

**TOWN OF NEDERLAND
BOARD OF TRUSTEES
REGULAR MEETING:
July 20, 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 August 3, 2010 Accounts Payable**
- B. Approval of July 20, 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 8/3/2010

Date	Number VENDOR	AMOUNT	DESCRIPTION
1-Aug	24456 Acme Septic	\$265.00	pumping for sewer system
1-Aug	24457 Air-O-Pure	\$810.00	portapotty rentals for 4th of July
1-Aug	24458 Amich & Jenks	\$110.00	polygraph for PD hire
1-Aug	24459 Boulder County Finance	\$2,339.97	June fuel charges
1-Aug	24460 The Business Connection	\$68.40	copies/supplies for Town Hall
1-Aug	24461 Cannon Business Solutions	\$36.75	monthly maintenance charge for copier
1-Aug	24462 CEBT	\$6,550.83	monthly health insurance
1-Aug	24463 Nederland Chamber of Commerce	\$750.00	High Peaks Art Festival - Boulder Economic Grant
1-Aug	24464 CIRSA	\$13,195.25	quarterly workers comp/property insurance
1-Aug	24465 Colo Dept of Public Health	\$40.00	water testing
1-Aug	24467 Alpenet	\$112.50	IT for PD
1-Aug	24468 DPC Industries	\$911.15	sewer chemicals
1-Aug	24469 General Air	\$10.41	misc gases for public works
1-Aug	24470 HD Supply	\$195.99	water parts
1-Aug	24471 Metro Denver Business Forms	\$1,079.12	forms for summons/tickets for PD
1-Aug	24472 Mountain Truck	\$1,912.65	streets equipment repair
1-Aug	24473 Nalco	\$2,475.98	water chemicals
1-Aug	24474 Neve's Uniforms	\$51.95	misc uniforms for PD
1-Aug	24475 Office Depot	\$885.72	office supplies town facilities
1-Aug	24476 Pioneer Sand	\$78.12	road base - streets
1-Aug	24477 Pitney Bowes Purchase Power	\$700.00	postage refill - town hall/water/sewer billing
1-Aug	24478 Safebuilt	\$6,424.47	monthly fees for building inspections/plan reviews
1-Aug	24479 TEC	\$17,697.83	May/June construction administration (See details)
1-Aug	24480 USA Bluebook	\$295.73	sewer misc supplies
1-Aug	24481 Velocity Constructors	\$103,738.04	Pay App #2- water plant (See details)
1-Aug	24482 Xcel Energy	\$5,963.38	monthly electric and gas for town facilities
1-Aug	24483 Columbine Family Medicine	\$305.00	shots for Mark/Bruce water/sewer
1-Aug	24484 Caribou Mercantile	\$850.00	monthly rent for PD
30-Jul	24485 Cheri Anderson	\$2,400.00	professional fees as interim town administrator
30-Jul	24486 Eva Forberger	\$2,060.00	professional fees as Town Treasurer
30-Jul	24487 Sarah Berry	\$345.00	part time help at Community Center while Dawn was out
31-Jul	AUTO Wells Fargo Equip Finance	\$2,743.12	backhoe/pd vehicle monthly lease
3-Aug	AUTO Mutual of Omaha Credit Card	\$136.11	prints/copies from Kinkos-large maps
Total Non Payroll Warrants		\$175,538.45	

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	\$ 27,119.07	\$ 94,421.93	22%
		\$ 340,628.43	\$ 246,206.50		
	Bond Counsel	\$ 7,500.00	\$ 7,500.00	\$ -	
	Soft Costs	\$ 348,128.43	\$ 253,706.50	\$ 94,421.93	
	Membrane System	\$ 600,686.00	\$ 162,185.22	\$ 438,500.78	27%
	Construction	\$ 1,351,071.00	\$ 217,354.94	\$ 1,133,716.06	16%
	Reserve	\$ 200,000.00	\$ 1,498.00	\$ 198,502.00	
	Hard Costs	\$ 2,151,757.00	\$ 381,038.16	\$ 1,770,718.84	
Grand Total		\$ 2,499,885.43	\$ 634,744.66	\$ 1,865,140.77	

