

Town Of Nederland
NEDERLAND DOWNTOWN DEVELOPMENT
AUTHORITY

NEDERLAND COMMUNITY CENTER 750 Hwy 72 Nederland, CO 80466

Multi-Purpose Room

July 16, 2014 at 6:30 p.m.

AGENDA

A. CALL TO ORDER

B. ROLL CALL

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

D. CONSENT AGENDA

1. Approval of Meeting Minutes from the June 18, 2014 Meeting-Cindy Downing-Secretary
2. Approval of Warrants-Eva Forberger-Treasurer

E. INFORMATIONAL ITEMS

1. Treasurer's Report-Eva Forberger-Treasurer
2. Town Administrator Report on items affecting NDDA- Alisha Reis- Town Administrator
3. Nedpeds Report-Conor Merigan-Project Manager
4. Parking Committee meeting report-Jeffrey Green and Katrina Harms
5. Update on the status of the Master Plan Update-Alexander Armani-Munn
6. Board of Trustees Representative report-Kevin Mueller

F. ACTION ITEMS

1. Consideration of nominations from the floor for election of Chairman and Vice Chairman.
2. Consideration of scholarship for a board member or board members to attend the DCI Conference in Ft. Collins, September 9 – 12.
3. Consideration of a Special Event application on Town-owned property for Buds, Burgers & Beers Festival-Allan Wright, Zephyr Adventures

G. DISCUSSION ITEMS

1. Discussion of the Master Plan Update-Alexander Armani-Munn

H. OTHER BUSINESS

I. ADJOURNMENT

NEXT REGULAR MEETING: August 20, 2014 @ 6:30 p.m.

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. Copies of the agendas and meeting packet are available at no cost via email from cindydowning0@gmail.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.

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

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. Stefanie 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 an 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. 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 21st 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 attending 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 Foreberger and so far she has had about 10 requests. Foreberger 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-stripping 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 1st 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 rescues 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 1st Street another time, as it is important to get it DDA compliant.

Alexander Armani-Munn would like to know what projects the DDA would like to pursue so he can get 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 \$7000 to \$15000 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.

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UNAPPROVED

Town of Nederland
Council Approval Report
(Council Approval Report)

Vendor		InvoiceNumber	Date	Description	Due Date	Invoice Amt	Approved Amt	Account Number	Account Description	Budgeted \$	YTD Balance
Downtown Development Fund											
177	Huitt-Zollars, Inc., 1717 McKinney Avenue, Lock Box 15, Dallas, TX, 75202										
1603210112	06/17/14	NedPeds			07/17/14	\$8,040.00	\$8,040.00	70-75-6500	Infrastructure	\$765,461.00	\$752,276.96
							\$8,040.00				
213	Cindy Downing, PO Box 302, Nederland, CO, 80466										
2014-06-30	06/30/14	June DDA			07/10/14	\$400.00	\$400.00	70-75-5129	DDA Secretary Services	\$13,000.00	\$11,394.00
							\$400.00				
Total Downtown Development Fund							\$8,440.00				
Total Bills To Pay:							\$8,440.00				



MEMORANDUM

To: Nederland DDA
From: Eva Forberger, Treasurer
Date: July 15, 2014
Re: Treasurer's Report

Attached is the June 2014 Financial report for the Nederland Downtown Development Authority. Please let me know if you have any questions.

Attachments:

DDA Financial Report

Town of Nederland
Statement of Revenue and Expenditures

Revised Budget
For Downtown Development Fund (70)
For the Fiscal Period 2014-6 Ending June 30, 2014

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
Revenues					
Downtown Development Authority Revenues					
Taxes and Fees Revenues					
70-75-4000 Property Taxes	\$ 2,057.75	\$ 7,040.52	\$ 24,693.00	\$ 15,415.52	37.57%
70-75-4002 Specific Ownership Taxes	125.00	108.79	1,500.00	654.56	56.36%
Total Taxes and Fees Revenues	2,182.75	7,149.31	26,193.00	16,070.08	38.65%
Misc Revenues					
70-75-4900 Interest	41.67	26.34	500.00	124.91	75.02%
70-75-4910 Misc	41.67	0.00	500.00	0.00	100.00%
70-75-4915 Donations	83.33	0.00	1,000.00	0.00	100.00%
Total Misc Revenues	166.67	26.34	2,000.00	124.91	93.75%
Grant Activity Revenues					
70-75-8402 TARP	0.00	3,000.00	0.00	3,000.00	0.00%
70-75-8405 CDOT	35,500.00	0.00	426,000.00	0.00	100.00%
Total Grant Activity Revenues	35,500.00	3,000.00	426,000.00	3,000.00	99.30%
Other Revenues					
70-75-4990 Proceeds from Debt	29,708.33	0.00	356,500.00	0.00	100.00%
70-75-4998 Fund Reserve - Transfer In	0.00	0.00	29,728.00	0.00	100.00%
Total Other Revenues	29,708.33	0.00	386,228.00	0.00	100.00%
Total Downtown Development Authority Revenues	67,557.75	10,175.65	840,421.00	19,194.99	97.72%
Total Downtown Development Fund Revenues	\$ 67,557.75	\$ 10,175.65	\$ 840,421.00	\$ 19,194.99	97.72%
Expenditures					
Downtown Development Authority Expenditures					
Professional Services Expenditures					
70-75-5100 Legal	\$ 62.50	\$ 0.00	\$ 750.00	\$ 0.00	100.00%
70-75-5115 Website	12.50	152.00	150.00	272.00	(81.33%)
70-75-5129 DDA Secretary Services	1,083.33	552.00	13,000.00	1,704.00	86.89%
Total Professional Services Expenditures	1,158.33	704.00	13,900.00	1,976.00	85.78%
Building Expenses Expenditures					
70-75-5200 Rent	41.67	42.00	500.00	252.00	49.60%
Total Building Expenses Expenditures	41.67	42.00	500.00	252.00	49.60%
Department Specific Supplies Expenditures					
70-75-5216 Trails/Sidewalks Maintenance	250.00	0.00	3,000.00	3,157.95	(5.27%)
70-75-5270 Downtown Area (DDA)	250.00	543.96	3,000.00	1,276.91	57.44%
Total Department Specific Supplies Expenditures	500.00	543.96	6,000.00	4,434.86	26.09%
Office Expenses Expenditures					
70-75-5410 Office Supplies	41.67	0.00	500.00	0.00	100.00%
Total Office Expenses Expenditures	41.67	0.00	500.00	0.00	100.00%

Town of Nederland
Statement of Revenue and Expenditures

Revised Budget
For Downtown Development Fund (70)
For the Fiscal Period 2014-6 Ending June 30, 2014

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
Training, Travel, Meals Expenditures					
70-75-5810 Conference/Training	25.00	0.00	300.00	0.00	100.00%
70-75-5830 Meals	83.33	0.00	1,000.00	90.10	90.99%
Total Training, Travel, Meals Expenditures	108.33	0.00	1,300.00	90.10	93.07%
Other Expenses Expenditures					
70-75-5710 Postage/Shipping	8.33	0.00	100.00	0.00	100.00%
70-75-5735 Boulder County Tax Collection	25.83	106.12	310.00	231.44	25.34%
70-75-5740 Bank Fees	4.17	10.00	50.00	10.00	80.00%
70-75-5750 Advertising	41.67	0.00	500.00	9.75	98.05%
70-75-5770 Printing/Copying	25.00	61.00	300.00	61.00	79.67%
70-75-5790 MISC	0.00	564.93	43,000.00	564.93	98.69%
70-75-5999 Admin & Finance Allocation	541.67	1,625.00	6,500.00	3,250.00	50.00%
Total Other Expenses Expenditures	646.67	2,367.05	50,760.00	4,127.12	91.87%
Capital Expenditures					
70-75-6400 Equipment	0.00	0.00	2,000.00	0.00	100.00%
70-75-6500 Infrastructure	63,788.42	9,615.00	765,461.00	13,184.04	98.28%
Total Capital Expenditures	63,788.42	9,615.00	767,461.00	13,184.04	98.28%
Total Downtown Development Authority Expenditures	66,285.09	13,272.01	840,421.00	24,064.12	97.14%
Total Downtown Development Fund Expenditures	\$ 66,285.09	\$ 13,272.01	\$ 840,421.00	\$ 24,064.12	97.14%
Downtown Development Fund Excess of Revenues Over Ex	\$ 1,272.66	\$ (3,096.36)	\$ 0.00	\$ (4,869.13)	0.00%

Town of Nederland
Statement of Revenue and Expenditures

Revised Budget
For DDA TIF Revenue Fund (80)
For the Fiscal Period 2014-6 Ending June 30, 2014

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
Revenues					
Downtown Development Authority Revenues					
Taxes and Fees Revenues					
80-75-4005 TIF Taxes	\$ 11,916.67	\$ 55,230.60	\$ 143,000.00	\$ 120,243.68	15.91%
Total Taxes and Fees Revenues	11,916.67	55,230.60	143,000.00	120,243.68	15.91%
Other Revenues					
80-75-4998 Fund Reserve - Transfer In	0.00	0.00	78,295.00	0.00	100.00%
Total Other Revenues	0.00	0.00	78,295.00	0.00	100.00%
Total Downtown Development Authority Revenues	11,916.67	55,230.60	221,295.00	120,243.68	45.66%
Total DDA TIF Revenue Fund Revenues	\$ 11,916.67	\$ 55,230.60	\$ 221,295.00	\$ 120,243.68	45.66%
Expenditures					
Downtown Development Authority Expenditures					
Other Expenses Expenditures					
80-75-5735 Boulder County Tax Collection	\$ 140.83	\$ 828.49	\$ 1,690.00	\$ 1,803.66	(6.73%)
Total Other Expenses Expenditures	140.83	828.49	1,690.00	1,803.66	(6.73%)
Debt Service Expenditures					
80-75-7100 Loan Principal	17,184.08	7,533.88	206,209.00	44,973.04	78.19%
80-75-7200 Loan Interest	708.33	604.38	8,500.00	3,856.53	54.63%
80-75-7400 Capital Lease Principal	408.00	408.12	4,896.00	2,448.72	49.99%
Total Debt Service Expenditures	18,300.41	8,546.38	219,605.00	51,278.29	76.65%
Total Downtown Development Authority Expenditures	18,441.24	9,374.87	221,295.00	53,081.95	76.01%
Total DDA TIF Revenue Fund Expenditures	\$ 18,441.24	\$ 9,374.87	\$ 221,295.00	\$ 53,081.95	76.01%
DDA TIF Revenue Fund Excess of Revenues Over Expendit	\$ (6,524.57)	\$ 45,855.73	\$ 0.00	\$ 67,161.73	0.00%

Town of Nederland
Statement of Revenue and Expenditures
Revised Budget

For the Fiscal Period 2014-6 Ending June 30, 2014

Account Number	Current Budget	Current Actual	Annual Budget	YTD Actual	Remaining Budget %
Total Revenues	\$ 79,474.42	\$ 65,406.25	\$ 1,061,716.00	\$ 139,438.67	86.87%
Total Expenditures	\$ 84,726.33	\$ 22,646.88	\$ 1,061,716.00	\$ 77,146.07	92.73%
Total Excess of Revenues Over Expenditures	\$ (5,251.91)	\$ 42,759.37	\$ 0.00	\$ 62,292.60	0.00%



MEMORANDUM

To: DDA Board of Directors
From: Alisha Reis, Town Administrator
Date: July 11, 2014
Re: Administrator's Report to DDA

No Bids for NedPeds

The Town has received no bids for construction of the NedPeds multi-use pathway and storm drainage project. The NedPeds project went to bid on June 6 after CDOT completed final review of updated construction plans (after Board of Trustees-directed changes to the design in February) and gave concurrence to bid May 29. Unfortunately, the project did not receive any bids, as of the July 2 bid deadline. This is likely due to several factors, the most significant of which is the fact that there are a high number of flood recovery projects on the street, as well as Nederland's distance to core markets.

The lack of bids has been communicated to CDOT, which indicated the construction funding could be reserved for the project provided that the Town issues a letter indicating its plans for the project's future. This issue has been placed before the Board at its Tuesday, July 15 regular meeting.

Given that the bidding season for 2014 is effectively over, Town staff is recommending to the Board of Trustees to reissue the bid documents in the first quarter of 2015. In an effort to be included in contractors' project planning and to allow for bid prices to hold, staff recommends a target date of February to bid, with deadline in March.

I can answer any questions about this issue and update the DDA Board about the Board of Trustees' July 15 discussion at the next DDA meeting.

Housing Needs Assessment Gets Underway

The Housing Needs Assessment has begun with interviews of 70-plus stakeholders around the community, as well as an overall community survey. The survey link is posted to the Town Web site, www.nederlandco.org (front page), and is being advertised around the community. The direct link is: <https://www.surveymonkey.com/s/NederlandResident>.

Paper surveys are available at the Community Center and Town Hall, with drop boxes for collection. Surveys will be conducted through the end of July and are anonymous.

Bowen National Research, the consultants assisting us with this study, will also send researchers out to spot survey folks at public areas such as the grocery store or the library in order to ensure scientifically valid survey sampling. The project steering committee reviewed and assisted with the creation of the survey questions.

Preliminary results are anticipated in August, with the full report to follow in September. Subject-specific information will also be provided related to senior housing and proposed housing at the Evans Annexation property west of town.

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE:

INITIATED BY:Conor/Alisha

INFORMATION: ACTION: OR DISCUSSION:

=====

AGENDA ITEM: Nedpeds Report-Conor Merigan and Alisha Reis

SUMMARY:

Report from Conor via email:

The NedPeds bid opening concluded without any bids being received.

Since Conor's contract is up, he will no longer be reporting on Nedpeds.

RECOMMENDATIONS:

FINANCIAL CONSIDERATIONS:

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE:

INITIATED BY: Jeffrey/Katrina

INFORMATION: ACTION: OR DISCUSSION:

=====

AGENDA ITEM: Report on Parking Committee Meeting-Jeffrey Green and Katrina Harms

SUMMARY: Katrina and Jeffrey attended the Parking Committee meeting on June 30

RECOMMENDATIONS:

FINANCIAL CONSIDERATIONS:

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: July 16, 2014

INITIATED BY: Alexander Armani-Munn

INFORMATION: ACTION: OR **DISCUSSION:**

=====

AGENDA ITEM:

Update on the status of the Master Plan Update followed by discussion on the next steps to be taken.

SUMMARY:

The NDDA logo contest has been launched, although outreach efforts must be stepped up. In the coming weeks, I will be conducting outreach to local web developers. I would like the NDDA board to approve a web developer at the August meeting; I will plan on presenting all the pertinent information then. I would also like to briefly discuss the NDDA vision statement and future public outreach efforts. Finally, the last thing I would like to discuss, not requiring any formal action, is ideas for maintaining communication between myself and board members between regular meetings.

RECOMMENDATIONS:

In regards to the discussion items mentioned above, the only recommendation I have is that the NDDA board, along with myself, determine a strategy for maintaining communication between meetings.

