

Town Of Nederland
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
NEDERLAND COMMUNITY CENTER 750 Hwy 72 Nederland, CO 80466
Multi-Purpose Room
October 10, 2018 @ 6:00 pm
AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT

D. CONSENT AGENDA

1. Approval of Warrants - Amanda Kneer/Treasurer
2. Approval of the September 12, 2018 Meeting Minutes - Cindy Downing/Secretary

E. INFORMATIONAL ITEMS

1. Treasurers Report - Amanda Kneer/Treasurer
2. Town of Nederland Administrator Report - Karen Gerrity/Town Administrator
3. Chair Report – Susan Schneider/Chair
4. Executive Director Report - Josiah Masingale/Executive Director

F. ACTION ITEMS

1. NDDA Board Committee List
2. Town Request for Matching Funds for Barker Meadow Park GOCO Grant
3. Town Request for Funds for Landscaping, and for Electrical Permit and Meter for Guercio Field
4. 2019 DDA Budget

G. DISCUSSION ITEMS

1. Parking, Pedestrian, and Traffic Study and Comprehensive Plan Request for Proposals
2. Public Art Project Call for Artists and Call for Property Owners
3. Visitors Center

H. OTHER BUSINESS

I. ADJOURNMENT

NEXT REGULAR MEETING: November 14, 2018 6:00 pm at the Nederland Community Center Multi Purpose Room

The NDDA Board encourages citizen participation. Public Comment period allows 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.

Copies of the agendas and meeting packet are available at no cost via email from josiah@nederlanddowntown.org. 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.

Nederland Downtown Development Authority
Warrant Report

Invoice Number	Date	Vendor	Invoice Amt	Approved Amt	Account Number	Account Description	Budgeted \$	Budget Remaining
2018-36	9/30/2018	Cindy Downing	\$ 184.00	\$ 48.00	70-75-6500	Infrastructure/Public Art Project	2,500.00	2,452.00
				\$ 136.00	70-75-5129	DDA Secretary & Personnel	12,600.00	4,469.33
2018-37	9/30/2018	Eileen Purdy	\$ 22.82	\$ 22.82	70-75-6000	2018/2019 TARP Grant Expenses	11,475.00	11266.12
2018-38	9/30/2018	Paul C. Beneditti	\$ 1,080.00					

Town Of Nederland
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
NEDERLAND COMMUNITY CENTER 750 Hwy 72 Nederland, CO 80466
Multi-Purpose Room
September 12, 2018 @ 6:00 pm
DRAFT MEETING MINUTES

A. CALL TO ORDER

Chair Susan Schneider called the meeting to order at 6:05 pm

B. ROLL CALL

Board Present: Susan Schneider, Dallas Masters, Mark Stringfellow, Claudia Schauffler, Amanda Kneer, and Steve Karowe

Quorum: 6 of 8 board members in attendance

Staff Present: Josiah Masingale (Executive Director) and Cindy Downing (Secretary)

Guests Present: Karen Gerrity, Town of Nederland Administrator; Chris Pelletier, Town of Nederland Public Works

C. PUBLIC COMMENT

Ron Mitchell of Nederland said he would like his development concept proposal to be considered in the request for proposals the Town will be sending out for future projects in the Downtown District. He feels the future projects the Town will complete will affect his proposal and the plans associated with it.

D. CONSENT AGENDA

1. Approval of Warrants-Amanda Kneer/Treasurer

Motion to approve the July-August Warrants; 2nd. Motion was approved unanimously.

2. Approval of the August 8, 2018 Meeting Minutes-Cindy Downing/Secretary

Motion to approve the August 8, 2018 Meeting Minutes; 2nd. Motion was approved unanimously.

3. Approval of August 14, 2018 Prioritization Meeting Notes Josiah Masingale/Executive Director

Motion to approve the August 14, 2018 Prioritization Meeting notes; 2nd. Motion was approved unanimously.

E. INFORMATIONAL ITEMS

1. Treasurers Report-Amanda Kneer/Treasurer

A report was included in the packet.

2. Town of Nederland Administrator Report-Karen Gerrity/ Town Administrator

A report was included in the packet.

Chris Pelletier from Nederland Public works provided some highlights of some of his current projects:

Traffic study with CDOT: They are doing a traffic study and counting cars on the intersection of Lakeview and 119. The study will be conducted for two days. He is waiting on further information on how the results will be interpreted.

Chipeta Park: They have cleaned up the parking area, and they are done working on it for the season.

Barker Meadows Park: Chris is working with PROSAB on a conceptual plan to redevelop the area in 2019. Eldora currently has a contract in that area for the next year, so it cannot be developed until that contract ends. Part of the concept will include a dog park, bike track ramp, restroom, Polynesian garden and a greenhouse. He would like the DDA to consider funding a wayfinding sign for the park and also to run electric for events. He is going to start the process with Xcel to see what it entails to run electric to the field.

Propane Tank Company: Karen said the current renters have re-signed a new lease for 5 years. They are aware the Town is interested in purchasing but are not interested in selling.

NedPeds: They are sweeping the road regularly. They were originally supposed to sweep in the spring and the fall, but they are planning on sweeping it every month in order to get better drainage. They are developing creative solutions for runoff.

CDOT meeting: Karen met with CDOT and they confirmed that they could play the role of approving design documents if the DDA came up with the money for the project. If the DDA would like to partner with them, it would have to be two years from now, because the money they have has already been allocated to projects for the next two years. They are going to a meeting in the fall with CDOT to learn how to advocate for the Town and to partner in future projects. They are also meeting with a representative from TIF and will speak to them about getting funding for future projects.

3. Chair Report-Susan Schneider/Chair

No Chair report.

4. Executive Director Report-Josiah Masingale/Executive Director

TARP: He and Cindy are working on a survey to find out what kind of trainings they can offer.

PACE (Partners for a Clean Environment): Will be partnering with them on a workshop on October 30 from 8-10am at the HubNed.

Attorney services: Working on the Public Art Project and the contract language. Also working on the mill levy, the old ordinance and language, and will start working on the 2019 spring election.

F. ACTION ITEMS

1. 2019 DRAFT Budget

Mandy just got the valuation for the DDA district and in November the final numbers come out.

Karen said the first budget hearing is on November 6 so the so the draft budget has to be posted by October 31.

The Board discussed the draft budget. Mandy will finalize changes and present a revised draft at the October 2018 Board Meeting for approval.

2. Parking, Pedestrian, and Traffic Study and Comprehensive Plan Request for Proposals

Board discussed the DRAFT request for proposal draft taking in consideration the recent prioritization meeting The Master Plan, Envision 2020, and approved and potential future development plans.

