

TOWN OF NEDERLAND AGENDA

REGULAR BOARD OF TRUSTEES MEETING

NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466

November 2, 2010

7:00 P.M.

A. CALL TO ORDER

Meeting convened at 7:01 PM.

B. ROLL CALL

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

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

C. CONSENT AGENDA

- Approval of November 2, 2010 Accounts Payable
- Approval of October 21, 2010 Regular Meeting Minutes

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

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

1. Bill Allen, 218 Lakeview Court, spoke about the road conditions in Town and asked that the Town do a survey of the existing culverts in Town and study how many are actually working. He asked that the Trustees reschedule the Board of Trustee meetings when they fall on an election night. Mr. Allen also took a moment to thank the election officials for their helpfulness and assistance in voting.

2. Keith Larsen, 455 Tilden St., spoke in support of the sidewalks, saying that he felt that they encourage walking around Town and greatly support safety for residents. He commended the Board of Trustees for their dedication and for listening to the constituents. Mr. Larsen also asked that folks try to engage in congenial discourse rather than fighting with each other, and he provided his memories of Nederland when he first arrived and the Town population was 300, and the Town was “dying.”
3. Gail Eddy, 14 Sundown Trail, thanked the Police Chief and the Department of Wildlife for moving a mountain lion from her backyard.

E. PRESENTATIONS

None.

F. ACTION ITEMS

1. **Consideration of Ordinance 681, amending the Nederland Municipal Code concerning the collection of materials for and distribution of information packets for Board of Trustee meetings.**

Motion to approve Ordinance 681 was made by Trustee Joseph, seconded by Trustee Perret, and approved unanimously.

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

Motion to approve Ordinance 682 was made by Trustee Perret, seconded by Trustee Joseph, and approved unanimously.

3. **Consideration of Change Order 4 for the Water Treatment Plant project.**

Motion to approve Change Order 4 was made by Trustee Nowicki, seconded by Trustee Mueller, and approved unanimously.

4. **Consideration of Board of Zoning Adjustment re-appointments, Ken**

MacFerrin, Deborah Davenport, and Steve Taylor, and alternate BZA re-appointment Bill Martin, and appointment of Chris Eddy to the Mayor's Task Force on Information Technology.

Motion to approve the BZA appointments was made by Mayor Pro Tem Gielach, seconded by Trustee Perret, and approved unanimously.

Motion to approve the appointment of Chris Eddy to the Mayor's Task Force on I.T. was made by Trustee Perret, seconded by Mayor Pro Tem Gierlach, and approved unanimously.

G. DISCUSSION ITEMS

1. Discussion of Citizens' Resolution for Changes to Sustainability.

Town Administrator Alisha Reis noted for the Board that Town staff has not made a recommendation on this resolution and could not do so without further study and additional fiscal impacts.

Diane Fleming, 131 S. Jackson, provided some background about the resolution and explained how the group has come together and its priorities. She spoke to the importance of preserving and protecting our natural resources.

Trustee Joseph asked if the citizens' group was formalized and if any of the citizens were on the PROSAB or the Sustainability Advisability Board, and Diane replied that they were not formalized and that one member was on the SAB.

Randy Lee, 171 East First, and chairman of the PROSAB, spoke to the PROSAB's priorities and current projects. He stressed that the projects in Town were for the benefit of the residents, but that making the Town more attractive to its residents also makes it more attractive to those passing through. He feels that the citizens' resolution is intended to undermine the

Nederland Envision 2020 process. Mr. Lee related his experiences of development in Nederland over many years and how citizens have positively influenced the growth of Nederland over the years through the existing processes. He stressed that the Board of Trustee meetings are always open to the public and that the process is not the problem, but that people must be engaged and active within the process.

Lisa Zucker, 214 Big Springs Drive, voiced her concerns about the development and use of Middle Boulder Creek, and the effects that the development of a riverwalk and a water course will have on the riparian habitats and local water quality. She cited a federal study on the quality of water as effected by water management approaches and solid surface landscapes.

Paul Turnburke, 3259 Ridge Road, the chair of the Nederland Downtown Development Authority (DDA), spoke as a private citizen. He commended the citizens proposing the resolution for being concerned and active, but stressed that DDA meetings are open to the public and available to hear all comments. Mr. Turnburke explained that the DDA did not develop the idea of the sidewalk project, but had merely assumed responsibility for the project from the Town after Town approval had been reached after many years of consideration. He also explained that the DDA is very concerned about water quality and is considering how to properly manage the water that will run-off the riverwalk and into the creek to mitigate the potential damage to the habitats. Mr. Turnburke spoke about "sustainability" as it involves social and economic sustainability as well as the sustainability of natural resources.

