



**TOWN OF NEDERLAND  
BOARD OF TRUSTEES  
REGULAR BUSINESS MEETING**

NEDERLAND COMMUNITY CENTER  
750 Hwy 72 Nederland, CO 80466

August 18, 2015, 7:00 P.M.

**MINUTES**

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**PRE-MEETING WORK SESSION: 2016 Budget Calendar & Goals – 5:30 PM**

**A. CALL TO ORDER**

Meeting convened at 7:01p.m.

**B. ROLL CALL**

Present: Mayor Joe Gierlach, Mayor Pro Tem Peter Fiori, Trustees Topher Donahue, Kristopher Larsen, Randy Lee, and Charles Wood

Absent: Trustee Kevin Mueller

Also present: Jeff Maggard, Town Treasurer; LauraJane Baur, Town Clerk; Chris Pelletier, Public Works Manager; Paul Carrill, Town Marshal; Carmen Beery, Town Attorney; and Alex Armani Munn, Administrative Intern

**C. CONSENT AGENDA**

1. Approval of August 18, 2015 Accounts Payable
2. Approval of August 4, 2015 Regular Meeting Minutes
3. Consideration of an IGA with Boulder County for participation in the 2015 Coordinated Election

Motion to approve the Consent Agenda was made by Trustee Lee, seconded by Trustee Larsen, and passed by unanimous approval.

**D. STAFF REPORTS**

1. **LauraJane Baur, Town Clerk**  
Baur referred to the Clerk Report as submitted in the packet.
2. **Jeff Maggard, Town Treasurer**  
Maggard referred to the Treasurer Report as submitted in the packet in addition to the budget information as discussed in the worksession.

3. **Paul Carrill, Town Marshal**

Carrill noted that, in addition to the information in his report regarding the National Night Out event, based on food consumption he is estimating that approximately 500 parents and children were in attendance.

Trustees had questions regarding the statistics section of the report. Carrill explained that he has made a few changes such as alphabetizing the categories along with the addition of some categories in order to clarify information.

4. **Chris Pelletier, Public Works Manager**

Pelletier deferred to the information he submitted for the packet.

5. **Dawn Baumhover, Community Center Coordinator**

Although not present at the meeting, Baumhover submitted her report for the packet. There was a question from the Board as to how many of the items noted in the NCC report are due to work as a result of staff duties or items noted due to location in the building. Baur noted the question and said she will relay the question to Baumhover after her return.

## **E. BOARD OF TRUSTEE REPORTS**

### **1. Trustees' Reports**

**Trustee Lee's** report was submitted in the packet, but he also noted that there had been no Saws & Slaws event this month.

**Trustee Larsen** reported that there had been no BZA or DRCOG meetings.

**Trustee Donahue** stated that he will wait until Alisha Reis returns to discuss the EPA Building Blocks Workshop.

Donahue reported that he spoke with someone at DOLA who indicated that since the Comp Plan was funded by DOLA, they would be interested in a submission from Nederland for funding to implement the EcoPass program.

Donahue mentioned that \$35,000 would be required in order to continue the Hessie Shuttle; it was the general consensus of the Board that the money would not come from Nederland, especially since it is a Boulder County program.

**Trustee Wood** stated that the NCCF Summer Fundraiser event was a great success. Wood also notified the Board that two long-term NCCF members will be retiring off of the board as their terms expire. The NCCF will be meeting with the Board to have a conversation regarding the purpose of the Foundation and what the Foundation does.

**Mayor Pro Tem Fiori** reported that SAB scored the Town Shop and made recommendations. Fiori also noted that SAB is still recruiting for one more member. Fiori commented that SAB is still working towards a local farmers market and he would like to have the proposed performance area finished to use for music at the farmers market.

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

There were no public comments.

## **G. INFORMATIONAL ITEMS**

### **1. Quarterly update code enforcement activity (written report only)**

#### **2. Progress update on bag fee implementation**

Alex Armani-Munn gave the update, noting that press releases have been sent to several papers in the Front Range and Peak to Peak areas, along with postings on social media. He noted his efforts to hold meetings to inform the public and engage businesses. So far, two such meetings have been held but they both had low community participation.

Armani-Munn explained the plan to start the program with voluntary compliance and no penalty for the first year. Armani-Munn has been searching for bags to meet the requirements and spirit of the ordinance; he should have those bags by September.

Mayor Pro Tem Fiori brought up the issue of prohibiting the use of plastic bags. Town Attorney Beery pointed out that State statutes prohibit forbidding the use of plastic bags. Beery noted that CML has information on the Home Rule process and that issue can be revisited at the Board's request.