Board requested revisions to the RFP to be reviewed at the October 2018 Board Meeting.

3. Public Art Project Call for Artists and Call for Property Owners

Board discussed the DRAFT Public Art Project (two murals on private properties) Call for Artists and Call for Property Owners. Board requested revision to reserve the right to deny any and all proposals and/or content.

Motion to approve the Public Art Project Call for Artists and Call for Property Owners with revision; 2nd. Motion was approved unanimously.

4. NDDA Board Committee List

Board discussed the DRAFT Committee List. Board request revisions to be reviewed at the October 2018 Board Meeting.

G. DISCUSSION ITEMS

No discussion Items

H. OTHER BUSINESS

No other business

I. ADJOURNMENT

Motion to adjourn; 2nd. Meeting adjourned at 8:15 pm.

NEXT REGULAR MEETING:

The NDDA Board encourages citizen participation. Public Comment period allows 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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AGENDA INFORMATION MEMORANDUM NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY

Meeting Date: October 10, 2018
Prepared By: Karen Gerrity, Town Administrator
Dept: Admin
Consent Information Action Discussion

STAFF REPORT FROM TOWN ADMINISTRATOR

SHORT TERM RENTALS

The Board of Trustees (BOT) held a Short Term Rentals works session with the Planning Commission on August 22 at 6 pm. Based on the discussion, staff was directed to analyze various definitions and regulations in the existing town code to identify what short term rental situations are currently allowed which the BOT considered at their September meeting. After their discussion the BOT gave staff direction to revise the DRAFT ordinance originally recommended by the Planning Commission and present again at their October 16 meeting.

2019 BUDGET

The Board of Trustees are considering the 2019 Budget and the public hearing will be held on November 5 at 7pm in the theater at the Community Center. The DRAFT budget should be posted on the Town Website on or around October 15.

GREAT OUTDOOR COLORADO (GOCO) GRANT FOR PARK IMPROVEMENTS

The Parks and Recreation and Open Space Advisory Board, will present the 2018 GOCO grant application for improvements to the Barker Meadow Park at the October 16 Board of Trustees Meeting. Public Works Manager Chris Pelletier can answer any questions regarding this matter.

BIOSOLIDS PROJECT

The project to improve the Town's Waste Water Treatment Plant continues to move forward with funding in place as well as a Construction Administration Services agreement with JVA, the Town's engineer of record. The Public Works team hopes to begin work later this month.

ROAD WORK UPDATE-REPORT FROM PUBLIC WORKS MANAGER



Staff is experimenting with a road stabilizing polymer that is non-leaching, non-toxic, and environmentally friendly. This product was first introduced to me from a colleague in Adams County where they are experimenting with it on their high traffic roads that have high volumes of truck traffic. The polymer binds and hardens the road to reduce the frequency of grading. Some of their roads are lasting well over a year without any maintenance other than a reapplication of the product. This is particularly important to Adams County because it also reduces the amount of water needed for conventional road-grading which takes many 1000's of gallons. The product will bind better with different aggregate mixes. Public works is also experimenting with mixing different materials together to create a road base that better interacts with the polymer rather than the traditional road base that the County uses. This product has been used in other countries with drier climates and has been so successful that they are actually able to paint lines in the road as if it were asphalt. I am not sure if other mountain communities are using it but Nederland's climate is a little different considering the freezing temperatures and steep terrain. If this technique is successful this will save the money by reducing the frequency of grading, reduce the amount of water needed, reduce the amount of road base materials that end up washing away, improve water quality of storm water run-off, and reduce dust. Above all this may improve the quality of the road for residents and their cars. The goal is to gradually improve and stabilize roads which will reduce the frequency of grading and allow Staff to focus on larger asphalt projects that can be performed in-house to save money. Ultimately, Public Works needs to do more with less staff and less money and we hope this is a path in that direction.

INTERMOUNTAIN ALLIANCE AND PEAK 2 PEAK HEATH AND HUMAN SERVICES ALLIANCE JOINT MEETING

The IMA and P2PHHSA will hold a joint meeting on October 12 in Nederland to address the subject of Mountain Community Sustainability. The area organizations are looking to expand their scope to include more Boulder County representatives including direct interface with the County Commissioners.

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: October 10, 2018

INITIATED BY: Josiah Masingale, Executive Director

INFORMATION: X ACTION: OR DISCUSSION:
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AGENDA ITEM: Executive Director’s Report for October 2018

SUMMARY:

- Staffing Report: Staff costs on budget, will be spending-down general operations salary time and effort through the end of 2018 while ramping up staff time and effort on the TARP Grant at the same time.
- TARP 2018 Update: Currently coordinating three workshops (Efficiency for Businesses and Residences; Selling through a Story; Instagram for Business) and finalizing a small business needs survey that will be distributed during upcoming visits to small businesses along Peak to Peak Highway.
- CDOT Meeting on Wednesday October 31st at 11:30am at CityWide Banks. Please RSVP for this meeting (this will be an official DDA Board Meeting with only the CDOT Meeting as an agenda item). Will discuss how the DDA can partner with CDOT and Town to make improvements to CO72/119.
- RiverWalk Preliminary Design: Mountain Co-Op Board responded that the Co-Op is unwilling to participate in any RiverWalk project.
- Attorney Services: Mill Levy Expiration Update and other items under attorney review.

RECOMMENDATIONS: N/A

FINANCIAL CONSIDERATIONS: N/A

ATTACHMENTS: N/A

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: October 10, 2018
INITIATED BY: Josiah Masingale, Executive Director

INFORMATION:___ ACTION: X OR DISCUSSION:___
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AGENDA ITEM: Nederland Downtown Development Authority Board of Directors Committee Descriptions and Lists.

SUMMARY: The NDDA Board of Directors has established committees to work on business items and other DDA related matters on an on-going basis and to provide the larger Board of Directors with regular and key updates. These committee's may be amended by the Board of Directors at any time and may work with other partners or key stakeholders. No committee may have more than two DDA Board Members serving on it at once, and no committee work shall take place with more than two DDA Board Members present.

Changes incorporated since the September Board Meeting include removing the Lakeview/119 Committee for redundancy with the ED and Infrastructure Committee, and changing of board members on the Food Truck Usage Committee and the Constituent Relations Committee.

RECOMMENDATION: Board Approval of DDA Board of Directors Committee Descriptions and List or provide other guidance.