Betty Porter, 55 Navajo Trail, applauded the citizens' group for eliminating their demand for a moratorium, and agreed that sustainability is about many aspects of Town life and not only about natural resources sustainability. Ms. Porter stressed that all projects are given full public hearings and that

citizens are encouraged to get involved, but must avail themselves of those opportunities.

Gail Eddy, 14 Sundown Trail, spoke to her concern that the DDA was organized to do a few discrete projects – including the sidewalks – and now that those projects have been completed, the DDA should be disbanded as originally intended.

Dennis Duckett, 151 S. Jackson, read from the proposed resolution and shared his analogy that the Nederland community and the communities beyond are a global eco-system.

Keith Larsen, 455 Tilden St., explained his previous comments and stressed that sustainability is about ecology, finance, and social factors coming together.

Bill Allen, 218 Lakeview Court, asked that everyone google “Municipal Officials for Redevelopment Reform” and explained that business interests have destroyed many small communities just like Nederland.

Paul Turnburke, explained that information about the DDA is available on the Town’s website and in the Mountain-Ear; that the DDA was formed for a term of 25 years; and that they were formed by the Board of Trustees after public hearings.

Diane Fleming, 131 S. Jackson, explained from where the information the citizens submitted for the packet was derived.

Karen Anderson, who lives in Rollinsville and works in Nederland, talked about the intersection of macrocosm and microcosm and the interconnectedness of all humans and all resources.

Arden Buck, 38 Navajo Trail, explained that the concern of many of the citizens in the group is primarily about livability and sustaining that livability. He also explained his frustration at the timing and processes of some of the public meetings in Town.

David Ruskay, 50 Sherwood Road, shared his opinion that the development debate is an old one and that residents need to work together to keep Nederland beautiful and to keep the lifestyle we enjoy here in Town.

Mayor Pro Tem Gierlach spoke to the importance of the Town's advisory boards and how they do the majority of the research and work exploring solutions and alternatives and encouraged people to get involved with those Boards. He also told the audience about the various past resolutions signed by the four previous mayors to promote and support sustainability, and encouraged the current Board to pass another resolution to continue this precedence.

Trustee Perret informed the audience that the SAB will be meeting next Tuesday at 9:00AM at the Town Hall and invited members of the public to attend and/or to contact him with ideas or information. He described the various projects that the SAB is working on to promote sustainability in our community.

Trustee Nowicki explained his feeling that the two sides of the development debate have great merit and that he would welcome a lengthy and involved discourse on these issues. He further explained that he feels that Envision 2020 is the place for these discussions and for consensus – as best as possible – to be reached.

Trustee Mueller supports Mayor Pro Tem Gierlach's call for a sustainability

resolution but asked when those resolutions will begin to have “teeth” and actually result in greater sustainability in our community. He voiced his support for the resolution but suggested that it go through the SAB and receive full public input. Trustee Mueller also suggested that the burden of proving the need for any project should be on the developer, not on the citizens to prove that the project is not needed.

Trustee Joseph supports the concept of a sustainability resolution, but is not happy with the current language. He specifically noted that he would like the language to not single out one or two entities and not contain the kind of hyperbolic language that could be reactionary or inflammatory. Trustee Joseph agreed with the other Board members who suggested that Envision 2020 is the appropriate vehicle to carry the discussion forward.

Trustee Wheelock thanked everyone who has participated in the discussion and for their dedication to our community.

Mayor Abu-Haidar spoke to the importance of using the community visioning process to update the Comprehensive Plan and the Municipal Code so that the intent of any resolution enacted by the Board will survive beyond the Board’s term and have the “teeth” necessary to truly impact the character of Nederland in future years. She asked the SAB to develop language for a resolution for the Board’s consideration. The Mayor also reiterated that although the advisory boards and DDA do much of the work, they do not do anything without the approval of the Board of Trustees.

Trustee Gierlach asked that the previous sustainability resolutions (Resolutions 2004-06, 2005-03, 2007-06, and 2009-10) be sent to the Board members and the SAB.

The Board agreed to have the SAB consider language for the resolution.

2. Public Hearing for the 2011 Town of Nederland Budget

Town Administrator Alisha Reis provided background on development of the budget and how the budget aligns with the Board of Trustee's stated goals. Ms. Reis provided some highlights of the budget.

Randy Lee, 171 East First, pointed out omissions in the budget, including money for the skatepark, and the police station. He explained the Town's obligations with regard to the skatepark and the current needs for the skatepark.

Gail Eddy, 14 Sundown Trail, asked about some details of the budget priorities.

Staff responded to the concerns expressed in the public comment.

