \$39,250.00. Reis pointed out that the project would come out of the overall project budget savings. Reis said there would still be zoning requirements to address, such as parking. Folks who wanted to use this site would still apply for a Special Event permit and have to follow all the requirements that are associated with the permit. Reis commented that if this proposal was not done at this time, it could be sought after through grants at a later date.

Mayor Gierlach asked Mark Weritz, Town's Geotechnical Engineer and Project Manager, his thoughts on the ability to put a ramp/road along the southern slope to allow vehicle access for emergencies and equipment. Weritz stated that it would be possible, and could be designed out of dirt or gravel as a service road and blend it in with the existing slope.

Trustee Lee had many questions for Reis, and asked Weritz about ground cover.

Trustee Croughwell pointed out that the Board recently held a work session on Special Events and no clear decisions related to events had been made. Mayor indicated that the session was an informational one to hear from staff.

Trustee Perret had some suggestions in regards to the fence, road and questions for Weritz.

Mayor Gierlach opened up the agenda item to public comment.

Kayla Evans, of Eldora, commented on the Special Event work session the Board held and the mention of all the different festivals in Town, but Miners' Days, and Miners' Days is the oldest festival the Town has. She went on to ask how the Town expects to limit the number of festivals, which would be dictating how the Town looks, and suggested to find a better way to package special events.

Amanda MacDonald, of Boulder, expressed her opinion that the performance space project was a great opportunity and the potential for having this space is huge. She said she considers the cost to create this space, which is not an additional expense, as a gift of money.

Trustee Fiori answered some of Trustee Lee's previous questions. Fiori went on to address the sub-bass noise, which has been the biggest complaint of music events. Fiori promised that by pushing the live music 1,000 feet away from residents, it will help significantly. He said he

calculated that the Town could recoup money quickly, thus this would be economically sustainable. Fiori said he believes it adheres to Vision 2020, and that the \$39,000.00 does not have to come out of the general funds; if we postponed the project and the Town had to request grants, the project might never happen and the Town would have lost a great opportunity. He said this use was in the top 4 on the survey of what the people of the Town wanted, there would be no need for generators, could help educate people, and provide unlimited cultural opportunities. Fiori said that the Board had received over 40 public comments by email in the last two weeks in support of this. He suggested not having a circular stage, but a rectangular stage, 24 x 30 minimum; he would like to propose a 30 x 40 rectangular pad and landscape around it with trees.

Motion to continue the meeting to 10:30 PM was made by Trustee Fiori, seconded by Trustee Lee and approved by a vote of 6 to 1, with Trustees Perret opposed.

Trustee Croughwell noted that some people have moved here for peace and quiet and feels there is a need to limit the number of events. She suggested maybe a removable stage in case this doesn't work out. She is in support of a venue, yet is leaning towards a very modified version of what is proposed tonight.

Trustee Perret said he is in favor as long as the fence isn't removed and an emergency area/access is built on the side.

Trustee Long said he was in support of the grading and agreed residents seem to support this idea, he just urges the Board to take the time to do it right. He said he is not in support of the concrete.

Trustee Lee said his main concern was not the project, but the process. He said he believes this should follow the Nederland Planning Process (NPP), there are just too many unanswered questions and the Board should have consistency with their public projects. Lee said he had brought this up to the Parks, Recreation & Open Space Advisory Board (PROSAB) meeting on May 16, and they were also in favor of the NPP being applied to the proposal. A memo from PROSAB was included in the packet. Lee said he would not vote for it tonight.

Mayor Pro Tem Mueller said he felt that this has gone through the NPP as part of the gateway area concept planning process and that the Board is addressing some of the concerns brought up in regards to Special Events from their work session. He said he would encourage everyone to move forward with it.

Mayor Gierlach said he was in favor, except for the additional drip irrigation.

Motion to approve a performance space at the decommissioned lagoon site with a 30' x 40' rectangular pad was made by Trustee Fiori and seconded by Mayor Pro Tem Mueller. The Board continued discussion and then took a vote. The motion was rejected by a vote of 5 to 2,

with Mayor Gierlach and Mayor Pro Tem Mueller voting yes.