FINANCIAL CONSIDERATIONS:

Some money was spent on Mountain Ear advertisements for the NDDA logo contest with the approval of the NDDA treasurer. Otherwise, there are no financial considerations at this time.

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE:

INITIATED BY: Kevin Mueller

INFORMATION: ACTION: OR DISCUSSION:

=====

AGENDA ITEM: Board of Trustees Representative report-Kevin Mueller

SUMMARY:

RECOMMENDATIONS:

FINANCIAL CONSIDERATIONS:

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE:

INITIATED BY: NDDA

INFORMATION: ACTION: X OR DISCUSSION:

=====

AGENDA ITEM: Consideration of nominations from the floor for election of Chairman and Vice Chairman

SUMMARY:

Please see the bylaws attached in the NDDA Meeting Packet

RECOMMENDATIONS:

FINANCIAL CONSIDERATIONS:

ARTICLE 3.000

OFFICERS OF THE DOWNTOWN DEVELOPMENT AUTHORITY

3.100 Board Chair. The Board Chair shall preside at all meetings of the Authority except as otherwise authorized by resolution of the Authority. The Chair shall sign all contracts, deeds and other instruments made by the Authority. At each meeting, the Chair shall submit such recommendations and information as deemed necessary for the proper administration of the business affairs and policies of the Authority.

3.110 Election. At the first regularly scheduled meeting of the Board in July of each year, a Chair shall be elected to preside at the meetings of the Authority with the full power to vote on any issue, except as otherwise provided herein. The Chair shall serve until election of a new Chair at the first regular meeting the following July, at which time the Chair may be renominated or a new Chair may be elected.

3.200 Vice-Chair. The Vice-Chair shall perform the duties of the Chair in the absence or incapacity of the Chair and, in case of the resignation of the Chair, the Vice-Chair shall perform the duties of the Chair, until such time as the Authority shall select a new Chair. The Vice-Chair shall be elected in the same manner and at the same time as the Chair. An Interim Vice-Chair may be elected to perform the duties of the Vice-Chair in the absence or incapacity of the Vice-Chair, if desired by the Board.

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: 07/16/14

INITIATED BY: Katrina Harms

INFORMATION: ACTION: X OR DISCUSSION:

=====

AGENDA ITEM: Consideration of a paying for a few board members to attend the DCI conference in Ft. Collins, September 9 - 12

SUMMARY: I attended the DCI conference in Grand Junction last year and the information and motivation it gave me has been invaluable this last year. Being able to have conversations with towns that are doing the same projects and having similar issues, and talking to the people who have suggestions was worth the several hundred dollars and more. Because it is in Ft. Collins there also is the option for a few people to attend for a single day.

RECOMMENDATIONS:

FINANCIAL CONSIDERATIONS:

\$130 - \$1400 depending how many board members want to attend and for which days.



Building better communities by providing assistance to downtowns, commercial districts and town centers in Colorado



DCI Annual Conference



Downtown Colorado, Inc.

invites you to join us for our

2014 Annual Conference, Vibrant Colorado Downtowns

featuring keynote speakers



John Norquist, Congress of New Urbanism

John Norquist, president and CEO of the Congress for the New Urbanism and a former big-city mayor, is a national leader in discussions of urban design, transportation and the relationship between the art of building and the making of community. The nonprofit the Congress for the New Urbanism promotes walkable, neighborhood-based development and pledges to stop sprawl and the erosion of community while halting environmental deterioration. Thu, Sept 11, 7pm AND Fri, Sept 12, 8am

Jeff Speck, Author of *Walkable City: How Downtown Can Save America, One Step at a Time*



Jeff Speck is a city planner and architectural designer who, through writing, lectures, and built work, advocates internationally for smart growth and sustainable design. As Director of Design at the National Endowment for the Arts from 2003 through 2007, he oversaw the Mayors' Institute on City Design and created the Governors' Institute on Community Design, a federal program that helps state governors fight suburban sprawl. He is the co-author of *Suburban Nation: The Rise of Sprawl and the Decline of the American Dream* as well as *The Smart Growth Manual*. He serves as a Contributing Editor to *Metropolis Magazine* and is on the Sustainability Task Force of the U.S.

Department of Homeland Security. His new book, *Walkable City: How Downtown Can Save America, One Step at a Time*, is now available in print, digital, and audio format. Thu, Sept 11, 8:50am

Register now!

Remember to log in to your account before you register: Members receive a nearly 50% discount

[\(Sign up for membership here\)](#)

Refer 3 people who have not previously attended a DCI Annual Conference to earn 1 free registration!

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7/10/2014
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7/10/2014
[Networking Happy Hour](#)

7/24/2014
[Southwest Community Summit](#)

7/25/2014
[Downtown Institute: Communications for Successful Community Projects](#)

Registration Type	DCI Member Pricing	Non-Member Pricing
Full Conference Registration	\$200	\$395
Wednesday Only	\$130	\$150
Thursday Only	\$150	\$180
Friday Only	\$130	\$150
Emerging Leaders & Students <i>(must provide proof of enrollment)</i>	\$75	\$75
Governor's Awards for Downtown Excellence Dinner & Gala	\$50	\$50

Sponsorship Opportunities Available!

Wednesday, September 10:

Featuring plenary speakers Darin Atteberry, Brad Segal, Jon Schallert, and representatives from Colorado's Main Street and Colorado Creative Industries

Colorado Main Street and Creative Industries Transportation & Transit Financing & Economic Development

Sessions include:

"The Where, When, How and Why of Business Improvement Districts"
 "Retaining Business & Sparking Creativity in Your Downtown"
 "Purporting Progress on the Parking Problem"

Plus a special evening networking reception and Colorado Main Street Achievement Awards at the Fort Collins Museum of Discovery!

Additional ticketed events:

Mobile Tours & Dine-Arounds - See registration for details

Thursday, September 11:

Featuring plenary speakers Elizabeth Garner, Tom Milligan, Jeff Speck, Beth Parish, Chris Onan, and Justin Croft

Creating a Multi-generational Downtown Planning & Placemaking Marketing & Branding

Sessions include:

"Sustainable Placemaking: The Integration of Planning and Architecture"
 "Start-up Ecosystems for Entrepreneurship"
 "Public Engagement: The Latest and Greatest Tools"

Additional ticketed events:

Mobile Tours & Dine-Arounds - See registration for details
 2014 Governor's Awards for Downtown Excellence & The Best of Fort Collins Festival

Friday, September 12:

Half-Day Real Estate Redevelopment Forum - New This Year!

Join DCI and Brownstein Hyatt Farber Schreck in presenting the **first annual Colorado Real Estate Redevelopment Forum**. The forum will focus on redevelopment trends and tools in our state and how the public sector can shape redevelopment to drive the community vision.

This event is recognized by the International Economic Development Council (IEDC) as a professional development event that counts toward the re-certification of Certified Economic Developers (CEcD).

**Brownstein Hyatt
Farber Schreck**



**Sessions are currently subject to change. Check back soon for full conference schedule!*

Book your hotel room now!

Mention DCI at the following hotels for a discounted rate:

Armstrong Hotel
 259 S College Ave, Fort Collins, CO
[\(970\) 484-3883](tel:9704843883)

Quality Inn & Suites
 4001 S Mason St, Fort Collins, CO
[\(970\) 282-9047](tel:9702829047)

Past Conferences

2013 Annual Conference: Vibrant Colorado Downtowns, September 10-13, 2013, Grand Junction

Design, Develop & Deliver: Partnerships for Shaping Vital Downtowns, September 12-14, 2012, Golden

Cultivate, Collaborate & Celebrate: Growing the Economy from the Bottom Up, September 21-23, 2011, Durango

Downtown Trends: Essential Community Responses to the New Economic Reality, September 22-24, 2010, Glenwood Springs

Downtown Economic Vitality: Creative Solutions through Preservation & Management, September 23-25, 2009 Colorado Springs

Downtown Changes, Community Challenges, Finding Solutions Together, September 17-19, 2008, Steamboat Springs

Thank you to our 2014 Conference Sponsors and Partners!



AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: 07/16/14

INITIATED BY: Katrina Harms

INFORMATION: ACTION: X OR DISCUSSION:

=====

AGENDA ITEM: Consideration of a Special Event application on Town-owned property for Buds, Burgers & Beers Festival

SUMMARY: The BOT heard this item at their last meeting and after some discussion on it (The agenda item and information from the packet and draft minutes from that meeting are attached) decided to let the advisory boards weigh in on the issue of whether or not the festival should be given a permit.

They are looking for direction from the boards on whether to approve the application including any recommended changes or requests to be asked of the applicant.

It should be noted that the applicants have met with Town Staff, Town Marshall, applied for all the necessary permits for use of the ball field, serving alcohol, and noise and have met all the requirements from all departments in their application and operating plan.

The applicant revised their Operations Plan after feedback from the BOT and it is the operations plan immediately following the AIM. (there is also an operations plan that the town approved in the BOT packet)

RECOMMENDATIONS:

FINANCIAL CONSIDERATIONS:

None to the DDA.
Town receives permit fees.
Downtown businesses benefit from festival traffic.

Buds, Burgers, and Beers Festival
Operational Plan for the Town of Nederland
Updated July 7, 2014

July 7, 2014 Update

Events organizers presented this proposed festival to the Nederland Board of Trustees on July 1, 2014. After the presentation and discussion, it was decided to refer the proposal to the Advisory Boards as part of the Nederland Planning Process. Once that process has been completed, this document will be rewritten to incorporate suggestions the event organizers deem possible.

Subjects that have been discussed during this process but are not reflected below:

- Organizers have agreed to delay the festival until 2015.
- The date could still be the first Saturday after Labor Day but could also be moved earlier in the summer, which might make for more time between festivals and out of school season.
- Organizers will attempt to make this a Zero Waste event.
- The park space between Guercio Ballfield and Barker Reservoir will be available for use. This will provide for increased numbers of festival attendees. Organizers are open to a cap but concerned this will affect the viability of the festival.
- Nederland's new event parking and traffic plan should be in place and this event could be a model for its implementation.
- Organizers will implement creative ways to reduce impaired driving as much as possible. Some of this is addressed below.
- There was some discussion whether the inclusion of craft beer increases risks or reduces the emphasis on marijuana. Organizers believe the latter.
- Organizers will seek continual feedback from the local community, including having a board of advisors composed primarily of Nederland residents.

Summary of the Festival and Goals:

Buds, Burgers, and Beers (BBB) is a proposed festival that seeks to include the marijuana industry while not making it the central component of the event. We feel as part of the evolution of legal marijuana in the state of Colorado, marijuana will become a normal part of culture rather than something seen as different and unique. This festival will encourage this normalization by including it with other popular cultural items (burgers, craft beer, and music) rather than making marijuana the sole focus of the event.

In keeping with this goal, BBB will be aimed at mature adults who happen to appreciate marijuana rather than die-hard adherents. The festival will necessarily be limited to those aged 21 and older.

Our goals for the festival are to:

- Host a safe and fun festival about which BBB organizers and the town of Nederland can be proud.
- Include marijuana and the marijuana industry safely, legally, and in a manner that puts it on a par with other fun cultural aspects (music, craft beer, and burgers) rather than putting it on a pedestal.
- Be very sensitive to the needs and concerns of the citizens of Nederland.
- Provide a reasonable profit to festival organizers and a financial boost to the town of Nederland.

Key Festival Components

Key components of the festival will include:

- Companies within or associated with the marijuana industry staffing vendors booths. This might include recreational marijuana outlets but no sales of marijuana will take place.
- Opaque fencing around the entire site and an additional enclosed "marijuana tent" for consumption and smoking, to make the area not open to the public, thus complying with state law.
- An estimated 10-20 craft breweries selling craft beer.
- An estimated 5-10 specialty burger restaurants selling burgers.
- One music stage with live music. This will not be the focus of the event.
- Potentially an area reserved for games or interactive exhibits to provide fun things to do at the event.

Fostering Community Goodwill

One of our goals is to make sure the population of Nederland supports our festival. We plan to minimize negative effects by:

- Minimizing traffic and parking concerns. See below.
- Minimize noise disturbances by limiting festival hours and having the stage point away from the town center.
- Providing a robust recycling and composting plan.

In addition, we hope to engender goodwill from area residents by:

- Offering ½ price vendor booths to town merchants.
- Offering reduced-price festival tickets to Nederland residents.
- Employing, as much as possible, local businesses for items such as towing, composting and recycling, sound, etc.
- Contacting and attempting to work with the nearby Teen Center to minimize any impacts on them and provide them with free exhibitor booth to promote their center and possibly education about the negative effects of teen consumption of marijuana.

Number of Participants

We honestly have no idea how many people will be interested in this festival. Our current estimate is 900 attendees but we will be prepared for ½ or twice that number. We will have an operations plan that allows us to scale up the number of vendors, food, and beer to meet the demand. We would like to have permission to sell tickets to meet the capacity of the venue. Advance ticket sales will give us a good idea before the event of the expected attendance.

Festival Layout

The festival is proposed to take place in Gersio Field. Included is a draft layout plan, created in cooperation with the Technical Review Committee. The exact layout will depend very much on the expected attendance and the number of vendors and sponsors. We have purposefully tried to:

- Have the music facing away from the town center.
- Keep the marijuana vendors and consumption far away from the Teen Club.

Event Time Line

Suggested timing of the event is 2:00 PM to 10:00 PM on Saturday, September 6, 2014. Setup would take place prior to this.

Legality of Festival

At this time, the legality of marijuana in Colorado is guided by the state constitution, Article XVIII, Section 16, which requires no open and public consumption, as well as any local regulations. Our understanding is the State of Colorado is essentially leaving interpretation of the constitutional amendment to local municipalities. BBB feels it is complying with all state regulations by:

- Prohibiting all sales of marijuana
- Fencing off the entire site with opaque fencing.
- Creating a separate, access-controlled "marijuana garden" that is concealed from public view within a tent and that will be the only place for consumption or smoking of marijuana
- Limiting entry to the festival to those aged 21 and older

The above actions have successfully been done at the Cannabis Cup festival in Adams County, which has not had any legal challenges about which we are aware. Because the Cannabis Cup is held on private property, this festival would be the first festival held on public grounds. However, the legal issues are the same.

In addition, it is important to recognize most outdoor festivals in Colorado already have much illegal consumption of marijuana. This festival will actually reduce the incidence of illegal behavior by allowing for legal consumption of marijuana and controlling it better by having all consumption in a designated, legal area.

We all know there is a difference between state and federal policy. On August 29, 2013 Attorney General Eric Holder released a statement saying the federal government will let Colorado and Washington regulate marijuana in their states except for eight identified areas of concern (<http://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf>). Since none of these eight concerns are present with this proposed festival, we believe the risk to the Town of Nederland from federal interference is minimal.

Finally, we want to be clear that we the festival organizers are all business people and professionals. If we thought we were doing anything illegal or that had any risk, we would not be proposing this event.