FINANCIAL CONSIDERATIONS: N/A

ATTACHMENT(S):

1. DDA Board of Directors Committee Descriptions and List as of October 10, 2018

**Nederland Downtown Development Authority
Committee Descriptions and Members**

Overview (from NDDA Board of Directors Bylaws Section 3.600 Committees): The Board, by resolution adopted by a majority of the Board, may designate and appoint one or more committees, each of which shall consist of no more than two board members and may contain members of the public. Committees shall have and exercise such authority as shall be granted to them by such resolution; provided, however, such committee shall not have the power or authority to adopt an agreement of merger or consolidation or an agreement for the sale, lease or exchange of all, or substantially all of the Authority's property and assets, dissolve the Authority or amend the rules of the Authority. Any member of a committee may be removed by the board whenever in their judgment the best interests of the Authority shall be served by such removal.

Executive Committee: The Executive Committee shall be composed of the duly elected officers of the Authority and shall be led by the Board Chair. This committee shall be responsible for contract review; shall be involved in necessary legal matters; and shall lead Director annual appraisal.

Executive Committee Members: Susan Schneider (Chair) and Brent Tregaskis (Vice-Chair)

Finance Committee: The Finance Committee shall be led by the Board Treasurer. This committee shall review monthly financials ahead of board meeting; maintain fiscal controls and policies; shall lead the annual budget development; and lead audits/financial reviews.

Finance Committee Members: Mandy Kneer (Treasurer) and Dallas Masters

Beautification Committee: The Beautification Committee shall be led by the Director. The committee shall provide input into Authority beautification planning and implementation projects.

Beautification Committee Members: Rea Orthner and Claudia Schauffler

Constituent Relations Committee: The Constituent Relations Committee shall be led by the Director. The committee shall provide input into Authority constituent relations, including appropriate messaging and events planning for Authority projects.

Constituent Relations Committee Members: Claudia Schauffler and Brent Tregaskis

Economic Development and Infrastructure Committee: The Economic Development and Infrastructure Committee shall be led by the Director. The committee shall provide input into Authority economic development and infrastructure projects.

Economic Development and Infrastructure Committee Members: Steve Karowe and Mark Stringfellow

Arts and Culture Committee: The Arts and Culture Committee shall be led by the Director. The committee shall provide policy and procedures and recommendations for public/private art projects sponsored by the DDA, and shall provide input into Authority arts and cultural projects.

Arts and Cultural Committee Members: Susan Schneider and Claudia Schauffler

Food Truck Usage Committee: This ad-hoc committee shall be led by the Director. The ad-hoc committee shall provide input on recommendations to the Town Board of Trustees regarding Food Truck usage in the Downtown Development District.

Food Truck Usage Committee Members: Mandy Kneer and Rea Orthner



AGENDA INFORMATION MEMORANDUM NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY

MEETING DATE: October 10, 2018

INITIATED BY: Chris Pelletier, Public Works Manager

INFORMATION:___ ACTION: X OR DISCUSSION:___

AGENDA ITEM:

Staff is requesting a contribution to the Great Outdoors Colorado (GOCO) grant matching funds in order to upgrade Barker Meadows Park.

SUMMARY:

Staff is working with PROSAB on a conceptual design of Barker Meadows Park. Staff and PROSAB are also pursuing a GOCO grant to fund these upgrades. The maximum grant allocation is \$350,000. In order to pursue the maximum allocation amount the town must contribute \$46,500. The town of Nederland has funds as a result of a lease agreement with Eldora Mountain Resort for the amount of \$35,500. Additionally, TEENs, Inc is willing to contribute \$7000 towards this effort. The Town of Nederland is requesting the DDA to be a partner in this effort and contribute \$4000.

RECOMMENDATIONS:

Staff Recommends partnering with the Town to make these much needed improvements to Nederland's Parks. Parks contribute to the economic vitality of the town and ultimately bring more visitors. This park also proposes to offer more connectivity which is one of the goals of the DDA. These are a few of the various organizations in support of this park are: PROSAB, SAB, TEENs Inc, NATO, Town of Nederland, and SMBA. Staff is requesting that the DDA join this partnership.

FINANCIAL CONSIDERATIONS:

Staff is requesting \$4000

ATTACHMENTS:

- Conceptual design thus far

Barker Meadow Park: Phase One

Proposed Phase One Improvements to
current Gercio Ballfield area.

Legend

-  Bathrooms
-  Bike
-  Bike Park/Pump Track
-  Improved Landscaping
-  Picnic
-  Picnic Shelters





AGENDA INFORMATION MEMORANDUM NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY

MEETING DATE: October 10, 2018

INITIATED BY: Chris Pelletier, Public Works Manager

INFORMATION:___ ACTION: X OR DISCUSSION:___

AGENDA ITEM:

Staff is requesting funding for two items.

- \$5,000 to landscape the Town Hall
- \$10,000 for electrical permits and a meter at Barker Meadows Park

SUMMARY:

Staff has a landscaping plan for improving the area in front of Town Hall. This area is a tourist attraction and staff would like to make improvements to beautify the area and provide seating. The current condition of the grass is difficult to maintain. We would like to use natural materials and create a practical walking path and eliminate the lawn.

Staff has begun the permitting process with Xcel Energy to set a meter at Barker Meadows Park. We have requested the electrical needs of the events that take place there and will start the process to understand costs. Xcel will not provide costs until it has gone through an engineering review. Staff is requesting that adequate funds are set aside for when their reviews are complete. There is no committed date as to when reviews can be completed other than it can take several months.

RECOMMENDATIONS:

