

Town Of Nederland
NEDERLAND DOWNTOWN DEVELOPMENT
AUTHORITY

NEDERLAND COMMUNITY CENTER 750 Hwy 72 Nederland, CO 80466
Multi-Purpose Room
August 21, 2013 at 6:30pm

Regular Meeting Minutes

A. CALL TO ORDER

Meeting was called to order by Chairperson Pat Everson at 6:36 pm.

B. ROLL CALL

Members Present: Pat Everson, Jeffrey Green, Katrina Harms, Karina Luscher, and Chris Perret.

Absent: Mary Ann Rodak-Friedman, Donna Sue Kirkpatrick

Also present: Alisha Reis, Eva Forberger

C. PUBLIC COMMENT – Pat Everson began by thanking everyone who attended, for their input and read the NDDA guidelines for participation. Since NedPed printed packets were handed out at the meeting – public comment would be welcomed after the agenda item / presentation and Board discussion. There were several members of the public present, with Sally Grahn of 260 East St., Nederland speaking up that she might want to ask several questions regarding the NedPeds project when appropriate – and that she didn't sign up to do so, without knowing the information prior to the handouts given out at the meeting.

D. CONSENT AGENDA

1. Approval of July 21, 2013 – Regular Meeting Minutes

A motion to approve the minutes as presented was made by Jeffrey Green, seconded by Karina Luscher and approval the July 21, 2013 minutes without additions or corrections was unanimous.

2. Approval of Warrants

Chairperson Pat Everson asked if there were any questions on the Warrants, as there were none, Jeffrey Green made a motion for approval, and seconded by Karina Luscher, was approved with a role call vote. Chris Perret decided to abstain due to the fact that he was not present at the last meeting.

E. INFORMATIONAL ITEMS

1. Treasurer Report – Eva Forberger

Without a submitted written report, Eva Forberger verbally assured the Board that there were no major changes since the last meeting.

2. RFP Report on Legal Representation – Eva Forberger

Eva Forberger explained that there was no response to the RFP issued for NDDA legal council. She explained that it was posted on the DCI list site as well as e-mailed to two lawyers potentially specializing in DDA legalities. Eva suggested that the approach might be to contact Carmen Berry's office to find out if an associate would be interested in taking on that specialized business or be educated to do so. Pat Everson asked what sorts of duties might be needed with legal council. Eva Forberger stated that it could be real estate agreements, contracts, or perhaps grants. Eva agreed to look into options for the next meeting.

3. Recreational Marijuana Ordinance Update from 8/20/13 BOT Meeting – Chris Perret

Chris Perret stated that the RMJ ordinance passed during the previous night's BOT meeting, with some amendments to it. Alisha Reis, Town Administrator helped to explain these amendments. Specifically, the testing facilities, or labs for testing levels of THC were allowed by right in the NC (Neighborhood Commercial) district, and the BOT changed the ordinance to use by Special Review. Each of the labs would have to be reviewed on a case by case basis. Regarding the license fee – 50% would be refunded after payment of the fee if they were unable to secure the license. Lastly, there was a change to the set-back rules from educational establishments to 100' for RMJ facilities and retail stores. This will come before the BOT again in October after the initial 30 day publication of the approved ordinance to take a closer look at licensing authority. Alisha added that the town is putting together a Q&A document to be posted online and available for the public as a FAQ to provide answers. Alisha finished with the fact that a RMJ licensing system is now in place to begin issuing in 2014 to 5 "pre-established" places in town. Jeffrey Green had a question regarding co-location and Alisha explained that it is allowed by the ordinance, needing a license for each and if co-located, may only serve 21 years and older, otherwise medical marijuana only can serve 18 years and older.

F. ACTION ITEM

1. Scholarships for DCI Conference – Pat Everson

Pat Everson stated that in the past the NDDA had provided scholarships for members to attend the DCI conference. This year it is being held in Grand Junction, Colorado, and there would be funds to sponsor 2 members to attend. Katrina Harms stated that she could clear her calendar and attend all of the conference days. There were no other members interested in attending, and Pat asked the Board to sponsor the tuition rate of

\$295.00. Chris Perret made a motion to sponsor Katrina Harms to attend the DCI Conference on 9/10 through 9/13 with Jeffrey Green seconding the motion. A unanimous roll call vote passed the motion.