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&Howar	\$ 7,500.00		
06/30/09	16560	CDPHE Design Report	TEC	\$ 945.73	\$ 945.73	

Nederland Water Plant Construction Tracking

06/30/09	16559	Funding Assistance II	TEC	\$	708.00	\$	708.00	
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		Reserve	Soil Testing	\$	1,498.00			
07/09/10	17259	Construction & Start up	TEC	\$	8,691.88			

\$ 634,744.66

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	383,132.18	
5.00%	On startup	30,334.30	
5.00%	On successful completion of performance	<u>30,334.30</u>	
100.00%		606,686.00	162,885.22

TOWN OF NEDERLAND AGENDA

REGULAR BOARD OF TRUSTEES MEETING

NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466

July 20, 2010

7:00 P.M.

A. CALL TO ORDER

Meeting convened at 7:00 PM.

B. ROLL CALL

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

Absent: Trustee Nowicki, Trustee Mueller.

Also present: Cheri Andersen, Interim Town Administrator, Chris Price, Town Attorney, Eva Forberger, Town Treasurer, and Teresa Myers, Town Clerk.

Trustee Mueller arrived at 7:09.

C. CONSENT AGENDA

- Approval of July 20, 2010 Accounts Payable
- Approval of July 6, 2010 Regular Meeting Minutes

Trustee Joseph offered some corrections to the minutes. A motion to approve the minutes and warrants was made by Trustee Perret, seconded by Trust Nowicki, and approved unanimously.

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

Betty Porter, 59 Navajo Trail, asked 1) whether the Town was planning to sponsor Thanksgiving Dinner, 2) would it be at the Community Center, and 3) could Betty host it? Mayor Abu Haidar took a quick straw poll of the Trustees on all three questions and the Board agreed. Ms. Porter also suggested that the Police Department be recognized for hosting the dinner previously.

Carla Slaughter, 70 Sundance Circle, thanked the Town for allowing the early evening special event concert recently, which she and her husband greatly enjoyed.

Cathleen Chippi, Magnolia Star Route, spoke about the State medical marijuana licensing program and the questionable Constitutionality of the new State law and the motives and purposes of the new license application. Ms. Chippi indicated that the license application is tantamount to a signed confession of violations of Federal law, as well as an invasion of privacy. She spoke to a case of a Mendocino woman who was the first locally licensed caregiver in her City, but was raided by Federal law enforcement officials and arrested. She cited several attorneys in the State who feel that the best course of action would be for the Town of Nederland to create a caregiver license specific to the medical marijuana issue.

Dell Lynd, 900 W. Fifth has some concerns regarding how the Town bills for sewer rates. Currently sewer rates are based on water usage, which, during the summer means that sewer rates are based not just on water going down the drain, but the also water going into the grass. Other towns bill based on average monthly usage or average yearly usage, not based on water rates.

Mark Rose, 20 Sundance Circle, spoke to support Ms. Chippi's proposal of creating a caregiver license.

E. STAFF REPORTS

Cheri Andersen, Interim Town Administrator, apologized for the lateness of the Board packets this week.

Eva Forberger, Town Treasurer, summarized her staff report.

F. BOARD MEMBER REPORTS

Trustee Joseph provided reports from the DDA and the Chamber. A sidewalk sweeper has been hired and has been doing well. The DDA is working with NedSk8 on the proposed whitewater course. The DDA is seeking Town approval on the Bryan Mahon Memorial Park on Tilden and Jackson. Trustee Joseph would like Board direction on how to address that. The ten planters on Bridge Street have all been adopted and look great. The Chamber is proceeding with its Buy Local campaign.

The Emergency Management Task Force did not meet last week due to scheduling conflicts, but the Economic Development Task Force is beginning to form. The Economic Development Task Force is looking for volunteers to serve.

