

# **TOWN OF NEDERLAND AGENDA**

## **REGULAR BOARD OF TRUSTEES MEETING**

NEDERLAND COMMUNITY CENTER  
750 Hwy 72 Nederland, CO 80466

October 19, 2010

7:00 P.M.

### **A. CALL TO ORDER**

Meeting convened at 7:04 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 19, 2010 Accounts Payable
- Approval of October 5, 2010 Regular Meeting Minutes

Trustee Mueller had some questions on the invoices in the warrants and Town Treasurer Forberger answered his questions. Motion was made to approve the consent agenda by Trustee Joseph, seconded by Trustee Perret, and approved unanimously.

### **D. STAFF REPORTS**

#### **1. Alisha Reis, Town Administrator**

Ms. Reis updated the Board on the road conditions on Big Springs Drive, asphalt patching that was done downtown in anticipation of the winter snow season, and the progress made on the Public Works Manager job search.

#### **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

Other staff reports were included in the Board packets. Mayor Abu-Haidar thanked staff for creating written reports and making them available to the public.

## **E. BOARD REPORTS**

### **1. Mayor Abu-Haidar**

The Mayor reminded the audience that she is available every Tuesday morning at the New Moon Bakery and Café, and encouraged people to fan her Facebook page. She will be attending the DRCOG meeting on Wednesday evening. The Mayor also reminded people that there will be another budget work session on October 26<sup>th</sup>, and that the work session will be starting at 6:00PM.

### **2. Trustee Perret**

The Sustainability Advisory Board is working on obtaining a town-wide Eco-Pass and at placing bag sharing trees at several local stores. The SAB is also looking at a solar/wind farm, the creation of a community greenhouse, promoting more zero-waste programs in town, and placing an electric car charging station downtown.

### **3. Trustee Joseph**

The Chamber of Commerce will be meeting tomorrow. The DDA met on October 7<sup>th</sup> and some citizens expressed concern at that meeting about the speed of development. Trustee Joseph also updated the Board on various grant proposals that are outstanding for the DDA projects. He talked about snow removal plans and plans for the sidewalks. Trustee Joseph shared comments from some senior citizens groups who have visited Town and commented on the safety and security of using the new sidewalks.

#### 4. Mayor Pro Tem Gierlach

Mayor Pro Tem Gierlach reported on the ballot initiative forum that was held at the Community Center to discuss Proposition 101 and Amendments 60 and 61. He also reported on the Consortium of Cities meeting he attended last week, specifically concerning the ongoing costs associated with the Four Mile Canyon Fire. He announced that two days earlier, the Community Center went live on Facebook, and also provided an update to the power purchase agreement for the solar panels on the roof of the Community Center. Finally, the baffles have been ordered for the multi-purpose room.

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

1. Ralph Meyertons, 95 Wolftongue Circle, spoke against the proposed moratorium and suggested that people become more involved if they are unhappy with current development policy. He also thanked the DDA for the new sidewalks and noted the improved safety of crossing Hwy. 119.
2. Dennis Duckett, 151 South Jackson, spoke in opposition of the riverwalk development planned for along Middle Boulder Creek. He expressed his concern that the natural state of the Creek be protected and that water quality be considered when developing the Creek area. He strongly supports the proposed development moratorium.
3. Annette Croughwell, 149 West Boulder St., commented on the Envision Nederland 2020 process and shared her concern about the number of tourists coming to Town, the prevalence of amplified music during the summer months, and the sense of lost privacy and security that comes with those things. She supports the moratorium on development.
4. Lisa Zucker, 214 Big Springs Drive, talked about how she feels about the new sidewalks and development after living here for 20 years. She would like to preserve Nederland's rustic, natural beauty, and would like to get involved in Town boards and commissions.

5. Kathleen Chippi, Magnolia Star Route, complained that she didn't think that the Town advisory boards and commissions were being properly noticed under the State sunshine laws. She also felt that she was improperly removed from the Town's Mayor's Task Force on Medical Marijuana and announced that she would be attending all future meetings, recording them, and would file a lawsuit if she perceived any illegality in the proceedings.