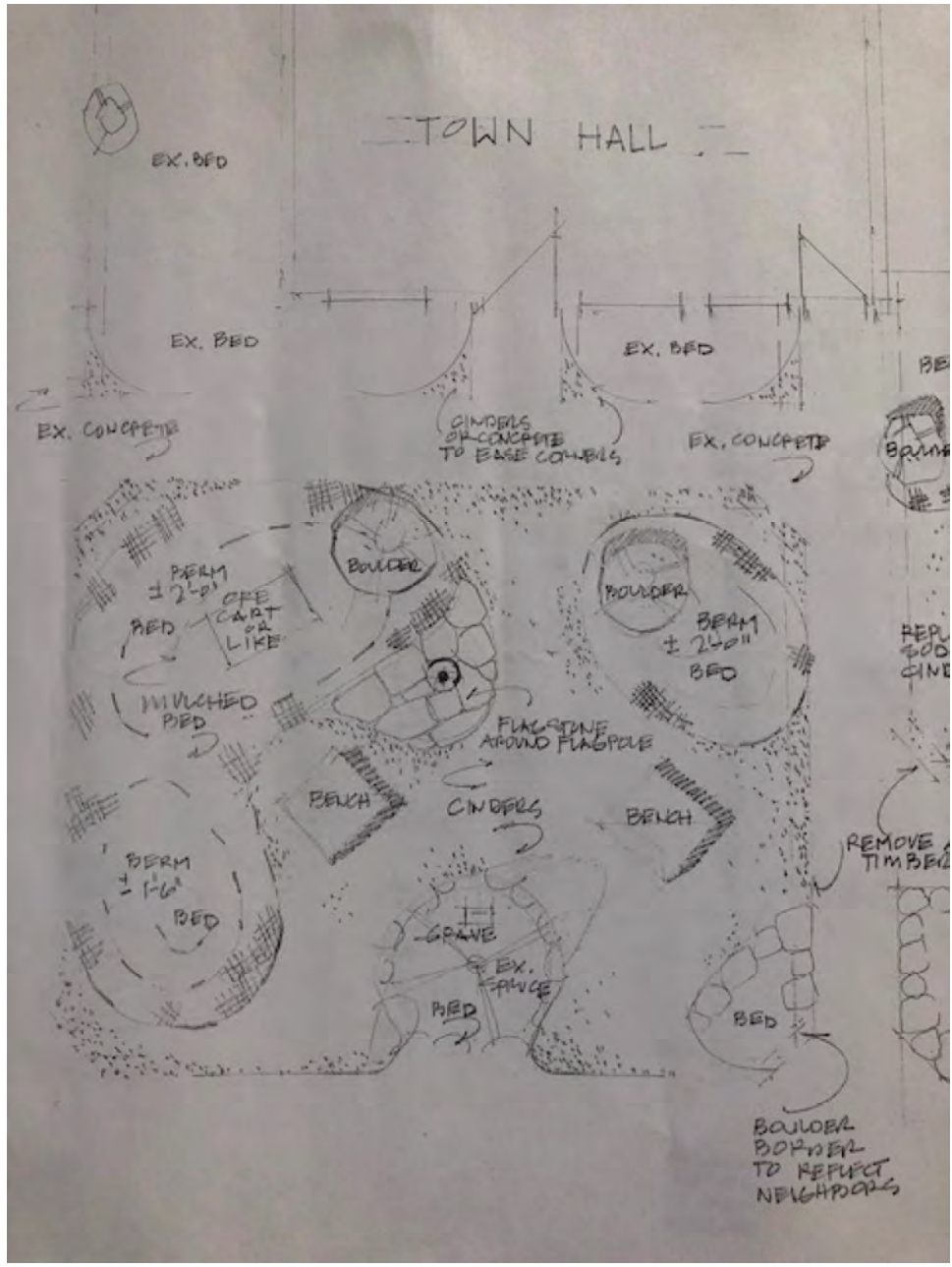
Staff recommends funding Town Hall improvements as it is directly related to downtown improvements. Funding electrical at Barker Meadows Park is also a benefit to downtown Businesses which will eventually have facilities and host events.

FINANCIAL CONSIDERATIONS:

The total request is \$15,000

ATTACHMENTS:

- Town Hall landscaping plan



AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: October 10, 2018

INITIATED BY: Josiah Masingale, Executive Director

INFORMATION:___ ACTION: X OR DISCUSSION:___
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AGENDA ITEM:

Nederland Downtown Development Authority DRAFT 2019 Budget.

SUMMARY:

The DDA Board of Directors is required to submit a DRAFT Annual Budget to the Nederland Town Board of Trustees to be reviewed and approved. Attached is a Town of Nederland 2019 Budget Approval Schedule which outlines the steps to be taken to have an approved budget prior to January 2019.

The attached budget revenue projections and budgeted expenses is based upon past budget activities and 2019 activities that have been identified by the Board of Directors as priorities.

At the September 2018 Board Meeting, it was requested that a baseline TIF and Mill Levy Budget be presented to the Board at the October 2018 meeting which would propose a budget to be approved and provided to the Town for inclusion in the overall Town 2019 Budget.

RECOMMENDATIONS:

Board Approval of DRAFT DDA 2019 Budget to be provided to the Nederland Town Treasurer, or provide other guidance.

FINANCIAL CONSIDERATIONS: \$100,000 in projected Mill Levy revenue and approximate TIF funds for 2019.

ATTACHMENT(S):

1. NDDA DRAFT 2019 Budget
2. Town of Nederland 2019 Budget Approval Schedule

Nederland Downtown Development Authority
Profit & Loss Budget vs. Actual
January through August 2018

OPERATING BUDGET		ACTUAL TD	2018	2019	NOTES
	Jan - Aug 18	Budget	PROPOSED		
Income					
70-4000 - Property Taxes	26,371.40	28,673.00	29,000		
70-4002 - Specific Ownership Taxes	1,328.18	1,600.00	1,600		
70-4900 - Interest	2,167.10	600.00	2,000		
70-4915 - Donations	600.00				
70-4916 - In-Kind Donations	143.45				
70-8402 - TARP	525.00				
70 - Loan Proceeds	40,000.00				
Total Income	71,135.13	30,873.00	32,600		
Expense					
Office Rent	0.00	600.00	600		
70-5110 - IT	0.00	250.00	250		
70-5115 - Website	110.00	1,200.00	400		
70-5125 - Accounting	0.00	600.00	600		
70-5129 - DDA Secretary & Personnel	7,881.42	12,600.00	17,250	20 hours per month - \$19.25 per hour = \$4,620	\$12,630 DDA executive director
70-5175 - Election	0.00	10,000.00	10,000		
70-5270 - Downtown Area (DDA)	5,801.88		-		
70-5410 - Office Supplies	173.45	100.00	200		
70-5710 - Postage/Shipping	20.00	100.00	100		
70-5735 - Bo County Tax Collection	395.56	450.00	500		
70-5740 - Bank Fees	0.00	50.00	50		
70-5750 - Advertising	439.99	500.00	500		
70-5770 - Printing/Copying	17.72	250.00	250		
70-5810 - Conference/Training	0.00	2,000.00	1,000	CHICAGO PARKING CONVENTION?	
70-5830 - Meals for Meetings	0.00	500.00	-		
70-5850 - Annual Membership/Dues	0.00	300.00	300		
70-5999 - Admin & Finance Allocation	0.00	1,200.00	600		
70-6000 - TARP grant expenses	9,787.33	8,547.71	-		
70-6500 - Infrastructure	26,693.94	0.00	-		
Total Expense	62,123.96	42,147.71	32,600		
Net Income	9,011.17	-11,274.71	-		
TIF FUNDS BUDGET					
				2019	TIF/Capital Projects - 2019
				PROPOSED	
Income					
80-4005 - TIF Taxes	250,179.79	190,000.00	250,000	Beautification	12,000
Expense					
80-5735 - Bidr County Tax Collection	3,752.67	2,900.00	3,800	NedPeds Fix (Chris)	10,000
80-7100 - Loan Principal	7,000.00	0.00		Parking Study	40,000
80-7200 - Loan Interest	50.00	0.00		Public Art	2,500
				Wayfinding	
				Welcome Sign (Susan)	20,000
Total Expense	10,802.67	2,900.00	3,800		84,500
Net Income	239,377.12	187,100.00	246,200		

