



**TOWN OF NEDERLAND
BOARD OF TRUSTEES
REGULAR BUSINESS MEETING**

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

October 19, 2010, 7:00 P.M.

AGENDA

The Board of Trustees encourages citizen participation. Public hearings and the “unscheduled citizens” agenda item allow an opportunity to address the Board. Discussion is limited to 3 minutes and please address your comments to the Board. Thank you for your cooperation.

A. CALL TO ORDER

B. ROLL CALL

C. CONSENT AGENDA

- Approval of October 19, 2010 Accounts Payable
- Approval of October 5, 2010 Regular Meeting Minutes

D. STAFF REPORTS

1. Alisha Reis, Town Administrator
2. Teresa Myers, Town Clerk
3. Eva Forberger, Town Treasurer
4. Ken Robinson, Police Chief
5. Mark Clift, Utilities Supervisor and Street Crew
6. Dawn Baumhover, Community Center Coordinator

E. BOARD MEMBER REPORTS

1. Mayor's Report

F. PUBLIC COMMENT ON NON-AGENDA ITEMS (Speakers limited to 3 minutes)

G. PRESENTATIONS

None.

H. ACTION ITEMS

1. Consideration of Resolution 2010-23, adopting a new policy regarding fulfillment of Colorado Open Records Act requests.
2. Consideration of adoption of the revised Parks, Recreation, and Open Space Advisory Board (PROSAB) charter.
3. Consideration of request by the Nederland Area Seniors for a fee waiver on rental of the Community Center multi-purpose room and gym.
4. Consideration of the appointment of Dawn Dennison and Kyle Busey to the Sustainability Advisory Board.
5. Consideration of the appointment of Roger Cornell to the Planning Commission.
6. Consideration of alternatives for rescheduling/relocating November 2nd BOT meeting due to use of the MPR for the Elections.

I. DISCUSSION ITEMS

1. Discussion of Envision Nederland 2020 Proposal.
2. Discussion of Ordinance 681, amending the Nederland Municipal Code concerning the collection of materials for and distribution of information packets for Board of Trustee meetings.
3. Discussion of Ordinance 682, amending the Nederland Municipal Code concerning the utility rate reduction plan.
4. Discussion of the Parks, Recreation, Open Space Advisory Board (PROSAB) Action Plan.

J. OTHER BUSINESS

K. ADJOURNMENT

**TOWN OF NEDERLAND
BOARD OF TRUSTEES
REGULAR MEETING:
October 19, 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 October 19, 2010 Accounts Payable
- B. Approval of October 5, 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 10/19/2010

Date	Number	VENDOR	AMOUNT	DESCRIPTION
1-Oct	24554	Eva Forberger	\$4,450.00	accounting fees Aug 29th- Sep 26th
12-Oct	24631	Ace Hardware	\$426.15	misc supplies for town facilities
12-Oct	24632	Denver Linen	\$232.35	uniform cleaning for public works
12-Oct	24633	David Anderson	\$600.00	monthly professional fees for certification
12-Oct	24634	Accurate Payroll Solutions	\$130.00	monthly payroll services
12-Oct	24635	Automation Services	\$1,268.03	IT for water plant
12-Oct	24636	B&F	\$66.36	misc supplies for town facilities and sundries
12-Oct	24637	The Business Connection	\$36.42	printing /supplies
12-Oct	24638	Co Association of Chiefs of Police	\$50.00	annual membership dues
12-Oct	24639	Cheri Andersen	\$280.00	interim administrator knowledge transfer
12-Oct	24640	Chematox Labs	\$43.40	blood alcohol tests
12-Oct	24641	Galls Incorporated	\$168.93	gloves/supplies for police department
12-Oct	24642	Clarence Jagt	\$360.00	community center maintenance (3 weeks)
12-Oct	24643	Murray Dahl	\$1,113.79	September legal fees
12-Oct	24644	Pride Enterprises	\$35.10	name plates
12-Oct	24645	The Mountain Ear	\$40.00	classified advertisement for new hire
12-Oct	24646	Nalco Company	\$2,021.34	chemicals for water plant
12-Oct	24647	Qwest	\$605.14	monthly phone charges for town facilities and DSL for water plant
12-Oct	24648	Qwest Long Distance	\$24.67	monthly long distance charges for town facilities
12-Oct	24649	Safe Systems	\$96.42	quarterly maintenance for fire/sprinkler system
12-Oct	24650	Donna Schneider	\$375.00	monthly fees for prosecutor services
12-Oct	24651	Tech Control	\$375.00	calibration of flow meters for waste water plant
12-Oct	24652	Timberline	\$2,315.00	new circuit board damaged in CC flood - reimbursed by insurance
12-Oct	24653	Velocity	\$150,598.83	Pay app 4 for construction of Water Plant
12-Oct	24654	Wagner Equipment	\$130.20	misc equipment for streets
12-Oct	24655	Western Disposal Services	\$293.75	monthly waste disposal services
12-Oct	24656	Xcel Energy	\$618.59	monthly streets lights charges

Total Non Payroll Warrants \$166,754.47

Nederland Water Plant Construction Tracking

		Contract Amount	Paid to Date	Remaining	
	Preliminary Design	38,400.00	\$ 38,400.00		
hourly	Funding Assistance I	\$ 8,364.02	\$ 8,364.02	\$ -	
hourly	Boulder County Planning Assistance	\$ 3,062.05	\$ 3,062.05	\$ -	
hourly	Funding Assistance II	\$ 28,454.91	\$ 28,454.91	\$ -	
hourly	Easement	\$ 15,206.45	\$ 15,206.45		
	Final Design	\$ 101,500.00	\$ 101,500.00	\$ -	
	Bidding	\$ 17,500.00	\$ 17,500.00	\$ -	
	CDPHE Design Report	\$ 6,600.00	\$ 6,600.00	\$ -	% complete
hourly	Construction & Start up	\$ 121,541.00	\$ 41,142.12	\$ 80,398.88	34%
	Soft Costs	\$ 348,128.43	\$ 267,729.55	\$ 80,398.88	
	Bond Counsel	\$ 7,500.00	\$ 7,500.00	\$ -	
	Membrane System	\$ 600,686.00	\$ 540,617.40	\$ 60,068.60	90%
	Construction	\$ 1,349,215.21	\$ 797,810.20	\$ 551,405.01	59%
	Soil Testing	\$ 3,840.00	\$ 3,484.00	\$ 356.00	91%
	Reserve	\$ 196,160.00	\$ -	\$ 196,160.00	
	Hard Costs	\$ 2,149,901.21	\$ 1,341,911.60	\$ 807,989.61	
Grand Total		\$ 2,498,029.64	\$ 1,609,641.15	\$ 888,388.49	64%

