



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

**NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466**

May 17, 2016, 7:00 P.M.

MINUTES

A. CALL TO ORDER

Meeting convened at 7:02 p.m.

B. ROLL CALL

Present: Mayor Kristopher Larsen, Mayor Pro Tem Charles Wood, Trustees Topher Donahue, Julie Gustafson, Dallas Masters, and Stephanie Miller

Absent: Trustee Kevin Mueller

Also present: Alisha Reis, Town Administrator; LauraJane Baur, Town Clerk; Paul Carrill, Town Marshal; Chris Pelletier, Public Works Manager; Dawn Baumhover, Community Center Coordinator; and Cynthia Bakke, Planning & Building Tech

C. CONSENT AGENDA

1. **Approval of May 17, 2016 Accounts Payable**
2. **Approval of May 3, 2016 Regular Meeting Minutes**
3. **Approval of Resolution 2016-16 to update Personnel Handbook**
4. **Approval of Resolution 2016-17 to Change Plan Coordinator for Employee 457 Retirement Plan**

Trustee Gustafson suggested an edit to the minutes regarding the intent of her concerns related to the consideration of the PUD/SRU agreement regarding multi-family housing on 3rd Street (Williams) that was considered at the last Board meeting.

There was some brief discussion/clarification regarding the approval of the updated Personnel Handbook.

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

D. STAFF REPORTS

1. Alisha Reis, Town Administrator

Reis highlighted the Town Shop kick-off, noting that the building should be on site by August 1st.

Reis also informed the Board that the bag fee ordinance began enforcement in May. The first quarter review of 30 businesses showed that 12 businesses have reported, but 18 have not. Staff is working on resolving this issue.

2. LauraJane Baur, Town Clerk

Baur referred the Board to her report in the packet and asked the Board to let her know if there is any other information that they are interested in seeing for future reports.

3. Paul Carrill, Town Marshal

Carrill highlighted the information in his report regarding Senate Bill 16-173 and House Bill 16-1309 noting that both bills have been sent to the Governor's office for signature.

Trustee Masters noted the section of Carrill's report concerning the Frozen Dead Guy Days after action report and the recent Colorado Marijuana Enforcement Division's covert investigations in Nederland. Trustee Gustafson complimented the Park, Walk & Talk program noted in the report and questioned the effect of the POST Training report regarding future funding for POST trainings.

4. Chris Pelletier, Public Works Manager

Pelletier reported that Public Works is currently focusing mostly on pot holes and that the Utilities Division is preparing for sludge hauling next week.

5. Dawn Baumhover, Community Center Coordinator

Baumhover said that the generator is complete and on line. She also noted that they had a real life test on Sunday when the power went out due to a lightning strike; the generator worked as planned. Baumhover thanked all those involved in making the new generator happen.

E. BOARD OF TRUSTEE REPORTS

1. Mayor's Report

Mayor Larsen thanked the Board and Town Staff for their participation in the Goal-Setting Retreat and noted that the report from the facilitator will be available soon. Larsen also noted that the DOLA representatives will be coming to Nederland on Thursday to review DOLA-funded projects.

2. Trustees' Reports

Trustee Miller gave a brief report on a housing webinar that she attended, noting the connection between children's health and affordable housing.

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

Katrina Harms, DDA Chair, spoke regarding the Master Plan final draft, reporting that the update has been sent to the DDA members for comment and has also been posted for comment from the public and from each of the Town Advisory Boards. She noted that final comments are due by June 4th and encouraged all to read the report and submit comments.

Stephen Tryba, of Nederland, spoke regarding problems with people speeding behind their property on Breed Street and with people not stopping. He noted his concern for the possibility of an accident.

Stephen Young, of Nederland, voiced his concern regarding the dangers of the moose that have been coming by Breed Street. Mayor Larsen commented that the Town has contact with the Department of Wildlife and Marshal Carrill stated that he will look into the issue.

G. ACTION ITEMS

1. Consideration of SRU for art use at 171 E. 2nd St. (Farrell)

Cynthia Bakke presented the proposal for the SRU (Attached). Mayor Pro Tem Wood asked about the process with the Planning Commission (PC) and neighborhood notifications. Bakke confirmed that the appropriate neighbors were notified and that no complaints were received. Bakke also noted that parking was the main consideration of the PC during the approval process. Trustee Masters questioned the determination of parking availability in conjunction with the NedPeds project. Todd Ficken, of NedPeds project managers F&D International, noted that there will be gravel for storm water drainage on the side of the road at that location but that there is no reason why cars should not be able to park there. There was some discussion regarding the three on-site parking spaces that will also be available to Farrell's customers.