Town of Nederland 2019 Budget Calendar

<u>Date</u>	<u>Item</u>
Mon, 7/27/18	Issue Budget templates to staff
Mon, 8/6/18	Send advertisement to The Mountain Ear for Public Charrette (8/16 & 8/23 papers)
Friday, 8/10/18	Budget Templates/ Budget requests from staff due to Treasurer
Tues, 8/21/18	Budget Kick-off with Schedule presentation to Board
Tues, 8/28/18	Public Charrette (Staff, BOT, DDA on hand) 6-8 pm at Community Center
Tues, 9/25/18	BOT Work Session #1: First draft of Budget all funds 6-8 pm Community Center
Tues, 10/9/18	BOT Work Session #2: Second draft of Budget all funds and CIP 6-8 pm CC
Thurs, 10/31/18	Draft Budget posted for Public Review
Tues, 11/6/18	Budget Hearing at BOT regular meeting
Tues, 11/14/18	Deadline for public comment (2 weeks)
Tues, 11/20/18	Public comments and Draft Final 2019 Budget for BOT meeting
Tues, 12/4/18	Pass 2018 Budget for Town & DDA and Certify 2018 Mill Levy
1/31/2018	Send Final Budget Book to DOLA

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: October 10, 2018
INITIATED BY: Josiah Masingale, Executive Director

INFORMATION: _____ ACTION:___ OR DISCUSSION: __X__
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AGENDA ITEM: Nederland Downtown Development Authority Parking, Pedestrian, and Traffic Study and Plan RFP.

SUMMARY: Through the 2018 DDA Prioritization Meeting (see earlier in meeting packet) the DDA Board of Directors prioritized an RFP to select a firm to conduct a study and provide a plan regarding parking, pedestrian mobility, and traffic flow in Nederland and specific to the Downtown District and DDA 2017 Master Plan priorities. A DRAFT RFP was presented to the NDDA Board at the September 2018 meeting and with several revisions requested. The attached DRAFT RFP represents the latest DRAFT, and outlines this Study and Plan, including the requested study areas and objectives, and clear project deliverables in the resulting plan, which will definitively answer crucial questions posed by the DDA.

The RFP would be released immediately with a submission deadline of November 30, 2018. Work will be expected to commence by early 2019 and end by October 30, 2019 with final Study and Plan presented to the NDDA Board by late November 2019.

Proposals will be evaluated using the following criteria, without limitation, in determining the recommendation of the firm for the Nederland Downtown Development Authority Board of Directors to submit a recommendation of an award of the project to the Nederland Town Board of Trustees for final approval. The Nederland Downtown Development Authority Board Directors in partnership with the Town of Nederland will review the RFPs and may short-list up to three firms:

- Completeness and responsiveness to the requirements of the RFP
- Demonstrated qualifications, professional experience and competency in the analysis associated with the scope of work
- Proposed fee to the DDA and the viability of the firm or team to complete the scope of services in a timely fashion.
- Innovative nature and extent of creativity in addressing various aspects of the RFP, including presentation methods and materials.

RECOMMENDATIONS: Board Approval of public release of the RFP or provide other guidance.

FINANCIAL CONSIDERATIONS: There is no established budget for this project, but it is anticipated that TIF funds will be used to fund some or all of this Study and Plan. Similar RFP's researched were funded at levels ranging from \$20,000 - \$70,000.

ATTACHMENT(S): Parking, Pedestrian, and Traffic Flow RFP

**Nederland Downtown
Development Authority
Nederland, Colorado**



**REQUEST FOR PROPOSAL:
Parking, Pedestrian and Traffic Study
and Comprehensive Plan**

***RFP DEADLINE:
Friday November 30, 2018
5:00 PM MST***

A vibrant downtown must accommodate accessible transportation in multiple forms and supports projects and programs that promote alternatives to fossil fuel vehicles, enhance walkability, and provide easy transit, regardless of age or the physical condition of users. Nederland values the diversity of its residents and visitors, and the NDDA will work to ensure that downtown provides a welcoming atmosphere for all. (NDDA 2017 Master Plan)

The Nederland Downtown Development Authority (the DDA) is soliciting professional parking, travel demand management, and transportation planning consulting firms or teams to assist in development of an innovative, district-wide parking, mobility, access and traffic flow management Study and Comprehensive Plan (the Study and Plan).

BACKGROUND

Nederland is in southwestern Boulder County, occupying the Middle Boulder Creek Basin at an approximate elevation of 8,200 feet, and is known as a gateway to outdoor recreation in the nearby Indian Peaks Wilderness, Rocky Mountain National Park, Roosevelt National Forest, and the James Peak Wilderness, as well as being known for major events such as the annual Frozen Dead Guy Days. Nederland is located 17 miles west of Boulder, 41 miles south of Estes Park, and 47 miles northwest of Denver at the Junction of State Highway 119 and State Highway 72 on the Peak to Peak Scenic Byway. Around 2013, Nederland began experiencing a period of growth after several years of stagnation. With Denver and Boulder metropolitan areas population increases, Nederland, as a result, is experiencing greater visitor traffic and increased tourism. Census data shows that the total number of households in Nederland has increased by about 10 percent since 2010, from 598 households to 662.

The Nederland DDA was created in 2005 by a majority of voters within the DDA boundaries to promote the development and improve the infrastructure of downtown Nederland. Projects are established and prioritized that meet the needs of commercial property owners, businesses, and the community at large. ([Nederland DDA District Map](#)). The DDA is funded through two methods: a mill levy for operating purposes and Tax Increment Financing. The mill levy is a self-imposed tax, approved by voters within the DDA district, which is voted on every seven years. Tax Increment Financing (TIF) is a unique tool, allowed by state law, for communities to capture a portion of property tax from a designated area so that the money can be reinvested in that area. undertaken by the DDA must also be approved by the Nederland Board of Trustees, but the funds come from only the DDA property tax payers (not all Nederland residents).

In 2016-2017 the DDA went through a process that culminated in the 2017 Master Plan ([NDDA 2017 Master Plan](#)) and identified several major strategies for each “neighborhood” of the district, along with general strategies that may be addressed by the DDA in the future. This process included several public engagement events as well as feedback from DDA

constituents and stakeholders. The 2017 Master Plan should be used as a foundation for this study and plan.