Approved Budget \$ 2,500,000.00

Date	Invoice	Description	TEC	Amount	Fees	Reimbursables
01/31/08		15205 Preliminary Design	TEC	\$ 5,760.00	\$ 5,760.00	
01/31/08		15206 Funding Assistance I	TEC	\$ 1,375.00	\$ 1,375.00	
02/29/08		15289 Funding Assistance I	TEC	\$ 3,522.44	\$ 3,415.00	\$ 107.44
02/29/08		15288 Preliminary Design	TEC	\$ 1,920.00	\$ 1,920.00	
03/31/08		15441 Preliminary Design	TEC	\$ 9,216.00	\$ 9,216.00	
03/31/08		15442 Funding Assistance I	TEC	\$ 3,466.58	\$ 3,427.50	\$ 39.08
04/30/08		15509 Funding Assistance II	TEC	\$ 7,732.83	\$ 7,605.40	\$ 128.33
04/30/08		15508 Preliminary Design	TEC	\$ 10,930.94	\$ 10,930.94	
05/31/08		15571 Preliminary Design	TEC	\$ 10,573.06	\$ 10,573.06	
05/31/08		15574 Boulder County Planning Assistance	TEC	\$ 1,075.00	\$ 1,075.00	
05/31/08		15573 Funding Assistance II	TEC	\$ 3,512.80	\$ 3,500.00	\$ 12.80
05/31/08		15572 Final Design	TEC	\$ 5,412.49	\$ 5,412.49	
06/30/08		15647 Boulder County Planning Assistance	TEC	\$ 750.00	\$ 750.00	
06/30/08		15646 Funding Assistance II	TEC	\$ 2,400.00	\$ 2,400.00	
06/30/08		15645 Final Design	TEC	\$ 14,012.78	\$ 14,012.78	
07/31/08		15793 Funding Assistance II	TEC	\$ 2,907.01	\$ 2,902.50	\$ 4.51
07/31/08		15792 Final Design	TEC	\$ 11,024.73	\$ 11,024.73	
08/31/08		15842 Funding Assistance II	TEC	\$ 900.00	\$ 900.00	
08/31/08		15841 Final Design	TEC	\$ 8,313.87	\$ 8,313.87	
10/31/08		16016 Funding Assistance II	TEC	\$ 1,350.00	\$ 1,350.00	
11/30/08		16103 Funding Assistance II	TEC	\$ 1,800.00	\$ 1,800.00	
12/31/08		16133 Final Design	TEC	\$ 1,836.13	\$ 1,836.13	
01/31/09		16232 Final Design	TEC	\$ 20,300.00	\$ 20,300.00	
01/31/09		16233 Funding Assistance II	TEC	\$ 2,722.50	\$ 2,722.50	
02/28/09		16332 Final Design	TEC	\$ 25,375.00	\$ 25,375.00	
02/28/09		16333 Bidding	TEC	\$ 1,750.00	\$ 1,750.00	
03/31/09		16379 Final Design	TEC	\$ 10,150.00	\$ 10,150.00	
03/31/09		16381 Bidding	TEC	\$ 875.00	\$ 875.00	
03/31/09		16380 Funding Assistance II	TEC	\$ 3,371.77	\$ 3,371.77	
04/30/09		16424 Final Design	TEC	\$ 3,045.00	\$ 3,045.00	
05/19/09	First Pay	Membrane System	Siemen's	\$ 10,000.00		
05/31/09		16520 CDPHE Design Report	TEC	\$ 2,437.50	\$ 2,437.50	
06/22/09		Bond Counsel	Sherman&Howard	\$ 7,500.00		
06/30/09		16560 CDPHE Design Report	TEC	\$ 945.73	\$ 945.73	
06/30/09		16559 Funding Assistance II	TEC	\$ 708.00	\$ 708.00	

