

Town Of Nederland  
NEDERLAND DOWNTOWN DEVELOPMENT  
AUTHORITY  
APPROVED REGULAR MEETING MINUTES  
NEDERLAND COMMUNITY CENTER 750 Hwy 72 Nederland, CO 80466  
Conference Room  
June 18, 2014 @ 6:30 p.m.

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A. CALL TO ORDER

Meeting convened at 6:30 p.m.

B. ROLL CALL

Present: Jeffrey Green, Amanda Kneer, Patricia Everson, Susan Schneider, Karina Luscher

Kevin Mueller arrived at 6:33

Absent: Katrina Harms had an excused absence.

Also present: Eva Forberger, Treasurer for the Town of Nederland, Alexander Armani-Munn, Intern for the Town of Nederland.

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

No public comments.

Patricia Everson motions to move agenda item F. 4. Consideration of a vote of confidence for a letter to the Board of Trustees concerning "street vendors" to be the first item discussed. Motion seconded by Amanda Kneer, and passed unanimously.

F.4. Consideration of a vote of confidence for a letter to the Board of Trustees concerning "street vendors".

Patricia Everson calls on Kim Stefane to present the item. Stefane owns the Blue Owl Ice Cream store in Nederland. She is concerned there is currently no existing Chamber of Commerce, and no municipal code or ordinances regarding any kind of regulation of street vending. She is appearing on behalf of local businesses to get a letter of support or a vote of confidence from the DDA to pass on to the Nederland Board of Trustees to deal with this issue. Stefane presented

a letter to local businesses that basically asked that no more applications be accepted until the Board of Trustees deal with the issue of no current codes or regulations. Patricia Everson requested Stefane to present the letter with signatures. Stefane states that she is still working on getting more signatures from the business owners who have committed to sign but they are busy or out of town. She said all of the businesses she spoke to would prefer no street vending on Town property unless there is a special event. This is due to the size of Nederland, the economy, traffic flow, tourist flow, etc. Kim feels the lack of code in regards to street vending is causing a division and conflict in town. She is only concerned about vending on Town property.

#### Public Comments:

Carol Stimmel, 108 Sundown Trail, Nederland. Her parents were World War II Veterans and what they fought for and taught her to believe in is that in this country, if you put forth the effort, this is the land of opportunity. She feels anyone who is willing to work hard, and work within the boundaries of the law as they exist, deserves the opportunity to make a living. When one relies instead of on their own their own imagination and creativity in a competitive environment, and instead relies on regulatory excess that is very sad to her. She feels it says to her the businesses in town don't have the confidence in their ability to rise to the new challenges and set themselves apart. She feels the letter has no substantiation is a fear driven. Stimmel would like to know what the problem is that would cause an ice vender promote such an emotional fear?

Susan Ayer, 226 West Spring Street, Nederland. Susan owns Great Nana's Homemade, LLC, a vending business in Nederland. After being a nurse for 40 years she decided to retire, but still needed and income and wanted to generate that in Nederland. She said she had approval of Town Hall and she followed all of the State, FDA, Department of Revenue, Boulder County Health Department, and Town of Nederland Regulations. She has obtained and paid for all of the licenses and permits required to be a retail vender. She paid \$3,000 for the ice cart, which weighs 400 lbs empty and is not very mobile. She will not be pushing the cart around town, and needs to find a spot to vend. She would like the opportunity to generate revenue in the town she would like to stay in.

Laura Thomas, 2343 South Sherman Street Denver, CO. Laura is Sue Ayer's daughter and grew up in Nederland. She feels this town lifts up, supports, and takes care of one another. Upon hearing local businesses were upset about vending and wanting to ban it, she was beyond appalled. She can understand not supporting outside people to vend, and to take the money out of town. To not allow a person to use their passion and talent in this town, building and contributing, is a slap in the face. She feels there is nothing better than a small business owner bringing in new business owners, selling something unique and using their money to put back into the town. She hopes everyone figures out a way to work together and make it the best it can be.