Motion to approve the SRU agreement for art use at 171 E 2nd Street was made by Mayor Pro Tem Wood, seconded by Trustee Miler, and passed by unanimous approval.

2. Consideration of Board Liaison appointments to Advisory Boards

Mayor Larsen introduced the suggested appointments for Board members to the various Advisory Boards, noting the advantage of rotating the assignments every two years.

Trustee Gustafson emphasized the importance of diversifying advisory board leadership intentionally where possible, noting that some boards consist of mostly men and others mostly women. Mayor Pro Tem Wood suggested that the Board review the Advisory Boards and how they function for possible reorganization in the future.

Motion to approve the Board Liaison appointments to Advisory Boards was made by Trustee Masters, seconded by Trustee Donahue, and passed by unanimous approval.

H. INFORMATIONAL ITEMS

1. 2015 Year-end Building Report, intro to new Building Official, Michael Sizemore

Reis introduced the new SAFEbuilt Building Inspector, Michael Sizemore. Sizemore gave a brief statement of his background prior to coming to Nederland. There was some discussion regarding the planned update of the Building Codes from the 2006 Codes to the 2012 Codes.

2. 2015 Year-end Code Enforcement Report, intro to 2016 season and new Code Official, Jennifer Nelson

Reis introduced the new SAFEbuilt Code Enforcement Official, Jennifer Nelson. Nelson gave a brief statement of her background prior to coming to Nederland. Reis spoke to the

Code Enforcement process and noted that the Town will begin code enforcement for noxious weeds this season, after a year of education in 2015. There was some discussion regarding the Code Enforcement report, including open cases from previous years and some of the types of cases and complaints reported.

Trustee Masters asked about the code allowance for accessory buildings in the Downtown District. Reis stated that current Code does not limit the number of accessory buildings, but limits the lot coverage percentage, regulated by zoning district. Reis also noted that the Downtown Business District does not zone out accessory building units, but that the DDA has been amenable to reviewing accessory building and camping regulations, to offer suggested changes to the code.

Mayor Larsen asked if Staff is working on the recommendations made in the Code Enforcement report. Reis responded that previous Board leadership did not want to address the code recommendations at the time and that it had been temporarily put on hold. The Board then gave direction to go ahead and begin to address the recommendations.

3. Progress report re: NedPeds project

Todd Ficken and Alex Knettel, of FDI, noted that CDOT is requiring additional paperwork for the project, but that CDOT is being helpful in getting everything processed. They reported that they are working on getting the work schedule together and will be letting affected homeowners know well in advance.

There was discussion about the staging site and storage of materials. Due to the logistics, FDI is currently planning to use Guercio Field for these purposes. Trustee Masters voiced his concerns with using this area for staging/storage when it should be used for recreational purposes for the Town residents. Reis noted that Staff will work towards finding another location for staging/storage after this project.

Trustee Donahue asked about cars being able to stay in driveways during the construction. Ficken discussed the phases during construction and that there will be 3-4 days when residents will not have access to the street; but if residents want to leave their vehicles in their driveways, they should be able to do so.

Public Comment:

Sally Grahn, of Nederland, asked who she can meet with to discuss driveways and buildings on the street and asked about the red markings for electricity.

Reis discussed the DDA funding for grant matching and noted that the Board will be receiving a loan resolution for consideration at their next meeting. There was discussion regarding a Town loan vs. private funding. Reis reported that it was decided that to streamline the process for the DDA, the Town could provide a loan from the Water Fund reserves, as it had on previous DDA projects.

Mayor Larsen asked if a kick-off parade is still planned. Reis answered affirmatively, that it should be in the next 2-3 weeks, as guided by the construction schedule.

K. OTHER BUSINESS

Trustee Masters noted that he will be away from June 6 through July 16 and requested an action item to allow Trustees to attend meetings virtually. Reis noted that there are legal ramifications to be considered and that currently Trustees can attend virtually but cannot count towards quorum or vote if they do so. Reis stated that she will get an opinion from the Town Attorney.