Nederland Water Plant Construction Tracking

06/30/09	16558 Final Design	TEC	\$	2,030.00	\$	2,030.00	
07/31/09	16617 Bidding	TEC	\$	1,750.00	\$	1,750.00	
08/31/09	16669 Boulder County Planning Assistance	TEC	\$	836.00	\$	836.00	
08/31/09	16670 CDPHE Design Report	TEC	\$	2,556.77	\$	2,556.77	
08/31/09	16671 Bidding	TEC	\$	8,750.00	\$	8,750.00	
08/31/09	16672 Construction & Start up	TEC	\$	1,009.00	\$	1,009.00	
09/30/09	15915 Funding Assistance II	TEC	\$	1,050.00	\$	1,050.00	
09/30/09	16669B Bidding	TEC	\$	4,375.00	\$	4,375.00	
09/30/09	16670B Easement	TEC	\$	5,397.00	\$	5,397.00	
10/31/09	16794 CDPHE Design Report	TEC	\$	660.00	\$	660.00	
10/31/09	16743 Easement	TEC	\$	8,198.50	\$	7,834.50	\$ 364.00
10/31/09	16742 Construction & Start up	TEC	\$	494.50	\$	494.50	
11/30/09	16839 Construction & Start up	TEC	\$	834.50	\$	834.50	
11/30/09	16842 Easement	TEC	\$	528.55	\$	467.50	\$ 61.05
12/31/09	16884 Construction & Start up	TEC	\$	528.00			\$ 528.00
12/31/09	16879 Easement	TEC	\$	997.40	\$	850.00	\$ 147.40
01/31/10	16953 Construction & Start up	TEC	\$	1,491.50	\$	1,293.50	\$ 198.00
01/31/10	16954 Easement	TEC	\$	85.00	\$	85.00	
02/28/10	17017 Construction & Start up	TEC	\$	502.37	\$	118.00	\$ 384.37
03/31/10	17082 Boulder County Planning Assistance	TEC	\$	401.05	\$	340.00	\$ 61.05
03/31/10	17081 Construction & Start up	TEC	\$	1,915.50	\$	1,915.50	\$ -
04/27/10	900045316 Membrane System	Siemen's	\$	152,185.22			
04/30/10	17131 Construction & Start up	TEC	\$	2,915.87	\$	2,874.50	\$ 41.37
05/31/10	17203 Construction & Start up	TEC	\$	8,735.95			
06/01/10	1.00 Construction	Velocity	\$	113,616.90			
07/01/10	2.00 Construction	Velocity	\$	103,738.04			
07/06/10	Soil Testing	Koechlein Consulting	\$	1,498.00			
07/09/10	17259 Construction & Start up	TEC	\$	8,691.88			
07/01/10	3.00 Construction	Velocity	\$	184,531.54			
08/18/10	900070690 Membrane System	Siemen's	\$	378,432.18			
07/31/10	17318 Construction & Start up	TEC	\$	7,807.60			
08/04/10	Soil Testing	Koechlein Consulting	\$	728.00			
09/07/10	Soil Testing	Koechlein Consulting	\$	894.00			
08/31/10	17387 Construction & Start up	TEC	\$	6,215.45			
08/30/10	4.00 Construction	Velocity	\$	150,598.83	paid 10/12		
10/12/10	Soil Testing	Koechlein Consulting	\$	364.00			
09/30/10	5.00 Construction	Velocity	\$	245,324.89			
				\$ 1,609,641.15			
				\$ -			

Membrane System		606,686.00	
1.66%	On order	10,000.00	10,000.00
25.34%	On notice to proceed	152,885.22	152,885.22
63.00%	On delivery	378,432.18	378,432.18
5.00%	On startup	32,684.30	
5.00%	On successful completion of performance	<u>32,684.30</u>	
100.00%		606,686.00	541,317.40

TOWN OF NEDERLAND AGENDA

REGULAR BOARD OF TRUSTEES MEETING

NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466

October 5, 2010

7:00 P.M.

A. CALL TO ORDER

Meeting convened at 7:03 PM.

B. ROLL CALL

Present: Mayor Abu-Haidar, Mayor Pro Tem Gierlach, Trustees Nowicki, Perret, Joseph, and Mueller. Trustee Wheelock was absent.

Also present: Alisha Reis, Town Administrator, Carmen Beery, Town Attorney, Eva Forberger, Town Treasurer, and Teresa Myers, Town Clerk.

C. CONSENT AGENDA

- Approval of October 5, 2010 Accounts Payable
- Approval of September 21, 2010 Regular Meeting Minutes

Trustee Mueller had a question regarding a quarterly payment for the purchase of the Mary Wingate Trust property. Mayor Abu-Haidar asked that staff review the agreement to purchase that property and determine if it is still in the best interests of the Town.

Motion was made to approve the consent agenda by Trustee Joseph, seconded by Trustee Perret, and approved unanimously, with Trustee Mueller abstaining, due to his absence at the previous meeting.

D. PUBLIC COMMENT ON NON-AGENDA ITEMS (Speakers limited to 3 minutes)

1. Julie Davis, 143 County Road 128, spoke on behalf of Town Residents who are not in favor of some of the changes happening downtown, as exemplified

by the sidewalk construction. She spoke on behalf of a wide group of individuals who share some concerns and have some divergent concerns, but who all are unhappy with not only the changes but the process involved in making the changes. The group also strongly feels that the changes are happening too quickly and it seeks a moratorium on any further changes.

2. Sue Ayer, West 226 Spring St., spoke to her concerns of increased traffic, in both volume and speed, and the associated congestion
3. Arden Buck, 38 Navajo Way, expressed concerns about the speed of development in Nederland and the lack of citizen involvement in those decisions. He acknowledged the benefits of some of the sidewalks, but questioned the necessity of some others. He also spoke to his concerns that the sidewalks impede snow removal.
4. Atashnaa Werner, of the greater Nederland area, spoke to the importance of seniors to the history and way of life of Nederland. Ms. Werner advocated for the seniors' continued use of the Community Center multi-purpose room, and specifically for the use of the room for the Holiday Mountain Market.
5. Diane Wohl, 127 Wolf Tongue Road, spoke in support of the sidewalk development and particularly to its safety benefits and the convenience of being able to use baby strollers. She also offered her opinion that the sidewalks and planters greatly improve the aesthetic appeal of Nederland, and encourage visitors from down below.
6. Dawn O'Keefe, 1305 Upper Moon Gulch Road, Rollinsville, spoke to her desire to retain Nederland's mining history and special character. She offered outcomes of research into the negative effects of tourism on small towns and urged the Board not to turn Nederland into a tourist destination.
7. Betsy Buck, 38 Navajo Way, spoke in favor of Nederland's small town flavor, and the lack of general public input in the development process. She asked that citizens step up and support a moratorium on development.
8. Dennis Duckett, 151 S. Jackson, read from the Tao Te Ching section concerning the value of inaction and simplicity. He offered a glimpse of what Nederland was like when he first came here in 1974.

