

**TOWN OF NEDERLAND
BOARD OF TRUSTEES
REGULAR MEETING:
July 6, 2010**

RESPONSIBLE DEPARTMENT: Administration
CONTACT STAFF MEMBER: Teresa Myers, Town Clerk

CONSENT AGENDA*

***Items which are not controversial in nature; have been previously discussed and considered**

- A. Approval of July 6, 2010 Accounts Payable
- B. Approval of June 15, 2010 Regular Meeting minutes

BOARD MEMBERS MAY:

Move TO APPROVE the Consent Agenda

Or

Move TO AMEND by removing or adding from the Consent Agenda

By a roll call vote of the Board of Trustees.

TOWN OF NEDERLAND

WARRANTS

WARRANTS FOR 07/06/10

Date	Number	VENDOR	AMOUNT	DESCRIPTION
14-Jun	24359	Cash	\$233.11	petty cash reimbursement - postage/items for BOT workshops
18-Jun	24363	Cheri Andersen	\$1,800.00	2 weeks pay - one week at half pay due to illness
1-Jul	24364	Adamson Police Products	\$497.58	ammunition for PD
1-Jul	24365	AirOPure	\$270.00	portapotty rentals- visitor center/chipeta park
1-Jul	24366	Accurate Payrol Solutions	\$275.00	payroll services - may/June
1-Jul	24367	A&T	\$80.27	cell phone - Tim/Mark
1-Jul	24368	Boulder County Finance	\$15,515.54	\$13.5 semi-annual comm charge from Boulder County/May Fuel
1-Jul	24369	CAMCA	\$40.00	court training for Lois
1-Jul	24370	Caribou Mercantile	\$850.00	July Rent for PD
1-Jul	24371	CEBT	\$7,913.79	July Health Insurance
1-Jul	24372	Colo Dept of Agriculture	\$57.50	certify/tune radar system - PD
1-Jul	24373	Colo Dept of Health	\$80.00	water testing
1-Jul	24374	Colonial Supplemental	\$436.78	supplemental insurance for employees - pass-through
1-Jul	24375	Nederland DDA	\$36,683.96	pass-through grant from CDOT
1-Jul	24376	David Depew	\$175.00	gym equipment maintenance for community center
1-Jul	24377	DPC Industries	\$972.22	sewer/water chemicals
1-Jul	24378	Accuest Mtn States	\$458.00	sewer testing
1-Jul	24379	General Air	\$10.78	gases rental for streets
1-Jul	24380	Hotsy Equipment	\$52.00	sewer minor equipment
1-Jul	24381	Clarence Jagt	\$468.00	community center maintenance and board room set up
1-Jul	24382	James Torrez	\$350.00	rifle training - PD
1-Jul	24383	Kerwood Pump Services	\$255.00	sewer equipment maintenance
1-Jul	24384	Pride Enterprises	\$165.61	new name plates for new employees/board members
1-Jul	24385	The Moutain Ear	\$2,962.50	annual water results advertising
1-Jul	24386	Neve's Uniforms	\$136.94	flashlights for PD
1-Jul	24387	Office Depot	\$504.62	supplies for Town hall/PD
1-Jul	24388	Peak to Peak Imports	\$20.00	tire patch
1-Jul	24389	Ptiney Bowes	\$168.00	quarterly postage meter rental
1-Jul	24390	Safe Systems	\$151.50	reprogrammed fire systems
1-Jul	24391	Safebuilit	\$10,392.65	May fee for building review services
1-Jul	24392	Toshiba America	\$696.37	last lease payment and taxes due for current copier
1-Jul	24393	Toshiba Busines Solutions	\$450.00	cost of ship out current copier
1-Jul	24394	TZA Water Engineers	\$624.00	quarterly water rights report
1-Jul	24395	UNCC	\$40.25	monthly communication charge for line identification-W/S
1-Jul	24396	Vranesh & Raisch	\$40.50	legal services for Boulder Reservoir
1-Jul	24397	Xcel Energy	\$6,134.67	electricity/gas for Town facilities
1-Jul	24398	Anthony Galindo	\$450.00	paint/patch work due to Flood - community center
1-Jul	24399	Mary Wingate Trust	\$4,000.00	quarterly land purchase payment under conservation trust
1-Jul	24400	Rob Joseph	\$450.00	travel and conference fees
1-Jul	24401	Lois Ott	\$20.30	travel to meet with Judge
1-Jul	24402	Spectrum General Contractors	\$30,743.03	pay app 3 for Kitchen project (see attached)
1-Jul	24403	Service Master	\$8,386.84	Community Center Flood cleanup
1-Jul	24404	Ability Glass Co	\$125.14	replace windshield for skid steer
1-Jul	24405	Victor Hasen	\$44.00	reimbursement for overpayment for breath tests
3-Jul	AUTO	Mutal of Omaha Credit Card	510.08	sewer equipment maintenance
30-Jun	AUTO	Wells Fargo Equipment Finance	2743.12	backhoe/ford explorer lease