Trustee Miller brought up the issue of Nederland's criminal code as a follow-up to the Board's discussion at the strategic planning session. Miller suggested that we task the Marshal's office with providing some initial review and recommendations. Mayor Larsen suggested using a Mayor's Task Force to get input from the public. Marshal Carrill discussed the three levels of enforcement: Local, State, and Federal, and some of the issues to take into consideration in undertaking this task.

L. ADJOURNMENT

Motion to adjourn was made by Trustee Masters, seconded by Trustee Gustafson, and approved by unanimous voice vote. The meeting was adjourned at 9:07PM.

Approved by the Board of Trustees

ATTEST:



Laura Jane Baur, Town Clerk



Kristopher Larsen, Mayor



Paula Farrell
Special Review Use (SRU)
Application

Nederland Planning Commission

April 27, 2016

Board of Trustees

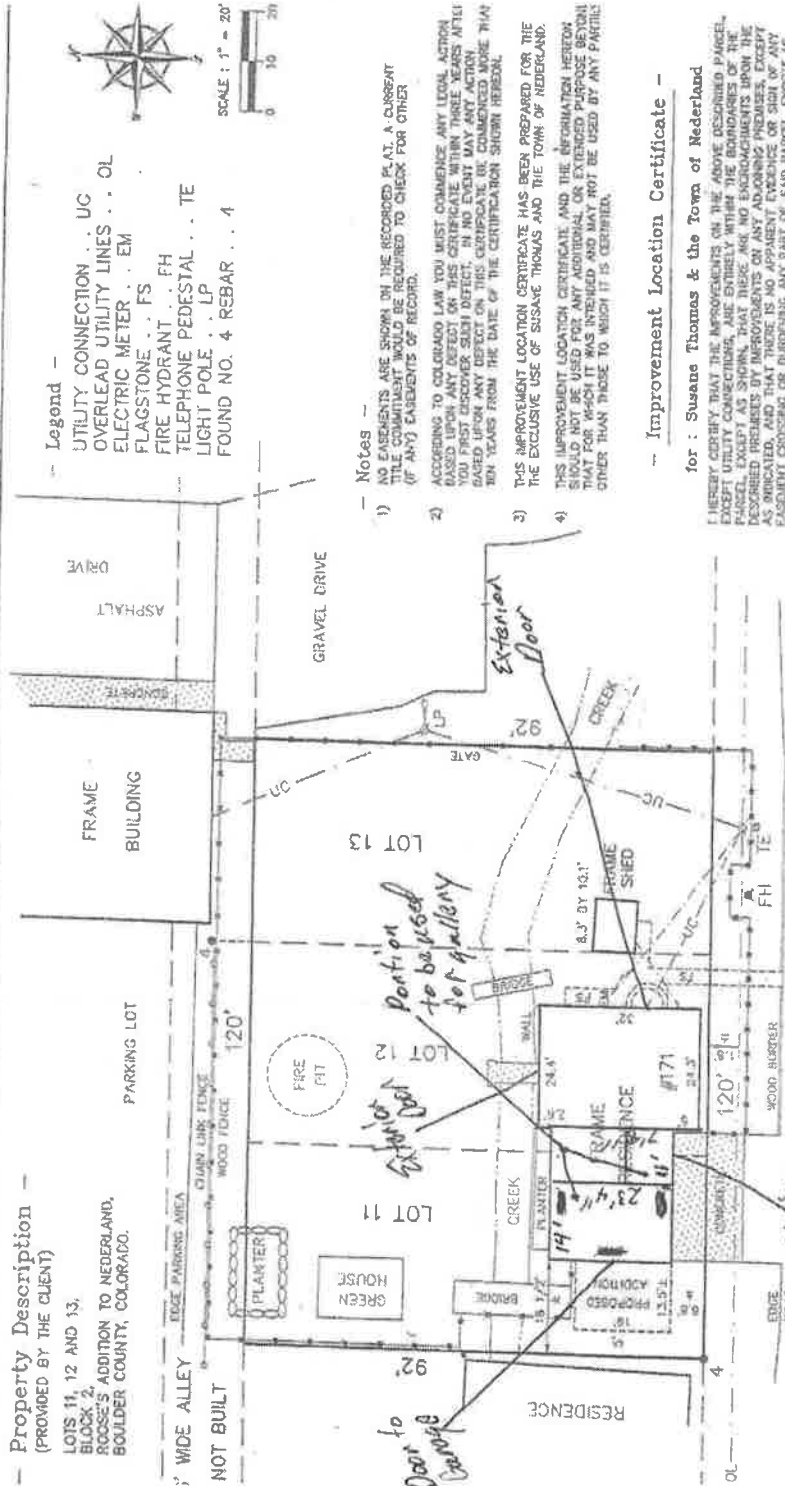
May 17, 2016

171 E 2nd Street - Site Plan

Exhibit

Property Description
(PROVIDED BY THE CLIENT)

LOTS 11, 12 AND 13,
BLOCK 2,
ROOSE'S ADDITION TO NEDERLAND,