9. Dianne Fleming, 131 S. Jackson St., asked for a show of hands to see who was in attendance to support a development moratorium. Roughly 85% of the audience raised their hands in support. Ms. Fleming spoke of the difficulty many Residents have in attending the DDA meetings, both because of the scheduled meeting time and occasional short notices of meetings. She also noted the DDA's group and individual attitudes as reported in the Mountain Ear, which seemed to indicate the DDA's belief that it is doing the work of the Town and is in control. She offered a draft of the moratorium proposal.
10. Merrin Slocombe, 1429 Caribou Road, spoke to her concern about the difficulty of using the website, and her trouble in finding copies of both the DDA and the BOT minutes. She explained that she didn't feel that more sidewalks were necessary and would like to see more information regarding environmental impact studies done for the sidewalks.
11. Cathleen Chippi, Magnolia Star Route, commended the high turnout of the audience at the Board meeting. She spoke to her belief that the Town is stepping on individuals' rights as its drafts the new medical marijuana ordinances. She asked that people who are opposed to the dispensaries be invited to all the meetings of the Mayor's Task Force on Medical Marijuana.

Mayor Abu-Haidar thanked everyone for attending the meeting and offered to meet with Residents who are concerned about development, along with other Board members and possibly DDA members. She stressed that the Board of Trustees, throughout the years, has approved every action that the DDA has taken.

The Mayor also assured people that work is being done on the website to improve its use-ability.

Finally, she encouraged Residents to remain involved, attend meetings, and direct their energy toward solutions, perhaps as part of the Vision 2020 process.

Mayor Pro Tem Gierlach emphasized that the Board is required to oversee the DDA, by attending Board meetings, reviewing proposals and plans, expressing an opinion on every proposal and plan heard, and voting on each item. He further discussed the role and responsibilities of the DDA.

Trustee Nowicki expressed his own displeasure with the continuing sidewalk project and his feeling that Nederland is best when it is natural and undeveloped.

Trustee Joseph assured the audience that while he is against urbanization and "McDonaldization," he believes there exists a compromise that can best serve the Town and its Residents. He encouraged everyone to continue to participate and engage in their government.

Trustee Perret noted that the Board has a responsibility to evaluate all the information it receives and make the best decision it can based on the input it receives. Resident participation is vital to the construction of the best policies for the Towns. He further noted that sometimes meeting times and locations are perhaps not the most convenient for everyone, but the Trustees have lives to run, and really do their best to accommodate as many people as possible.

E. PRESENTATIONS

None.

F. ACTION ITEMS

1. Consideration of applications for submission for the 2011 Boulder County Economic Development Grant.

Town Clerk Teresa Myers introduced the item and explained that the Board will need to determine how to distribute the available funds among the 7

applicants.

The Trustees discussed various ways to disseminate the funds and justifications for the different approaches. It was agreed that the application would designate the following funds to the following applicants:

Wild Bear Enchanted Forest	\$ 900.00
Frozen Dead Guy Days	800.00
Holiday Mountain Market	900.00
Chamber Shop Local Campaign	1,000.00
High Peaks Art Fair	800.00
Miners' Day Festival	800.00
NederNederland 5K & 10K	800.00

Motion to approve the Economic Development Grant application submission with the above grantee allotments was made by Mayor Pro Tem Gierlach, seconded by Trustee Joseph, and approved unanimously

2. Consideration of the lease renewal for the Police Station.

Town Administrator Alisha Reis explained the background and context of this item and recommended that the Board approve the item. Trustee Mueller made some suggestions regarding future negotiations.

Motion to approve the lease renewal was made by Trustee Joseph, seconded by Trustee Nowicki, and approved unanimously.

G. DISCUSSION ITEMS

1. Discussion of changes to the Parks, Recreation, and Open Space Advisory Board (PROSAB) charter.

Trustee Nowicki explained the background of the item, and enumerated several of the specific changes, including allowing someone other than the

Trustee liaison to be the PROSAB chair, allowing individuals outside of the Town limits to serve on the board, and allowing PROSAB members to conduct activities (such as trail clean-ups) rather than merely serve in an advisory capacity.

Atashnaa Werner, of the greater Nederland area, spoke in support of permitting Residents of the greater Nederland area to volunteer on advisory boards.

Cathleen Chippi, Magnolia Star Route, seconded Ms. Werner's opinions.

Mayor Pro Tem Gierlach expressed some concern that the Board needs to create a definition of the "Greater Nederland area" to eliminate the possibility of individuals from Boulder or other towns or cities attempting to influence Nederland policies.

Mayor Abu-Haidar noted several concerns she had over the language choice in the draft. Town Attorney Carmen Beery offered her legal opinion of the language and several Trustees concurred with the language suggestions. It was agreed that small changes would be made to the draft.

2. Requests by the Nederland Area Seniors (NAS) for a fee waiver on rental of the Community Center multi-purpose room.

Town Administrator Alisha Reis introduced the topic and provided background. Don Dexter, of Aspen Way, spoke on behalf of the NAS. Mr. Dexter explained how the NAS is struggling financially and the benefits of the Mountain Market to the Town. Patricia Everson, 114 E. Second St., also spoke to the financial situation of the NAS.

Cathleen Chippi spoke in support of the NAS's receiving a waiver of fees.

Atashnaa Werner reiterated her assertion that senior organizations nationwide receive stipend funding from their municipalities, as well as the provision of designated senior facilities.

Trustee Perret voiced his support for the Mountain Market and for assisting the NAS financially. He did, however, express concerns that details around the clean-up and employee expenses be worked out. Trustees Mueller, Joseph, and Mayor Abu-Haidar seconded those opinions and the usefulness of the new request for discount or waiver form..

3. Discussion of staff memo concerning amplified sound/noise.

Town Clerk Teresa Myers reminded the Board of Trustees of the various noise and music complaints received during the Spring and Summer special events period. The complaints prompted the Board to request, in June, that Town staff examine the current ordinances and make recommendations to update and/or amend the current law. Over the summer, Ms. Myers and Police Chief Robinson met and discussed the existing policies, their strengths, weaknesses, and potential approaches. Ms. Myers also reviewed input from Residents. Finally, a memo was drafted for Board consideration.

Merrin Slocombe, 1429 Caribou Road, asked why past problems with special events should be considered.

Dennis Duckett, 131 S. Jackson St., spoke to the problems of bars leaving the doors open while bands were playing during the summertime.

Cathleen Chippi, Magnolia Star Route, spoke in support of any music in Town being permitted until midnight on weekend evenings and until about 10:00 PM on school nights.