Dennis Duckett, 426 North County Road, Rollinsville, CO. Says his heart is in Nederland and everyone who knows him knows his life's focus is sustainability. He has known Sue Ayer 20 years, has worked for her recently and has watched her jump through hoops to get this business going. He feels this can be an important part of sustainability for the town. He was recently in Portland, Oregon and said there are whole city blocks with vendors like Ayer's business. He feels if we are creative we can make room for her. He wants to make a point that the public's face belongs to the citizens and he is troubled the DDA is asked to be a vanguard to the Board of Trustees with this letter. He feels the DDA has a special place in town and it is not legislation.

Rodney White, 116 South Jackson Street, Nederland. He is Sue Ayer's neighbor. The one thing he has always liked about Nederland is that we look after everyone like they are our own and we don't force people out. He does not see any reason to shut Sue Ayer's business down.

Susan Schneider feels the DDA can do one of three things: Endorse the letter, not endorse it, or say it is not appropriate to address the letter. She has looked at Town code on the topic and feels it is difficult to interpret because it does not cover enough information. She also points out the Peddlers and Solicitation portion of the Town code does not specify if vending is allowed on Town property. She feels the town should review and revise, and how it is revised should be up to the BOT. Schneider's personal opinion is that someone who is already licensed and has done what has been asked of them should not have to wait to vend until the BOT reviews.

Kevin Mueller feels it will be helpful if the DDA has a position on this subject so they can provide the board with what kind of recommendations the DDA would like to see. Since there is no Chamber of Commerce in Ned, and the BOT is not made up of business owners, the position of the DDA will be helpful. He feels getting the public's position is important as well. Mueller also feels we have to support whatever agreement has been made with the vendor at this time.

Susan Schneider feels we should survey business owners in town to see what their opinion is on vending because those are the people we are supposed to represent

Eva Forberger noted as of today, no formal request has been written to get this on the BOT agenda. The deadline is June 20.

Amanda Kneer would like the Town to not issue any more vending licenses right now until a definitive code is put in place. She does not want to restrict it or stop vending in the long run, but she feels it needs more input. She would like to hear from local businesses in town who feel like they are impacted by the vendors.

Patricia Everson says we can send our own letter to the BOT and we do not need to address this particular letter. She thinks a solution could be that the DDA compose their own letter.

Peter Marshal asked if there was an issue when the hot dog vendor was in town. Eva said she does not recall an issue. Eva said there were no complaints that she knows of, and he does not currently have a vending license. Peter is not opposed to the current vending business in town.

Kevin Mueller inquires as to if there can be a legal moratorium on licenses. He feels Carmen needs to be asked, and suggests to hold off on issuing any more vending licenses at this time. .

Jeffrey Green feels it is important to remember that this is about the code and is not personally about Sue Ayer's business. He feels we need to re-evaluate the code and understand it. Green does not feel it is appropriate for the DDA to endorse the letter because it needs more research done on it. He feels we need to encourage business but also need to be fair. If someone is paying rent it is not fair for a vendor to pull up in front of their business. He thinks allowing vending a certain distance from a competing business is a good idea, and the code needs this stipulation. Green does not feel it is appropriate to suspend licensing for current vendors.

Kevin Mueller feels the DDA is not in a position to endorse the letter. Mueller feels it is important the board makes sure they get public input from businesses. He feels the DDA should put forth a position of not taking a position, and that the current code is not sufficient.

Kevin Mueller makes a motion to endorse the letter, Amanda Kneer seconds the motion. Motion is unanimously defeated.

Patricia asks if there is a motion as to what action the DDA would like to take concerning peddler license.

Kevin would like more discussion on what the DDA's position is moving forward or how street vending fits into sustainable downtown commerce. He would like discussion now before the DDA comes together on a recommendation.

Patricia Everson feels if we are going to be a sustainable community that incubator businesses in a vending situation can be done in one venue. She feels possibly the vending can be limited to an area in town where other vendors could also sell. Everson feels maybe an area for the vending carts would be a good idea. She does not want to limit Nederland to deny street vending because it is the wave of the future. She would support limiting street vending to a defined area.