### **3. Health & Human Services Task Force quarterly update**

Hansen Wendlandt spoke on behalf of the Peak to Peak Health & Human Service Task Force. He referred to the quarterly report that he submitted for the packet and discussed some of the homelessness issues in the area. He said that he will be meeting with the Forest Service on Thursday and asked the Board if they wanted to send a message to the Forest Service. Mayor Pro Tem Fiori suggested a resolution of support from the Board.

## **H. ACTION ITEMS**

### **1. Marijuana Licensing Authority/Public Hearing**

At 7:45p.m. Mayor Gierlach read a statement to convene a public hearing as the Nederland Local Licensing Authority on an application for a new Retail Marijuana Store Business License, submitted by Middle Boulder Management, LLC d/b/a as Icebox Flower Nederland/Growhouse Nederland, for the premises located at 150 N Jefferson Street, Units B3 & B7, within the Town of Nederland.

**Town Staff presentation:** Town Clerk Baur presented the application to the Authority, stating that a preliminary application was received in early April 2015, and is before the Board per Nederland Municipal Code (NMC) 6-277(3). Originally, there was a concurrent application for a retail marijuana products manufacturing license at the same address. That application has since been withdrawn as it did not conform to local zoning regulations. The State has issued licenses effective June 8, 2015 conditional upon Nederland Licensing approval. The state application for a manufacturing license was not withdrawn as the applicant has stated that they intend to continue to pursue that at different location.

Baur reported that the Police, Fire, and Building officials have all cleared the property through the building permitting/inspection process. Per NMC, Section 6-279, the

necessary requirements of an application have been met. As all regulatory requirements have been met, Baur noted that she is required to recommend this application for approval, but would like to request holding the issuance of the permit until the applicant has completed the process regarding the registered name of the business.

Trustee Larsen asked about the applicant's business name and Baur clarified that they began the application process under the d/b/a of Icebox Flower Nederland, but they have indicated that they plan to change the d/b/a. Baur noted that the application was processed under Middle Boulder Management LLC and the naming issue is really just about the d/b/a.

Trustee Lee asked about the issues with retroactive building permits. Baur gave a brief description of the events and noted that the permits have now been completed and closed.

**Applicant presentation:** Craig Clark, owner of Middle Boulder Management LLC, gave information on his background and other retail operations that he has opened as well as others that he is planning. Clark also addressed the construction issues and the rebranding of the business from Icebox Flower to Growhouse Nederland. Craig also stated that he plans to transfer the MIP application to Pueblo, CO and has no plans for MIP in Nederland.

**Public comment:** None

Mayor Gierlach asked for clarification of the Neighborhood Responsibility Plan noted in the application packet. Clark stated his desire to contribute to the community by donating a small portion of profits on certain days to local charities. Mayor Pro Tem Fiori inquired about which charities would be the recipient of these funds. Clark responded that he has not yet chosen the charities, and then noted that when he chooses them they will be rotated.

Mayor Pro Tem Fiori asked about the business being a chain or franchise. Clark indicated that his stores are more of a chain and that he does not like franchises. Mayor Gierlach inquired as to whether or not the Manager will be a local resident. Clark stated that the current Manager commutes from Lafayette, but that the sales staff will be local employees.

At 8:14 p.m., Mayor Gierlach closed the hearing and opened the meeting to Board deliberations.

Mayor Pro Tem Fiori asked if the license could be made conditional, stating that if they break Ordinance 720, 712 or Building Code, the Town should be able to revoke the license. Trustee Wood agreed, noting that since the applicant has met all of the legal requirements, the Board has no grounds for denial. Trustee Donahue commented to the process of capitalism, noting that he hopes they can make it. Mayor Gierlach discussed Nederland's history of localness, stating that he's not sure about a chain store. Gierlach also noted that he likes the Neighborhood Responsibility Plan as written in the application and hopes that the applicant will stick to it. Trustee Larsen stated that he believes everything needed has been said. Trustee Lee indicated that he supports a directive to staff to initiate a hearing to revoke the license if there are any violations of

code/law. Baur noted that the Town license includes wording that makes the license conditional upon compliance with codes/laws.

**Motion to approve the Retail Marijuana Store license at 150 N Jefferson Street, Units B3 & B7, was made by Trustee Lee, seconded by Trustee Larsen, and passed by unanimous vote.**

Mayor Gierlach called a brief recess. The meeting reconvened at 8:30 p.m.

**2. Consideration of a Special Review Use permit application for a multiple-use building that includes medical marijuana use (Lot 3, Upstream PUD, East 1<sup>st</sup> St)** Town Attorney Beery introduced the item, referring to information provided in the packet. Applicants Greg Miller and Kate Hormel gave a presentation (attached) getting presentation from applicants. There was some discussion/questions from the Board regarding parking to which the applicants gave clarifying information.

Public comment: Jessie Seavers, Planning Commission member, noted that he had seen the presentation given to the Planning Commission (PC) and he encouraged the Board to approve the project.

