

**TOWN OF NEDERLAND  
BOARD OF TRUSTEES  
REGULAR MEETING MINUTES:  
June 4, 2013, 7:00PM**

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

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**A. CALL TO ORDER**

Meeting convened at 7:03 PM.

**B. ROLL CALL**

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

Absent: Trustee Peter Fiori.

Also present: Alisha Reis, Town Administrator, Carmen Beery, Town Attorney, Eva Forberger, Town Treasurer, Jason Morrison, Public Works Manager, and Michele Martin, Town Clerk.

**C. CONSENT AGENDA**

- Approval of June 4, 2013 Accounts Payable, Schedules A and B.
- Approval of May 21, 2013 Regular Meeting Minutes.
- Approval of termination of SRU for the Nederland Area Historical Society (Mining Museum, Bryant House, and Gillaspie House Museum).

Motion to approve the Consent Agenda, Schedule A, the minutes of May 21, 2013, and the termination of the SRU for the Nederland Area Historical Society, was made by Trustee Lee, seconded by Trustee Perret 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. PUBLIC COMMENT ON NON-AGENDA ITEMS**

Cheryl Fanelli, of Nederland, voiced her concerns over her business license for ClubNed Café, a social club. Fanelli said she does not agree with the zoning interpretation of the code that she received from Town staff, and said she had to change her vision of the café in order to receive her business license.

Mark Pscheid, of Nederland, voiced his concerns of Frozen Dead Guy Days and festivals in general and the attendant music sound levels. He suggested that the Town's Noise Ordinance should be reviewed and amended. Mayor Gierlach said he has been in the sound engineering booth of NedFest and confirmed there is professional testing equipment, which monitors the decibel levels.

Greg Ching, of greater Nederland, updated the Board on the Bella Energy presentation he provided at the last meeting. Unfortunately, Bella decided to withdraw the proposal for the in-town location. Bella will apply for another location just outside of Nederland, so there will still be a Nederland connection and the Town will still have the opportunity to pre-purchase power.

#### **E. INFORMATIONAL ITEMS**

##### **1. Recognition as a Solar Friendly Community.**

Rebecca Cantwell, Senior Program Director for Solar Friendly Communities, was present to award the Town of Nederland with a commemorative plaque and road sign designating the Town as a Solar Friendly Community. Nederland earned 710 points out of a possible 1600 to qualify for Bronze Level recognition for adopting best practices in solar permitting. Cantwell said that Nederland is the first municipality in Boulder County to earn this honor and joins the City and County of Denver, Aurora, Lakewood, Fort Collins, Arvada and Boulder County in earning Solar Friendly Communities certification.

Cantwell said that Solar Friendly Communities works to advance reforms to solar permitting, inspection and finance as part of the U.S. Department of Energy's SunShot initiative to drive down the costs of solar energy. Cantwell said there is a discount program in which Colorado Solar Energy Industries Association (COSEIA) member companies offer a \$500 cash discount to residents in certified communities.

#### **F. ACTION ITEMS**

##### **1. Consideration of dissolution of lot line at 110 N. Jefferson Street, Block 17, Lots 1-2.**

Reis introduced the item. The applicant was before the Board on November 13, 2012 and received a Special Review Use approval, which was contingent upon the dissolution of these lot lines. Reis explained that as new applications are submitted, staff is able to catch non-conforming situations like this and clean them up.

Mark Stringfellow, of Nederland, was present on behalf of Nepal, LLC, the applicant. Stringfellow agreed this was just some housecleaning to bring the structure into conformance.

There was no public comment.

Motion to approve Resolution 2013-06, approving the dissolution of interior lot lines between Lots 1 and 2, Block 17, Nederland Subdivision, to establish one new lot to be known as Nederland Replat "C" Subdivision, was made by Mayor Pro Tem Mueller, seconded by Trustee Croughwell, and approved unanimously.

2. Consideration of approval of Resolution 2013-06 to provide loan funding to the Backdoor Theatre (BDT) for purchase of digital equipment.

Town Treasurer Forberger introduced the item. The BDT needs to upgrade its projection equipment to digital in order to continue to show first run movies, as the movie business is converting to an all-digital format. Forberger said that when the Board looked at the potential for this loan last year, the price for equipment was approximately \$60,000; since that time prices have dropped. Forberger said she has been shopping around and has found equipment for \$40,000. Forberger said this resolution was an approval for a loan and that the BDT would purchase the equipment. She said she has included several caveats into the contract such as: a variable interest rate; the Town or Community Center could use the equipment once a month as long as a trained projectionist was hired or one approved by the BDT; and the Town could seek to do additional programming after a two-year period, if the BDT has not pursued such alternative programming.

Kayla Evans, of Eldora, was present on behalf of the BDT.

There was no public comment.

There was discussion on fundraising efforts, financing methods used, and the ability of the Town to increase their use to more than once a month if desired. It was decided to add the words "at least" to once a month, so that the Town does not feel limited in the use.