BOULDER COUNTY, COLORADO.



Legend -

- UTILITY CONNECTION . . . UC
- OVERLEAD UTILITY LINES . . . OL
- ELECTRIC METER . . . EM
- FLAGSTONE . . . FS
- FIRE HYDRANT . . . FH
- TELEPHONE PEDESTAL . . . TE
- LIGHT POLE . . . LP
- FOUND NO. 4 REBAR . . . 4

Notes -

- 1) NO EASEMENTS ARE SHOWN ON THE RECORDED PLAT, A CURRENT TITLE COMMITMENT WOULD BE REQUIRED TO CHECK FOR OTHER (IF ANY) EASEMENTS OF RECORD.
- 2) ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION WITHIN ONE YEAR OF THE DATE OF THIS CERTIFICATE WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT OR WITHIN ANY PERIOD OF TIME BASED UPON ANY DEFECT ON THIS CERTIFICATE. THIS PERIOD OF TIME IS MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- 3) THIS IMPROVEMENT LOCATION CERTIFICATE HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF SUSANE THOMAS AND THE TOWN OF NEDERLAND.
- 4) THIS IMPROVEMENT LOCATION CERTIFICATE AND THE INFORMATION HEREON SHOULD NOT BE USED FOR ANY ADDITIONAL UNRELATED PURPOSE BEYOND THAT FOR WHICH IT WAS INTENDED AND MAY NOT BE USED BY ANY PARTIES OTHER THAN THOSE TO WHOM IT IS CERTIFIED.