In August 2018, the DDA Board of Directors conducted a needs/resources assessment and prioritization process that clearly identified parking (“parking is the key”), way-fare finding and signage, pedestrian access and traffic flow as the major needs to be addressed in the immediate future for the Downtown area using DDA and other partner resources. Recognizing this an opportunity to establish a framework and create a plan to strategically and creatively manage parking, traffic flow, access and mobility in the district, the Nederland DDA is advancing this study and plan.

The scope of the work envisioned in this proposal is for the successful consultant firm or team to provide a thorough analysis of existing conditions and future demand and to provide innovative, forward-thinking and creative solutions and strategies to address need, including step by step recommendations for immediate project implementation. **A Major component of the Study and Plan is to engage with private developers and district property owners for information on possible future developments, including projects that are in active PUD status.**

SCOPE OF WORK

The Study and Plan should identify challenges and solutions for walkability, connectivity, parking availability and traffic flow specific to the Downtown area while incorporating area resources and opportunities for partnerships.

Work will be expected to commence by early 2019 and end by October 30, 2019 with final Study and Plan presented to the NDDA Board by late November 2019.

This Study and Plan will have the following major components:

- **Parking:** The Study and Plan should include an analysis of current on-street and off-street parking supply throughout the entire DDA district as well as an analysis of current parking regulations, demand – including present demand, events demand, and potential future demand. The analysis should also include way-fare finding, signage, possible additional parking opportunities, any additional efficiency improvements for parking, and a thorough analysis of financing strategies including but not limited to parking benefit areas, fee-in-lieu, parking requirement reform, parking cash out, etc.

This Study and Plan should include a vision for desired uses of paid versus non-paid options, and/or additional street parking, in key areas (visitor center parking lot, down 1st Street, near Jefferson Street, and along Lakeview Drive and Big Springs Drive) by stakeholders with consideration for how that may change as the district develops, as well as considering short-term and long-term parking recommendations, and Development of a toolbox of policies, programs, etc. for creation of tailored parking, mobility and access strategies. This section should also analyze other options

for facilitating turn-over of parking spots in key areas as well as possible enforcement systems. Additionally, this study and plan should look at how the DDA can help to better manage parking throughout the district, including but not limited to utilizing shared technologies (e.g. utilizing the same pay-by-phone applications, etc.), working with business owners to coordinate parking for their employees, transportation demand management, incentives to carpool and consistent parking management strategies. This could also include any potential partnerships the DDA may want to explore with RTD or other mobility providers.

This parking conditions data should include parking restrictions, capacity and occupancy, with special regard to major events, seasonal peaks, and peak usage times. This study should include scope to complete on-street parking conditions data for the remainder of the DDA district and should provide on-street parking management strategies that look at metered parking opportunities, loading zones, opportunities to accommodate car share, electric vehicles and accommodating ride-sharing. In making recommendations the scope of work should include strategies to pilot new parking strategies and technologies.

- ***Circulation, Bicycle and Pedestrian Access and Amenities:*** This study and plan should explore current bicycle and pedestrian infrastructure and amenities, identify problem areas and opportunities for improvements, and provide recommendations on how best to create a pedestrian and bicycle infrastructure that enhances connectivity, livability, and ADA access.

The Study and Plan should emphasize pedestrian mobility from the visitor center parking lot to 1st Street (including plans for an underpass pedestrian walkway from west of CO 119/72 to the current pedestrian bridge on the east of the highway), down 1st Street to the Skatepark, and from the Skatepark to the Chipeta Park area.

The Study and Plan should provide recommendations on creative strategies to address future demand for parking, bicycle/pedestrian access and circulation with a focus on how the DDA may take a leadership role in managing parking, mobility and access in the district through approaches including but not limited to parking district approaches, utilization of new technologies, incentives to not drive vehicles, private development tools that may be utilized, district circulator and/or other innovative approaches, etc.

This Study and Plan should identify methods to promote circulation throughout, and to DDA district economic hubs, by means other than vehicular travel, specifically how to encourage walking and biking and how to provide circulation throughout the district through other creative means. The study should also include recommendations for long-term improvements to transit systems, and strategies as to how the DDA district may advance other opportunities, while increasing and supporting local economic development and commerce, which should culminate in a

district-wide plan for traffic flow improvements.

- **Traffic Flow and Infrastructure:** The DDA district encompasses a major state highway (CO 119/72) running through the middle of downtown, essentially creating a barrier to walkability and connectivity, while also resulting in traffic flow and access issues into adjoining neighborhoods. This study and plan should analyze traffic flow at key times (major events, seasonal peaks, and peak usage times) and provide concrete steps for its improvement, as well as analyzing current infrastructure within DDA district limits prioritizing improvements that will immediately affect positive pedestrian access, mobility, and ADA compliance while also addressing traffic flow barriers. Key areas that will need to be addressed in the Study and Plan will be the CO 119/72 and Lakeview Drive intersection, the CO 119/72 and CityWide Banks/Ace Hardware intersection, and a possible 2nd bridge crossing Middle Boulder Creek.

The Study and Plan should take into consideration storm-water management, drainage, environmental protection of Beaver Creek and Middle Boulder Creek, and other key infrastructure improvements in its recommendations, including possible urgent re-paving needs. The study and plan should clearly delineate key partners in potential projects, including property owners, the Town, and Local, State and Federal entities.

- **Implementation:** This Study and Plan should identify a clear plan for implementation that identifies short-term actions as well as a long-term strategies. Recommendations should include clear plans for phasing and general costs associated with each recommend task. The Study and Plan should also explore how the DDA can utilize parking as a potential revenue generation tool that may bring in monies to be reinvested into the downtown district. Implementation strategies should identify items that fall within the Town's purview (e.g. changes in on-street restrictions), under CDOT's purview (e.g. changes to CO 119/72) and those that the DDA would be responsible for implementation of (e.g. new amenities, branded signage). The implementation strategy should also identify other sources of funding that could be utilized to support implementation of these projects (e.g. Denver Regional Council of Governments (DRCOG), RTD). Additionally, a communications plan should be included in the overall implementation plan that incorporates key messaging tactics for a successful implementation of its key strategies.

It's important to note that this piece of work is intended to be used as a plan; it is envisioned to provide a thorough study of the issues and provide a set of actionable strategies clear steps for implementation. The final study and comprehensive plan completed by the consultant firm or team should include these items at a minimum, but additional recommendations are welcomed.

SUBMISSION REQUIREMENTS

The selected consultant team or firm will have demonstrated extensive background and

understanding of municipal parking, on-and off-street parking expertise, traffic management, multimodal access, Transportation Demand Management (TDM) experience, complete streets, bike and pedestrian improvements and other mobility solutions include car/bike sharing. The selected firm or team should also have significant knowledge of land use and zoning codes related to parking and access, integration with rural/mountain design principles, a proven track record with industry-leading parking management strategies, experience with instituting district parking management solutions and the ability to research and draft a formal comprehensive plan document.

