

**TOWN OF NEDERLAND
BOARD OF TRUSTEES
REGULAR MEETING MINUTES:
July 2, 2013, 7:00PM**

**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, Ledge Long, Chris Perret, Peter Fiori and Annette Croughwell.

Absent: Mayor Pro Tem Kevin Mueller.

Also present: Alisha Reis, Town Administrator, Chris Price, attorney from Murray Dahl Kuechenmeister & Renaud, Eva Forberger, Town Treasurer, and Michele Martin, Town Clerk.

C. CONSENT AGENDA

- Approval of July 2, 2013 Accounts Payable, Schedule A.
- Approval of July 2, 2013 Accounts Payable, Schedule B.
- Approval of June 18, 2013 Regular Meeting Minutes.
- Approval of contract amendment with C2 for NedPeds project.

Motion to approve the Consent Agenda, Schedule A, the minutes of June 18, 2013, and the approval of contract amendment with C2 for NedPeds project, was made by Trustee Perret, seconded by Trustee Lee, and passed.

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

D. PUBLIC COMMENT ON NON-AGENDA ITEMS

Greg Willson, of Nederland, spoke on behalf of summertime opportunities and encouraged staff to expedite new businesses, such as Nikki's Nook. He is also in support of agenda item F4 Resolution supporting the EcoPass Program.

E. INFORMATIONAL ITEMS

There were no informational items scheduled.

F. ACTION ITEMS

1. Consideration of appointment of Steven Roszell and Loren Tillotson Duggan to the Parks, Recreation, Open Space Advisory Board (PROSAB), terms expiring June 1, 2016.

Town Clerk Martin introduced the item. PROSAB has three vacancies, one left by Ben Dereume's resignation in November 2012, and two term expirations for Scott Hammers and Alan Brewer. Hammers said he would not be reapplying. Brewer's position will be discussed at the July 17 PROSAB meeting.

The PROSAB met on June 20 to discuss applicants and have recommended appointing Steven Roszell and Loren Tillotson Duggan to fill the two positions.

Trustee Lee elaborated on the June 20 meeting and the applications received.

Steve Roszell, of greater Nederland, was present and introduced himself. Loren Tillotson Duggan was out of the country.

There was no public comment.

Motion to appoint Steven Roszell and Loren Tillotson Duggan to the Parks, Recreation, Open Space Advisory Board, terms expiring June 1, 2016, was made by Trustee Perret, seconded by Trustee Croughwell, and approved unanimously.

2. Consideration of appointment of Jeffrey Green and Karina Luscher to the Nederland Downtown Development Authority (NDDA), terms expiring June 30, 2017.

Martin introduced the item. The DDA has four applicants and two vacancies open. The DDA had come before the Board on June 18 to request the Board appoint two members since the DDA was not able to provide one from their June 12 meeting. The DDA was meeting on June

20; the Board had tabled the item to tonight's meeting to give the DDA another chance to provide a recommendation. The DDA did meet on June 20, and have recommended Jeffrey Green to fill Will Guercio's vacancy, and Karina Luscher to fill the property owner position, which replaces Ron Mitchell, who was not recommended for reappointment.

Mayor opened the floor to public comment.

Ron Mitchell, of Nederland, stated that he was indeed still a candidate. He is one of the four applicants.

David Sites, of Nederland, stated that he was surprised that Mitchell was not recommended for reappointment and felt that Luscher was not a suitable candidate.

Mayor called the available candidates up to introduce themselves.

Jeff Green, business owner of Very Nice Brewing Company, introduced himself and reiterated from the June 18 meeting the reasons why he is interested in the DDA.

Karina Luscher, owner of Tin Shed Sports and Salto Coffee Works, introduced herself and described her background. The Board asked questions of Luscher. Luscher said she had been a member of PROSAB and had decided to resign due to time constraints as she was just breaking ground and starting up her new businesses. She feels her business infrastructure is in place now as it has been one year, and she said she feels she now has the time to devote to the DDA.

The Board had asked Pat Everson, vice chairperson of the DDA, to answer a few questions. It was noted that the vote to recommend reappointment of Mitchell did not pass, with a vote of 3 to 2, with Mitchell abstaining. The vote to recommend appointment of Luscher passed with a vote of 5 to 1. Town Administrator Reis said it was not necessary for Mitchell to recuse himself.

The Board then asked Ron Mitchell, chairman of the DDA, to answer a few questions.

The Board was mixed on the recommendation for Luscher. Some thought a new perspective was needed on the DDA, others thought to appoint Green, so that the DDA would have a full board of 7 members for another chance to vote at their next meeting. All were respectful of the history and vested interest Mitchell has and his passion for DDAs, as well as Luscher's energy and experience that she would bring to the DDA.

Mayor took a straw poll to appoint one person tonight or two. Majority ruled to take the DDA's recommendation and appoint both candidates.

Motion to appoint Jeffrey Green and Karina Luscher to the Nederland Downtown Development Authority Board, terms expiring June 30, 2017, was made by Trustee Perret, seconded by Trustee Croughwell, and approved by a vote of 5 to 1, with Lee opposed.