Improvement Location Certificate -

for : Susane Thomas & the Town of Nederland

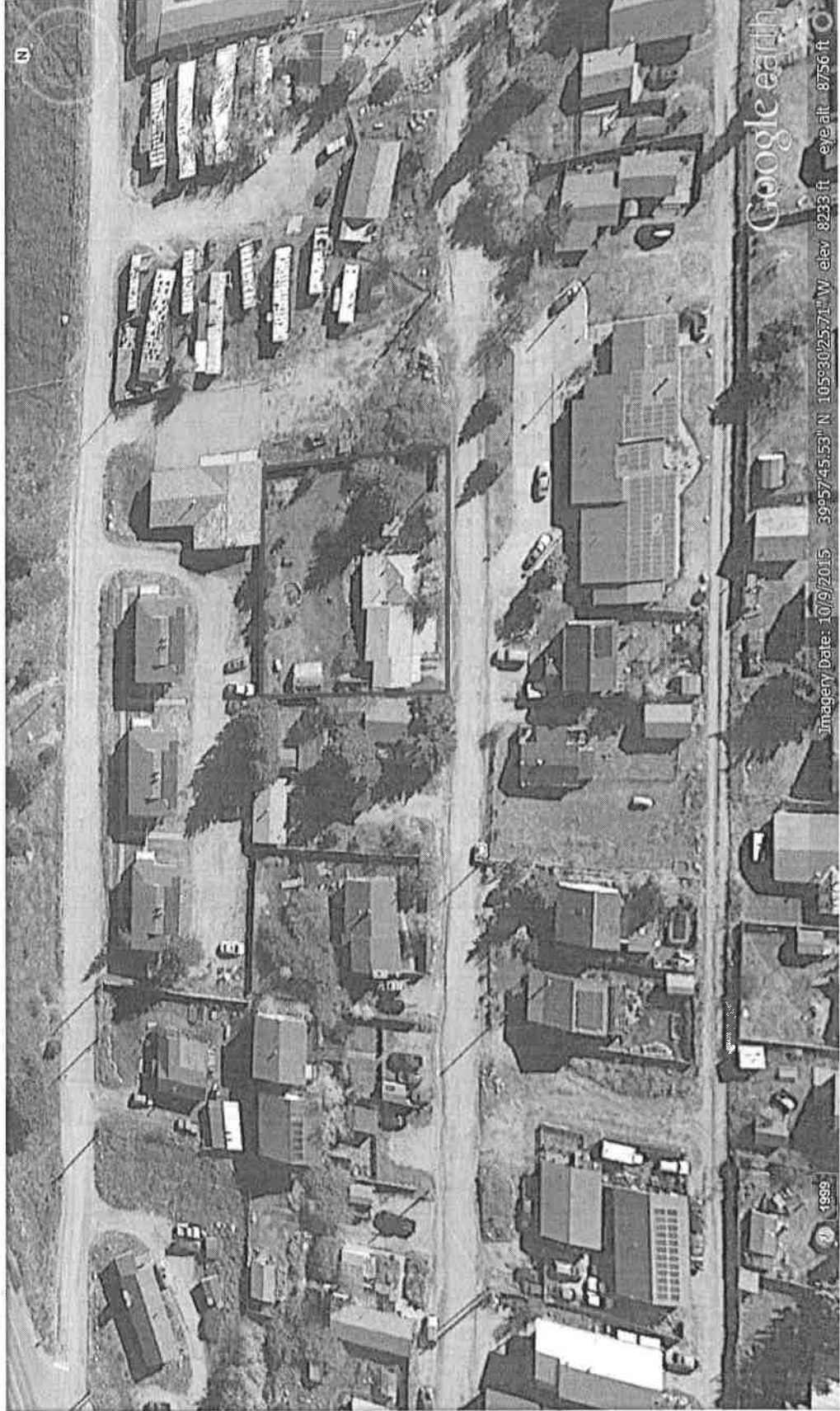
I HEREBY CERTIFY THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE PARCEL, AND THAT THE IMPROVEMENTS DO NOT VIOLATE ANY CITY, COUNTY, STATE OR FEDERAL ORDINANCES OR REGULATIONS. I FURTHER CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE IS NOT A LAND SURVEY PLAT OR APPROVEMENT SURVEY PLAT, AND THAT IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING OR OTHER FUTURE IMPROVEMENT LINES.

Flagstaff Surveying Inc.
Table Mesa Shopping Center
837 South Broadway - Suite C
Boulder - Colorado - 80305
303.499.9737

10-1.dwg - 23 July 2012
I HEREBY CERTIFY THAT THE INFORMATION ON THIS CERTIFICATE WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT IS TRUE AND CORRECT. I AM A LICENSED PROFESSIONAL SURVEYOR IN THE STATE OF COLORADO AND I AM NOT PROVIDING ANY SERVICES OR OPINIONS TO ANY OTHER PARTY.



Paula Farrell – 171 E 2nd Street – SRU for Artisan Gallery



Special Review Use (SRU)

- Required for “indoor retail” in the Neighborhood Commercial District (NC)
- Artisan Gallery – “Art House” to operate out of property owner’s home
- 2-3 parking spaces for gallery customers
- Alignment with Comprehensive Plan
- Business Hours: 10 – 6 pm (shorter winter hours anticipated)

SRU Considerations

- **Is eligible for Special Review Use per Sec. 16-32 (Use Groups); and**
- **Is generally compatible with adjacent land uses;**
 - **Minimizes potential adverse impact to adjacent properties and traffic flow;**
 - **Has the capacity to serve with all services;**
 - **Provides adequate off-street parking;**
 - **Meets all other provisions of this Chapter.**

SRU Considerations

(a) Special Review Use application shall be approved only if the Board of Trustees finds that:

The application is **generally compatible with adjacent land uses;**

Primary considerations in this application:

- Does the commercial nature of the application fit within the area?
- Is adequate parking provided for gallery customers?