Trustee Perret updated the Board as to the progression of scheduling a Sustainability Advisory Board meeting.

Mayor Pro Tem Gierlach announced that the Community Center kitchen has been officially opened. On August 4th, the Board of Trustees will meet with the Community Center Foundation Board; the public is welcome. On September 25, the Boulder County Solar Home Tour will be held and will include the Community Center.

Trustee Wheelock talked about the Town Administrator interview process and reminded people that the candidates will be available to meet with Town Staff and the public on July 31st.

Trustee Mueller reported that the Planning Commission will be meeting tomorrow (Wednesday, July 21st) at 7:00 and will be discussing several important topics, including zoning of medical marijuana businesses and possible permitting of chickens within Town limits.

Mayor Sumaya Abu-Haidar reported that the Town Administrator search is nearing its end. The three finalists are: Alisha Reis from Monte Vista, CO; James Clanton from Centennial, CO; and Peter Meyers from Casper, WY. On July 31st at 11:30AM, the Board will be hosting a meeting for the public to meet and ask questions of the candidates and provide feedback to the Board, as it will be deliberating later that day to identify the lead candidate. She strongly encouraged members of the public to spread the word and attend the meeting. The Mayor informed the Board that she will be attending several regional government meetings over the next several weeks.

G. ACTION ITEMS

1. Proclamation for DDA Sidewalk Project.

Mayor Abu-Haidar commended the completion of the DDA Sidewalk Project and thanked the DDA for all its hard work. The DDA was presented with a framed appreciation certificate.

2. Community Center Foundation Board Member Appointment

A motion to appoint Jilene Norman to the CCFB was made by Trustee Perret, seconded by Mayor Pro Tem Gierlach, and approved unanimously.

3. DDA Board Member Appointments

A motion to appoint Jonathan Beggs to the DDA was made by Trustee Joseph, seconded by Trustee Perretlock, and approved unanimously.

A motion to appoint Udo Sille to the DDA was made by Trustee Perret, seconded by Trustee Joseph, and approved unanimously.

4. Swanhorst Audit Agreement

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

5. Boulder County Agreement for GIS Information

Ms. Andersen provided the Board some background and emphasized that this agreement is different from an agreement to purchase GIS equipment.

Trustee Joseph asked Ms. Andersen for some clarification on what this agreement would provide.

A motion to approve the agreement was made by Trustee Wheelock, seconded by Mayor Pro Tem Gierlach, and approved unanimously.

6. GIS Program Cost & Training Contract

Ms. Andersen provided the Board with clarification as to what the approval would cover, and which costs were being paid by Boulder County.

Mark Weritz, the Town's GIS intern, explained that he has researched what progress the Town has already made with GIS. The results of his research are summarized in his report attached to the Board packets.

Mayor Pro Tem Gierlach expressed some disappointment that Mr. Weritz is recommending the use of proprietary software over open source software. Ms. Andersen explained that open source software might not be capable of integrating with the proprietary software that is currently the industry standard.

Trustee Mueller was very interested in knowing if Bill Martin had been consulted yet and whether he was working with Mr. Weritz. Mr. Martin has offered his assistance and will work with Mr. Weritz.

Mayor Abu-Haidar took a voice vote. Trustee Perret was concerned with maximizing

Mr. Weritz's time, and Trustee Wheelock expressed similar concerns. Mayor Pro Tem Gierlach offered that the hardware could be purchased now without the software. Trustee Mueller said that he would prefer to hear what Trustee Nowicki and Bill Martin have to say about the purchase of the equipment. Mayor Abu-Haidar felt that the Board should move forward with purchase of the hardware and software, with strong direction to staff.

Trustee Joseph was concerned that the Board had not addressed Paul Turnburke's suggestion regarding long-term maintenance, operational and support costs, nor Randy Lee's concerns that Town Staff was already stretched thin, and that this same action had been taken by a previous board and tabled after 90% completion due to lack of trained personnel.

