

TOWN OF NEDERLAND AGENDA

REGULAR BOARD OF TRUSTEES MEETING

NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466

December 21, 2010

7:00 P.M.

A. CALL TO ORDER

Meeting convened at 7:19 PM. The late start was due to the need to wait for a quorum.

B. ROLL CALL

Present: Mayor Pro Tem Gierlach, Trustees Nowicki, Perret and Wheelock. Mayor Abu-Haidar and Trustees Mueller and Joseph were 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 December 21, 2010 Accounts Payable
- Approval of December 7, 2010 Regular Meeting Minutes

Motion was made by Trustee Perret to approve the warrants and the consent agenda separately (because Trustee Nowicki was not present at the most recent meeting), seconded by Trustee Wheelock and approved by unanimous voice vote. Motion was made to approve the warrants by Trustee Nowicki, seconded by Trustee Perret and approved unanimously. Motion was made to approve the consent agenda by Trustee Perret, seconded by Trustee Wheelock, and approved unanimously. Trustee Nowicki abstained.

D. STAFF REPORTS

1. Alisha Reis, Town Administrator
2. Teresa Myers, Town Clerk
3. Eva Forberger, Town Treasurer

4. Hank Richardson, Public Works Manager
5. Dawn Baumhover, Community Center Coordinator

There were no questions or concerns regarding the written staff reports.

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

Dennis Duckett, 161 S. Jackson St., raised a question for the Board concerning the boundaries of the Downtown Development Authority. Town Attorney Carmen Beery offered to look at the issue and determine the legal boundaries of the DDA. Trustee Nowicki said that he was also interested in the answer. Mayor Pro Tem Gierlach explained that the DDA was created by the voters, and that vote set the boundaries of the DDA. He explained the boundaries and the rationale of those boundaries. Trustee Nowicki took issue with some of the Mayor Pro Tem's definitions and asked again for clarity from the Town Attorney. Trustee Wheelock noted that she thinks that Mr. Duckett deserves an answer to the question and asked to have an answer provided.

The Board directed the Town Attorney to determine the precise question being asked and to conduct the necessary research to obtain the answer.

F. PRESENTATIONS

None.

G. ACTION ITEMS

1. Consideration of Resolution 2010-28, accepting a land donation by Doreen Day.

Trustee Perret moved to allow Doreen Day's land donation issue to come first (from its original placement on the agenda as Action Item #3). The motion was approved unanimously by voice vote.

The Town Administrator provided some clarification concerning the exhibits attached to the deed. She also explained the resolution accepting the donation and thanking Ms. Day for the donation.

Motion to approve Resolution 2010-28 was made by Trustee Nowicki, seconded by Trustee Perret, and approved unanimously.

2. Consideration of approval of a lot line dissolution application for 590 Lakeview Drive.

Town Administrator Reis provided some background and pointed out the sole condition of the Planning Commission's approval and noted that it had been complied with.

Motion to approve the lot line dissolution was made by Trustee Perret, seconded by Trustee Wheelock, and approved unanimously.

3. Consideration of Resolution 2010-27, setting the Town's holiday schedule for 2011.

Motion to approve Resolution 2010-27 was made by Trustee Perret, seconded by Trustee Wheelock, and approved unanimously.

4. Consideration of Resolution 2010-29, setting fees for the Town for 2011.

Trustee Nowicki had a question about a typographical error on the fee table, and the Board had several questions concerning the fee changes.

Motion to approve Resolution 2010-29 agreement was made by Trustee Wheelock, seconded by Trustee Nowicki, and approved unanimously.

5. Consideration of the Intergovernmental Agreement (IGA) with the Boulder County Sheriff's Office for a receiver placed at the

Community Center.

Trustee Wheelock asked if any changes had been made to the IGA, but the Town Administrator informed the Board that none had been made.

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

6. Consideration of a Memorandum of Understanding (MOU) between Nederland Elementary School and the Nederland Community Center.