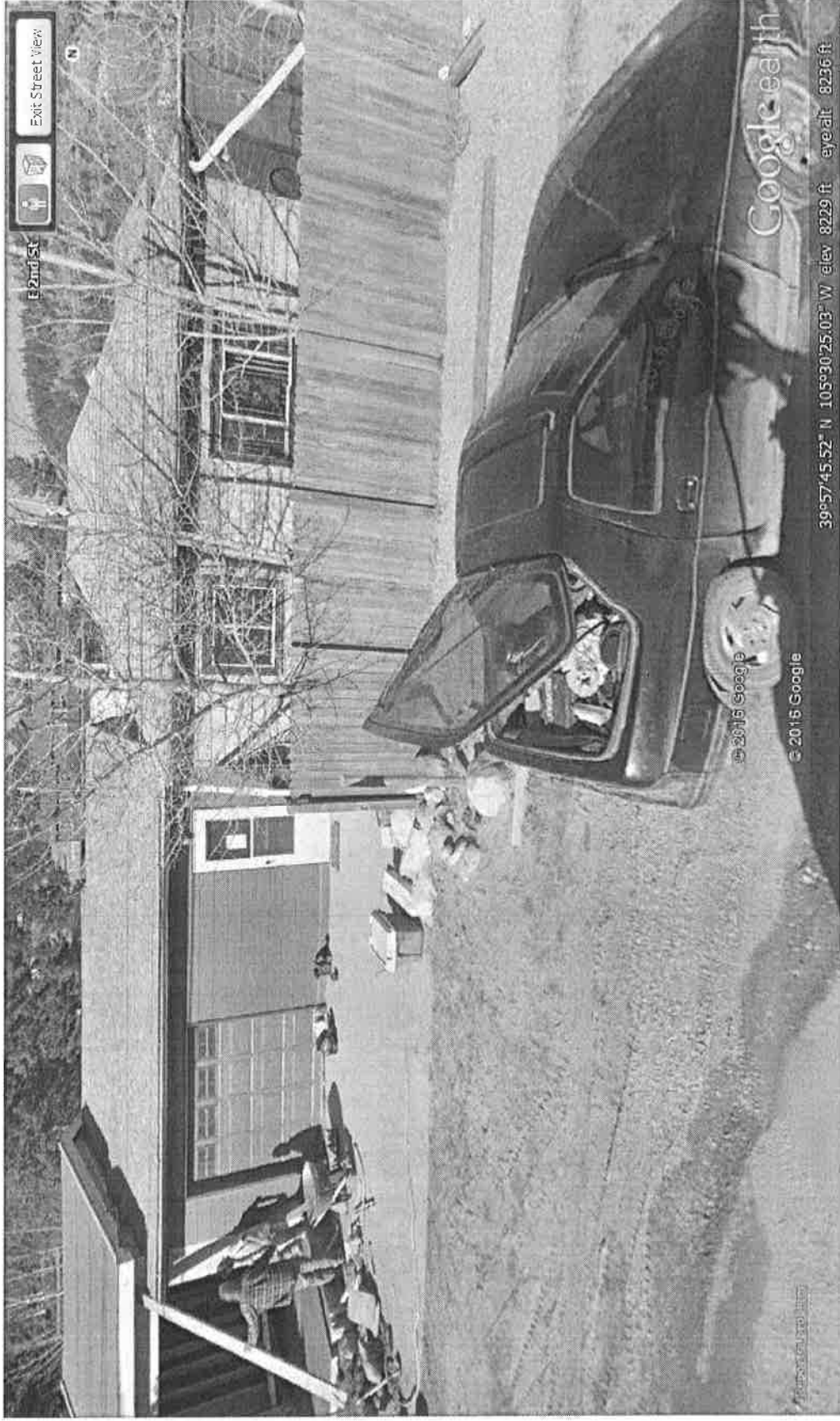
The application is **consistent** with elements of the **Comprehensive Plan;**

The Town has the **capacity** to serve the proposed use with **water, sewer, fire and police protections;**

Gallery Parking proposed to be provided on-site



Customer Parking to be contained on-site, parked perpendicular to house



Planning Commission Recommendations

The Commission voted unanimously to recommend APPROVAL of the SRU with the following conditions:

1. Coordinate development of parking area with NedPeds project and attach any needed ROW encroachment permit.
2. Require signage for parking, including ADA parking space. Property owners' private parking contained in garage.
3. Approval pertains to use as business only, not including special events, which would require a special events permit.