Public Safety

The safety of festival goers and the public is of highest importance. Safety will be maintained by:

- Encouraging safe forms of traveling that limits impaired driving. See next section.
- The marijuana garden will be closed at 9:00 PM, one hour before the festival ends. Although this is not enough time to eliminate the effects of consumption, it will help to ensure people do not leave the festival thinking they are sober enough to drive.
- Hiring professional security (rather than volunteers) for the event, including at least one officer from the Nederland police department and dressing security in clearly-identified shirts.
- Security will patrol the outside of the venue in addition to the inside, per request of the Nederland police department.
- We request to close East Street on the west side of the ballpark, at the suggestion of the Nederland police department.
- Alert festival goers as to Colorado law related to marijuana, including maximum amounts allowed per person.
- Encourage festival goers not to bring backpacks or bags and have security check any backpacks upon entrance.
- See separate Communications Plan, which will encourage all issues to be directed through our staff first so as not to tie up local resources, per request of the Nederland Police Department.
- Upon recommendation of the Nederland fire department, we will have an EMT but no ambulance on site.
- Distributing any safety notices, such as fire bans, to festival attendees via website and direct email.
- Providing a reserved parking space each for Nederland police and fire at the front of the festival.
- We will work with Boulder County to ensure all food vendors are compliant with laws.

Limiting Impaired Driving

We are very aware the goal is not to have any festival attendees drive under the influence of any drug. While we cannot ensure this, we will promote this by:

- Putting a notice on the event website that anyone intoxicated upon entry will be denied entry and anyone over-indulging and affecting safety will be asked to leave and put in a taxi at their expense
- Making bus schedules available on the festival website
- Listing camping and hotel options in the area
- Possibly teaming with local transportation companies to provide shuttles to area campgrounds for an additional fee
- Possibly teaming with a Boulder hotel to provide transportation for an additional fee
- Providing a reduced-priced "designated driver" ticket that does not allow purchase of beer or access to the marijuana garden
- Providing a free beer to those who show an Eco Pass or bus ticket from that day

Music & Entertainment:

Music is not the primary focus of this festival. We intend to keep sound levels at an acceptable level by hiring or consulting with the engineers and sound professionals that have been associated with both Frozen Dead Guy Days and NedFest (SweetWave Audio). We will be gearing our marketing towards an older demographic (30+) who are likely to appreciate a lower level of ambient sound.

Weather Contingency Plans

The festival will continue, rain or shine. If lightning occurs and conditions are deemed unsafe, all aspects of the festival will be temporarily suspended. If emergency conditions exist that make the festival unsafe, such as flood or fire, the festival will either be rescheduled for the following day or will be canceled.

Traffic and Parking

We will attempt to ease any traffic and parking burdens by:

- Having volunteers direct cars to appropriate lots, including potentially the RTD lot, community center, churches, schools, or teen center.
- Have an agreement with a local tow truck company (probably Help Topping) to tow illegally parked vehicles.

Toilets

We will have a sufficient number of portable toilets as recommended by the toilet provider for the number of expected attendees.

Trash & Recycling

We will make every effort to be earth friendly and attempt to create a net zero event. This will include:

- Having appropriate composting and recycling bins
- Using compostable materials for food and drink vendors
- Hiring a company to provide recycling and composting such as Zero Hero out of Fort Collins (which specifically does this for events) or Green Girl Recycling or NedCompost locally

Organizer Experience:

The philosophy of the event is to hire the right people to do the job the right way.

The Buds, Burgers, and Beers festival will be conducted by Fab Fests, LLC, a Colorado company owned by Boulder resident and entrepreneur Allan Wright. Mr. Wright is the owner of Zephyr Adventures, which has been in operation for 18 years as an organizer of active and food & drink tours around the world; business conferences related to food, wine, and beer; and wine festivals.

The Executive Director of the festival is Boulder resident and attorney Allan Parr. Mr. Parr runs his own business law firm and has previous experience as an investor in the marijuana industry.

The Event Manager is Kendal Norris, an experienced event manager who has conducted a large variety of events in Colorado and beyond, including festivals focused on alcohol such as an upcoming festival at Sanitas Brewing. Ms. Norris used to work in events for New Hope Media, a large Boulder media and trade show company.

We have also extended an offer to and are in negotiations with an experienced Operations Manager who will handle the detailed logistics of the event.

<u>Name</u>	<u>Title</u>	<u>Phone</u>
Allan Parr	Executive Director	720-289-1510
Allan Wright	Owner	303-842-0474
Kendal Norris	Event Manager	720-244-6722

**AGENDA INFORMATION
MEMORANDUM
NEDERLAND
TOWN BOARD OF TRUSTEES**

Meeting Date: July 1, 2014

Initiated By: Alisha Reis, Town Administrator
Dept: Administration
Information _____ **Action** X **Discussion** _____

AGENDA ITEM:

Consideration of a Special Event application on Town-owned property for Buds, Burgers & Beers.

SUMMARY:

On May 30, 2014, staff received an application for a Special Event, which includes a marijuana element. Staff held a Technical Review meeting with the organizers on June 10 and the application was deemed complete at that time. As per NMC Section 6-74, due to the nature of the event, staff felt it was prudent to refer this application to the Board of Trustees.

The event summary is enclosed within the packet along with all the other pertinent information, but in summary the organizers of the event, Allan Wright, 18 year owner of Zephyr Adventures (active and food & drink tours around the world) and Allan Parr, local attorney, would like to encourage the normalization of the marijuana industry by including it in a festival with other popular cultural items, such as food, beer and music, rather than making marijuana the sole focus of the event. The event would take place on Saturday, September 6 from 2:00 pm to 10:00 pm at the Guercio Ball Field. The event would be aimed at mature adults over the age of 21, specifically marketing towards an older demographic (30+) who are likely to appreciate a lower level of ambient music and be more appreciative of the privilege to consume liquor and marijuana, rather than die-hard adherents.

There is, of course, the legal issue of consumption that is conducted “openly and publicly” as per State Law, Article XVIII, Section 16, (3)(d) to consider. Town Attorney Beery and Mr. Parr have been engaged in discussion and the organizers feel they have addressed this by constructing an opaque fence around the entire site and adding an enclosed, well-ventilated, marijuana consumption tent for those that have brought their own. There will be no sales of marijuana or a tolerance for such.

The other factor is that this event and said consumption area is proposed to take place on Town-owned public property. As you will see from the attached Facility Use

Agreement, there is an indemnification section, yet there is no way to totally eliminate any liability risk.

Since there is liquor involved, as per State Statute, proper noticing of a Special Event Liquor Permit was posted.

HISTORY AND PREVIOUS BOARD ACTION:

- March 4, the Town Clerk was first approached by the applicant with their proposal.
- April 10, Town Administrator and Clerk met with organizers to discuss their proposal.
- May 30 received the initial application.
- June 10 application deemed complete.

This would be the first event of its kind in the Town of Nederland, if approved.

In December of 2009, another proposal was received by Town for the Peak to Peak Cannabis Festival to be held in July of 2010. The goal of that event was “To provide a safe and fun environment for people to learn, educate and celebrate the Cannabis Plant. To run the festival according to and with respect of all Colorado State Laws. To have a peaceful gathering of community.”

January 5, 2010 this item was heard before the Board and it was recommended to continue it to allow for further public input.

January 19, 2010 the name of the event had changed to Mary Jane’s Music Festival to take some of the focus off of cannabis and was continued before the Board to hear public comment. A motion had been made to approve the event, but died due to a 4:2 vote opposing the event.

QUESTION BEFORE THE BOARD:

1. Does the Board wish to approve this Special Event application and allow enclosed, private marijuana consumption to take place on Town-owned property?

ATTACHMENTS:

- Special Event Application.
- Draft Facility Use Agreement.
- January 5, 2010 BOT minutes.
- January 19, 2010 BOT minutes.

FINANCIAL CONSIDERATIONS:

- Permit Fees.
- Potential financial boost to the Town.
- Non-monetary positive exposure of the Town.

Buds, Burgers, and Beers Festival

Operational Plan for the Town of Nederland

Summary of the Festival and Goals:

Buds, Burgers, and Beers (BBB) is a proposed festival that seeks to include the marijuana industry while not making it the central component of the event. We feel as part of the evolution of legal marijuana in the state of Colorado, marijuana will become a normal part of culture rather than something seen as different and unique. This festival will encourage this normalization by including it with other popular cultural items (burgers, craft beer, and music) rather than making marijuana the sole focus of the event.

In keeping with this goal, BBB will be aimed at mature adults who happen to appreciate marijuana rather than die-hard adherents. The festival will necessarily be limited to those aged 21 and older.

Our goals for the festival are to:

- Host a safe and fun festival about which BBB organizers and the town of Nederland can be proud.
- Include marijuana and the marijuana industry safely, legally, and in a manner that puts it on a par with other fun cultural aspects (music, craft beer, and burgers) rather than putting it on a pedestal.
- Be very sensitive to the needs and concerns of the citizens of Nederland.
- Provide a reasonable profit to festival organizers and a financial boost to the town of Nederland.

Key Festival Components

Key components of the festival will include:

- Companies within or associated with the marijuana industry staffing vendors booths. This might include recreational marijuana outlets but no sales of marijuana will take place.
- Opaque fencing around the entire site and an additional enclosed "marijuana tent" for consumption and smoking, to make the area not open to the public, thus complying with state law.
- An estimated 10-20 craft breweries selling craft beer.
- An estimated 5-10 specialty burger restaurants selling burgers.
- One music stage with live music. This will not be the focus of the event.
- Potentially an area reserved for games or interactive exhibits to provide fun things to do at the event.

Fostering Community Goodwill

One of our goals is to make sure the population of Nederland supports our festival. We plan to minimize negative effects by:

- Minimizing traffic and parking concerns. See below.

- Minimize noise disturbances by limiting festival hours and having the stage point away from the town center.
- Providing a robust recycling and composting plan.

In addition, we hope to engender goodwill from area residents by:

- Offering ½ price vendor booths to town merchants.
- Offering reduced-price festival tickets to Nederland residents.
- Employing, as much as possible, local businesses for items such as towing, composting and recycling, sound, etc.
- Contacting and attempting to work with the nearby Teen Center to minimize any impacts on them and provide them with free exhibitor booth to promote their center and possibly education about the negative effects of teen consumption of marijuana.

Number of Participants

We honestly have no idea how many people will be interested in this festival. Our current estimate is 900 attendees but we will be prepared for ½ or twice that number. We will have an operations plan that allows us to scale up the number of vendors, food, and beer to meet the demand. We would like to have permission to sell tickets to meet the capacity of the venue. Advance ticket sales will give us a good idea before the event of the expected attendance.

Festival Layout

The festival is proposed to take place in Gersio Field. Included is a draft layout plan, created in cooperation with the Technical Review Committee. The exact layout will depend very much on the expected attendance and the number of vendors and sponsors. We have purposefully tried to:

- Have the music facing away from the town center.
- Keep the marijuana vendors and consumption far away from the Teen Club.

Event Time Line

Suggested timing of the event is 2:00 PM to 10:00 PM on Saturday, September 6, 2014. Setup would take place prior to this.

Legality of Festival

At this time, the legality of marijuana in Colorado is guided by the state constitution, Article XVIII, Section 16, which requires no open and public consumption, as well as any local regulations. Our understanding is the State of Colorado is essentially leaving interpretation of the constitutional amendment to local municipalities. BBB feels it is complying with all state regulations by:

- Prohibiting all sales of marijuana
- Fencing off the entire site with opaque fencing.

- Creating a separate, access-controlled “marijuana garden” that is concealed from public view within a tent and that will be the only place for consumption or smoking of marijuana
- Limiting entry to the festival to those aged 21 and older

The above actions have successfully been done at the Cannabis Cup festival in Adams County, which has not had any legal challenges about which we are aware. Because the Cannabis Cup is held on private property, this festival would be the first festival held on public grounds. However, the legal issues are the same.

In addition, it is important to recognize most outdoor festivals in Colorado already have much illegal consumption of marijuana. This festival will actually reduce the incidence of illegal behavior by allowing for legal consumption of marijuana and controlling it better by having all consumption in a designated, legal area.

We all know there is a difference between state and federal policy. On August 29, 2013 Attorney General Eric Holder released a statement saying the federal government will let Colorado and Washington regulate marijuana in their states except for eight identified areas of concern (<http://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf>). Since none of these eight concerns are present with this proposed festival, we believe the risk to the Town of Nederland from federal interference is minimal.

Finally, we want to be clear that we the festival organizers are all business people and professionals. If we thought we were doing anything illegal or that had any risk, we would not be proposing this event.

Public Safety

The safety of festival goers and the public is of highest importance. Safety will be maintained by:

- Encouraging safe forms of traveling that limits impaired driving. See next section.
- The marijuana garden will be closed at 9:00 PM, one hour before the festival ends. Although this is not enough time to eliminate the effects of consumption, it will help to ensure people do not leave the festival thinking they are sober enough to drive.
- Hiring professional security (rather than volunteers) for the event, including at least one officer from the Nederland police department and dressing security in clearly-identified shirts.
- Security will patrol the outside of the venue in addition to the inside, per request of the Nederland police department.
- We request to close East Street on the west side of the ballpark, at the suggestion of the Nederland police department.
- Alert festival goers as to Colorado law related to marijuana, including maximum amounts allowed per person.

- Encourage festival goers not to bring backpacks or bags and have security check any backpacks upon entrance.
- See separate Communications Plan, which will encourage all issues to be directed through our staff first so as not to tie up local resources, per request of the Nederland Police Department.
- Upon recommendation of the Nederland fire department, we will have an EMT but no ambulance on site.
- Distributing any safety notices, such as fire bans, to festival attendees via website and direct email.
- Providing a reserved parking space each for Nederland police and fire at the front of the festival.
- We will work with Boulder County to ensure all food vendors are compliant with laws.

Limiting Impaired Driving

We are very aware the goal is not to have any festival attendees drive under the influence of any drug. While we cannot ensure this, we will promote this by:

- Putting a notice on the event website that anyone intoxicated upon entry will be denied entry and anyone over-indulging and affecting safety will be asked to leave and put in a taxi at their expense
- Making bus schedules available on the festival website
- Listing camping and hotel options in the area
- Possibly teaming with local transportation companies to provide shuttles to area campgrounds for an additional fee
- Possibly teaming with a Boulder hotel to provide transportation for an additional fee
- Providing a reduced-priced “designated driver” ticket that does not allow purchase of beer or access to the marijuana garden
- Providing a free beer to those who show an Eco Pass or bus ticket from that day

Music & Entertainment:

Music is not the primary focus of this festival. We intend to keep sound levels at an acceptable level by hiring or consulting with the engineers and sound professionals that have been associated with both Frozen Dead Guy Days and NedFest (SweetWave Audio). We will be gearing our marketing towards an older demographic (30+) who are likely to appreciate a lower level of ambient sound.

Weather Contingency Plans

The festival will continue, rain or shine. If lightning occurs and conditions are deemed unsafe, all aspects of the festival will be temporarily suspended. If emergency conditions exist that make the festival unsafe, such as flood or fire, the festival will either be rescheduled for the following day or will be canceled.