Trustee Lee suggested that the Board approve the project with the inclusion of the PC recommendations. Trustee Larsen stated that he thinks it is a great project but questions the use of Town property for parking. Mayor Gierlach and Trustee Donahue both agreed to include the PC recommendations in the approval without the additional future parking. Trustee Wood concurred that it is a good plan. Mayor Pro Tem Fiori stated that it is his favorite SRU in five years.

**Motion to approve the Special Review Use permit application for a multiple-use building that includes medical marijuana use (Lot 3, Upstream PUD, East 1<sup>st</sup> Street) including PC recommendations without additional future parking was made by Mayor Pro Tem Fiori, seconded by Trustee Larsen, and passed by unanimous vote.**

**3. Consideration of special event fee waiver request for the Ned-Ned Race sponsored by TEENS, Inc.**

Sue Churches, TEENS, Inc., introduced the item with a request for a \$5,000 donation, justifying her request through #NedZero. The Board asked about the budget for the event and the entry fees for the event. Churches answered that she doesn't currently have a completed budget for the Board. Churches also explained the fee structure for this year as a flat fee for each race entry: \$35 for the 5k and \$65 for the half-marathon. She continued to note that for the 2016 race, she is considering the use of pledge forms as a source of increased income from the event.

Trustee Lee expressed disappointment in getting such a request at such a late date. Lee suggested that this type of request should be made during budget planning, when the Board is considering all other local donation requests.

Mayor Gierlach suggested granting \$5,000 in exchange for printing the Nederland logo on all items in lieu of the fee waiver. Trustee Donahue commented that \$5,000 seems a bit high but that \$2,500 seems more reasonable. Mayor Pro Tem Fiori said that he would like to see a budget. Mayor Gierlach suggested offering \$2,500 from the Boulder

County Economic Development Grant. Trustee Wood stated that it is a policy matter and he doesn't think the Board should do it.

Public Comment: Dallas Masters, of Nederland, spoke against the donation, stating that it would be a bad policy precedent.

Mayor Gierlach said that the Board needs to support events because they bring in sales tax. Trustee Lee stated that now would be a good time to approach the Board for funding for the 2016 event, noting that he would support at 35% fee waiver and a \$500 grant to cover the Special Duty Police costs.

**Motion to approve a special event fee waiver of \$75 and a \$440 grant for the Ned-Ned Race was made by Trustee Larsen, seconded by Mayor Pro Tem Fiori, and passed by unanimous vote.**

#### **4. Consideration of fee waiver request for chicken coop permit (Seavers)**

Baur introduced the item, referring to the background information in the packet and explaining that the Ordinance 692 was adopted in 2011 after careful Board consideration regarding the permitting process and fees. Baur suggested that if the Board intends to waive fees for the permit, they should possibly consider reviewing the permit fee in general.

Angela and Jesse Seavers presented information on their behalf as noted in the packet.

**Motion to extend the meeting until 10:30 PM was made by Mayor Pro Tem Fiori, seconded by Mayor Gierlach, and passed by a vote of 4-2, with Trustees Donahue and Larsen voting against.**

Public Comment: Hillary Martin, of Nederland, spoke in favor of waiving the fee. Kate Hormel, of Nederland, also spoke in favor of waiving the fee.

**Motion to eliminate the chicken permit application fee was made by Trustee Larsen, seconded by Mayor Pro Tem Fiori, and passed by a vote of 4-2, with Trustees Lee and Wood voting against.**

#### **5. Consideration of a contract with RMRP Enterprises for FEMA Pre-hazard Mitigation fuels project at Caribou Ridge Open Space**

Based on information presented to the Board in the packet, the Board went straight to a motion.

**Motion to approve a contract with RMRP Enterprises for FEMA Pre-hazard Mitigation fuels project at Caribou Ridge Open Space was made by Trustee Wood, seconded by Trustee Lee, and passed by unanimous vote.**

### **I. DISCUSSION ITEMS**

#### **1. Consideration of a request for 2016 Budget support for RINK improvements**

Dallas Masters introduced the item for budget discussion per the information in the packet. Masters noted that in partnership with the RINK and tennis courts, GOCO is requesting that Town assist in projects as well. Masters also said that he will research

the possibility and cost of refurbishing one court each year over several years, spreading the cost rather than paying for the entire area all at one time.

**J. OTHER BUSINESS**

**K. ADJOURNMENT**

Motion to adjourn was made by Mayor Pro Tem Fiori, seconded by Trustee Donahue, and approved by unanimous voice vote. The meeting was adjourned at 10:30 PM.

Approved by the Board of Trustees.

  
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Joe Gierlach, Mayor

ATTEST:

  
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Laura Jane Baur, Town Clerk