Trustee Perret suggested that the special event applications include the rules

regarding sound ordinances, that 10:00PM should be the cut-off on a school night so that children can sleep, and personal, residential parties need to be considered as well as big events. Finally, he suggested that the police department needs a process to insure compliance for repeat offenders.

Mayor Pro Tem Gierlach made several suggested changes for the draft.

Trustee Mueller wants to see distinctions made between amplified music and non-amplified music (such as a drum set), and between amplified live music and amplified digital music.

Trustee Nowicki asked for a draft ordinance to consider and wants the law to be based on decibel reading.

Mayor Abu-Haidar stressed the need for simplification of the Code and clarifying redundancies. She also asked that the time limit for the evenings be reduced to 8:00 or 8:30PM on school nights and 10:00PM on weekend nights.

4. Discussion of a new policy regarding fulfillment of Colorado Open Records Act (C.O.R.A.) requests.

Ms. Myers provided the background on this item, explaining that the Town has received three C.O.R.A. requests since June, two of them in the same week. Under State law, Town staff is required to fulfill these requests within 72 hours of receipt, except in very unusual circumstances, and the requests can entail many hours of document gathering and copying for staff. Given that State law allows municipalities to recover costs from administrative services through the collection of fees, the Town Administrator and Clerk are recommending that the Board adopt a policy that is more in line with other cities and towns and will offset the expense involved in fulfilling the requests.

Approved by the Board of Trustees.

Sumaya Abu-Haidar, Mayor

ATTEST:

Teresa Myers, Town Clerk



MEMORANDUM

To: Nederland Board of Trustees

From: Teresa Myers, Clerk
Town of Nederland

Date: October 19, 2010

Re: Clerk's Report

Highlights from the past month in the Clerk's office include:

1. I attended a CIRSA Orientation and Training meeting on October 6th. It would appear that we are on the positive track toward better compliance and potentially larger dividends as a result. I brought back many materials for our departments and am working closely with the CIRSA attorney on aspects of our personnel policy with which she has concerns.
2. Based on feedback from the October 5th meeting, I am working on a draft noise/amplified sound ordinance with Chief Robinson. I anticipate having it available for our Town Attorney's review by the end of the week and will hopefully be presenting it for your consideration at the November 2nd meeting.
3. I completed the first draft of the new Code section related to medical marijuana care centers and have begun compiling information for the sub-section on marijuana grow operations. The Mayor's Task Force on Medical Marijuana has taken an initial review of the draft and will be providing final comments at its next meeting.
4. I have been reviewing various options for updating and improving our website. I have received two quotes so far and am expecting two more. My goal is to have a new and improved website live by the first of the year.



TOWN BOARD COMMUNICATION

FROM: Eva Forberger
TO: Alisha Reis, Teresa Myers, Ken Robinson
SUBJECT: Treasurer's Report – Sept 2010 Financials
DATE: October 12, 2010

Financial Results

General Fund: Revenues of \$1,086k are higher than budget by \$289k primarily due to the timing of grant income (\$285k), higher sales tax revenue (\$30k), higher other taxes (\$15k) and higher building related revenue (\$18k) offset by lower police fines (\$19k) and lower misc revenue (\$22k) from not selling used public works equipment which was budgeted.

Expenses of \$1,013k are higher than budget by \$261k primarily due to the timing of grant expenses (\$281k), higher general government expenses (\$4k) and planning and zoning expenses (\$14k). Year to date, the Streets department is \$20k better than budget, the parks department is \$4k better than budget, and law enforcement is \$13k better than budget.

Higher general government expenses of \$4k are primarily due to higher legal fees than budget along with unbudgeted items for the citizen questionnaire and additional computer consulting to update the website. Election costs are also higher than budget. It should be noted that legal fees were substantially less than budget for the month of September.

Planning and zoning expenses of \$14k are primarily due to the increased building activity in town as well as legal fees related to zoning issues.

The Law Enforcement expense variance of \$13k is favorable primarily due to the capital purchase put on hold and salary savings due to unfilled position and less hours.

The Streets expense variance of \$20k is favorable primarily due to the capital purchase put on hold as well as the timing of supplies and equipment maintenance.

The Parks expense variance of \$4k is favorable primarily due to the timing of equipment maintenance.

Community Center: Community Center operating revenues year to date are on budget. Year to date operating expenses are less than budget by \$9k primarily due to the timing of the maintenance agreement renewal as well as maintenance costs coming in less than budget.

WATER: The Water Fund operating revenues are \$1k less than budget. Operating expenses are \$65k less than budget primarily due to savings from the timing of professional services for correcting water line issues.

SEWER: The Sewer Fund operating revenues are on budget. Operating expenses are less than budget by \$119k primarily due to the timing of purchases, maintenance, and professional fees for inflow and Infiltration repairs for the sewer system.

Capital Projects

Water Plant: Inception to date, the water plant incurred \$1.4M in expenses, \$1,093k towards hard construction costs and \$271k towards soft costs (i.e. engineering and other consultants). Based on the last change order, \$282k remains in construction and other reserves. The total budget remains \$2.5M. Based on construction costs incurred to date, the project is 60% complete.

Sales Tax

Sales tax for the month of August was up 6% over prior year but down 11% from prior month.

Other

I gathered information from Namaste to answer questions for the PPA RFP. The deadline for responses for the RFP is October 15th. I anticipate at least two responses.

I mentioned in my last report that after discussions with Mark Clift, I eliminated a phone line at the water plant. After further review, it appears we need to add back that line for Mark's modem to work properly so the Town won't get the savings we had hoped for.

I wrote a letter to Lynn Koster proposing an agreement of the water and sewer rates. I copied both Sumaya and Alisha. Once we settle on an agreement, the agreement will go in front of the board for discussion.

In 2009, the Teen Center, though the Town, was awarded a grant from the Justice Department. The Justice Department used stimulus money to fund this grant and the Colorado Justice Department was selected by the Federal government to be audited. In particular, the Teen Center grant has been selected for audit. I worked with Stephen from the Teen Center to answer preliminary audit questions and at some point representatives from the Colorado justice department will be on site to finalize their audit. It should be noted that it is the Town that is being audited not the Teen Center. Any grant where the Town is named as the grantee, the Town is held liable for the management of said grant.