Traffic and Parking

We will attempt to ease any traffic and parking burdens by:

- Having volunteers direct cars to appropriate lots, including potentially the RTD lot, community center, churches, schools, or teen center.
- Have an agreement with a local tow truck company (probably Help Topping) to tow illegally parked vehicles.

Toilets

We will have a sufficient number of portable toilets as recommended by the toilet provider for the number of expected attendees.

Trash & Recycling

We will make every effort to be earth friendly and attempt to create a net zero event. This will include:

- Having appropriate composting and recycling bins
- Using compostable materials for food and drink vendors
- Hiring a company to provide recycling and composting such as Zero Hero out of Fort Collins (which specifically does this for events) or Green Girl Recycling or NedCompost locally

Organizer Experience:

The philosophy of the event is to hire the right people to do the job the right way.

The Buds, Burgers, and Beers festival will be conducted by Fab Fests, LLC, a Colorado company owned by Boulder resident and entrepreneur Allan Wright. Mr. Wright is the owner of Zephyr Adventures, which has been in operation for 18 years as an organizer of active and food & drink tours around the world; business conferences related to food, wine, and beer; and wine festivals.

The Executive Director of the festival is Boulder resident and attorney Allan Parr. Mr. Parr runs his own business law firm and has previous experience as an investor in the marijuana industry.

The Event Manager is Kendal Norris, an experienced event manager who has conducted a large variety of events in Colorado and beyond, including festivals focused on alcohol such as an upcoming festival at Sanitas Brewing. Ms. Norris used to work in events for New Hope Media, a large Boulder media and trade show company.

We have also extended an offer to and are in negotiations with an experienced Operations Manager who will handle the detailed logistics of the event.

Name

Title

Phone

Allan Parr
Allan Wright
Kendal Norris

Executive Director
Owner
Event Manager

720-289-1510
303-842-0474
720-244-6722



U.S. Department of Justice


Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

August 29, 2013

MEMORANDUM FOR ALL UNITED STATES ATTORNEYS

FROM: James M. Cole 
Deputy Attorney General

SUBJECT: Guidance Regarding Marijuana Enforcement

In October 2009 and June 2011, the Department issued guidance to federal prosecutors concerning marijuana enforcement under the Controlled Substances Act (CSA). This memorandum updates that guidance in light of state ballot initiatives that legalize under state law the possession of small amounts of marijuana and provide for the regulation of marijuana production, processing, and sale. The guidance set forth herein applies to all federal enforcement activity, including civil enforcement and criminal investigations and prosecutions, concerning marijuana in all states.

As the Department noted in its previous guidance, Congress has determined that marijuana is a dangerous drug and that the illegal distribution and sale of marijuana is a serious crime that provides a significant source of revenue to large-scale criminal enterprises, gangs, and cartels. The Department of Justice is committed to enforcement of the CSA consistent with those determinations. The Department is also committed to using its limited investigative and prosecutorial resources to address the most significant threats in the most effective, consistent, and rational way. In furtherance of those objectives, as several states enacted laws relating to the use of marijuana for medical purposes, the Department in recent years has focused its efforts on certain enforcement priorities that are particularly important to the federal government:

- Preventing the distribution of marijuana to minors;
- Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
- Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
- Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;

- Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
- Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
- Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
- Preventing marijuana possession or use on federal property.

These priorities will continue to guide the Department's enforcement of the CSA against marijuana-related conduct. Thus, this memorandum serves as guidance to Department attorneys and law enforcement to focus their enforcement resources and efforts, including prosecution, on persons or organizations whose conduct interferes with any one or more of these priorities, regardless of state law.¹

Outside of these enforcement priorities, the federal government has traditionally relied on states and local law enforcement agencies to address marijuana activity through enforcement of their own narcotics laws. For example, the Department of Justice has not historically devoted resources to prosecuting individuals whose conduct is limited to possession of small amounts of marijuana for personal use on private property. Instead, the Department has left such lower-level or localized activity to state and local authorities and has stepped in to enforce the CSA only when the use, possession, cultivation, or distribution of marijuana has threatened to cause one of the harms identified above.

The enactment of state laws that endeavor to authorize marijuana production, distribution, and possession by establishing a regulatory scheme for these purposes affects this traditional joint federal-state approach to narcotics enforcement. The Department's guidance in this memorandum rests on its expectation that states and local governments that have enacted laws authorizing marijuana-related conduct will implement strong and effective regulatory and enforcement systems that will address the threat those state laws could pose to public safety, public health, and other law enforcement interests. A system adequate to that task must not only contain robust controls and procedures on paper; it must also be effective in practice. Jurisdictions that have implemented systems that provide for regulation of marijuana activity

¹ These enforcement priorities are listed in general terms; each encompasses a variety of conduct that may merit civil or criminal enforcement of the CSA. By way of example only, the Department's interest in preventing the distribution of marijuana to minors would call for enforcement not just when an individual or entity sells or transfers marijuana to a minor, but also when marijuana trafficking takes place near an area associated with minors; when marijuana or marijuana-infused products are marketed in a manner to appeal to minors; or when marijuana is being diverted, directly or indirectly, and purposefully or otherwise, to minors.

must provide the necessary resources and demonstrate the willingness to enforce their laws and regulations in a manner that ensures they do not undermine federal enforcement priorities.

In jurisdictions that have enacted laws legalizing marijuana in some form and that have also implemented strong and effective regulatory and enforcement systems to control the cultivation, distribution, sale, and possession of marijuana, conduct in compliance with those laws and regulations is less likely to threaten the federal priorities set forth above. Indeed, a robust system may affirmatively address those priorities by, for example, implementing effective measures to prevent diversion of marijuana outside of the regulated system and to other states, prohibiting access to marijuana by minors, and replacing an illicit marijuana trade that funds criminal enterprises with a tightly regulated market in which revenues are tracked and accounted for. In those circumstances, consistent with the traditional allocation of federal-state efforts in this area, enforcement of state law by state and local law enforcement and regulatory bodies should remain the primary means of addressing marijuana-related activity. If state enforcement efforts are not sufficiently robust to protect against the harms set forth above, the federal government may seek to challenge the regulatory structure itself in addition to continuing to bring individual enforcement actions, including criminal prosecutions, focused on those harms.

The Department's previous memoranda specifically addressed the exercise of prosecutorial discretion in states with laws authorizing marijuana cultivation and distribution for medical use. In those contexts, the Department advised that it likely was not an efficient use of federal resources to focus enforcement efforts on seriously ill individuals, or on their individual caregivers. In doing so, the previous guidance drew a distinction between the seriously ill and their caregivers, on the one hand, and large-scale, for-profit commercial enterprises, on the other, and advised that the latter continued to be appropriate targets for federal enforcement and prosecution. In drawing this distinction, the Department relied on the common-sense judgment that the size of a marijuana operation was a reasonable proxy for assessing whether marijuana trafficking implicates the federal enforcement priorities set forth above.

As explained above, however, both the existence of a strong and effective state regulatory system, and an operation's compliance with such a system, may allay the threat that an operation's size poses to federal enforcement interests. Accordingly, in exercising prosecutorial discretion, prosecutors should not consider the size or commercial nature of a marijuana operation alone as a proxy for assessing whether marijuana trafficking implicates the Department's enforcement priorities listed above. Rather, prosecutors should continue to review marijuana cases on a case-by-case basis and weigh all available information and evidence, including, but not limited to, whether the operation is demonstrably in compliance with a strong and effective state regulatory system. A marijuana operation's large scale or for-profit nature may be a relevant consideration for assessing the extent to which it undermines a particular federal enforcement priority. The primary question in all cases – and in all jurisdictions – should be whether the conduct at issue implicates one or more of the enforcement priorities listed above.

As with the Department's previous statements on this subject, this memorandum is intended solely as a guide to the exercise of investigative and prosecutorial discretion. This memorandum does not alter in any way the Department's authority to enforce federal law, including federal laws relating to marijuana, regardless of state law. Neither the guidance herein nor any state or local law provides a legal defense to a violation of federal law, including any civil or criminal violation of the CSA. Even in jurisdictions with strong and effective regulatory systems, evidence that particular conduct threatens federal priorities will subject that person or entity to federal enforcement action, based on the circumstances. This memorandum is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal. It applies prospectively to the exercise of prosecutorial discretion in future cases and does not provide defendants or subjects of enforcement action with a basis for reconsideration of any pending civil action or criminal prosecution. Finally, nothing herein precludes investigation or prosecution, even in the absence of any one of the factors listed above, in particular circumstances where investigation and prosecution otherwise serves an important federal interest.

cc: Mythili Raman
Acting Assistant Attorney General, Criminal Division

Loretta E. Lynch
United States Attorney
Eastern District of New York
Chair, Attorney General's Advisory Committee

Michele M. Leonhart
Administrator
Drug Enforcement Administration

H. Marshall Jarrett
Director
Executive Office for United States Attorneys

Ronald T. Hosko
Assistant Director
Criminal Investigative Division
Federal Bureau of Investigation

Buds, Burgers, and Beers Festival

Communications Plan for the Town of Nederland

The goal of this Communications Plan is to ensure effective and efficient communications among festival staff and with appropriate authorities during the operation of the Buds, Burgers, and Beers festival. Aspects of the communications plan include:

- Having a pre-event meeting with all staff and volunteers to review this plan and proper communication and radio edict.
- Identifying a contact person within the Nederland police and fire departments who will be the best contact in the event of any emergencies.
- Having a Town of Nederland policeman on festival staff and including this individual in the communications chain of command.
- Providing two-way radios to key staff and volunteers with designated frequency to be worked out with the Nederland police department.
- Radios will also be labeled with designated frequency for Event Manager, Security, Operations, Production, Front of House/ Back of House Manager, Vendor Management, Volunteer Coordinator, and an open channel for longer conversations
- Having a clear chain of communications in which staff and volunteers are directed to contact the Event Manager or Operations Manager with any issues rather than public emergency officials. Event Manager will then communicate directly with Town of Nederland law enforcement or fire.

This plan will be updated when festival staff hires an Operations Manager or in consultation with Nederland officials.



RECEIVED
5/30/14

TOWN OF NEDERLAND SPECIAL EVENT/PUBLIC ASSEMBLY PERMIT APPLICATION

Name of Event: Buds. Burgers & Beers

Type of Event: Festival

Brief Description of Event: festival involving the safe and sane celebration of marijuana, beer and hamburgers, and the surrounding culture

Event Date(s): Saturday, September 6, 2014

Event Time(s): 2:00 pm to 10:00 pm

Event Location(s): Ball field, Chipeta Park/Pavilion, and possibly Visitor Center lot

Anticipated Peak Attendance: Expected max of 1500, but due to inaugural nature of event, hard to predict with more accuracy

Anticipated Daily Attendance: see above

Set Up Date(s) & Time(s): September 6, 9:00 am to 1:00 pm

Tear Down Date(s) & Time(s): September 6, 10:00 pm to 12:00 am, and September 7, 9:00 am to noon.

Date of Application: 5/29/14

Sponsoring Organization: FabFests, LLC

501(c)(3) Number: N/A Tax Id #: EIN: 46-5408800

Sales Tax ID #: In process

Applicant Name & Title Allan Parr, Consultant for FabFests, LLC

Mailing Address: PO Box 2342, Boulder, CO 80306

Phone(s): 303.842.0474 and 720.289.1510

Email Address: AP@FabFests.com

REQUIRED DECLARATIONS:

- 1. Will you be requesting the exclusive use of Town-owned property?** YES NO
If yes, you will likely be subject to the Town of Nederland's Special Event guidelines and will be required to schedule and attend a Technical Review Committee (TRC) meeting to discuss the event. The TRC consists of representatives from the Town Staff, including the Police, Public Works, and Fire Departments, as deemed appropriate by the Town Clerk.
- 2. Is this a first-time event OR are there any major changes being applied to a pre-existing event?** YES NO
If yes, the event and/or changes may be sent to the Nederland Board of Trustees for a hearing and approval. If the event has happened successfully before (as determined by a post-event review) and there are to be no major changes, the TRC shall have authorizing power to approve the event.
- 3. Will vendors be selling food and/or beverages at the event?** YES NO
If yes, you may be required to register with the Boulder County Health Department (BCHD) and also to supply each individual Vendor's application to BCHD. See the online application at www.co.boulder.co.us/health/enviro/foodsafety/PDF/tempevent.pdf
- 4. Do you want to sell or provide alcoholic beverages at the event?** YES NO
If yes, you must obtain formal approval from the Nederland Liquor Licensing Authority. The Special Event Liquor License Application must be submitted to the Town Clerk a minimum of sixty (60) days prior to the event. Upon Town approval, the Town Clerk will submit the application to the State authorities for final approval. The application requires you to include a schematic of the area desired to be licensed for liquor sales and consumption, and also a Site Plan indicating your Age Verification System (e.g. ID checkpoint(s), hand-stamps, wristbands, etc), means of containment (e.g. fencing, barricades, etc), placement of security, and more. The application is available online at <http://www.colorado.gov/cs/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobkey=id&blobtable=MungoBlobs&blobwhere=1191399143561&ssbinary=true>
- 5. Will you need to amplify any sound at the event (music, voices, etc)?** YES NO
If yes, you must obtain a Noise Variance Permit and pay the associated fees. You will be required to abide by the Town of Nederland's noise ordinance.
- 6. Will your event need the use of Guercio Ballfield, Chipeta Park and/or the Pavilion, or the Visitor Center Parking Lot?**
 YES NO
If yes, you must complete a separate Public Facilities Rental Application and pay the associated fees. A cleaning/damage deposit or surety bond will be required to ensure that the area(s) used are left clean and undamaged.
- 7. Do you plan to hang a sign(s) on any Town-owned property?** YES NO
If yes, approval by the TRC is necessary for each location and a banner application will need to be filled out, there is no fee required if associated with a special event. Signs may be hung a maximum of thirty (30) days prior to the event and must be removed no later than one (1) week following the event.

8. **Will Police services and/or Public Works services be required before, during, or after the event?** YES NO

No

If yes, event sponsors must fully reimburse the Town for services related to event production, which may include, but are not limited to, Police and Public Works Department personnel. Additional services requested from the Town (eg: traffic control, barricades, electrical power, trash removal, security patrols, signage, etc.), any personnel needed, and their appropriate charges shall be determined by the TRC. Charges for any/all labor, materials and/or equipment used may apply unless specifically exempted. The event sponsor will be required to pay an estimated fee for these services at least fourteen (14) days in advance of the event.

9. **Will anything other than tickets to the event be sold at the event?** YES NO

All event sponsors must obtain a special event sales tax license and are responsible for reporting sales tax revenues from the event to the State of Colorado. If individual vendors will be selling items at the event, the event sponsor is responsible for collecting the sales tax revenues from the vendors at their event and submitting it to the State of Colorado. See <http://www.colorado.gov/cs/Satellite/Revenue/REVSX/1176842266427> for more information.

10. **Will your Event include a parade on public streets and roads?** YES NO

If yes, you must attach a map of the parade route, including the starting and stopping locations, and any/all staging areas.

FEES:

Application fees must be attached to this application in order to begin processing permit. Please pay cash or check made payable to the Town of Nederland.