Total Non Payroll Warrants \$137,434.65

Nederland Community Center Kitchen Project

Date	Invoice	Vendor	Amount	Description
03/29/10	32610	Spectrum	\$ 12,580.45	Pay App #1
04/30/10	43010	Spectrum	\$ 28,784.43	Pay App #2
06/29/10	62310	Spectrum	\$30,743.03	Pay App #3
05/17/10	317537	Nederland Mechanical Tech	\$ 2,500.00	drawings
3/26/2010	32610	Other	\$ 297.00	inspection
		Other	\$ 1,187.00	Clarence-labor/purchases
		Other	\$ 42.43	Ace
		Other	\$ 600.00	Cash for Shelves
		Other	\$ (400.00)	refund for inspection
Total			\$ 76,334.34	

Kitchen Project	Contract Amount	Paid to Date	Remaining
Spectrum *	\$ 72,611.10	\$ 72,107.91	\$ 503.19
Nederland Mechanical Tech	\$ 3,500.00	\$ 2,500.00	\$ 1,000.00
Other	\$ 1,726.43	\$ 1,726.43	\$ -
Total	\$ 77,837.53	\$ 76,334.34	\$ 1,503.19
Budget Amount**	\$ 75,000.00	\$ 75,000.00	
Variance	\$ (2,837.53)	\$ (1,334.34)	

* change order in the amount of \$890 was approved and increased the price accordingly

** There is a \$5k capital contingency in the community center fund

TOWN OF NEDERLAND AGENDA

REGULAR BOARD OF TRUSTEES MEETING

NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466

June 15, 2010

7:00 P.M.

A. CALL TO ORDER

Meeting convened at 7:03PM.

B. ROLL CALL

Present: Mayor Abu-Haidar, Mayor Pro Tem Gierlach, Trustees Wheelock, Joseph, Perret, and Nowicki

Absent: Trustee Mueller

Also Present: Carmen Beery, Town Attorney; Teresa Myers, Town Clerk; Eva Forberger, Town Treasurer

C. CONSENT AGENDA

- Approval of June 15, 2010 Accounts Payable
- Approval of June 1, 2010 Regular Meeting Minutes

Trustee Perret asked that a change be made to the accounts payable section, particularly the line item referencing the East Street Garage. Mayor Abu-Haidar asked that all references to her as Mayor Sumaya be updated to Mayor Abu-Haidar. A motion to approve the consent agenda was made by Trustee Nowicki, seconded by Trustee Joseph, and approved unanimously.

Trustee Mueller arrived at 7:06.

D. Staff Reports

Treasurer Eva Forberger updated the Board on the current state of the budget, noting that we did not adequately budget for necessary legal services.

Town Clerk Teresa Myers highlighted the updated liquor licensing applications, the current review of business licenses, and the CIRSA Audit held on June 15th. Mayor Abu-Haidar asked that the liquor license packet be sent to the Chamber. Trustee Perret asked that the Board packets be printed on two-sides of the paper to conserve trees.

Director of Public Works Tim Underwood summarized his report, including the current status of the Water Treatment Plant and the Waste Water Treatment Plant.

E. Board of Trustee Reports

1. Trustee Mueller reported that the Planning Commission will be meeting on June 23rd and continuing with the comprehensive plan revisions.
2. Trustee Joseph reported that the DDA will be having a workshop on June 28th, beginning at 7:00, with a social time beginning at 6:30. Planters will be delivered and planted prior to the High Peaks Arts Festival. The DDA and Nedscape met and discussed collaboration on the Riverwalk Project.

Trustee Joseph also reported that the Emergency Operations Center Task Force had its first meeting last Tuesday and identified a short-term goal of October 1st to have training in place for first responders to catastrophic events. They will aim to train 8 to 14 personnel, and offer the training online. They would like BOT members and concerned citizens to participate. He received an email from his Boulder counterpart today expressing eagerness to work together.