Board members thanked Town staff for all the effort toward the budget and for relating the budget items to Board priorities.

3. Public Hearing for the 2011 Nederland Downtown Development Association Budget.

Gail Eddy, 14 Sundown Trail, commented that there were not any budget highlights in the DDA budget. She also asked some specific questions about the line-items in the budget.

Mayor Abu-Haidar asked Mr. Turnburke to take the podium to answer the questions posed by Gail Eddy, which he did.

Trustee Joseph explained that Mr. Turnburke's salary was raised based on a study of comparable DDA executive directors, during which it was discovered that he was under-compensated. The adjustment will go some distance to rectifying that.

Trustee Mueller and Trustee Joseph discussed the potential need for additional funds to be set aside for equipment replacement as necessary.

4. Discussion of Letter of Support for a Grant Request from the El Pomar Foundation for the Envision Nederland 2020 process.

Mayor Abu-Haidar explained the need for the grant and why it was being raised at this time. The Board authorized the Mayor to sign a letter of support from the Board. Trustee Joseph thanked the Mayor for locating the grant possibility.

5. Discussion of a Nederland composting center land and structure use request.

Ms. Reis introduced the topic and explained that Greg Willson was asking for the use of Town property and a small amount of Town employee time in conjunction with a grant application he is making to open a composting center that would serve the Nederland community.

Greg Willson, 274 West Spring, requested that the Board approve the submission of the grant application on November 8th. He also clarified some errors in the Board packet and withdrew some portions of the proposal.

Trustee Nowicki asked questions about how the compost will be sold and distributed locally. Trustee Nowicki asked for clarification as to whether the building would be used to start a local business, and Mr. Willson explained that the business would likely be a non-profit or a public/private partnership. Ms. Reis explained that the SAB had discussed this project, but it was not officially an SAB undertaking.

Mayor Abu-Haidar questioned the use of public works employees given the pressing road priorities. Ms. Reis explained that the Town employee time

commitment would be very small.

Mayor Pro Tem Gierlach expressed his support for partnering with Boulder County on a project like this, and for the use of the empty biofuels building for this purpose. Trustee Joseph asked questions about the economic sustainability of the project and whether Mr. Willson would be willing to later renegotiate the lease agreement if the enterprise is financially successful. Mr. Willson replied that he was most interested in getting it up and running as a viable enterprise and then would be happy to have further discussions with the Town.

Lisa Zucker, 214 Big Springs Drive, explained that she is very much in favor of the project, in part because she has difficulty composting privately due to animal scavengers in her neighborhood.

Paul Turnburke, 3259 Ridge Road, asked about the required contributions from the Town, and Ms. Reis explained that the Town would not be contributing any cash assistance, but only in-kind contributions.

Betty Porter, 55 Navajo Trail, spoke in support of the project and stressed that it dovetails with the Town's commitment to zero-waste events and composting.

Trustee Mueller raised the issue of the positive effect composting has on the waste water treatment facilities, as well as the importance of educating the commercial sector to gain their buy-in.

Trustee Perret spoke of his support of the project, but asked that considerations be made regarding the need for water at the composting facility and methods for mitigating the methane production.

Mayor Pro Tem Gierlach supported the project and felt Mr. Willson and the Town should move forward with it.

Trustee Joseph expressed his support for the project in theory but shared his concerns over the ambiguity of the business plan for the project. He also questioned why the project hadn't been brought before the Board earlier in the grant process.

Trustee Wheelock stated her support of a community composting facility, but also shared her concerns about a Town subsidy of a business, even a non-profit one. She asked for clarification of what was being sought from the Town at this particular junction.

Ms. Reis clarified her sense that the grant is intended as seed money to use this project as springboard for economic development of a sustainability-based business sector in Nederland.

Mayor Abu-Haidar stated that she supports moving forward with the expectation that, if the grant is approved, it must come before the Board for approval, with all the details provided. The Board agreed and staff was directed to proceed accordingly.

Motion to extend the meeting beyond 10:00PM was made by Trustee Joseph, seconded by Trustee Perret, and approved unanimously.

H. OTHER BUSINESS


Mayor Pro Tem Gierlach asked that someone from Nederland be represented at the Governor's bark beetle conference on November 15th.

Trustee Perret informed the Board that two members of the SAB are attending an upcoming sustainability conference.

I. ADJOURNMENT

Motion to adjourn was made by Trustee Perret, seconded by Trustee Mueller, and approved unanimously. The meeting was adjourned at 10:06PM.

Approved by the Board of Trustees.


Sumaya Abu-Haidar, Mayor

ATTEST:


Teresa Myers, Town Clerk