- NON-PROFIT 501C(3) EVENT (NO LIQUOR) \$25.00 **PER DAY**
- EVENT OF 40 PEOPLE TO LESS THAN 100 PEOPLE, \$25.00 **PER DAY**
- EVENT OF 100 PEOPLE TO LESS THAN 1,000 PEOPLE, \$100.00 **PER DAY**
- EVENT OF MORE THAN 1,000 PEOPLE, \$250.00 **PER DAY**

CONDITIONS:

1. **Timeframe/Deadline:** This application must be submitted a minimum of 30 days prior to the event for all events of more than 40 people. Late applications are subject to an additional \$50.00 processing fee.
2. **Site Plans:** Site plans must be included with every event application. Plans must be as comprehensive as possible and must include all necessary information relevant to the event, including the location of toilets, tents, trash, parking, security, staging, containment, handicapped access, emergency routes, water and medical stations, etc. An 8 ½" x 11" sheet of paper shall be used for each separate site.
3. **Event Safety and Security:** All event sponsors are responsible for the safety of event attendees and the security of all event-related property. Event sponsors should be prepared to discuss their means of event security at the TRC meeting, including the size of the staff and whether overnight security will be necessary or not. If the event requires law enforcement services or emergency medical services from the Town beyond routine patrol, event sponsors must schedule off-duty police officers at least three weeks prior to the event.

4. **Insurance:** All event sponsors are required to provide Proof of Liability Insurance with a minimum coverage of \$1,000,000 to the Town Clerk no later than fourteen (14) days prior to the event. The Town of Nederland must be listed as 'additionally insured' on the policy.
5. **Zero-Waste Goal:** It is the goal of the Nederland Board of Trustees to have only zero-waste events in Nederland. Events that further this goal will be favored over events that are not environmentally-sensitive. At the TRC meeting, event sponsors will be expected to provide a waste plan that reflects this Town priority, and conditions may be placed on the event to further this goal. For further information, please visit: <http://nederlandco.org/government/town-hall/special-events/> and review the Zero-Waste Events Planning Booklet.
6. **Contingency Plans:** All events must provide written contingency plans for weather occurrences that could affect the event. Large events must also provide media/social media plans for notifying the public and/or attendees of the event's postponement or cancellation.
7. **Event Cancellation/Postponement:** Should adverse weather or other emergency situations necessitate the repeal of this permit by the Nederland Fire Department or Nederland Police Department, the Town of Nederland shall not be liable for any financial liability incurred by the event organizer, event attendees, or anyone else effected by the cancellation or postponement.
8. **Parades:** Parade organizers shall be on duty at least one (1) hour before the scheduled start of the parade, and shall ensure that all entries have registered and are familiar with parade rules. Parades shall start on time and shall progress in an orderly fashion. Town officials and parade organizers have the authority to remove any entry causing a delay, failing to cooperate, or violating official parade rules. The TRC may require fencing along parade route(s).
 - a. **Specific Parade Rules:**
 - No alcoholic beverages may be consumed by individuals participating in the parade during the event. Individuals operating motorized vehicles in the parade may not be under the influence of alcohol, as according to State law.
 - No entry will move into a different position within the parade line-up before or during the parade, except under the direction of the Parade Marshal.
 - Participants shall not jump on and off vehicles while the parade is in progress.
 - Participants on motorized vehicles shall drive in a safe manner and are expected to follow normal traffic laws. (e.g. No "wheelies" etc.)
 - Parade participants are expected to conduct themselves in a courteous manner.
 - Candy and other objects may be safely given or gently tossed (never thrown) to spectators.
 - Failure to comply with parade rules may result in removal from the parade.
9. **Portable Toilets:** State regulations require two (2) toilets for the first 100 people, plus one additional unit per each 100 people after that for each day of the event. Fewer may be required if the units are to be serviced during the event. At least one(1) unit must meet ADA requirements unless other handicapped facilities are available already on the site. The location(s) of all portable toilets must be outlined on the Site Plan.
10. **Trash, Recycling & Composting:** All events are required to have a detailed plan for the collection and removal of all trash, recyclable and composting materials. The TRC shall

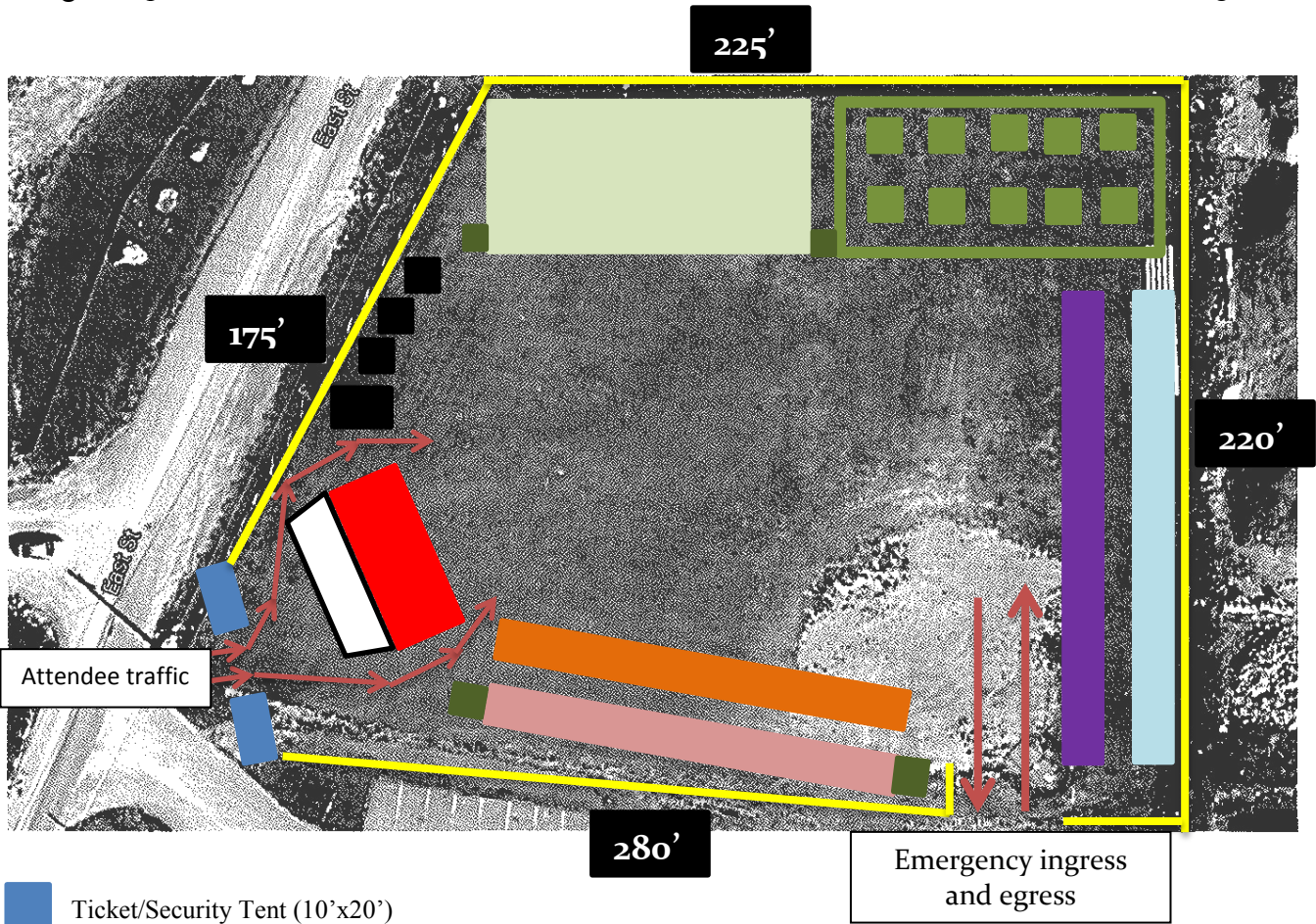
FOR OFFICE USE ONLY

✓ Paid Amount \$250 Received By: Michelle Application Approved or Denied

Clerk Signature _____

If Denied, please state reason:

250 - SE
100 - Liquor
50 - Noise
250 - Rental
2500 - Deposit



- Ticket/Security Tent (10'x20')
- Stage (22'x53') Roped-off/backstage area for performers and organizers
- Toilets (3 regular-sized portable toilets and one ADA-sized portable toilet)
- Marijuana Vendor Tables/Consumption area (Roughly 50'x100')
- Burger Vendors (Roughly 12'x130') *Allowing for 10-12 vendors*
- Yoga/Interactive area (Roughly 50'x100')
- Waste receptacles (Not to scale in above image, rather pictured according to suggested strategic placement)
- Ned Company Vendors (Roughly 10'x150') *Allowing for up to 15 vendors*
- Industry Vendors (Roughly 10'x150') *Allowing for up to 15 vendors*
- Beer Vendors (Roughly 12'x130') *Allowing for 10-12 vendors*



TOWN OF NEDERLAND NOISE VARIANCE PERMIT APPLICATION

Date of Application: June 5, 2014
Applicant Name: Allan Parr on behalf of FabFests, LLC
Mailing Address: PO Box 2342, Boulder CO 80306
Physical Address: Same as above
Phone(s): 303.842.0474 and 720.289.1510
Type of Event: Outdoor festival
Location of Event: Guercio Ball Field
Date(s) of Event: 9/6/14 Number of People Expected: approx 1500
Time of Event (Beginning): 2:00 pm (Ending): 10:00 pm

REQUIRED DECLARATIONS:

- | | | |
|--|-------|------|
| 1. Is this permit for use of an amplifier to advertise the sale or vending of merchandise? | YES | X NO |
| 2. Is this a first time event? | X YES | NO |
| 3. Is this permit for an ongoing use? | YES | X NO |
| 4. Is this permit part of a special event permit application packet? | X YES | NO |

FEES:

Application fees must be attached to this application in order to begin processing permit. Please pay cash or check made payable to the Town of Nederland.

ONE-TIME FEE OF \$50.00/PER DAY

CONDITIONS:

The Town Administrator shall consider the following factors when evaluating a sound variance permit application:

- The type of sound;
- The proposed location of the event;
- The proposed time(s) of day, day(s) of week, and time of year; and
- The applicant's history of noise variance permits and any resident complaints generated by those permits, and the applicant's willingness to work with Town officials to mitigate future resident complaints.

Applicant is aware of, has read, and agrees to work to ensure that all event attendees abide by the conditions set forth in NMC Article XIV, Sec. 10-260 through 10-278.

Applicant Signature _____

Date

6/5/14

Please submit this application to the Nederland Town Hall, P.O. Box 396, 45 W. First St., Nederland, CO 80466. Tele. 303.258.3266. Fax. 303.258.1240.

FOR OFFICE USE ONLY

Paid Amount \$50

Received By: Michele

Application Approved or Denied

Clerk Signature _____

If Denied, please state reason:

RECEIVED
5/30/14



TOWN OF NEDERLAND PUBLIC RENTAL OF BALL FIELD, CHIPETA PARK/PAVILION, AND VISITOR CENTER LOT

Date: 5/29/14

Applicant Name: FabFests, LLC

Mailing Address: PO Box 2342, Boulder, CO 80306

Physical Address: Same as above

Phone(s): 303.842.0474 and
720.289.1510

Email(s): AP@fabfests.com

Type of Function or Event: A one-day festival involving the safe and sane celebration
of marijuana, beer and hamburgers, and the surrounding
culture

Number of people expected: Expected max of 1500, but due to inaugural nature of
event, hard to predict with more accuracy.

Date of Event Negotiable but hope for September 6, 2014

Time of Event: Start: 2:00 pm End: 10:00 pm

FEES: (ADOPT-A-PARK SPONSORS ARE EXEMPT FROM RENTAL FEE ONLY, AS LONG AS IN GOOD STANDING.)

# of Participants Paid/Check#	<4 hours	All Day	Deposit (never waived)
1-50 People	\$50.00	\$250.00	\$50.00*
51-100 People	\$100.00	\$250.00	\$50.00*
100-1000 People		\$250.00	\$250.00*
1000+ People		\$250.00	\$2,500.00*
			\$2750

***When renting the pavilion, park and ball field, one deposit may be sufficient.**

CONDITIONS:

1. Signed and attached Indemnification Agreement
(Indemnification Agreement and Application must be in the applicant's possession for proof of reservation).

2. Deposit check must be attached with this document.

I, the applicant, have read and understand the Indemnification and release Provisions Use Agreement and the application requirements and agree that I will abide by all terms and conditions on this application, and rules and requirements set forth by the Town of Nederland for the privilege of using its facilities for the above identified event.

Signature of Applicant

Allan Parr (on behalf of FabFests, LLC)

Printed Name of Applicant

05/29/14

Date

Please submit this complete application to the Nederland Town Hall, P.O. Box 396, 45 W. First St., Nederland, CO 80466. Tel. 303.258.3266. Fax. 303.258.1240.

FOR OFFICE USE ONLY

Amount Paid \$2750.00 ^{*Temp check} Received By: Michele Application Approved or Denied

Clerk Signature: _____

If Denied, please state reason:

Deposit Returned: _____ Amount: _____ By: _____
If any amount was kept, list the reason and amount:

**INDEMNIFICATION AND RELEASE PROVISIONS FOR THE USE OF
TOWN OF NEDERLAND FACILITIES**

- A. In consideration for being permitted to use the facilities of the Town of Nederland, I, Allan Parr, on behalf of FabFests, LLC, agree to indemnify and hold harmless the Town of Nederland, its officers, employees, insurers, and self-insurance pool, from an against all liability, claims and demands, which are incurred, made, or brought by any person, of entity, for damages, loss or damage, bodily injury, personal injury, sickness, disease, death, or any other loss of any kind, which arises out of or connected with the use of the facilities, whether any liability, claims or demands result from the act, omission, negligence or other fault on the part of the Town of Nederland, its employees, or from any other cause whatsoever.

- B. By signing below, applicant agrees that in the event of any damage, loss or injury to the facilities or to any property or equipment therein, the applicant will promptly reimburse the Town of Nederland for all costs associated therewith upon billing by the Town of Nederland.

- C. In consideration for being permitted the use of facilities, the applicant on behalf of itself, its officers, employees, members and invitees, hereby expressly exempts and releases the Town of Nederland, its officers, employees, insurers, and self-insurance pool, from and against all liability, claims, and demands on account of injury, sickness, disease or death, that applicant may incur as a result of such use, whether any such liability, claims, or demands result from the act, omission, negligence, or other fault on the part of the Town of Nederland, its officers, or its employees, or from any other cause whatsoever.