3. Mayor Pro Tem Gierlach reported on the Community Center Foundation Board. The Art night was a great success and the CCFB is planning a grand opening of the new kitchen. He also reminded everyone of the Boulder County-sponsored Solar Home Tour that is coming up.
4. Trustee Nowicki reported that PROSAB lacks the required number of members to have a quorum, so no meetings were held.
5. Trustee Wheelock reported on plans for the Fourth of July Parade, Sunday, July 4th at 12:00 noon. She also reminded everyone that she wrote the first article for the "Trustee's Corner" in the Mountain Ear.
6. Trustee Perret reported that he is coordinating with other members of the Sustainability Advisory Board.
7. Mayor Abu-Haidar reported on the progress of the search for the new Town Administrator. The BOT had a dinner meeting with the Boulder County Board of Commissioners last evening and will be working together on finding a new shooting site. She reminded everyone that the Town Clerk is "tweeting" on Twitter regarding Town issues, and asked people to follow us.

F. Public Comments on Non-Agenda Items (Speakers limited to 3 minutes)

Carla Slaughter, 70 Sundance , expressed her concern that there was a mistake in last meeting's agenda item regarding the Board not taking public comment on an agenda item.

Greg Willson, 274 West Spring, has begun a new project to track the Pine Beetle infestation and to identify some uses for dead trees. The site is www.pinebeetle.myned.info. This is an interaction site where people can report pine beetle infestations and exchange ideas of how to make positive outcomes from the devastation of the infestation problem.

Ron Mitchell, 75 East First St., reported that there is one piece of sidewalk that has not been poured and he is requesting that it not be poured so that he can put heaters under the sidewalks and that he would pay to have that portion completed with the necessary heating elements under them to prevent ice.

G. Action Items

1. Decision on Town Hall Copier Lease Agreement.

A motion to approve the agreement was made by Trustee Perret, seconded by Trustee Joseph, and approved unanimously.

2. Appointments to the Parks, Recreation, and Open Space Advisory Board (PROSAB).

Mayor Abu-Haidar explained that currently PROSAB does not have enough members to properly conduct business and so these appointments are being fast-tracked to allow PROSAB to conduct business.

Trustee Nowicki reported that the unofficial PROSAB board would like to recommend the following four individuals for appointment to the board: Ben Dureume, William Alan Brewer, Starr Jamison, and Scott Hammers. Randy Lee spoke in favor of Scott Hammers.

Motion to approve the SRU was made by Trustee Nowicki, seconded by Trustee Perret, and approved unanimously.

H. Discussion Items

1. Discussion of Town-issued letter for medical marijuana state licensing compliance.

Carmen Beery, Town Attorney, provided background for this issue in place of Interim Town Administrator Cheri Andersen, who had a family emergency and could not be present. Ms. Beery has contacted the Colorado Municipal League (CML) lobbyists to determine what local businesses need to do in advance of July 1st.

Town Clerk Teresa Myers explained that, in reviewing the Town's business licenses, she discovered that the local medical marijuana centers did not possess valid business licenses under the Town Code. Given that the centers must have valid business licenses in order to apply for State licenses, the Clerk will be offering an expedited procedure for medical marijuana centers wishing to renew their current, expired business licenses. New licenses will also include verbiage indicating what type of business the license covers, i.e. medical marijuana centers, optional growing operations, etc.

Mark Rose, 420 Sundance, reported that they had not previously received updated business licenses, but merely receipts of payments made. He expressed appreciation that the Board is acting quickly. He urged the Board to follow Boulder's zoning example and allow growing in commercial and light-industrial zones. He stated a concern that the growing industry remain local.

Jordan Malfara, 1029 Grandview, expressed his support for the end of all forms of prohibition.

Tim St. Clair, 608 West Spruce, is supporting the 7 dispensaries in town that are helping sales tax revenues.

Scott Buckner, 609 West Spruce, is very supportive of new business and prosperity and a lively feeling in the Town that has been prompted by the medical marijuana centers.

Kathy Dewald, 20 Grandview Dr., owns Green Mountain and expressed support for the medical marijuana industry here in Town. She asked that the Board act quickly to support the industry.

Frank Crawford, 202 Lakeview Dr., stressed the economic impact of the industry on the Town. He talked about his own experiences struggling to find a job locally and having to move away to find work. He has returned now and is very happy to see the vitality in the Town.