Maintenance was also discussed, as well as the expense for the bulbs. It was suggested that maybe the Town could purchase an extra bulb. Maintenance is part of the purchase contract. Mayor Pro Tem Mueller recommended that the maintenance should be for the life of the loan. Trustee Lee suggested a savings of at least \$800 in items that could be stricken from the quotes received and to speak to him when BDT is ready to purchase.

Motion to approve Resolution 2013-06, approving a loan of \$40,000 from the Town of Nederland sewer fund to the Backdoor Theatre, a Colorado non-profit entity for the purposes of purchasing digital projection equipment, was made by Trustee Croughwell, seconded by Trustee Long, and approved unanimously.

### 3. Consideration of time extension on Wastewater Treatment Plant project.

Reis introduced the item. Aslan Construction is requesting an extension of their final completion date from June 30 to July 31, 2013, due to unanticipated sludge removal issues, groundwater infiltration, and slow response by the Town-contracted sludge contractor. There is a financial penalty in the contract for each day over the final completion date. Reis said that staff does not feel the penalty would be fair in this case due to the Town's part in the project running over and supports the extension.

Doug Crowl, of Aslan Construction, was present to answer questions. Crowl said that by July 4, the grading will be done and there will be 3-4 inches of hydro mulch on the ground. Crowl suggested it wouldn't be a good idea to walk on the seeding. Since this is the performance area that was approved by the Board at its last meeting, Mayor Gierlach suggested having the final grading done by July 4 for the proposed Town events, and seeding on July 5, and perhaps putting the concrete pad in first and then seed around it. Reis reminded the Board that it will take 6-8 weeks for the electrical to be put in.

There was no public comment.

Trustee Perret asked about the fence. Crowl said the fence will go around the plant itself, but the fence by the propane lot will be taken down for reuse by the Town. Reis will contact the propane company to let them know that the fence they are used to having will be gone.

Motion to approve the time extension on the Wastewater Treatment Plant project for Aslan Construction was made by Trustee Lee, seconded by Trustee Perret, and approved unanimously.

4. Consideration of new Special Event: Community-wide 4<sup>th</sup> of July Celebration.

Reis introduced the item. As a matter of course, all community-scale events that are new or significantly changed from previous years are referred to the Board for approval or denial. This new event would include the normal noon parade, picnicking and vendors at Guercio Ballfield, live music at the Town's new performance space at the old decommissioned lagoon, tours of the new Wastewater Treatment Facility, aerial circus acts, the Fire Department's Barrel Wars in honor of their 100<sup>th</sup> anniversary celebration, and an LED electric light parade at dusk.

Mayor Gierlach, who proposed this event, said that power will be taken from the Teen Center and located in their parking lot, and there will be no food vendors so that there is no competition for the restaurants. Mayor Gierlach said the Town will rent portable restrooms for \$605, and will pay the entertainment acts approximately \$50/each. The Town is looking at a cost of \$1,800-2,200 to put this event on. The Board had approved \$1,000 in the 2013 Goodwill budget for some type of 4<sup>th</sup> of July event, so the additional amount would need to be approved.

Kayla Evans, of Eldora, asked whether Glenna Carline had been contacted. Reis answered that was the Fire Department's responsibility.

The Board discussed the clean-up efforts after the event, possible fundraising for the additional \$1,000, and banning glass containers. It was suggested to adopt an ordinance banning glass in all Town parks.

Motion to approve the special event application for a community-wide 4<sup>th</sup> of July celebration was made by Mayor Pro Tem Mueller, seconded by Trustee Lee, and approved by a vote of 5 to 1, with Trustees Perret opposed. The Board also approved additional funding for a total up to \$2,500.

**G. DISCUSSION ITEMS**

There was no discussion items scheduled.

**H. OTHER BUSINESS**

Mayor Gierlach said he will be out of town until June 27, and Mayor Pro Tem Mueller will be acting as Mayor in his absence.

Mayor Gierlach said he invited the Library Board to join the Board of Trustees at the June 27

work session meeting with Boulder County to discuss EcoPass options.

Trustee Croughwell brought up the Special Events Work Session the Board held on April 23, and said there is a need to make some decisions. She said there are serious impacts on residents related to events, and she said she feels the Board has not respected those residents by finalizing any decisions. Croughwell said she would like this topic be put on an agenda.

Mayor Gierlach suggested a work session in order to direct staff to draft a resolution or ordinance to present at a following Board meeting. Reis will put together some dates for the Board to choose from, leaning towards September.

Trustee Perret said that he and Trustee Croughwell would like to switch their liaisonships to their advisory boards. Trustee Perret sits on the Board of Zoning Adjustment (BZA) and Trustee Croughwell sits on the Downtown Development Authority (DDA). Town Attorney Beery confirmed that was fine to do. Reis suggested for them both to attend the next DDA meeting on June 12 to discuss this proposal with them.

#### I. ADJOURNMENT

Motion to adjourn was made by Trustee Perret, seconded by Trustee Croughwell, and approved by unanimous voice vote. The meeting was adjourned at 9:15 PM.

Approved by the Board of Trustees.

ATTEST:

  
Michele Martin, Town Clerk

  
Joe Gierlach, Mayor