- D. Town facilities for which permission is being sought for use: Ball feild, Chipeta Park/Pavilion, and Visitor Center lot

- E. Dates/times of use of town facility indicated above:

Date(s): September 6, 2014 (TBD) Time(s): approx 9 am to 11 pm
including set up time

Applicant Signature

Allan Parr
FOR FABFESTS, LLC

5/28/14
Date

TERMS AND CONDITIONS FOR TOWN OF NEDERLAND FACILITIES

1. Reservations are confirmed only after payment is made and an approval of the Application by the Town Clerk.
2. A signed Indemnification and Release Provisions for the use of Town of Nederland facilities must accompany the application.
3. Scheduled activities and recreation programs established by the Town of Nederland will take precedence for the facility use.
4. No application will be approved without satisfactory assurance that the facility will be under direct control and supervision of the responsible application or agency as stated on this application.
5. Raising of funds, charging admission or collection of moneys must have prior authorization and must adhere to all appropriate State and local laws.
6. No glass containers are allowed in the pavilion or the park.
7. No amplified music is permitted without a proper permit.
8. All activities must be concluded by dark, unless otherwise approved by Town Clerk.
9. Decorations are permitted as long as no physical damage is incurred to park property and the decorations are removed at the event's conclusion.
10. Fires are allowed only in the designated metal grills provided by the Town and shall be extinguished upon the conclusion of the event.
11. No alcoholic beverages are allowed in the pavilion, park or ball field without prior approval from the Town Clerk.
12. Facilities must be left in a clean and orderly condition and all garbage, trash, and refuse generated by the activity shall not be left in the park refuse containers, but removed from the park completely.
13. In case of damage to the facilities, the applicant will be held responsible for any cost required repairing the facilities.
14. Only events sponsored for or by the Town are covered under Town liability insurance. At the Town's discretion, proof of insurance may be required from the applicant for events held on Town property.
15. The Town may accept or may deny any application, at its sole discretion.

AP

(initials of applicant)

FOR FABFESTS, LLC

APPLICATION FOR A SPECIAL EVENTS PERMIT

Department Use Only

IN ORDER TO QUALIFY FOR A SPECIAL EVENTS PERMIT, YOU MUST BE NONPROFIT AND ONE OF THE FOLLOWING (See back for details.)

- | | | |
|------------------------------------|--|---|
| <input type="checkbox"/> SOCIAL | <input type="checkbox"/> ATHLETIC | <input checked="" type="checkbox"/> PHILANTHROPIC INSTITUTION |
| <input type="checkbox"/> FRATERNAL | <input type="checkbox"/> CHARTERED BRANCH, LODGE OR CHAPTER | <input type="checkbox"/> POLITICAL CANDIDATE |
| <input type="checkbox"/> PATRIOTIC | <input type="checkbox"/> OF A NATIONAL ORGANIZATION OR SOCIETY | <input type="checkbox"/> MUNICIPALITY OWNING ARTS FACILITIES |
| <input type="checkbox"/> POLITICAL | <input type="checkbox"/> RELIGIOUS INSTITUTION | |

LIAB	TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:
2110	<input checked="" type="checkbox"/> MALT, VINOUS AND SPIRITUOUS LIQUOR \$25.00 PER DAY
2170	<input type="checkbox"/> FERMENTED MALT BEVERAGE (3.2 Beer) \$10.00 PER DAY

DO NOT WRITE IN THIS SPACE

LIQUOR PERMIT NUMBER

1. NAME OF APPLICANT ORGANIZATION OR POLITICAL CANDIDATE
 Second Mile Water

State Sales Tax Number (Required)
25682828

2. MAILING ADDRESS OF ORGANIZATION OR POLITICAL CANDIDATE (include street, city/town and ZIP) 1422 KENNEDY AVE, LOUISVILLE CO 80027	3. ADDRESS OF PLACE TO HAVE SPECIAL EVENT (include street, city/town and ZIP) Guercio Ball Field, Nederland, CO 80466
--	---

NAME	DATE OF BIRTH	HOME ADDRESS (Street, City, State, ZIP)	PHONE NUMBER
4. PRES /SEC Y OF ORG. or POLITICAL CANDIDATE Travis Ramos	7/26/83	1422 KENNEDY AVE LOUISVILLE CO 80027	720.443.4697
5. EVENT MANAGER Kendal Norris	5/21/73	3927 Paseo Del Prado, Boulder 80301	720.244.6722

6. HAS APPLICANT ORGANIZATION OR POLITICAL CANDIDATE BEEN ISSUED A SPECIAL EVENT PERMIT THIS CALENDAR YEAR?
 NO YES HOW MANY DAYS? _____

7. IS PREMISES NOW LICENSED UNDER STATE LIQUOR OR BEER CODE?
 NO YES TO WHOM? _____

8. DOES THE APPLICANT HAVE POSSESSION OR WRITTEN PERMISSION FOR THE USE OF THE PREMISES TO BE LICENSED? Yes No

LIST BELOW THE EXACT DATE(S) FOR WHICH APPLICATION IS BEING MADE FOR PERMIT

Date	Date	Date	Date	Date
9/6/14				
Hours From 2 p .m. To 10 p .m.	Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.	Hours From .m. To .m.

OATH OF APPLICANT

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

SIGNATURE TITLE **EVENT COORDINATOR** DATE **6/19/14**

REPORT AND APPROVAL OF LOCAL LICENSING AUTHORITY (CITY OR COUNTY)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 12, Article 48, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

LOCAL LICENSING AUTHORITY (CITY OR COUNTY)	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY	TELEPHONE NUMBER OF CITY/COUNTY CLERK
SIGNATURE	TITLE	DATE

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

LIABILITY INFORMATION

License Account Number	Liability Date	State	TOTAL
		-750 (999)	\$.

(Instructions on Reverse Side)

PUBLIC FACILITY USE AGREEMENT
FabFests, LLC – BUDS, BURGERS & BEERS Special Event

September 6, 2014

THIS AGREEMENT (“Agreement”) is made by and between the **TOWN OF NEDERLAND**, a Colorado municipal corporation whose address is 45 W. First St., Nederland, CO 80466, (“Town”), and **FABFESTS, LLC** (“FabFests”), a Colorado limited liability company, whose address is PO Box 2342, Boulder, CO 80302. This Agreement is effective on the date indicated below.

WHEREAS, FabFests has scheduled or plans to schedule an over twenty-one aged commercial entertainment event in Town to be conducted, in whole or in part, on certain public property, which event has been determined by the Town to have the potential to significantly and negatively impact Town residents, businesses and visitors by imposing a temporary and unusual demand on Town resources, facilities and personnel, including but not limited to Town parks, recreational facilities and streets, Public Works staff and public safety/first responder personnel (“Event”); and

WHEREAS, the Town Board of Trustees (“Board”) recognizes the potential positive impact the Event may also have on Town residents and businesses, through the generation of Town visibility, civic pride, cultural and recreational opportunities and sales tax revenue; and

WHEREAS, such potential positive impacts are determined by the Board to be of value to the public only if the potential burdens to be placed on public resources by the Event are managed in such a way that does not compromise the public health, safety and welfare; and

WHEREAS, FabFests recognizes that the Event may significantly impact the public health, safety and welfare, and desires the Town’s cooperation in preparing for and managing such impacts; and

WHEREAS, the Parties therefore wish to set forth the terms and conditions of FabFests’ use of Town property in association with the Event, as further set forth herein.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and agreements of the Parties and other good and valuable considerations, the sufficiency and adequacy of which are hereby acknowledged, the Parties agree as follows:

1. **Use of Property and the Event.**

- A. Dates. The Event will be held on the property specified by Subsection C below on the following date and times:

Dates: **Saturday, September 6, 2014.**

Time: **Beginning 2:00 p.m. / Ending 10:00 p.m.**

- B. Period of Use. The period of permitted occupancy of the subject property to prepare for, conduct and clean up after the Event shall be:

12:00 p.m. on September 5, 2014 to 12:00 p.m. on September 7, 2014.

This time period may be amended as necessary to respond to weather events.

- C. Event Site. The Town shall provide FabFests use of the following site for the identified Period of Use which is under the ownership and control of the Town of Nederland for the purposes identified below and no other (the "Event Site"):

GUERCIO BALL FIELD

All of Guercio Ball Field ("Ball Field").

The use of Ball Field shall be limited to uses and attendee numbers provided by this Agreement and the Event's Special Event Permit issued by the Town of Nederland.

2. Event Site Management Requirements.

- (A) Event Location and Parking Plan. FabFest shall provide to the Town an Event Location and Parking Plan for the Event Site in both text and graphic format which includes a schedule of activities and illustrates and describes the use and location of all proposed structures, gates, fences, portable restroom facilities, trash receptacles, and other structures or facilities proposed for use during the Event by FabFests on the Event Site. Such Event Location and Parking Plan shall also include an illustration of proposed routing of traffic in the area of the Event Site and the Site and illustrate the primary pedestrian routes to and from the various event location. The Event Location and Parking Plan shall be provided to the Town Clerk not less than ***45 calendar days before the scheduled event.***
- (B) Debris and Trash. FabFests shall take all steps necessary to control and manage dust, and limit and manage trash, litter, and debris, on the Event Site caused by persons using, visiting, or occupying the

Event Site during the term of the Event. FabFests will use compostable materials for food and drink vendors and have the appropriate composting and recycling bins available. Fabfests will hire a company to provide recycling and composting.

- (C) Sanitation and Trash Receptacles. FabFests shall provide portable toilets and trash receptacles on the Event Site, parking areas, and the seating areas. The Town Clerk shall determine the appropriate number and location of such toilet facilities which will be adequate to serve the anticipated number of persons in attendance at the Event Site; provided that, a minimum of one (1) portable toilet shall be provided for every one hundred (100) persons scheduled or planned for attendance at the event. FabFests shall contract for trash collection and removal services to be conducted throughout the duration of the Event and such service shall be provided by a licensed Colorado professional trash collection and disposal service or company. All portable toilet facilities shall be placed by FabFests in accordance with the Event Location and Parking Plan. If requested, a copy of a sanitation service contract shall be provided to the Town prior to **5:00 p.m. September 1, 2014** and all toilet and trash receptacles shall be in place no later than **12:00 p.m. on September 6, 2014**. FabFests or its contractor shall remove all waste material generated by the Event attendees in toilets and waste receptacles and deposit such materials in accordance with all local and state laws. All toilet and waste receptacles shall be removed from the Event Site by **12:00 p.m. on September 7, 2014 or such other time approved by the Town Administrator.**
- (D) Event Site Security. On-site security and crowd management will be provided by FabFests' hired professional security personnel, designated by T-shirt color and/or safety vests, at the Event Site. Security will patrol the outside of the venue in addition to the inside. Illegal or criminal acts observed by FabFests personnel will be reported immediately to the Nederland Police Department personnel. FabFests shall arrange for and shall maintain and provide radio communication between its own security force and the Nederland Police Department. FabFests will hire at least one officer from the Nederland Police Department who will be present at the event.
- (E) Public Safety. FabFests will encourage festival goers not to bring backpacks or bags and will have a security team at the entrance checking IDs and bags upon entrance. Any clearly intoxicated, over-indulging person will be denied entry and/or asked to leave, by putting them in a taxi or bus at their expense. FabFests will provide an EMT to be on-site with their own equipment.

- (F) Marijuana Garden. FabFests will fence off the entire Ball Field site with opaque fencing. Access to any “marijuana garden” or other consumption area within the Ball Field must be separately monitored by Event personnel at all times; any such area shall be completely enclosed, to be shielded from view, with ventilation capabilities and a fire extinguisher on hand; and close at 9:00 p.m. Nothing in this Agreement is intended nor shall be construed as permission, endorsement, complicity, facilitation or any other manner of authorization by the Town of Nederland, its officials, agents or employees, for any person or entity organizing, attending or associated with the Event to violate any applicable law, including but not limited to laws concerning the consumption, possession, use, display and distribution of marijuana and marijuana products. Open and public consumption of marijuana at the Event is strictly prohibited.
- (G) Signage. FabFests shall provide and maintain all necessary signs for the location of on-site parking, off-site parking, shuttle stops, and directional signage directing people to the Event Location.
- (H) Concessions. Concession stands or concession operations shall be provided at the Event Site only in accordance with the Event Location and Parking Plan. For purposes of this Agreement, “concession” shall include all and any form of business or activity, which provides goods or services for profit, barter, or trade. FabFests will prohibit all sales of marijuana and marijuana-infused products. FabFests will provide a list of approved vendors to the Town Clerk no later than **August 25, 2014.**
- (I) Educational Material/Booth. FabFests will offer, but not staff, an area of outreach, which describes the negative effects of underage consumption of marijuana and/or potential harm/risks involved with adults not abiding by law to keep their marijuana/edibles in a locked space, with children, pets, seniors, and guests in the home. FabFests will use this opportunity to alert festival goers as to State law related to marijuana and the responsibility of the recreational home grower.
- (J) Local Ordinance Conformance. FabFests shall manage the Event Site and all other areas of the Town, which may be used by FabFests for the Event in a manner that ensures conformance with all local ordinances and laws. FabFests may contact the Town Administrator prior to the Event to arrange a meeting to discuss the particular ordinances and laws that may be applicable to the Event and its activities. Only to the extent authorized by this Agreement and by the Plan approved by the Town Administrator in accordance with this Agreement, the Board of Trustees grants permits for the conduct of the

described activities as such permits may be required by Nederland Ordinance 726 (2013).

- (K) Restoration of Event Site. FabFests shall clean, repair, and restore the Event Site to a condition substantially identical to that existing at **12:00 p.m. on September 5, 2014**, including the removal of all portable toilets and trash from the Event Site by **12:00 p.m. on September 7, 2014**, unless otherwise provided by this Agreement. Such cleaning, repair, and restoration shall be deemed complete only where FabFests has obtained the verbal or written confirmation of the Public Works Manager following the Manager or Manager designee's inspection that the Event Site has been cleaned and restored as required by this Agreement. Where the Town cleans, repairs and/or restores all or any part of the Event Site, the Town may deduct the cost thereof from the Public Facility Use Deposit required by Section 7 of this Agreement. If such Deposit is inadequate to cover such cost, the Town shall submit its invoice of charges incurred to FabFests and FabFests shall pay all such charges in full within five (5) days of receipt of the invoice or seven (7) days of mailing, whichever is less. Failure to pay such charges shall permit the Town to, refuse to approve future use of Town property, or seek or institute any other remedy provided by law.

3. Town's Obligations.

- (A) The Town shall close East Street, between 2nd and 3rd Streets from **12:00 p.m. to 10:00 p.m. on September 6, 2014** to ensure public safety.
- (B) The Town shall provide use of the Ball Field and bleachers within the Ball Field.
- (C) The Town shall provide to FabFests a staffing list, including Police Department, Fire Department, Public Works, and Clerk's Office staff by **September 3, 2014**.
- (D) The Town shall provide any materials and services, as directed by the Nederland Board of Trustees or the Nederland Town Administrator, based on negotiations with FabFests.

4. Transportation and Traffic.

- (A) Parking Management at Event Site. FabFests shall manage all access, ingress, and egress of vehicles at the Event Site and shall, in particular, manage traffic so as not to interfere with reasonable access to public roads for residents of Nederland.