Jeffrey Green is in support of having an area where vendors could come together. Suggests maybe Chipeta Park would be a good place for vending and farmers market type of stands. He feels vending should not be banned. The code needs to be there to protect not just brick and mortar businesses, but other vendors.

Karina Luscher feels vending brings vibrancy to the downtown area, and Nederland is ripe for the picking. She feels it could bring the blighted areas in town some energy. She believes in the model of free enterprise and Nederland is such a creative town, that the more people put their necks out financially and emotionally the better. She feels addressing the code is a good idea and banning vending would be a missed opportunity.

Peter Marshall said he has seen it from both sides since he works on the pizza oven mobile business. He said the only way that business could have been started was to do vending until they built up enough to do a brick and mortar business. He could have never been able to start a business downtown without the mobile business.

Amanda Kneer said she is concerned because Nederland's economy is so small and can only support a certain amount of businesses. She would like to see a limitation on the amount of vending licenses.

Susan Schneider is concerned about the seasonality of vendor carts. She would like to know if someone can realistically make enough money in the 5 months they can work outside. If the business is not successful, is it diluting the income that is available for businesses that are here 12 months a year? She feels there are only so many dollars available in Nederland's economy.

Karina Luscher does not agree with the term "dilute". She feels the vendors will market and bring people up to Nederland, maybe specifically because of their food cart. She feels this will provide opportunity of discovery of gems in Nederland people may have not known about prior. She feels it does not dilute but is an opportunity to force other businesses to rise up and "dig in".

Kevin Mueller notes the DDA has acknowledged this brings vibrancy to a community. He feels it would be ideal if there can be a creative solution. Mueller suggests it would be a good idea to get examples of other small towns that have done this so we don't have to reinvent the wheel. He also feels it is important for the DDA to understand the carrying capacity of the economy in Nederland.

Patricia asks if there is a consensus from the DDA to take this to the Board of Trustees. All board members are in agreement.

#### D. CONSENT AGENDA

##### 1. Approval of the Minutes from the May 21, 2014 meeting – Cindy Downing Secretary

Kevin would like to change the wording of his comment in Discussion item G.

2. Discussion of the Principles of Sustainability and begin to develop a vision of a sustainable Downtown Nederland the Master Plan Revision. He would like “public surveys” taken out and replaced with “open public meeting with no agenda”. Kevin motions to approve the meeting minutes, seconded by Susan Schneider. Motion passed unanimously.

Mandy abstains from the vote since she was not at the May 21<sup>st</sup> meeting.

##### 2. Approval of Warrants – Eva Forberger – Treasurer

Motion to approve warrants made by Amanda Kneer, seconded by Susan Schneider. Motion Passed unanimously.

#### E. INFORMATIONAL ITEMS

##### 1. Treasurer’s report – Eva Forberger – Treasurer

Eva included a report in the packet.

##### 2. Report on meeting with CDOT and the Peak to Peak Scenic By-way-Katrina Harms

No report was included in the packet, but Amanda Kneer attended the meeting and gave a verbal report. Kneer said the overall feeling was there could be better information for people going on Peak to Peak byway. She also reported one of the employees for CDOT said they could print posters of the Peak to Peak Byway and the towns located on the byway so town businesses could post them to show the connectivity of the towns.

Alexander Armani-Munn was also present at the meeting and gave a verbal report. He felt one impression was there needs to be increased partnership with the towns along the scenic byway. Armani-Munn also pointed out that people are using GPS more so signage is now more about information sharing than giving directions.

##### 3. Nedpeds report- Conor Merrigan – Project Manager

A report was included in the packet. Conor was not present for the meeting so Eva supplemented with a verbal report. This project to bid has been advertised in

the Boulder Daily Camera and the Rocky Mountain CIP site. She will also be putting the project on the Rocky Mountain bid site. In order for bidders to get the plans, they need to get access from Forberger and so far she has had about 10 requests. Forberger has also solicited three vendors that are prime contractors for the job, as well as the contractors listed on the CDOT approved contractors list. There is a pre bid meeting on Monday, June 23, and the closing date is July 2.