G. OTHER BUSINESS

1. Interest in Christmas Lights and volunteers from the Board to help with planning and setting up – Eva Forberger

Eva Forberger read Karina Luscher into the record as the volunteer from the NDDA Board to help with Christmas lights planning and set-up.

2. NDDA December Regular Meeting to be moved from December 18th to December 11, 2013 to accommodate the NedPeds Schedule and Holidays – Sue Churches

All agreed that this was a good idea – and approved the date change with a unanimous show of hands.

H. DISCUSSION ITEMS

1. NedPed Project Presentation: 90% – by Brian McLaren of Huitt-Zollars, Inc. and Conor Merrigan of C2 Sustainability

Conor Merrigan of C2 gave a verbal update and overview of the NedPeds project in addition to handing out the 90% presentation printed files. Xcel is scheduled to begin pole relocation October 9 and the undergrounding option was estimated to be cost prohibitive at 200K plus with tie-in fees in addition to that amount. CDOT is still reviewing the historic clearance as one of the last hurdles on this portion of the project and Conor added that there were cost and budgeting issues still to flush out on the project with the BOT workshop meeting on August 27th.

Brian McLaren began his presentation with an explanation that there was not a significant difference from the 60% submission to the new 90% design documents. He continued that on the surface it looks similar, but there were now more refined elements to the 90% document. Brian added that since the plans will eventually go out to contractors for estimating, to be aware that by showing these plans to a contractor in advance, it would lend a sense of unfairness to the bidding process for the construction portion of the project. Brian McLaren then began his presentation on sheet #31 with explanations of materials, placement, drainage elements and these drawings are more technical than what was presented before. As Brian walked the board and the public through the plans Alisha Reis offered input that the town staff / public works had a technical review of the plans endorsing the drainage methods and better management of surface flow presented in the design. There were questions from Chris Perret regarding increasing the size of the overall photo, and obtaining the plans in advance of the meeting. Conor Merrigan assured the Board that this presentation would not be the last opportunity to review and comment on the design. Pat reiterated that the public would be able to come and observe the workshop with the BOT, and submit written comments for that meeting. Chris Perret had specific questions concerning parking on

East 2nd street, and the pathway separate from the road, and Alisha Reis clarified that all of the improvements occur in the town's right of ways only. Pat Everson had questions about pavers in the CBD, and signage at intersections. There were some questions from both the Board and the public about meeting existing grade at the right of way / property line and driveway locations and materials. There was some discussion about existing driveways and paving vs. gravel, as well as Sally Grahn determining her actual driveway entrance, and when the best time would be to installing water / sewer taps. Alisha Reis thought it would be best to coordinate these efforts prior to the construction phase. Sally will be contacting the team via e-mail to specify accurate driveway entrances. Ron Mitchell inquired about his concerns with undergrounding poles on his properties, materials for his driveways, installing a bus pad, water taps and heated or covered sidewalks and will continue dialogue with the town offline. Sally Grahn asked about driveways with fencing overlapping and Brian assured everyone that this only appeared on the printed drawings, and not on the electronic copies. There were other conversations surrounding what happened to the bioswails on 2nd street. Conor referred to them as smaller features, that there was not enough room to accommodate a full fledged bioswail but will act as a water detention area. Conor brought up a specific concerns about the Presbyterian church with flooding and allowing for a flat as possible walking area. He also brought up parking along the highway on Hwy 72 also near the church. Pat Everson reminded the board that there continued to be parking issues, that there was a BOT resolution passed regarding no reduction of parking. After having a bit of conversation about angled parking and cross walks, the presentation concluded with a reminder of next weeks' BOT workshop presentation.

I. ADJOURNMENT

At 8:30 pm a motion to adjourn was made by Chris Perret, seconded by Katrina Harms and approved unanimously. The August Nederland DDA Regular Meeting was adjourned.