- (B) Other Parking. FabFests shall submit any written agreement(s) and, if any agreement is not written, shall provide a written description of the general terms and conditions any agreement, between FabFests and any third party, which involves the provision of parking services for the Event.
- (C) Parking and Traffic Control Supervision. FabFests agrees to provide sufficient personnel, designated by T-shirt color and/or safety vests, to supervise the designated parking areas and handle traffic control.
- (D) Shuttle/Taxi Service. FabFests shall attempt to provide and/or work with shuttle and/or taxi vendors, for its patrons, and will make RTD bus schedules available. FabFests will look into creative ways to encourage designated drivers, such as incentives and different colored wrist-bands. FabFests will provide a list of camping and hotel options in the area for patrons. FabFests will provide written confirmation of this plan to the Town Clerk by **September 1, 2014**.

5. Police Coverage/Financial Requirements.

- (A) The Town will make its Police Department available to assist, as requested by FabFests and will arrange its police scheduling to provide such assistance, as it is reasonably able. Such availability shall be contingent upon the need for Police Department personnel to respond to calls for service not related to the Event and the necessary provision of other law enforcement functions and services. At least one officer will be present during the event at the Ball Field.
- (B) FabFests will be responsible for police services required above and beyond FabFests' own security and traffic control personnel for the purpose of traffic control and crowd management.
- (C) FabFests will coordinate any such additional requested law enforcement services with the Nederland Chief of Police no later than forty-five (45) days prior to the Event.
- (D) FabFests will be financially responsible for any additional Police coverage required due to the Event. Such amounts will be paid in full no later than two weeks after the event. Failure to remit full payment shall permit the Town to, refuse to approve future use of Town property, or seek or institute any other remedy provided by law.

6. Indemnification and Insurance.

- (A) FabFests agrees to indemnify and hold harmless the Town and its officers, insurers, volunteers, representatives, agents, employees, heirs

and assigns from and against all claims, liability, damages, losses, expenses and demands, including attorney's fees and court costs, arising out of or related to injury, loss, or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, arising out of or directly or indirectly resulting from FabFests' actions or omissions in connection with the Event.

- (B) FabFests shall procure and maintain a general liability insurance policy or policies listing the Town of Nederland as "additionally insured" in the amount and form acceptable to the Town Administrator, sufficient to insure itself, and in addition the Town and its officers, agents and employees against all liabilities, claims, demands, actions or other obligations assumed by FabFests pursuant to this Agreement. The minimum limits of such insurance policies or policies shall be \$2,000,000.00 combined single limit and the general liability insurance policy shall expressly provide that it is primary insurance and that such coverage will apply prior to utilization of the Town of Nederland's general liability coverage.
- (C) FabFests shall provide a certified copy of such policy and any endorsement thereto *not later than 14 days prior to the Event*.
- (D) The parties understand and agree that the Town is relying on and does not waive or intend to waive by any provisions of this Agreement, the monetary limitations provided by the Colorado Government Immunity Act, C.R.S. Section 24-10-101, et seq. as from time to time amended, or any other immunity that may be otherwise available to Town, its officers, agents or employees.
- (E) FabFests shall not be relieved of any liability, claims, demands or other obligations assumed pursuant to this section by reason of its failure to procure or maintain insurance or by reason of its failure to procure to maintain insurance in sufficient amounts, duration or types.

7. **Payments.**

In consideration of permitting exclusive event and parking privileges within public sites as identified in this Agreement, FabFests shall pay all special event, police services, and public works fees in addition to a **two thousand five hundred dollar (\$2,500.00) Public Facility Use Deposit to the Town Clerk at the Nederland Town Hall, 45 W. First St., P.O. Box 396, Nederland, Colorado, 80466 no later than June 25, 2014, by 5:00 P.M.** Failure to pay shall constitute a breach of this Agreement and cause for immediate termination hereof. The deposit may be used by the Town for its direct costs resulting from damage to the Event Site. The Town shall return any unused portion to FabFests **no later than October 1, 2014.**

8. Additional Requirements.

- (A) Except as otherwise provided for herein, the Town Administrator shall be the sole representative of the Town responsible for administering the provisions of this Agreement.
- (B) FabFests shall abide by the Town Administrator's directions and requirements which are not inconsistent with this Agreement and which are necessary to protect the health, safety, and welfare of the residents of the Town.
- (C) FabFests understands and agrees that it and the conduct and use of the Event Site shall be subject to all applicable laws of the State of Colorado and the Town of Nederland.
- (D) FabFests shall pay the reasonable cost of repair for all damages to the Event Site caused by FabFests' actions or omissions in connection with the conduct and use of the Event Site, including but not limited to damages within Ball Field, public buildings, signs, barricades, parking lots, fencing, public lighting and other similar amenities, and landscaping. For purposes of this Agreement, "conduct of the Event" shall mean:
 - Sanitation waste and trash disposal and clean-up of Ball Field and all other sites described in this Agreement or in the Events Location and Parking Plan;
 - Crowd management, restriction of access into public areas not part of the Event, control of pedestrian traffic between the Event and other areas within the Town;
 - Noise control;
 - Parking and traffic control management;
 - Transportation services;
 - Compliance with this Agreement or compliance with additional requirements of the Town Administrator.
- (E) This Lease Agreement shall not prohibit or prevent visitation or entry by any Town employee or agent for the purpose of inspection, visitation, or other activity not inconsistent with this Agreement.
- (F) FabFests shall collect special event sales tax for the event; ensure the portable toilets are open and fully stocked throughout the event; leave at least two parking spaces open by the entrance for emergency

vehicles to park; confirm zero waste management with vendors; distribute any safety notices, such as fire bans, to festival attendees; and ensure their website is updated with current information.

- (G) This Agreement shall bind the parties and extend to their respective representatives, successors and assigns provided that FabFests shall not assign this Agreement without the written consent of the Town.

9. Dispute Resolution

The Parties will attempt to resolve any disputes concerning the interpretation or application of this Agreement through good faith negotiations. If such negotiations fail and time is of the essence concerning the particular dispute, the Parties agree to submit the dispute to a mediator, selected by the Parties, in an attempt to reach a mutually-acceptable resolution. The mediator’s decision shall be non-binding. Either Party dissatisfied with the decision of the mediator may pursue any action, resource or remedy available, at law or in equity. When time is not of the essence, either Party may seek any legal recourse available to it, at law or in equity, to resolve any dispute concerning this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth below.

DATED AND EFFECTIVE THIS ____ DAY OF _____, 2014.

TOWN OF NEDERLAND, COLORADO

By: _____
Joe Gierlach, Mayor

ATTEST:

Michele Martin, Town Clerk

FABFESTS, LLC

By: _____
Allan Wright, Owner

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The foregoing instrument was acknowledged before me this ____ day of _____,
201____, by Allan Wright, Owner of FabFests, LLC.

Witness my hand and official seal.

My Commission Expires:_____.

Notary Public

TOWN OF NEDERLAND AGENDA

REGULAR BOARD OF TRUSTEES MEETING

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

January 5, 2010

7:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

Present: Trustees Abu-Haidar, Cornell, Gierlach, Wheeler, Mayor Pro Tem Porter, Mayor Cheshes

Absent: Trustee Barnett

Also Present: James A. Stevens, Town Administrator, Carmen Beery, Attorney, Eva Forberger, Treasurer, Christi Icenogle, Clerk

C. CONSENT AGENDA

- Warrants
- December 15, 2009 Regular Meeting Minutes

A motion to approve the consent agenda was made, seconded, and approved by the bOARD.

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

There was no public comment.

E. NEW BUSINESS

1. Presentation by Boulder County Parks & Open Space Department about a proposed Forest Management Policy

Chad Julian, Senior Boulder County Forester, said proposed Forest Management Policy is intended to guide the county for the next decade due to the pine beetle epidemic and other issues that have come up that the county would like to have guidance on when making policy decisions. The plan will be presented to the public over the next few years.

He discussed their plan of getting public feedback on the goals, policies, and standards. They included things like wildfire mitigation, biomass, pest management, public, and collaboration goals. They hope to adopt this plan over the summer.

They welcomed the Board's comments as they move forward. The Board asked a few questions and said they looked forward to seeing the final plan.

2. Discussion and Approval of additional \$3500 for engineering work on the Community Center kitchen remodel

Kevin Mueller, a volunteer on the Community Center kitchen remodel, has submitted a proposal for his engineering services on the kitchen for \$3500.

Public Comment:

Dale Porter, 55 Navajo Trail, commented as the person who solicited the original donation last summer from David Shortridge. He had been working with Mueller on this project and they were both disappointed when this fell through. Porter had obtained bids over the summer and had been informed the Mr. Mueller was volunteering his expertise in engineering services for the town on this project. Porter cannot fault Mueller but does wonder at the propriety of submitting this to the town for work that has been partially completed and why the town should pay the full price for work that had been presented as volunteering.

Kevin Mueller said he was planning on being compensated by Mr. Shortridge for this work.

Mayor Pro Tem Porter asked him about the stove hood being considerably larger than required and asked if this will actually cause problems in the kitchen as she understands it cannot be returned.

He said the hood was larger than he anticipated as he approved an 8-foot hood. He and Serene Karplus had worked with a kitchen supplier who said this hood would be appropriate. It was not clear what appliances would be added in the future so he determined this would be the appropriate size and could be made to work although he recommends returning it and get a more appropriate sized hood. He said it can be returned although there will be a restocking fee.

Trustee Abu-Haidar asked if the amount he has proposed is negotiable because the town had received a quote for \$3900 for the same work and the Board might not feel that the bid process was closed if he could negotiate more on the price.

Trustee Gierlach supported the proposal as did Trustee Cornell. Trustee Cornell asked if he was willing to start on this immediately. Mueller said he could meet this week if it was in the evening but submitting the health department packet was not included in the budget.

Trustee Cornell asked if he would take responsibility for returning the 10-foot hood and getting the 8-foot one. He would not take responsibility for the town getting an 8-foot hood.

Mayor Cheshes asked for clarification for how much work has already been complete. The amount of work that he has already been done is around \$3500 worth, in Mueller's opinion. He thinks there is about \$3500 for more work to be done.

Trustee Abu-Haidar said Kevin Mueller has been committed to this from the beginning and has been on the ball. She thinks the Board should approve this tonight.

Trustee Wheelock asked if there was any extra time required, would he be billing the town or doing the work on a volunteer basis. He said he could not answer that as there are some unknowns. He does not anticipate anything beyond these 13 items in the scope of the proposal.

A motion to approve the engineering work proposal was made by Trustee Abu-Haidar and seconded by Trustee Cornell.

A roll call vote of the Board resulted in the motion passing unanimously.

3. Discussion and Approval of 2010 Peak to Peak Cannabis Festival

Cynthia Davis and Jessica Diggs were before the Board as Peak-to-Peak Music Festival, LLC to present their request for a festival on July 17th and 18th at the Guercio Ballfield.

Randy Lee, as a neighbor to the ballfield, recommended approval of the event.

Staff complemented the applicant proposal for being thorough and well-thought out as far as parking and safety.

The applicants said they would be capping the attendance at 1500 people.

Porter read an email from the Irwin's protesting marijuana use and legalization.

Mayor Cheshes said he did not like the Town having the reputation for this type of event.

The applicants said they feel the town is actually a role model in how Cannabis can be regulated and used. They said they had done research on the demographics and feel it is a well-educated middle aged demographic that they are aiming for with this festival. They emphasized this festival was about all of the 25,000 uses of cannabis. They said the medicinal uses would be one small part of their festival. They also said there are 5 other similar type festivals planned for Colorado this year.

Trustee Wheelock is in favor of this festival as it will bring people to town. Trustee Gierlach recommended approval too but recommended a map that showed the other businesses in town that would have related items for sales. He also reminded them to account for time to breakdown of the event.

The event organizers said that local businesses receive reduced booth and sponsorship levels.

Trustee Abu-Haidar also commended the application. She asked about how strong the pro-legalizing movement's presence would be at the festival. The organizers said they would be have

non-profits and educational groups in one area and political activists in an area also but they are not trying to focus on that and currently have no one signed up. They do hope to have NORMAL and LEAP involved as they well-known voices.

Mayor Pro Tem Porter said she agreed with their focus on sustainable farming of hemp. She also supports the event particularly as there has been no public outcry against the event or the recent opening of dispensaries.

Trustee Cornell is struggling with the proposal. He would like feedback from the community. He would like it continued.

Public Comment:

Marie Channer recommended continuing the item for public input.

A motion was made by Trustee Cornell and seconded by Trustee Abu-Haidar to continue this item until the next meeting.

A roll call vote resulted in the motion passing unanimously.

Trustee Gierlach and Trustee Wheeler felt this was already happening around Colorado and would like Nederland to be a leader in this area. Gierlach also asked that the owners of the dispensaries attend the next meeting to show support of the event.

4. Ordinance No. 679 , an Ordinance Amending Article III of Chapter 13 of the Nederland Municipal Code to Adopt a Water Conservation Program

In the Winter of 2009, the Town and the City of Boulder entered into an Intergovernmental Agreement under which Boulder agreed to contribute money to the construction of certain components of the Town's new wastewater treatment plant. The Town has a number of obligations under this IGA to receive funds from Boulder.

One of those obligations is to adopt a water conservation ordinance that is "at least as stringent as [Boulder's] existing requirements in Sections 11-1-48 through 11-1-51 of the [Boulder Revised Code]" by January 31, 2010.

This ordinance adds the substantive provisions of BRC Sections 11-1-48 through 11-1-51 to Article III of Chapter 13 of the Nederland Municipal Code, concerning the Towns' water utility. The ordinance authorizes the Town Administrator to adopt water conservation measures, when appropriate. The Public Works Director is authorized to enforce such measures. Appeals of the Public Works Director's decisions may be made to the Town Administrator.

Trustee Gierlach asked if it had to be this strict. Staff said it had to be at least as strict as Boulder's but there was room for modification. The Board discussed the circumstances under which restrictions would be imposed. Trustee Gierlach felt this should be a board decision and not left to

one person and Trustee Abu-Haidar agreed with him. They would like this item continued for 2 weeks.

The Board of Trustees decided to continue the item until the next meeting and Beery would make the recommended changes to the Ordinance for the Board to consider.

5. Discussion and Approval of updated Business Licensing process.

The DDA and some local business owners have requested the town develop a clearer business licensing process that outlines all the steps a business owner needs to complete to be able to open a business in Nederland.

The new application includes a checklist for new business owners and to make sure that all the relevant town departments are notified and sign off on a new business.

Public comment:

Theresa Warren said the DDA had concerns on a wide array of items. She said she is concerned about how the administrator is interpreting the building code.

This item was to be brought back to the Board for consideration after the Chamber of Commerce and the DDA review the document.

F. OTHER BUSINESS

- Trustee to chair/attend next 3 PROSAB meetings: Kirk Barnett has offered to do this
- Kayla Evans was before the Board of Trustees to ask for more information before her family will approve the easement agreement. She will work with Jim Stevens to get these questioned answered.
- Mayor Cheshes announced he would be in Sierra Leone for work for the next 2 months. He would like to keep his seat on the Board and does intend to run for re-election in April but will respect the Board's decision if they would like him to resign.
- Workshop: Jan 12th: to discuss the Board's progress on goals

G. ADJOURNMENT

It was moved, seconded, and unanimously approved to adjourn at 9:30 pm

Approved by the Board of Trustees

Martin L. Cheshes, Mayor

ATTEST:

Christi Icenogle, Town Clerk

TOWN OF NEDERLAND MINUTES

REGULAR BOARD OF TRUSTEES MEETING

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

January 19, 2010

7:00 P.M.