Mike Torpie, 253 West Third, supports issuance of a letter but would like it extended to growing operations. Mr. Torpie also wondered if the Town's decriminalization of marijuana might allow us

Kathleen Chippi, Magnolia Star Route, wants additional language to cover growers.

Carla Slaughter, 70 Sundance Circle, is concerned about whether the BOT needs to act on zoning requirements prior to July 1, 2010. She expressed strong support for the dispensaries and growers and for their positive economic impact on the Town.

Cheryl Fanelli, 184 Hwy 72, owner of Nikki's Nook and NedMeds, talked about how her medical marijuana business has positively changed her life, both financially and emotionally. She described her patients, their illnesses, and their need for cannabis as a medicine preferred over harsher and stronger opiates. She urged the BOT to act to support the industry.

Susan Eisman, 125 East Second St., thanked the BOT for their support in considering the letter, asked that verbiage be changed from "dispensaries" to "medical marijuana centers" and that "optional growing operations" be added.

Michael Rancourt, 180 East Second St., expressed support of the industry.

Joe Clausen, 5505 Valmont Road, Boulder, came to Town to express concern for protecting the industry. Mr. Clausen described being a victim of violent crime and how he has come to rely on medical marijuana for his pain management. He had tried many other pain drugs and could not find relief. He also related his experiences as marijuana grower and his treatment by the police in Boulder County.

Mae Jarril, 304 Griffith St., did a weekly radio show on hemp and another on cannabis for KGNU. She talked about the stereotypes of people who use marijuana and how important medical marijuana is for the patients who use it.

Janet Perry, East First Street, asked the BOT to consider the needs of the residential homeowners downtown who have concerns that marijuana growers bring potential crime and safety issues to residential areas, and zone the growers to stay within the downtown commercial areas.

Trustee Joseph thanked the audience for attending and sharing their opinions and agreed that greater education is necessary.

Trustee Perret thanked the individuals who have lent their legal knowledge and their assistance to the staff and BOT in understanding this issue.

Mayor Pro Tem Gierlach spoke about the BOT meeting with the Boulder County Commissioners the previous night and shared that he was told that the reason for the zoning decision by Boulder County to not allow grow operations in unincorporated Boulder County was because no businesses are permitted in those residential and agricultural and forested areas. He also asked that the work session with BOT be limited to the items that the BOT can affect, and not turn into a discussion of what Boulder County or the State has done or is doing.

Trustee Nowicki asked how quickly an emergency ordinance would take effect. Ms. Beery reported that an emergency ordinance would take effect immediately.

Trustee Mueller commented that any zoning changes that are recommended at the work session will be considered by the Planning Commission on June 23rd. He encouraged audience members to come to the work session prepared with ideas and recommendations.

Ms. Myers clarified that growing operations will need a separate business license for separate locations and and/or owners who differ from the medical marijuana centers. Business licenses are not transferable from location to location or from person to person, per Municipal Code.

2. Discussion of Construction Loan Options for the Wastewater Treatment Plant.

Town Treasurer Forberger provided a background on this issue, and explained the various loan bids. She also clarified that the USDA must approve our lender.

John Benedetti, 921 W. St. in Louisville, from Mutual of Omaha, encouraged the BOT to use his bank.

Trustee Perret stated that he thought the Town should use the local bank over a large, non-local bank. Mayor Pro Tem Gierlach and Trustee Joseph concurred.

Trustee Mueller asked if the loan would stay in town, and Mr. Benedetti and Willow Johnson assured the BOT that the loan would stay here in Town.

Mayor Abu-Haidar expressed her gratitude that Mutual of Omaha offered such a good deal and made it easy for the BOT to opt to keep things local.

3. Discussion of Water Meter Project Options.

Ms. Forberger and Director of Public Works Tim Underwood provided background on the issue and explained the various options, highlighting some features of the water meters.

Ron Mitchell, 75 East First St., talked about his concern that stopping the water to install water meters can cause real problems and result in the collapse of some water pipes. He encouraged the BOT to consider setting up a loan fund or some such program to help homeowners who suffer these problems. Ms. Forberger explained that she and Director Underwood had discussed options for addressing these concerns.

Staff asked for guidance as to pursue the option of SL Serco and in-house contractors (using local plumbers). Trustee Perret, Trustee Wheelock, and Trustee Nowicki also agreed. Trustee Gierlach had a question of about process and timing, and Mr. Underwood explained the anticipated plan for implementation.

Mr. Mitchell added that he felt that property owners should have the option to put a filter in ahead of the installation of the meters to control any silt that might back up into the residence's plumbing.