I worked with Qwest to get rid of the additional phone line at the water plant. We had to add DSL for one month so the static IP could be moved. That is done and now we have canceled the additional DSL line as well the extra phone line that existed. We should see significant savings in 2011 from this change.

I am trying to schedule on site visits for two different RF technologies for a fixed network system for reading water meters. Two board members volunteered for this site visit.

**TOWN OF NEDERLAND
FINANCIAL REPORT SUMMARY**

SEPTEMBER 2010

	MTD		YTD		Actuals % PY	Act vs PY Variance	% FY Budget	Full Year Budget	Full Year 2009
	Actuals	Budget	Actuals	Budget					
GENERAL FUND									
REVENUES									
SALES TAX	42,993	37,111	229,831	199,879	120%	37,609	350,137	344,470	
PROPERTY TAX	4,603	2,536	311,639	323,758	97%	(9,244)	337,302	334,215	
USE TAX	857	2,487	16,126	18,996	113%	1,911	21,000	25,301	
OTHER TAXES AND FEES	12,980	13,243	127,535	112,592	111%	12,748	159,380	156,822	
PERMITS & OTHER SERVICES	2,212	2,160	43,440	17,774	207%	22,417	28,800	13,622	
FINES & FORFEITURES	5,185	5,452	44,658	63,667	77%	(13,167)	78,500	65,875	
LICENSE INCOME	1,069	467	5,721	7,341	81%	(1,314)	8,618	35,200	
GRANT INCOME	1,000	-	287,606	3,000	153%	100,106	6,000	478,969	
MISCELLANEOUS	1,625	1,877	19,457	41,943	125%	3,934	45,500	19,847	
TOTAL GEN'L FUND REVENUE	72,523	65,332	1,086,012	796,842	117%	155,000	1,035,237	1,474,320	
GL TRANSFER CC Fund	-	-	-	-		-	12,305	14,847	
GL TRANSFER CT Fund	-	-	-	-		-	2,000	2,204	
GRANT EXPENSES									
GENERAL GOVERNMENT	3,412	8,447	285,339	4,000	135%	(74,022)	6,000	474,187	
ADMIN/FINANCE	10,462	12,103	102,708	103,023	113%	(10,327)	117,560	103,068	
MUNICIPAL COURT	2,248	2,550	21,713	22,606	100%	(210)	139,961	137,474	
LAW ENFORCEMENT	26,552	31,053	294,804	307,671	100%	(90)	30,656	29,757	
PLANNING & ZONING	1,765	4,700	57,712	43,520	98%	5,353	427,813	419,372	
PARKS OPERATION	3,945	4,808	40,778	44,723	125%	(11,583)	53,716	67,427	
STREETS OPERATION	11,847	18,100	121,882	142,368	91%	3,910	62,320	59,934	
TOTAL GENERAL FUND EXPENSES	60,231	81,761	1,013,215	751,764	103%	(90,149)	1,064,143	1,480,981	
CHANGE IN FUND BALANCE	12,292	(16,429)	72,798	45,078	916%	64,831	(28,906)	(6,661)	
GENERAL FUND GRANT PROCEEDS AND EXPENDITURES									
MONEY IN									
CDOT Sidewalk	-	-	286,606	3,000			6,000		
Teen Center	-	-	240,381	-					
Boulder County Fire	-	-	20,224	-					
Boulder County Econ Dev	-	-	20,000	3,000			6,000		
MONEY OUT									
CDOT Sidewalk	-	-	285,339	4,000			6,000		
Teen Center	-	-	240,381	-					
Trail Grant	-	-	20,224	-					
Boulder County Fire	-	-	883	-					
Boulder County Econ Dev	-	-	20,000	4,000			6,000		
CAPITAL PURCHASES									
Internet Connection	-	-	-	-					
Patrol Rifle	-	-	-	-					
Law Enforcement	-	-	-	-					
New Network Computer	-	-	-	-					
General Pickup Truck for Fleet*	-	-	-	-					
Streets	-	-	-	-					
<i>* offset by \$15k from sale of Town Shop items</i>									
COMMUNITY CENTER									
OPERATIONS									
OPERATIONS REVENUE	7,885	7,296	68,086	68,257	99%	(344)	68,430	88,963	
GL TRANSFER	-	-	-	-	0%	-	12,305	14,847	
EXPENSES	(5,870)	(7,681)	(78,124)	(84,876)	97%	2,169	(80,293)	(106,511)	
NET INCOME	2,016	(385)	(10,038)	(16,619)	-7%	1,825	(148,723)	(2,702)	
OTHER REVENUES AND EXPENDITURES									
RECEIPTS	16,122	13,915	161,634	159,948	224%	89,550	216,958	151,176	
CAPITAL EXPENDITURES	-	-	(90,334)	(70,000)	129%	(90,334)	(70,000)	-	
DEBT SERVICE	-	-	(23,832)	(24,957)	95%	1,125	(24,957)	(119,914)	
NON-OPERATING NET INCOME	16,122	13,915	47,467	64,991	101%	341	26,919	31,262	
CHANGE IN FUND BALANCE	18,138	13,530	37,429	48,372	417%	2,166	8,969	28,560	
TOTAL									
10,000 on hold							10,000	on hold	
2,500 on hold							2,500	on hold	
1,200							1,200		
21,000 on hold							21,000	on hold	
34,700							34,700		