Motion to approve a performance space at the decommissioned lagoon site with a 24' x 30' rectangular pad, and leaving existing fence was made by Trustee Perret and seconded by Trustee Fiori. Discussion ensued on the fencing, which is already falling down. It was decided to remove and reuse the fence as mobile sections and offer it to events for rental.

Mayor Pro Tem Mueller amended the motion by adding the removal and reuse of the fence as mobile sections, and for a 30' x 40' rectangular pad, it was seconded by Trustee Fiori, and approved by a vote of 4 to 3, with Trustees Croughwell, Lee and Long voting no.

Motion to continue the meeting to 11:00 PM was made by Trustee Fiori, seconded by Mayor Pro Tem Mueller and approved by a vote of 5 to 2, with Trustees Perret and Lee opposed.

3. Consideration of Request for Fee Waiver for Old Timers' Days/Parade and Miners' Days.

Reis introduced the item. The Nederland Area Historical Society is requesting two fee waivers for two events: Old Timers' Days/Parade and Miners' Days. Reis is recommending 100% fee waiver for Old Timers' and 50% fee waiver for Miners' Days. Both events are non-profit and celebrate Town heritage.

Kayla Evans, President of the Nederland Area Historical Society, said that she understands there is a fee change for the ball field, but the Town should look at fees for non-profit vs. for profit organizations.

All Board members were in support of staff's recommendation.

Motion to approve the request for fee waivers as recommended for Old Timer's Days/Parade and Miners' Days was made by Trustee Perret, seconded by Trustee Fiori and unanimously approved.

4. Consideration of NedFest Facility Agreement (including camping allowance).

Reis introduced the item. As per code, camping must be approved by the Board. This is NedFest's 8th year of camping. Last year, the Town moved towards Public Facility Use Agreements to commit to paper expectations of the Town and the organizers of larger events.

The Technical Review Committee meeting took place on April 11; there are no changes to the event.

Kristen McFarland, secretary of Peak to Peak Music Education Association (PPMEA), was present on behalf of NedFest to answer any questions.

Discussion and debate went back and forth on the event's noise level. Trustee Croughwell asked McFarland if she thought NedFest was a good neighbor. McFarland responded that she

reviews all post-event reports from the police and there are hardly any complaints. McFarland said that Michigan Mike, previous organizer, had done extensive surveys over a two-year period of time, which did not show many issues. Trustee Croughwell said she would like to see those.

Motion to approve the Facility Agreement for camping was made by Trustee Lee, seconded by Trustee Long and unanimously approved.

5. Consideration of Adoption of 2010 Model Traffic Code, with Amendments.

As per notice and hearing requirements necessary to adopt an ordinance by reference, Reis directed the Board on the order of hearing.

Mayor Gierlach opened the public hearing related to the adoption of the 2010 Model Traffic Code with amendments.

Mayor Gierlach opened the agenda item to the public. There was no public comment; the Mayor closed the public hearing.

Trustee Fiori made a motion to adopt the 2010 Model Traffic Code, with amendments, with the provision that an ATV could be used on a roadway as long as it had a snow plow attached to it. There was no second. The motion died. There was discussion on this and it was decided that putting a plow on an ATV does not make it a recreational vehicle.

Trustee Lee brought up a section of code, section 8-2 (4)"(5) which states that "no pedestrian shall cross at a state highway except at a marked crosswalk". It was agreed this should be changed and Reis will confer with the Town Attorney to ensure any change would be within state law.

Motion to adopt the 2010 Model Traffic Code, with amendments was made by Trustee Perret, seconded by Trustee Long and unanimously approved.

I. DISCUSSION ITEMS

No Discussion Items are scheduled.

J. OTHER BUSINESS

There was no other business.

K. ADJOURNMENT

Motion to adjourn was made by Trustee Perret, seconded by Trustee Croughwell and approved by unanimous voice vote. The meeting was adjourned at 10:57 PM.

Approved by the Board of Trustees.



Joe Gierlach, Mayor

ATTEST:



Michele Martin, Town Clerk