## **G. PRESENTATIONS**

None.

## **H. ACTION ITEMS**

1. **Consideration of Resolution 2010-23, adopting a new policy regarding fulfillment of Colorado Open Records Act requests.**

Motion to approve Resolution 2010-23 was made by Trustee Perret, seconded by Trustee Joseph, and approved unanimously.

2. **Consideration of adoption of the revised Parks, Recreation, and Open Space Advisory Board (PROSAB) charter.**

Trustee Nowicki explained that the packet contained an earlier draft of the revised charter and the actual charter for consideration was available separately at the meeting. Randy Lee and Trustee Nowicki summarized the differences in the documents in and separate from the packet. Trustee Mueller suggested that they add language to stagger the terms, and Randy Lee explained that because current members already have staggered terms, all new members replacing the current members would also have staggered terms.

Motion to rescind Resolution 2008-018 and approve Resolution 2010-24, the revised PROSAB charter with changes discussed, was made by Trustee

Nowicki, seconded by Trustee Perret, and approved unanimously.

- 3. Consideration of request by the Nederland Area Seniors for a fee waiver on rental of the Community Center multi-purpose room and gym.**

Motion to approve the Nederland Area Seniors' request for discount for rental of the multi-purpose room for the Holiday Mountain Market was made by Trustee Joseph, seconded by Trustee Mueller, and approved unanimously.

- 4. Consideration of the appointment of Dawn Dennison and Kyle Busey to the Sustainability Advisory Board.**

Motion to appoint Dawn Dennison and Kyle Busey to the Sustainability Advisory Board was made by Trustee Perret, seconded by Mayor Pro Tem Gierlach, and approved unanimously.

- 5. Consideration of the appointment of Roger Cornell to the Planning Commission.**

Motion to appoint Roger Cornell to the Planning Commission was made by Trustee Mueller, seconded by Trustee Joseph, and approved unanimously.

- 6. Consideration of alternatives for rescheduling/relocating November 2<sup>nd</sup> BOT meeting due to use of the MPR for the Elections.**

The Trustees discussed the various options available and agreed to have the November 2<sup>nd</sup> Board meeting in the auditorium theater at the Community Center.

## **I. DISCUSSION ITEMS**

### **1. Discussion of Envision Nederland 2020 Proposal.**

Matt Bennett, 351 Hummer Drive, spoke to the Board about the Envision Nederland 2020 process and how far the committee has progressed. He explained that the committee sees itself as facilitating all the opinions and desires of Town Residents and synthesizing those disparate wants and needs into a more focused vision. Mr. Bennett provided an overview of Vision 2010 and pointed out its effects on public policy decisions in Town through the years. He explained how the committee plans to canvass the Town to solicit ideas and opinions, the outreach attempts the committee will be making (including among youth and community groups), and how the committee plans to maximize the budget and obtain financial buy-in from local stakeholders.

Trustee Joseph posed some questions about the budget's expectation of \$5,000 from local businesses, and Mr. Bennett explained that the committee had contingency plans for various shortfalls in the budget. Trustee Gierlach suggested that the committee try to tighten up the timeline, but Mr. Bennett explained that if the committee does not raise enough money for an outside facilitator, they based the timeline on the capacity of the volunteer committee members to perform the functions.

Lynn Hirshman from the Mountain-Ear commended the Envision 2020 committee for the proper use of the English language in naming itself.

Mayor Pro Tem Gierlach voiced his support for the process and said that he believes that this is the kind of process that can best address the development concerns shared by some of the Town residents.