**TOWN OF NEDERLAND
FINANCIAL REPORT SUMMARY**

SEPTEMBER 2010

WATER FUND

	MTD		YTD		Actuals % PY	YTD PY	Act vs PY Variance	Actuals % FY Budget	Full Year Budget	Full Year 2009
	Actuals	Budget	Actuals	Budget						
OPERATIONS										
REVENUE	72,822	71,762	239,053	240,039	115%	207,681	31,371	76%	315,000	275,207
EXPENSES	(11,141)	(17,247)	(164,369)	(228,833)	101%	(162,921)	(1,447)	39%	(420,080)	(276,648)
OPERATIONS INCOME	61,681	54,515	74,684	11,205	167%	44,760	29,924	-71%	(105,080)	(1,441)
OTHER REVENUES AND EXPEDITURES										
SALES TAX	21,496	18,550	114,912	99,913	120%	96,111	18,801	65%	177,694	172,235
INTEREST	279	183	4,280	1,650	313%	1,567	2,913	195%	2,300	4,127
PIF FEES	5,214	-	5,154	-	11%	47,486	(42,332)	-	-	57,914
GRANT INCOME	-	-	113,617	-	0%	4,495	(4,495)	0%	49,489	8,955
DEBT SERVICE: INTEREST	-	-	-	24,745	0%	70,000	(70,000)	0%	102,789	70,000
DEBT SERVICE: PRINCIPAL	-	-	-	51,395	-	-	-	-	-	-
SEWER FUND										
OPERATIONS										
REVENUE	76,740	73,831	258,492	258,936	123%	210,553	47,939	76%	340,000	271,128
EXPENSES	(8,633)	(106,122)	(129,162)	(248,373)	106%	(122,217)	(6,946)	38%	(355,909)	(195,286)
OPERATIONS INCOME	68,107	(32,290)	129,330	10,563	146%	88,336	40,993	3161%	4,091	75,841
OTHER REVENUES AND EXPEDITURES										
INTEREST	34	51	1,175	1,415	108%	1,088	87	59%	2,000	2,251
PIF FEES	5,214	-	5,712	46,926	12%	47,426	(41,714)	12%	46,926	68,342
DEBT SERVICE: INTEREST	-	-	-	-	-	-	-	-	-	-
DEBT SERVICE: PRINCIPAL	-	-	-	-	-	-	-	-	-	-

WATER CAPITAL IMPROVEMENTS

	2010 YTD		Inc to Date		2010		2009		2008		2010 Est	
	Actuals	Budget	Actuals	Budget	% PY	YTD PY	Act vs PY Variance	Actuals % FY Budget	Full Year Budget	Full Year 2009	Estimate	Estimate
Preliminary Design	38,400	-	38,400	-	100%	38,400	-	100%	38,400	-	38,400	-
Legal	7,500	-	7,500	-	100%	7,500	-	100%	7,500	-	7,500	-
Funding Assistance I	8,329	-	8,329	-	100%	8,329	-	100%	8,329	-	8,329	-
Boulder County Planning Assistance	401	-	401	-	100%	401	-	100%	401	-	401	-
Funding Assistance II	273	-	273	-	100%	273	-	100%	273	-	273	-
Final Design	101,500	-	101,500	-	100%	101,500	-	100%	101,500	-	101,500	-
Bidding	17,500	-	17,500	-	100%	17,500	-	100%	17,500	-	17,500	-
Easement	15,206	-	15,206	-	100%	15,206	-	100%	15,206	-	15,206	-
CDPHE Design Report	6,600	-	6,600	-	100%	6,600	-	100%	6,600	-	6,600	-
Construction & Start up	38,276	-	38,276	-	100%	38,276	-	100%	38,276	-	38,276	-
Membrane System	530,617	-	530,617	-	100%	530,617	-	100%	530,617	-	530,617	-
Construction	797,810	-	797,810	-	100%	797,810	-	100%	797,810	-	797,810	-
Reserve	3,484	-	3,484	-	100%	3,484	-	100%	3,484	-	3,484	-
Total	1,370,946	-	1,370,946	1,609,207	2,231,652	127,454	110,807	2,469,913	2,498,966	200,000	2,260,795	-

* Note: Legal was expensed in 2009

SEWER CAPITAL IMPROVEMENTS

	2010 YTD		Inc to Date		2010		2009		2008		2010 Est	
	Actuals	Budget	Actuals	Budget	% PY	YTD PY	Act vs PY Variance	Actuals % FY Budget	Full Year Budget	Full Year 2009	Estimate	Estimate
Preliminary Design	100,030	-	100,030	-	100%	100,030	-	100%	100,030	-	100,030	-
Final Design**	345,923	-	345,923	-	100%	345,923	-	100%	345,923	-	345,923	-
Other Design Costs	9,900	-	9,900	-	100%	9,900	-	100%	9,900	-	9,900	-
Bidding	-	-	-	-	-	-	-	-	-	-	-	-
Construction & Start up	-	-	-	-	-	-	-	-	-	-	-	-
Construction Observation	-	-	-	-	-	-	-	-	-	-	-	-
Add'l Engineering/O&M Manual	-	-	-	-	-	-	-	-	-	-	-	-
Legal	-	-	-	-	-	-	-	-	-	-	-	-
Construction*	3,997,284	-	3,997,284	-	100%	3,997,284	-	100%	3,997,284	-	3,997,284	-
Interest	193,000	-	193,000	-	100%	193,000	-	100%	193,000	-	193,000	-
Reserve	455,853	-	455,853	-	100%	455,853	-	100%	455,853	-	455,853	-
Total	4,640,933	-	4,640,933	166,472	4,640,933	166,472	139,344	4,953,000	4,953,000	200,000	4,647,184	-

* Note: Preliminary Design was expensed in 2008. Also, the current Construction estimate exclude funds for the solar array

** Does not include \$36k in Final Design fees invoiced by TEC.

WATER METER CAPITAL IMPROVEMENTS

	2010 YTD		Inc to Date		2010		2009		2008		2010 Est	
	Actuals	Budget	Actuals	Budget	% PY	YTD PY	Act vs PY Variance	Actuals % FY Budget	Full Year Budget	Full Year 2009	Estimate	Estimate
TEC Water Meter Project including GIS	23,841	-	23,841	-	100%	23,841	-	100%	23,841	-	23,841	-

* Does not include add'l invoices totaling \$9k currently in dispute.