A. CALL TO ORDER: Mayor Pro Tem Porter called the meeting to order at 7:00PM.

B. ROLL CALL

Present: Trustees Abu-Haidar, Barnett, Gierlach, Cornell, Wheelock, and Mayor Pro Tem Porter

Absent: Mayor Cheshes

C. CONSENT AGENDA

- Warrants
- January 5, 2009 Regular Meeting Minutes

Trustee Abu-Haidar asked to pull the TEC bill as they were not able to review the invoice ahead of time.

A motion to approve the consent agenda was made, seconded, and approved by a roll call vote of the Board of Trustees.

D. Report from Safebuilt:

E. Committee Reports:

Jim Stevens, Town Administrator, reported on the changes to the TEC contract on the wastewater plant that will be on the next agenda and additional work.

Mayor Pro Tem reported on her work with the DDA

Joe Gierlach reported on the work of the Sustainability Advisory Board.

Sumaya Abu-Haidar reported there would be a second Art at the Center on February 11, 2009. The Community Center Foundation will be launching their new website for the Community Center soon.

Roger Cornell reported the Planning Commission is meeting next week to discuss the draft Wind Turbine Ordinance.

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

There were no general public comments.

G. NEW BUSINESS

1. Discussion and approval of 2010 Cannabis Festival in July at the Guercio Memorial Ballfield

Due to the number of people who wished to speak tonight and the length of the Board's agenda, Mayor Pro Tem Porter asked speakers to be brief so all could speak.

The Board of Trustees had continued from the last meeting so the public could weigh in with their opinion.

Cynthia Davis and Jessica Diggs were the applicants for the event. They gave a presentation explaining their proposal for a cannabis festival and explained they were not proposing a "pot festival" but an educational celebration of the plant.

PUBLIC COMMENT:

Keith Larsen encouraged the Board to always reach out to the public as they have on this item. He also hoped the Board would remember the Town did not need to chase all ways to make money.

R. Dolan Was here to support the proposal that was submitted for the festival.

John Wood was here to support the festival and the uses of medicinal marijuana.

Rick Salas, Principal at the Nederland Elementary School, said we are a nation of addicts and this festival will promote illegal activities. He is also concerned about the effects of drugs on children and their ability to function on drugs.

Alice Ames, Nederland resident, used to use cannabis but now believes cannabis is a waste of time and money. She does not want her children influenced by drug use.

Janette Smith, 56-year resident, does not want 3 events in July and does not want the Cannabis Festival to happen.

Nina Kavanaugh spoke against the festival. She also felt that no one's free speech was being impinged on by preventing the festival.

Theresa Bradley values the diversity of the people in this town but as a parent, she cannot support the festival as proposed. She does not support the onsite use of marijuana.

Marie Channer presented a petition that was against the festival as proposed.

Phyllis Wright does not want the town to be known as a pot town.

Dennis Channer wondered if this festival was the right way to get the word out on the educational aspects of cannabis.

Susan Tate, Chamber of Commerce Administrator, the Chamber of Commerce sent out information to their clients and received no formal feedback.

May Jaril said out that Cannabis was not as dangerous as other drugs and alcohol. She thinks there is a potential for Nederland to be a leader in this area.

Ray Righi, owner of Tea Alchemy, used his time to provide education to the Board on Marijuana/Cannabis laws through the years. He encouraged the Board to consider the festival.

Randy Lee said this item is about equal access to public space and if the event meets all the requirements for festivals in town. He challenged those who were concerned about the Town's image to become more involved in more positive aspects of town but not to step on the slippery slope of censorship.

Theresa Warren, local business owner and founder of Frozen Dead Guy Days, empathized with the organizers for promoting an event that is disliked by many. She also reminded the Board that the marketing strategy for the town is to pursue the free-spiritedness the area is known for throughout the Front Range.

Donna Kirkpatrick reminded everyone to be cognizant of everyone's feelings and asked the applicants to wait a year or two before they apply.

Robin Ames discussed his past drug use and said he knows that using marijuana is a gateway drug. He asked about the vision the Board had for the town.

Stephen LeFaiver, Executive Director of TEENS Inc, said the TEEN center Board of Directors has decided they cannot support this event due to the proximity to the center.

Moe Fauvel, a local doctor, spoke against the proposal and the medicinal marijuana industry. He said marijuana is addictive and he has seen the youth struggle with addiction to this drug.

The Mayor Pro Tem closed the public comment portion of the item.

Board Comment:

Joe Gierlach said he has spoken with many business owners in town. He is disappointed that the media has combined this event with the legalization movement as they are unrelated. He thinks this event is important as the state discussion on this topic is happening now. He said the Board had to have a defensible reason to turn down the application and he will be voting to support the application.

Sumaya Abu-Haidar does not feel this is just a technical approval of an event and the Board has a duty to think of it more thoroughly. She does not think that having a town-condoned festival on town-owned land is listening to what the community

wants. She also considered the impact on the east side of town, the public image, the illegality of the drug, and the public usage of the drug. All of these together led her to voting no on this application.

Marci Wheelock said this was an important and controversial issue. She has listened to all the feedback and spoken to many people on this topic. She believes that people have the right to assemble and she feels there is enough support for this event. She will be voting for the event.

Roger Cornell has given this proposal a lot of thought as well as speaking with people. He does not support the public usage of the drug. His constituency was overwhelmingly against this proposal and he will be voting against it.

Kirk Barnett has some concerns about the festival and is concerned that beer was added to the festival since the last meeting. He does not see this proposal as an effective educational tool. He disagrees with celebrating pharmaceuticals and will voting against the proposal.

Mayor Pro Tem Porter read a letter from Mayor Cheshes encouraging the Board to vote against the proposal.

Mayor Pro Tem Porter said she thought the proposal was a good one. She appreciated the need to remove some of the stigma of marijuana use but does have concerns about the public usage of marijuana.

Ken Robinson, Town Marshal, was asked about enforcing the event. He said as proposed, it was a well-planned proposal. He does think the laws are changing quickly and he is ambivalent about this event.

The applicants said they had changed the name and added more music to take some of the focus off cannabis due to recommendations from people.

A motion was made by Trustee Cornell and seconded by Trustee Wheelock to approve the Peak-to-Peak Cannabis Festival.

A roll call vote of the Board resulted in the motion failing 4:2 with Trustees Abu-Haidar, Barnett, Cornell, and Porter voting against the measure.

2. Discussion and approval of 2010 Frozen Dead Guy Days application

Staff met with the event organizers concerning this event. The major changes this year are the closing of First St on Sat and enlargement of the beer tent in Chipeta Park. They also propose to have a beer and liquor tent on First St.

Public Comment:

Randy Lee said the music was too loud in the tent in the park last year.

Marie Channer said many people told her that they do not like this festival.

Amanda McDonald, event coordinator, presented her proposal.

Su Tate, Chamber Administrator, reported only the Co-op was against the closing of First St. on the Saturday of the event.

The Trustees supported the changes to the festival. They felt closing First St would avoid some of the confusion in the past.

A motion was made by Trustee Abu-Haidar and seconded by Trustee Barnett to approve the 2010 Frozen Dead Guy Days event with the proposed changes.

A roll call vote of the Board resulted in the motion passing unanimously.

3. Discussion and Approval of Res 2010-01 appointment of SAFE BUILT as building inspector

Town Attorney Carmen Beery asked that this item be postponed due to pending litigation.

A motion was made by Trustee Abu-Haidar and seconded by Trustee Barnett to table this item.

A roll call vote of the Board resulted in the motion passing unanimously.

4. Discussion and Approval of Ordinance 679 Amending Article III of Chapter 13 of the NMC to adopt a water conservation Program

This item was brought back from the last meeting with the changes requested by the Board of Trustees. If adopted, staff will send to the City of Boulder for approval.

A motion to approve Ordinance 679 was made by Trustee Cornell and seconded by Trustee Barnett.

A roll call vote of the Board resulted in the motion passing unanimously.

5. Discussion and Approval of Resolution 2010-02 approving ballot language for a lodging tax

This measure refers the lodging tax to the ballot on April 6, 2010. The proposal calls for a \$10/per night rate based on staff recommendations. This measure, if passed, is expected to raise \$35,000 for the general fund.

Trustee Gierlach wanted to change the effective date to June 1st and corresponding revenue to \$17,500 for 2010.

A motion was made by Trustee Barnett and seconded by Trustee Cornell to approve Resolution 2010-02 approving ballot language for a lodging tax changing the effective date to June 1st and corresponding revenue to \$17,500 for 2010.

A roll call vote of the Board resulted in the motion passing unanimously.

6. Discussion and Approval of Resolution 2010-03 approving the 2010 fee schedule including a water and sewer rate increase

Eva Forberger, Treasurer, explained the background of this item and reminded the Board that when they adopted the increase last year, they knew they would have to increase them again this year to meet the Town's loan requirements for the water and sewer plant projects. Trustees talked about the plan for outreach to communicate. Staff will do a letter.

A motion was made by Trustee Cornell and seconded by Trustee Barnett to approve Resolution 2010-02 Approving the fee schedule.

A roll call vote of the Board resulted in the motion passing unanimously.

H. OTHER BUSINESS

- Stevens performance review: March after Mayor Pro Tem Porter returns
- Mayor Pro Tem Porter is out until Feb 19th. She appointed Roger Cornell to be the interim Mayor Pro Tem during her absence

I. EXECUTIVE SESSION

Executive Session pursuant to C.R.S. 24-6-402(4)(b) for a conference with the Town Attorney concerning law suit challenging appointment of building official.

J. ADJOURNMENT:

It was moved, seconded, and unanimously approved to adjourn at 10:30 pm

Approved by the Board of Trustees

Betty Porter, Mayor Pro Tem

ATTEST:

Christi Icenogle, Town Clerk

Randy,

I have just read the minutes from the July 12, 2014 BoT meeting.

Concerning the Buds, Burgers, and Beer promotion, according to those minutes:

Trustee Lee said that this is not a local festival responding to local needs, but an outside organization wanting to bring a festival to the town. Trustee Lee noted that it is 2 weeks after NedFest, will create gridlock for town, and he does not agree that marijuana is secondary, as two intoxicants are in the festival name. Trustee Lee said alcohol and marijuana together will exacerbate safety issues, as well as continue to send the message that Nederland embraces the marijuana culture. He noted that Chinook West deals with at-risk teens and feels this sends an irresponsible message. Trustee Lee said with questionable legality involved, he doesn't see any positive elements of the proposal.

I am writing to express my appreciation of your recognition of the importance of Nederland's festivals being local and responding to local needs.

This concept brings us closer to our sustainability goals and helps create resilience in our community by focusing on creating a localized economy. It is also a reflection of the principles adopted by the BoT in Resolution 2011-21.

To encourage and actively support opportunities for a localized, regional economy such as local food production, cottage industries, and light industrial, and retail supporting the needs of the community, and urging an economic shift towards an independent and self reliant community, and a role model for small town resiliency, while demonstrating how people can voluntarily work together to obtain a more harmonious existence with our ecosystem.

The principles in this section are about moving our town into a stable and resilient economic position. Event promoters coming to our town to exploit our facilities and our community for their own benefit are outside these principles no matter if our town will receive some revenues. We are tasked by the resolve of our citizens and our government as stated in this resolution with creating better options for our economic vitality than this. We are capable and it should be our focus.

Another issue that puts this festival outside of policy is contained within the same resolution.

"To encourage a reduced consumption of industrialized animal products."

As you know, production of animal based food products is one of the greatest sources of methane in our planet's atmosphere. Methane is a many times more powerful greenhouse gas than even CO2. It can absorb and hold many time the heat of CO2. This principle is sound and productive for the sustainability of our community and our planet's ecosystems. This event is not.

Also, I hope at some point we will come to understand the importance of a localized economy in relation to our "consumption" of fossil fuels. This follows from your comment concerning addressing local needs. It is also directly relational to another principle adopted by Resolution 2011-21.

“To strive to attain a goal of zero waste for the region, by promoting measures such as reduced consumption, recycling, and composting. “

Fossil fuel “consumption” and CO2 “waste” from that consumption is the most critical issue facing our planet, our community, and our children’s future at this time. Many people want to forget this fact in the discussion of “zero waste”. Being transportation based, the promotion of events that draw people from outside our mountain region encourages and promotes the use of fossil fuels and the creation of their “waste”, as well as the destructive effects of fossil fuel extraction on our ecosystem and communities. True concern for achieving zero waste cannot simply skip over the logic of this point.

As you noted, local events that provide for the needs of locals, should be our focus. Believe me we can enjoy these types of events just as all small towns do.

I would like to thank you, finally for your understanding of the critical issue of how this kind of event will message to our community’s teens and pre-teens, and to those outside our community that “Nederland embraces the marijuana culture”.

I would suggest that “some” in Nederland might embrace the marijuana culture, but certainly not all of us do, and certainly Nederland as a whole community has not chosen this identification. We certainly shouldn’t allow outside promoters to determine who we are.

This critical assessment is also covered in Resolution 2011-21.

*“To critically assess the type and number of events held in town, and the use of the town’s recreational areas, and take action **to ensure they serve and have a net positive impact on the area residents and the vitality of its localized, regional economy, and minimized the negative impacts on the ecosystem.** “*

Some folks tend to think that the collection of revenues is our sole purpose for being here. There are obviously issues of far greater importance.

I would like to encourage all trustees to find the value and critical assessment tools available in Resolution 2011-21, written and promoted by Nederland’s own citizens and adopted by BoT, in guiding us to a responsible sustainable future.

And I would like to thank you again Randy for the critical assessment of this event and the important perspective you’ve presented.

Dennis Duckett

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: July 16, 2014

INITIATED BY: Alexander Armani-Munn

INFORMATION: ACTION: OR **DISCUSSION:**

=====

AGENDA ITEM:

Update on the status of the Master Plan Update followed by discussion on the next steps to be taken.

SUMMARY:

The NDDA logo contest has been launched, although outreach efforts must be stepped up. In the coming weeks, I will be conducting outreach to local web developers. I would like the NDDA board to approve a web developer at the August meeting; I will plan on presenting all the pertinent information then. I would also like to briefly discuss the NDDA vision statement and future public outreach efforts. Finally, the last thing I would like to discuss, not requiring any formal action, is ideas for maintaining communication between myself and board members between regular meetings.

RECOMMENDATIONS:

In regards to the discussion items mentioned above, the only recommendation I have is that the NDDA board, along with myself, determine a strategy for maintaining communication between meetings.

FINANCIAL CONSIDERATIONS:

Some money was spent on Mountain Ear advertisements for the NDDA logo contest with the approval of the NDDA treasurer. Otherwise, there are no financial considerations at this time.