Trustee Joseph reminded all present that the audience that the DDA has a

preliminary budget for 2011, including \$5000.00 to match the Riverwalk Planning Grant and will know in April if the Colorado State Parks & Trails Division has awarded the planning grant. Appropriate action will be considered at that time. So, there are no guarantees or definitive timeframes of an activity relating to the Riverwalk that could surprise/anger residents. Also, as Randy Lee mentioned a little late in the meeting, this is a collaborative effort with several organizations and environmental sensitivity is at the fore of all discussions. Furthermore, commencement of the second phase of the sidewalks won't begin until – at earliest – Spring 2012, and only pending receipt of a DRCOG grant and subsequent Board approval. Prior to commencement, there will be several opportunities for public comment and discussion.

Trustee Nowicki talked about how some people in Nederland (and the rest of the country) don't want to have to attend meetings or participate in committees just to preserve how things already are and expressed his concerns that this process will not quantifiably represent all views.

Mayor Abu-Haidar talked about how the committee came up with some of its approaches and some interesting and innovative approaches being tried by other municipalities.

**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.**

Town Clerk Teresa Myers explained the need for the change and the Trustees agreed and discussed repealing the section all together to allow the Clerk to deliver the Board packets at the Board's direction. The Mayor stressed the history of needing to have a deadline. The Board agreed to have the ordinance come back with the four-day deadline.

**3. Discussion of Ordinance 682, amending the Nederland Municipal Code concerning the utility rate reduction plan.**

Town Treasurer Eva Forberger explained the confusion related to the current utility rate reduction plan language in the Code. Trustee Mueller asked for clarification of how the Town staff determines whether the renter is paying the water bill, and Ms. Forberger explained how renters are typically identified by who is paying the bill.

Trustee Nowicki and Trustee Perret were in favor of extending the ordinance to renters and to all low-income residents. Trustee Joseph and Mayor Pro Tem Gierlach were in favor of extending it to renters and studying the feasibility of extending it to all low-income residents. Trustee Mueller was in favor of extending the program to renters and suggested finding ways to encourage the landlords to upgrade the fixtures to more water economical fixtures. The Board was strongly in favor of examining water conservation incentive programs and extending the program to renters. The question of extending the program to all low-income residents was tabled and will be included in budget discussions.

**4. Discussion of the Parks, Recreation, Open Space Advisory Board (PROSAB) Action Plan.**

Trustee Nowicki summarized the PROSAB action plan. Trustee Mueller had some editing comments, and Mayor Pro Tem Gierlach shared his concerns that the PROSAB Master Plan was being devised at the same time as the Envision 2020 process, rather than after its completion.

Dianne Fleming, 131 S. Jackson St., posed the question of whether if enough people show up at the meeting and express a desire for “no action,” would



that sentiment be heard? The Mayor noted that the Board would have ample opportunity to discuss that at the next meeting when the moratorium issue comes before the board.

#### **J. OTHER BUSINESS**

Mayor Pro Tem Gierlach explained the Power Purchase Agreement (PPA) for the solar panels that will be installed on the Community Center roof and how the savings will affect the Town's budget. He also explained the tax incentive benefits that prompt and justify the PPA programs. The Board directed staff to return with a contract for discussion at the next meeting.

Trustee Perret spoke about the fire at his rental property last week and the request by the fire chief to create a new fire equipment right-of-way to better serve parts of Town without having to circumnavigate the roundabout. The Mayor noted that Mr. Meyertons spoke to her and had some concerns about using his bridge and his property. Staff was directed to examine additional points of emergency access and begin preliminary conversations with Mr. Meyertons.

Trustee Nowicki asked that the Board plan to replace him at the beginning of 2011. He explained that other obligations and enjoyable activities are demanding his time and attention, and he will be resigning. The Mayor expressed her regret and understanding at his decision, and spoke for the Board.

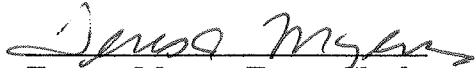
#### **K. ADJOURNMENT**

Motion to adjourn was made by Trustee Perret, seconded by Trustee Nowicki, and approved unanimously. The meeting was adjourned at 9:44PM.

Approved by the Board of Trustees.

  
Sumaya Abu-Haidar, Mayor

ATTEST:

  
Teresa Myers, Town Clerk