MEMORANDUM

To: Nederland Board of Trustees
From: Ken Robinson, Town Marshal
Date: October 19, 2010
Re: Staff Report – Police

Current issues for the Police Department include:

1. I am filing for a reimbursement from FEMA (Federal Emergency Management Administration) for officer hours worked during the Fourmile Canyon Fire, through the Boulder County Sheriff's Office accountant. I do not know which hours will qualify as yet, but I will update you as I learn more.
2. The Mayor, Administrator and I met with Boulder County Sheriff Joe Pelle and the new Boulder County Division Chief, Rob Sullivan, to discuss many topics of mutual concern, primarily surrounding emergency management and our respective roles during incidents. They indicated that there are many resources within the Sheriff's Office to assist us in drafting our all-hazards emergency preparedness plan, as well as to help create better facilities for emergency response.



MEMORANDUM

To: Nederland Board of Trustees

From: Mark Clift, Utilities Supervisor
and Streets Crew

Date: October 19, 2010

Re: Staff Report – Public Works

The current issues within Public Works include:

1. Progress is being made daily on the new water plant project. The new effluent pumps and heaters were scheduled for installation this week, and full-scale trials of equipment are expected to begin by the end of the month. The project continues to be on schedule for completion by the end of 2010.
2. A link was completed recently between the Fire Department and the water plant's SCADA (instrumentation) program to provide the fire station with real-time monitoring of the water storage tank levels.
3. WWTP update – The state Health Department continues its review of the Process Design Report (PDR), which describes the process of treatment to be used by the Town's plant. This has been in review for some 7 months. Additionally, USDA is continuing its review of project contract documents. The engineers continue to feel completion of review is imminent, but they do not have a precise timeline for going to bid.
4. The parts for the Big Springs pump station, delayed for the past couple of weeks, have arrived. The installation of the new motor and computerized control panel was scheduled for Oct. 14.
5. A new plow for one of the snow machines has been ordered to replace a 15-year-old plow that was in very poor condition. Another plow (which is the curved power-assisted extension of the actual plow truck) is proposed for replacement in the second half of the snow season, in January or February 2011. With proper maintenance of snow blades (attached to the bottom of the plow), the plows should last about 20 years.
6. The Streets Crew negotiated a discounted truck of asphalt to make some last-minute repairs to First Street, Jefferson Street and some other downtown areas prior to the snow season. The patching work will preserve the roadways for some time, preventing moisture from creeping into some high-use roads and causing further damage.



MEMORANDUM

To: Nederland Board of Trustees

From: Dawn Baumhover, Community Center Coordinator

Date: October 19, 2010

Re: Staff Report – Community Center

Activities for fall are in full swing at the Community Center after a rather chaotic September. There are eight sections of dance, spanning ages 3 through adult, including the return of International Folkdance; and 11 sections of yoga, Karate, and Cardio Sculpt are being offered. Playground Theater has returned with new offerings, floor hockey is back through March, and basketball continues to draw its core group and beyond. The studio is actually booked 12 hours continually on Thursdays!

Other interesting happenings include:

- The CFB Art Committee hosted another successful Art opening on Thursday, Oct. 7. The next show will be received January 7 and 8, with the opening scheduled for January 13.
- The first design charette regarding the proposed west wing renovation is scheduled for Saturday, November 13.
- Dale Porter expects to have the sound baffles for the Multi-Purpose Room (MPR) delivered and hung by Thanksgiving Dinner on Sunday, Nov. 21.
- The Nederland Area Seniors tentatively plan to return their meal site to the Community Center in mid-November. This would be a welcome homecoming for the organization after a 7-year absence.
- The general election is being held at the Community Center on Tuesday, Nov. 2 from 7a.m. to 7 p.m. in the MPR. All activities will continue as scheduled, and the Fitness Place will be open normal hours.



**Nederland Board of Trustees
Mayor's report
10.19.10**

1. 2011 budget process

The 2011 budget process is finally underway. The Board of Trustees met for a first budget work session on October 12th. We will be meeting for a second budget work session on October 26th at 6pm in the conference room at the community center. Our budget schedule calls for a public hearing and BoT discussion on November 2 and final approval of the budget on December 7th.

If one or all of Amendments 60, 61 and Proposition 101 pass on November 3rd, the 2011 budget will certainly be affected and will require further budget review and significant cuts.

2. Vision 2020

A the October 19th agenda indicates the Vision 2020 steering committee has completed its proposal to the Board of Trustees. The committee is recommending that the community visioning process be entitled "Envision Nederland 2020: Your voice. Your community," with the final vision statement continuing to be known as "Ned Vision 2020." The committee would like to see this process be very grassroots-oriented, with a lot of emphasis on community outreach. The committee has worked hard over the last few months and I would like to thank all members for their invaluable input in putting together this proposal.

Coincidentally, I recently had a conversation with the mayor of Golden. Golden is at the tail end of a year-long visioning process that was characterized by far more community outreach and grassroots involvement than many visioning processes. The mayor's endorsement of this approach confirmed for me that our committee is on the right track in proposing a process that truly meets our community's needs.

3. External relations

❖ **Metro Mayor's Caucus meeting October 6, 2010**

While most of the Metro Mayors meeting was focused on amendment 60, 61 and Proposition 101, there were also several presentations of interest to Nederland. The first was made by a representative of Livewell Colorado, an organization dedicated to promoting health and wellness in Colorado. The most interesting piece of the presentation was the suggestion that every town have community health goals in their comprehensive plans. As Nederland undertakes a comprehensive plan update, it may worthwhile to consider health and wellness goals for our community.

The second presentation of interest was made by Hunger Free Colorado, an organization working to end hunger in Colorado. They are reaching out to Colorado mayors and civic leaders to promote summer food programs for kids who qualify for free or reduced lunch during the school year and may be more at risk for hunger during the summer months. Considering how far away the closest summer meal site is to Nederland, this might be a worthwhile undertaking. We would need to partner with Hunger Free Colorado and provide our community center as a possible meal site. I plan to discuss this idea with the local school principals.

❖ **Meeting with mayor of Lyons**