In the AIM, Alisha Reis inquired as to if any members of the DDA would like to serve on the selection committee for the Owner's Rep RFQ. Patricia posed this question to the board and suggests that Kevin Mueller would be a good representative. Kevin Mueller agrees to represent the DDA.

4. Update on Electric Vehicle Charging Station Grant – Alexander Armani-Munn

A report is included in the packet.

Alexander reports all is going smoothly with the project. He attended a meeting recently to get more information on the process moving forward. He submitted a procurement plan and will need documentation of matching funds from the DDA. The Town's policy for purchasing anything between \$1,000 and \$10,000 is that there needs to be three bids. Construction will not start until after High Peak Art festival, and it is predicted to be August 31. Re-striping of the parking lot will happen before the charging station is installed.

## F. ACTION ITEMS

1. Consideration of a new logo for the Nederland Downtown Development Authority

Patricia Everson states that our bylaws require the DDA have a seal. Everson would like to amend this consideration to include a seal. Everson also notes that says the current logo does not print unless it is printed in color.

Eva Forberger indicates the DDA can use a stamp for the seal, which is inexpensive. She is going to speak to Michelle Martin about getting a seal.

Alexander recommends the board review the existing logo, as he feels the current logo is vague, and a new logo will help to create a new image. He feels the DDA currently lacks an identity and this is part of an effort to create an identifiable board. We can hire a design firm to do our logo design, but they would charge a couple of thousand dollars. He suggests we consider having a local contest for people to design a logo. By having a contest, He also feels it would build communication and connection with the community.

Amanda Kneer is in favor of a public contest.

Susan Schneider suggests giving a gift of \$100 to a contest winner.

Eva Forberger suggests \$100 and a perhaps gift certificates from the DDA board members to their businesses.

Susan makes a motion that we have Alexander administer a contest to create a new logo with the NDDA with a \$100 prize. Kevin seconds the motion. Motion passes unanimously

## 2. Consideration of a representative to the parking committee

Alexander Armani-Munn Parking clarifies the parking committee is not necessarily a committee, rather a meeting. He invited business and property owners to a meeting on May 19 get public input on how we address parking issues. Discussion items at the meeting were: back in parking, paid parking, developing new parking areas, and temporarily shutting down 1<sup>st</sup> Street during big events. They created three goals at the last meeting:

1. Creating a trial parking lot for employees to park to free.
2. Creating an accurate inventory of public parking on and off street to get a clear assessment of capacity.
3. Signage to improve the downtown working with Public Works, The Police Department, and also working with event organizers in town.

The Town is considering purchasing signage and blockades so event organizers can use them. Armani-Munn is hopeful this information can be used to write a proposal to the BOT. There was not any DDA representation at the meeting and he feels a member would be a great catalyst to help facilitate some of the changes. The next meeting is June 30.

Jeffrey green volunteered to be the parking representative for the DDA

Motion to approve Jeffrey green as the DDA Representative for the parking committee made by Amanda Kneer, seconded by Susan Schneider. Motion passed unanimously.

## 3. Consideration of a project manager for the Master Plan Update

Patricia Everson specified she did not realize Alisha was letting Alexander Armani-Munn work as much as necessary for the Master Plan Update so now the need for a project manager is a mute point. No further discussion is needed about this.

## G. DISCUSSION ITEMS

### 1. Discussion of a tentative budget for the Master Plan Update

Amanda Kneer would like to see more of the budget spent on public engagement.

Patricia Everson asks if we would like to move forward with a feasibility study for the bridge. She feels we need to know if there is an easement for this bridge. Would also like to know if any of this is eligible for DRCOG funding. She feels it is premature to score at this point, and is curious about who would be responsible for scoring.

Eva Forberger says DRCOG does have significant money so perhaps do several different bids. They can do various applications with different matches. Eva also clarifies that the Town does have the easement information needed.

Kevin suggests trying to do whatever the grant asks us to do in order to get the best scoring. As far as feasibility, we want some level of accuracy but on the other hand we don't have to make final decisions for quite some time. The idea is to get projects together based on scoring and get them in front of DRCOG.

