

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 it 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.

Ms. Reis explained that the policies are presented are standard statewide and the fees are permitted by law.

Mayor Pro Tem Gierlach asked for clarification that individual Residents could still come in and request information in a limited fashion without incurring fees.

The Board reached consensus to see the final policy and ordinance.

H. OTHER BUSINESS

Town Treasurer Eva Forberger asked for Board assistance and input in selecting the technology equipment for the water meter project. Trustee Nowicki and Mayor Pro Tem Gierlach offered to assist Ms. Forberger.


Mayor Abu-Haidar asked for Trustee feedback on an email she sent concerning Board of Trustee goals.

The Board directed staff to consider the Carousel of Happiness' request for a sign permit fee waiver, based on discussions held this evening and the new request system being put in place.


I. ADJOURNMENT

Motion to adjourn was made by Trustee Nowicki, seconded by Trustee Gierlach, and approved unanimously. The meeting was adjourned at 9:52PM.

Approved by the Board of Trustees.


Sumaya Abu-Haidar, Mayor

ATTEST:


Teresa Myers, Town Clerk