Experience and a good relationship with the Town of Nederland, Boulder County, the City of Boulder, RTD, Colorado Department of Transportation (CDOT), DRMAC and DRCOG is preferred, and any experience working on similar strategies with a Downtown Development Authority is strongly desired. The appropriate consulting fit for the DDA district will be one that understands not only where the industry is now, but also where it is headed (i.e. autonomous vehicles, sharing economy, changing attitudes about vehicle ownership, meter-less payment options, creating a “menu” of mobility choices so that those visiting the district can make decisions based on their daily needs).

Your firm or team should respond to the RFP by including the following elements:

- **Project Vision and Approach:** Taking into account the vision of the DDA district, the Town of Nederland, and this project as scoped here, provide your definition and vision for this study and plan and what you identify as key priorities and tasks. Please include:
 - An overview of the consultant team project approach
 - Detailed task list/scope of work
 - Project schedule and timeline
 - Anticipated staff hours for each part of the project, and availability of staff relative to other assignments during the term of the contract
- **Qualifications and Experience:** Qualifications should demonstrate experience developing innovative approaches to the integration of parking management and TDM strategies, comprehensive approaches to district-wide solutions, the ability to conduct research and present technical information to non-technical decision-makers, knowledge of best practices in transportation, traffic flow, parking and TDM, integration of access strategies with broader district goals, strong public process facilitation including a variety of outreach strategies and familiarity with Boulder County and Nederland in particular.
- **Public Engagement and Outreach:** The respondent should identify how it will conduct stakeholder engagement to identify parking related issues and opportunities. Consultant may employ public forums, engagement meetings with stakeholder groups, online surveys, intercept surveys or other methods. You should describe your engagement methodology in your proposal, and clearly identify methods of surveying DDA District property owners and business owners in the study.
- **Budget:** A proposed budget for completion of work tied to the specific tasks and/or

deliverables identified within this RFP.

All materials developed under this RFP shall become the property of the Nederland Downtown Development Authority. The Nederland Downtown Development Authority shall not be liable for costs incurred in the preparation of a response to this RFP.

PRE-SUBMISSION QUESTIONS

Interested respondents may submit questions about the proposal to Josiah@NederlandDowntown.org by Monday, November 5, 2018 at 5 PM MST. Questions and responses to those questions will be compiled and emailed out to interested parties by Wednesday, November 7, 2018 at 5 PM MST.

SUBMISSION INFORMATION

All proposals, fully completed, must be submitted by Friday, November 30, 2018 at 5 PM. Responders should email a PDF to:

Josiah Masingale, Executive Director, Nederland Downtown Development Authority
Josiah@NederlandDowntown.org

A copy of this RFP may also be obtained from our website: www.NederlandDowntown.org

EVALUATION

Proposals will be evaluated using the following criteria, without limitation, in determining the recommendation of the firm for the Nederland Downtown Development Authority Board of Directors to submit a recommendation of an award of the project to the Nederland Town Board of Trustees for final approval. Work will be expected to commence by early 2019:

- Completeness and responsiveness to the requirements of the RFP
- Demonstrated qualifications, professional experience and competency in the analysis associated with the scope of work
- Proposed fee to the DDA and the viability of the firm or team to complete the scope of services in a timely fashion.
- Innovative nature and extent of creativity in addressing various aspects of the RFP, including presentation methods and materials.

The Nederland Downtown Development Authority Board Directors in partnership with the Town of Nederland will review the RFPs and may short-list up to three firms.

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: October 10, 2018
INITIATED BY: Josiah Masingale, Executive Director
INFORMATION: _____ ACTION:___ OR DISCUSSION: X_____
=====

AGENDA ITEM: Nederland Downtown Development Authority Public Art Project Call for Artists and Call for Property Owners.

SUMMARY: The NDDA Board of Directors requested and received approval from the Town Board of Trustees a TIF Loan of \$2,500.00 to conduct a Public Art Project. At the August 2018 NDDA Board of Directors Meeting it was determined that a Call for Artists and a Call for Property Owners should be conducted to choose two site locations and two artists/conceptions to move forward with under the project. Separate agreements between the DDA/Artists and the DDA/Property Owners have been drafted and reviewed by the DDA attorney, with Town review finding no need for Town Attorney review. It is anticipated that these agreements will be finalized and will be ready for execution upon selection of the artists and property owners.

The Call for Artists and Call for Property Owners was released in September and outlined the scope of the project for each perspective party, along with submission requirements, and information on the selection process. The deadline for submissions was September 30, 2018 and both Call for Artist and Call for Property Owners was released on the DDA and Town Website, Social Media, and through physical flyers being distributed. The Arts and Culture Committee reviewed submissions with a goal of two locations being chosen; and two artists being chosen and asked to provide final project proposals which will consist of: information about design and installation of the mural, including wall preparation, painting supplies, scaffolding, labor, insurance, a budget outline, and a timeline for completion. The DDA received one artist proposal, and three property owner proposals which included a myriad of options for mural locations. One of the property owners requested that it be able to choose the artist and artistic concept, but the chosen artist was unable to submit a proposal by the deadline.

The DDA Arts and Culture Committee is requesting DDA Board discussion around next steps. Two options are (1) Move forward with the submissions received either choosing the one artist for both locations or working with the one property owner's chosen artist and conception (for two artists and two locations); OR (2) open up the Call for Artists and Call for Property Owners for an extended period (through November) and conduct increased promotions to obtain additional artist submissions. There was feedback that the deadline for submission was tight and may have precluded some artists from providing a submission.

RECOMMENDATION: Board Provide Guidance on Next Steps as outlined above.

FINANCIAL CONSIDERATIONS: There is \$2,500.00 in TIF funds approved for this project, which includes both murals along with some funds for possible maintenance.

ATTACHMENT(S):

1. Contract for Public Art Project – Property Owner
2. Contract for Public Art Project – Artist
3. Property Owner Submissions Received
4. Artist Submission Received

PUBLIC ART/MURAL AGREEMENT
Nederland Downtown Development Authority Agreement for Mural Projects

THIS AGREEMENT (“Agreement”) dated for reference purposes only this 1ST day of October 2018, by and between X, located at X, hereinafter referred to as the “OWNER”, and the Nederland Downtown Development Authority (NDDA), located at P.O. Box 396, Nederland, CO 80466, hereinafter referred to as the "AUTHORITY". The AUTHORITY and the OWNER may be collectively referred to herein as the “PARTIES”. The ARTIST is the agreed upon CONTRACTOR for this agreement.