4. Discussion of the Downtown Parking Study report and options for next steps.

Teresa Warren, 4 East First St., provided the background on this study. She explained that the study was jointly-funded by the DDA and the Town, with seed money from DRCOG. She explained that the DDA Board has approved the document and asked that the BOT adopt the study.

Mayor Pro Tem Gierlach suggested that the BOT discuss this at the joint work session with the DDA on June 28, 2010. Trustee Perret concurred. Trustee Joseph asked for clarification on what "approval" amounts to; he wanted to make sure that approval is not approval to move forward with everything in the study, without further approvals by the BOT. Ms. Warren stated that approval from the BOT would mean only that the BOT agreed with the consultant's conclusions and that the DDA would draft an action plan and return to the BOT for approval before moving forward.

Trustee Perret stated that he was concerned that the BOT is being asked to approve the study without proper consideration. Paul Turnburke, Chair of the DDA, explained that the Town should have had the study since March. Mr. Turnburke also explained that the DDA will further distill and clarify the recommendations they would be asking to move forward with before taking any action.

Trustee Mueller stated that he felt that the data should be accepted as simply a data report and that the BOT should approve it and ask the DDA to come forward with specific recommendations. He also made some suggestions about what the DDA should include in those recommendations.

Trustee Nowicki agreed with the acceptance of the data, but found some of the recommendations in the study not altogether clear and would like further clarification.

Mayor Pro Tem Gierlach asked that dollar amounts be attached to the recommendations in anticipation of budget season in a couple of months. He also asked that the study be posted on the website and public comment be encouraged.

Trustee Wheelock suggested that the BOT approve the study and await further details from the DDA.

Ms. Slaughter commented that some of the handicapped parking spaces in downtown have disappeared because of the sidewalk project. She noted that the study doesn't address this. She also pointed out that the study was conducted on a

Wednesday in February, and that during the summer, the Town has 30% more people needing handicapped parking spaces than during other seasons.

Ms. Warren replied that she believes that the meeting on the 28th needs to address the question of how the DDA and the BOT work together on issues, with the BOT visioning and the DDA carrying through on the those mutual goals. She also clarified that there would not be any budget items at the work session because it would only be DDA money being spent.

Mayor Abu-Haidar supported the approach outlined by Mr. Turnburke for approval with direction for further development of action items.

Trustee Mueller wanted to include the concerns of Ms. Slaughter regarding handicapped parking spaces included in this discussion.

The BOT accepted the data from the parking study and asked the DDA to move forward on recommendations based on that data.

5. Update on the Community Center Flooding and discussion of solutions for ground water control .

Mr. Underwood provided the background on the issue and explained that the Town's insurance provider, CIRSA, will allow the Board to select any repair, and will still cover a repeat incidence, without coverage exclusion.

Ms. Myers cautioned that another claim could result in a poorer loss control rating, which will affect how much of a premium "refund" the Town receives from CIRSA each year.

Trustee Perret made a motion to extend the meeting until 10:30; Trustee Nowicki seconded the motion, and it carried unanimously.

Trustees Perret, Wheelock, and Nowicki expressed support for a fairly short-term solution until staff is able to discern precisely what the problem is and what the best long-term solution might be.

Trustee Joseph would like this subject tabled for a few weeks and then proceed with better information and potential budget numbers.

Trustee Mueller asked that staff take a hard look at drainage issues and use a short-term fix so that the Town can make a sound decision based on engineering options.

I. Other Business

1. Additional Funds Requested by Loris for Project Management of Sidewalk Project

Ms. Forberger explained the background. The Mayor expressed her concern that at the late hour, some Trustees were struggling to understand the topic without having adequate time to review the materials provided for the first time at the meeting. Therefore, the BOT asked that the issue be added as a discussion item for the next meeting.

J. EXECUTIVE SESSION PURSUANT TO C.R.S. 24-6-402(4)(B) FOR A CONFERENCE WITH THE TOWN ATTORNEY AND OTHER TOWN STAFF FOR THE PURPOSE OF RECEIVING LEGAL ADVICE CONCERNING CDPH&E PERMIT COMPLIANCE.

ADJOURNMENT:

Motion to adjourn was made by Trustee Perret, seconded by Trustee Nowicki, and unanimously approved. Meeting adjourned at 11:05PM.

Approved by the Board of Trustees

Sumaya Abu-Haidar, Mayor

ATTEST:

Teresa Myers, Town Clerk