A motion to purchase the hardware equipment but not the software without prior approval of Trustee Nowicki and Bill Martin was made by Mayor Pro Tem Gierlach, seconded by Trustee Wheelock, and approved 5 to 1, with Trustee Joseph voting "no."

H. DISCUSSION ITEMS

1. Kathmandu Plaza/Jefferson St. Paving

Mark Stringfellow, 69 Barker Road, who was the builder of Kathmandu Plaza, informed the Board of a verbal agreement made in Summer 2008 between Mr. Stringfellow, former Town Administrator Jim Stevens, and Public Works Director Tim Underwood, to base the height of the building to allow for continuous sidewalks around the building. According to the verbal agreement, after the building was completed, dirt was supposed to be brought in and Jefferson St. leveled and paved.

Carla Slaughter, 70 Sundance Circle, spoke to the discussions that occurred regarding Kathmandu Plaza, specifically based on handicapped access to the plaza. It was her impression of those discussions that Jefferson St. was to be paved.

Trustee Mueller expressed some budget concerns. Trustee Wheelock asked that staff prepare an estimate for the project. Mayor Pro Tem Gierlach pointed out the increased pedestrian traffic on Jefferson St., but would like staff to consider the project costs. Trustee Perret asked that staff spend a minimum amount of time considering costs, as well as drainage issues. Trustee Joseph agreed that more information is needed. Mayor Abu-Haidar talked about how this issue is indicative of communication problems inherent in the Town practices over the previous few years, but suggested that staff should consider this as part of the budget process for the coming year.

2. Amplified Sound Permit Ordinance

Ms. Andersen provided some background of citizen complaints after a recent concert downtown, and described to the Board various approaches it could take to consider the issues.

Heather Dalton, N. Jefferson St., spoke to the musical and artistic nature of Nederland, and how strongly a role music plays in attracting tourism to the Town. She pointed out that a few complaints shouldn't outweigh the benefits enjoyed by the dozens or hundreds.

Janet Perry, 119 E. First St., explained that she did not have a problem with the concert at the corner of Snyder and First Streets and that she believes music is important to the Town

Kimba Stefani, 55 Klondike, Eldora, spoke as a business owner who amplifies her music outside her business and has never received a complaint. She explained that the music is vital to the character of the Town. Complaints should be handled based on decibel levels and locations rather than eliminating amplified music in Nederland altogether.

Bunny Spangler, owner of the Pioneer Inn on First Street, reminded the Board that Nederland is steeped in music history and that music attracts business to the Town. She also discussed the competing audio music that is all over downtown that is creating noise pollution. She feels that the music needs to be turned down and limited. She supports the music events in Town, but feels that it is becoming overwhelming.

Carla Slaughter raised the issue of amplified music being played outside of businesses and how it is more noisy than occasional concerts.

Mario Casilio, 1797 Magnolia Star Route, was the host of the event on the corner of Snyder St. and Second St., that has received so much attention. He thanked the Town for allowing him to put on the event and expressed his apologies to anyone inconvenienced by his event. The weeknight event was a special circumstance; he is planning future events for the weekends. He provided petitions signed by residents and businesses who were not bothered by his last event and support amplified music permits.

Randy Lee told the Board that he thinks that residents should be able to enjoy peace and quiet downtown. He supports the presence of music, but thinks the volumes need to be turned down.

Mike Torpie, 91 Big Springs, is the organizer of NedFest and supports additional restrictions, but definitely not an outright ban. He believes that all special events should be viewed individually and considered separately and that oversight should be strong.

Sara Yates, W. Spruce, was drawn to Nederland by the strong community and thinks that the music draws people together. She argued that music is part of the culture

here, including amplified and impromptu music.