3. Consideration of award of contract to JVA Inc. for Master Infrastructure Plan.

Town Administrator Reis introduced the item. RFPs had gone out in May and three firms had responded with submittals, along with a firm submitting a letter formally declining to bid. A Submission Review Committee of Reis, Town Project Manager/Geotech Engineer Mark Weritz, and SAB member/Civil Engineer Jody Andrews reviewed and interviewed each submission and firm. The committee recommended JVA, due to their strong understanding of the Town's infrastructure and sustainability goals, proposed project value for the Town's budget, and expertise in similar projects. Reis reminded the Board that funding is 50% from a State grant through DOLA and 50% from the Town Capital Improvements Program.

Kevin Tone and Joel Price from JVA were present for questions. Tone said he was excited to be working with the Town again. The Board asked questions of Tone. JVA is currently acting as Town Engineer for the Business Improvement District for Central City, and both Tone and Price are LEED certified.

There was no public comment.

Motion to approve the award of contract to JVA Inc. for the Master Infrastructure Plan, was made by Trustee Perret, seconded by Trustee Fiori, and approved unanimously.

The Mayor called a brief recess, then reconvened at 8:26PM.

4. Consideration of adopting Resolution 2013-07 supporting Nederland EcoPass Program and Transportation Special Improvement District.

Mayor Gierlach and Reis introduced the item. There was nothing included in the packet, as this was an action taken from the Board's work session with Boulder County last Thursday, June 27. Mayor Gierlach read the draft Resolution.

Reis reaffirmed that the Boulder County commissioners were looking for an actual request from the Board expressing their full support to place this on the November County ballot. The

Town has received 200 signatures so far, and is looking for another 100 by Monday.

Pat Everson, of Nederland, asked for clarity on what type of district this was and its impact on TIF funding. Reis said it was a public improvement district, which does require an Advisory Board set up by the County, yet is specific to the EcoPass project. Town Treasurer Forberger did acknowledge that by creating an additional mill, it would add to the DDA TIF, yet it would be a very minimal amount. Forberger will verify with the County.

Mayor Gierlach suggested putting together a fact sheet about the ballot question to make available on the website.

Motion to approve Resolution 2013-07 supporting Nederland EcoPass Program and Transportation Special Improvement District, was made by Trustee Perret, seconded by Trustee Long, and approved unanimously.

G. DISCUSSION ITEMS

1. Introduction of an ordinance to amend NMC Sec. 11-83 prohibiting glass in Town parks or open spaces.

Reis introduced the item. At the Board's June 4 meeting, during the performance space discussion, the Board had directed staff to prepare an ordinance to further ban glass containers in all other public parks, as the skateboard park already had this ban in place from 2008.

Trustee Lee brought up the subject of penalties, as he said he is always cleaning up broken glass at the skateboard park. During discussion of potential enforcement of such a law, Trustee Lee suggested the Board meet with the Town Judge and Prosecutor at some point to convey to them the Board's wishes regarding enforcement priorities and penalties.

Trustee Fiori was not in favor of this Ordinance, saying it was not very specific on what type of glass containers would be prohibited. Trustee Fiori stated that his family no longer uses plastic bottles and only uses glass water bottles. Trustee Fiori said he felt there were other laws in place to enforce the goal of this Ordinance to prevent the presence of broken glass in park areas.

Mayor Gierlach took a straw poll to determine whether to bring this back as an action item at the next meeting on July 16. It was agreed 4-2, with Trustees Fiori and Perret opposed.

H. OTHER BUSINESS

1. Firewise Designation

Trustee Lee said the Town is now officially a Firewise community and has received some signs to post. Trustee Lee said we are the second community in Boulder County, and the first municipality to receive the designation.

Trustee Lee provided an update on the Saws and Slaws program; it was another great event over this past weekend, with over 28 Big Springs households interested in participating in future events.

Trustee Lee said that Boulder County, which earlier had awarded the Town a chipping grant for half of the \$4,000 it had applied for, just announced that the additional \$2,000 would be awarded.

Trustee Lee provided a quick update on PROSAB and said that they have initiated a suggestion process to name the gateway park area and created a Trails Master Plan questionnaire.

Mayor Gierlach reminded the Board about a few dates to remember: July 4 parade, July 5 Staff Picnic; July 16 Quarterly Financial Update; August 27 work session with DDA; and September 24 work session to discuss Special Events.

Trustee Croughwell discussed bear break-ins and how some people are actually leaving food out for wildlife. She said she would like to start a campaign to educate folks on how to live with wildlife. Trustee Long offered that part of the problem is how people dispose of their garbage and suggested the Town start with a reliable garbage disposal process. Mayor Gierlach suggested Boulder County as a resource for educational tools to use.

Trustee Fiori brought up the Recreational Marijuana topic and said the State laws came out July 1, and he feels they are very strict. Trustee Fiori is not sure about going through the Nederland Planning Process (NPP) now. Trustee Fiori suggested the Board continue to think about if the Town wants to limit production and retail licenses, or go free market.


I. ADJOURNMENT

Motion to adjourn was made by Trustee Perret, seconded by Trustee Lee, and approved by unanimous voice vote. The meeting was adjourned at 9:11 PM.

Approved by the Board of Trustees.


Joe Gierlach, Mayor

ATTEST:


Michele Martin, Town Clerk