Ms. Reis informed the Board of the minor changes made to the MOU since their last review of it, based on their comments at that time.

Motion to approve the MOU was made by Trustee Nowicki, seconded by Trustee Wheelock, and approved unanimously.

7. Consideration of 2011 Leases for the Community Center.

Trustee Wheelock asked if there were any changes to the lease rates over last year, and Town Treasurer Eva Forberger explained that MMA and Turnburke and Associates had previously received some lease rebates due to improvements they had made to the spaces but that those have now expired.

Motion to approve the agreement was made by Trustee Wheelock, seconded by Trustee Perret, and approved unanimously.

H. DISCUSSION ITEMS

1. Discussion of recommendations from the Board of Zoning Adjustment concerning fees associated with the Rewinkel property.

Ms. Reis explained the background behind the Rewinkel land dispute and the processes that had been followed thus far. In recognition of the difficulties

voiced by Mr. Rewinkel in dealing with Town staff during his attempt to obtain a variance, the Board of Zoning Adjustment recommended waiving future fees incurred by Mr. Rewinkel should he proceed with his project. Ms. Reis outlined the financial impact of waiving future fees for Mr. Rewinkel, and offered the Board the options before them of accepting the BZA's recommendation as delivered, denying the BZA recommendation as delivered, or accepting it with a cap or conditions attached.

Trustee Wheelock noted that she was uncomfortable waiving future fees but wondered if the BZA had considered refunding fees instead. Ms. Reis said that such an option had not been considered.

Mayor Pro Tem Gierlach had some questions for clarification, and Trustee Nowicki explained that he didn't feel that he had enough information to make a determination based on the information at hand.

The Board members had a spirited discussion regarding trying to make a decision based on the information provided. Ms. Reis recommended tabling the decision to a later meeting until the Board had an opportunity to understand the conduct of Town staff that prompted the BZA recommendation. The Board agreed. Town staff will provide the minutes of the BZA meeting in which this recommendation was made to provide clarity to the Board.

2. Discussion of the draft Community Wildfire Protection Plan (CWPP).

Town Administrator Reis provided a brief background on the CWPP and asked for the Board's comments via email for inclusion by the following morning. Trustee Nowicki expressed his opinion that the Board should support the recommendations made by the Indian Peaks Forest Alliance. The Board members agreed to do so.

3. Discussion of agreement between the Town and the Nederland Community Presbyterian Church concerning the use of the church parking lot as public parking.

Ms. Reis provided the historical background of the agreement, including the fact that the lease had legally expired in 2002. The Church is now seeking renewal of the lease at the rate of \$1.00 per year, along with the inclusion of certain improvements to the parking lot.

Don Dexter, 237 Aspen Way, appeared on behalf of the Church, and clarified the Church's requests, noting that the Church does not intend to demand as much as it may seem from the agreement. Trustee Wheelock asked for clarification of specific items the Church would be willing to forego, and Mr. Dexter provided that clarification.

The Board directed Town staff to bring forward an updated agreement for consideration at a later meeting.

I. OTHER BUSINESS

Mayor Pro Tem Gierlach shared a photo he took of the lunar eclipse from the night before.

The Mayor Pro Tem met with the Community Center Foundation Board at their December meeting and informed them that he and Trustee Nowicki would be switching roles, with the Mayor Pro Tem serving as liaison to the PROSAB and Trustee Nowicki serving as liaison to the CCFB. At the next meeting, the Mayor Pro Tem will need to be appointed to the PROSAB. The Board agreed to provide the appointment at a future meeting.

Trustee Wheelock had a question concerning the time for the West Wing workshop in January. It was determined that the time had not been set yet.

J. ADJOURNMENT

Motion to adjourn was made by Trustee Perret, seconded by Trustee Nowicki, and approved unanimously. The meeting was adjourned at 8:30 PM.

Approved by the Board of Trustees.

Joe Gierlach, Mayor Pro Tem

ATTEST:

Teresa Myers, Town Clerk