Trustee Joseph noted that while music is certainly important to the culture and nature of our community, we need to recognize that different people have different views and feelings toward loud music, and that they may define “loud music” differently. He suggested that special events need to be revisited, perhaps by a Board workshop, or a small task force, to amend the current ordinance without taking anything away.

Trustee Perret spoke to the event on Snyder Street as well as the amplification of music at the car show this past weekend. He acknowledged that we need to respect our neighbors even as we find ways to enjoy ourselves.

Mayor Pro Tem Gierlach said that he believes that the ordinance already effectively addresses the decibel limits, but perhaps additional education would help resolve some of the noise issues. He also noted that the Town is full of committees and boards and so he doesn't think it needs any more.

Trustee Wheelock commented that she enjoys the live music scene in Nederland, and is concerned that the voices of a few complaining are receiving too much attention and drowning out the voices of those who are enjoying it. She doesn't feel that things need to be changed. She suggested that we focus on enforcing the current laws.

Trustee Mueller asked that we find ways to measure different frequencies, that preference be given to live music as opposed to amplified music, and that preference given to low or zero-waste events.

Mayor Abu-Haidar clarified that staff may be asking for specificity necessary to do their job properly. She commented that new events used to come before the Board,

but renewal events were handled by staff. The Mayor felt that the ordinance does need to be revised to better reflect the types of special events we're having in Town and to give staff more specificity. She asked that staff create some recommendations to present to the Board.

Trustee Perret pointed out the importance of music to the Town's sales tax revenue, and stated that he thinks the Board does need to pay attention to the issue, perhaps in a workshop.

3. TEC Water Meter Invoice Resolution

Ms. Forberger provided background to the Board on this issue and explained that TEC's bidding document was not appropriate to what actually needs to be completed in our project.

Trustee Mueller inquired as to the benefit the Town has received from the TEC contract. Ms. Forberger explained TEC has provided specifications, created the bid documents, and reviewed a received bid. Trustee Mueller suggested that the Town offer 35% of the amount of the contract, and further suggested that future contracts of this nature should tie payment to completion of benchmarks that specifically further the Town's objectives and goals.

Mayor Pro Tem Gierlach emphasized that the information and services provided by TEC have proved to be not particularly helpful or useful.

Trustee Joseph asked that we negotiate with TEC to try to write this project off, so that the Town pays nothing.

Trustee Wheelock was originally in favor of offering TEC 50% of the contract but upon considering that the information is not particularly useful, she now feels that Trustee Joseph's approach should be pursued.

Trustee Perret pointed out that as a business owner, he does not expect to be paid if he doesn't fix your car or provide some other tangible benefit.

Mayor Abu-Haidar acknowledged that the Town made some mistakes as well as TEC, but that she is reluctant to pay them for benefits we have not received. She would like staff to firmly negotiate, but also to maintain some cordial relationship with TEC as we have on-going projects scheduled with them.

I. OTHER BUSINESS

Trustee Joseph acknowledged the meeting with PROSAB the previous night and thanked everyone involved.

Trustee Joseph also expressed some concern that Board members were perhaps doing outside research in neighboring towns without being sanctioned by the Board or sharing that information with the rest of the Board.

Trustee Perret reported some concerns he has received about the noise associated with the local chainsaw art business.

J. Executive Session

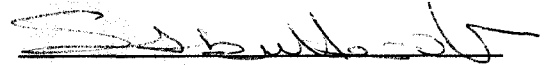
Trustee Joseph motioned for the Board to move into executive session to receive legal advice from the Town Attorney concerning threatened litigation regarding land use issues, pursuant to C.R.S. Section 24-6-402(4)(b). The motion was seconded by Trustee Wheelock, and approved unanimously.

Executive Session ended at 10:04PM.

K. ADJOURNMENT

Motion to adjourn was made by Trustee Perret, seconded by Trustee Joseph, and approved unanimously. The meeting was adjourned at 10:05 PM.

Approved by the Board of Trustees.



Sumaya Abu-Haidar, Mayor

ATTEST:

Teresa Myers, Town Clerk