Patricia Everson is concerned with who will do scoring. Kevin Mueller said he is going to read through the rest of it, take ideas he has heard and put them together in a way that looks favorable for the scoring. The plan is to have this prepared for the next meeting on July 16. Mueller will have a tentative summary and description of projects we have discussed and how they fit with the scoring. He also feels regardless or not if we get a grant, we need to have ideas we are willing to move forward with, with or without a grant.

Amanda Kneer notes that Mayor Joe Geirlach said if we put together a project and it can't happen, that re scores the project and we may lose funding, or we may even lose all of the funding depending on the situation.

Kevin recommends on holding off on a feasibility study for the bridge, as he feels there are other more pressing issues. He feels there are some existing conditions that still need to be fixed, such as Sidewalks Phase I. He does not feel we should ignore 1<sup>st</sup> Street another time, as it is important to get it ADA compliant.

Alexander Armani-Munn would like to know what projects the DDA would like to pursue so he can gets bids for a more finalized budget.

The board agrees to strike the economic, parking and traffic study from the budget.

Alexander feels there were some good points made at the DDA workshop and they created a consensus in regards to the issues. He is going to document everything that was said at that meeting to finalize that vision. He would like to recommend how the DDA approaches this public outreach process. He will put together a summary of that meeting which will include a vision statement with a brief summary of what was discussed. He would like board members to send him feedback via email, making sure to observe Sunshine laws.

#### 4. Discussion of a new/updated website for the Master Plan Update outreach

Alexander Armani-Munn would like to reiterate how important a new website will be for the DDA. The new website will cost \$7,000 to \$15,000 based on what we want. He has met with two Boulder services to perhaps do an \$8,000 redesign of the website. The price will depend on what the DDA wants. He also feels a “less is more” approach is the best option, and it is not productive to litter the website with content that is not conducive. He would like to take the approach of “progressive disclosure”, which is to supply information needed and nothing more. Armani-Munn recommends the new website should have links to all of the local businesses downtown, and that they have our link on their site as well. Another recommendation is to have a running blog that a board member could contribute to every other week, or even perhaps a business owner could contribute.

Jeffrey Green feels this is money well spent, that people should be able to provide input onto the site, and the site should have full disclosure.

Patricia Everson states that the website should be a place to store archives, agendas, documents, meeting minutes and packets.

Amanda Kneer suggested we look at local websites to design the site, and not just keep it to Boulder businesses.

Karina Luscher adds there are also Boulder firms who will base rates depending on what kind of organization you are.

Karina Luscher asks if it is possible to reach out to firms and provide the spectrum of what we are looking for that we may want to see on a website. She thinks identifying what we need on a website will take more time than what the DDA has tonight.

## H. OTHER BUSINESS

### I. ADJOURNMENT

Motion to adjourn made by Jeffrey Green, seconded by Amanda Kneer.  
Meeting adjourns at 9:30 p.m.

## **NEXT REGULAR MEETING: July 16, 2014 @ 6:30 pm in the Multipurpose Room**

The NDDA Board encourages citizen participation. Public hearings and the “unscheduled citizens” agenda item allow an opportunity to address the Board. Discussion is limited to 3 minutes and please address your comments to the Board. Thank you for your cooperation.

The NDDA Board may take action on any item included on this agenda, regardless of the heading under which such item appears.

Discussion items may become action items if the Board determines that deferring final action on an item to a subsequent meeting is unnecessary or unwarranted and that taking immediate action does not compromise any third-party's rights . The NDDA Board of Trustees meeting packets and agendas are prepared on Friday before the Wednesday meetings and are available on the NDDA website, [www.neddda.org](http://www.neddda.org). Copies of the agendas and meeting packet are available at no cost via email from [cldowning@hotmail.com](mailto:cldowning@hotmail.com) The information is reviewed and studied by the Board members, eliminating lengthy discussions to gain basic understanding. Short discussion on agenda items does not reflect lack of thought or analysis.