The AUTHORITY and the OWNER, for the consideration herein set forth, agree as follows:

1. AGREEMENT OF THE OWNER:

- OWNER agrees to provide access to the property for the ARTIST to complete the mural.
- OWNER agrees to the mural being housed on the property as agreed upon.
- OWNER agrees to leave the mural on the property for a period of two-years upon completion.
- OWNER agrees to cover the mural under its property insurance for a period of two years upon completion.
- OWNER agrees to provide access to the mural to the AUTHORITY and/or the ARTIST to conduct any necessary maintenance.
- OWNER agrees to be responsible for removal of the mural at their discretion upon completion of the two-year period.

2. RESPONSIBILITIES OF THE AUTHORITY:

- AUTHORITY shall be responsible for the cost of the mural.
- AUTHORITY shall be responsible for necessary maintenance such as fixing any vandalism or other reasonable upkeep for two-years upon completion.

3. TERM: The term of this Agreement shall be effective from October 1, 2018 to October 31, 2020.

4. PAYMENT AND FEE SCHEDULE: N/A

5. INDEPENDENT CONTRACTOR: In providing services under this Agreement, the ARTIST acts as an independent CONTRACTOR and not as an employee of the AUTHORITY. The ARTIST shall be solely and entirely responsible for his/her acts, and the acts of his/her employees, agents, servants, and subcontractors during the term and performance of this Agreement. No employee, agent, servant, or subcontractor of the ARTIST shall be deemed to be an employee, agent, or servant of the AUTHORITY because of the performance of any services or work under this Agreement.

6. TERMINATION:

- For Cause: If, through any cause, the ARTIST fails to fulfill its obligations under this Agreement in a timely and proper manner, or if the ARTIST violates any of the covenants, conditions, or stipulations of this Agreement, the AUTHORITY shall thereupon have the right to immediately terminate this Agreement, upon giving written notice to the OWNER and ARTIST of such termination and specifying the effective date thereof.
- For Convenience: The AUTHORITY may terminate this Agreement at any time by giving written notice as specified herein to the OWNER and ARTIST, which notice shall be given at least thirty (30) days prior to the effective date of the termination. If this Agreement is terminated by the AUTHORITY, the ARTIST will be paid an amount that bears the same ratio to the total compensation as the services actually performed bear to the total services the ARTIST was to perform under this Agreement, less payments previously made to the ARTIST under this Agreement.

7. MUTUAL UNDERSTANDINGS:

- Jurisdiction and Venue: The laws of the State of Colorado shall govern as to the interpretation, validity, and effect of this Agreement. The PARTIES agree that jurisdiction and venue for any disputes arising under this Agreement shall be in Boulder County, Colorado.
- Assignability: Neither this Agreement, nor any rights hereunder, in whole or in part, shall be assignable or otherwise transferable by the ARTIST or OWNER without the prior written consent of the AUTHORITY.
- Force Majeure: No party (AUTHORITY, OWNER or ARTIST) shall be liable for any delay or failure to perform its obligations hereunder to the extent that such delay or failure is caused by a force or event beyond the control of such party including, without limitation, war, embargoes, strikes, governmental restrictions, riots, fires, floods, earthquakes, or other acts of God.
- Indemnification: In the performance of this Agreement, the OWNER agrees to indemnify and hold harmless the AUTHORITY, its directors, officers, employees, agents and others acting on its behalf and to defend and protect them from and against any and all loss, damage, liability, cost and expense (including, without limitation, attorney fees and other costs and expenses of defense), of any sort whatsoever based upon, resulting from or otherwise arising in connection with any actions, claims, or proceedings brought, or any loss, damage or injury of any type, by reason of any act or omission of the OWNER, its employees or agents or any other person or entity for whose acts or omissions the OWNER is legally responsible.
- Governmental Immunity. The AUTHORITY, its officers and employees are relying on and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, §§ 24-10-101, C.R.S., et seq., as amended, or otherwise available to the AUTHORITY and its officers and employees.
-

- Notice: For the purposes of this Agreement, any and all notices shall be addressed to the contacts listed below:

<input checked="" type="checkbox"/>
Address: <input checked="" type="checkbox"/>
Phone: <input type="checkbox"/>
E-mail: <input checked="" type="checkbox"/>
Nederland Downtown Development Authority Contact: Josiah Masingale Address: PO Box 396, Nederland, CO 80466 Phone: (303) 258.3266 x28 E-mail: Josiah@NederlandDowntown.org

- Integration of Understanding: This Agreement contains the entire understanding of the PARTIES hereto and neither it, nor the rights and obligations hereunder, may be changed, modified, or waived except by an instrument in writing that is signed by the PARTIES hereto.
- Severability: If any provision of this Agreement is determined to be unenforceable or invalid for any reason, the remainder of this Agreement shall remain in effect, unless otherwise terminated in accordance with the terms contained herein.
- Authorization: Each party represents and warrants that it has the power and ability to enter into this Agreement, to grant the rights granted herein, and to perform the duties and obligations herein described.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the PARTIES have caused their names to be affixed hereto.

Name: X

Date

Nederland Downtown Development Authority
Name: Josiah Masingale
Title: Executive Director

Date

PUBLIC ART/MURAL AGREEMENT
Nederland Downtown Development Authority Agreement for Mural Projects

THIS AGREEMENT (“Agreement”) dated for reference purposes only this 1ST day of October 2018, by and between X, located at X, hereinafter referred to as the “ARTIST”, and the Nederland Downtown Development Authority (NDDA), located at P.O. Box 396, Nederland, CO 80466, hereinafter referred to as the "AUTHORITY". The AUTHORITY and the ARTIST may be collectively referred to herein as the “PARTIES”. The OWNER is the property owner of the agreed upon location of the mural for this agreement.

The AUTHORITY and the ARTIST, for the consideration herein set forth, agree as follows:

1. AGREEMENT OF THE ARTIST:

- ARTIST agrees to follow provided access to the property from the OWNER to complete the mural.
- ARTIST agrees to provide proof of liability insurance and bond.
- ARTIST agrees to the mural being created on the property as agreed upon, by October 30, 2018.
- ARTIST agrees to leave the mural on the property for a period of two-years upon completion.
- ARTIST agrees to provide necessary maintenance on the mural for two-years, based upon provided access to the mural by the OWNER, and through the AUTHORITY’S prior approval.

2. RESPONSIBILITIES OF THE AUTHORITY:

- AUTHORITY shall be responsible for coordination with OWNER and ARTIST.
- AUTHORITY shall be responsible for necessary maintenance such as fixing any vandalism or other reasonable upkeep for two-years upon completion.

3. TERM: The term of this Agreement shall be effective from October 1, 2018 to October 31, 2020.

4. PAYMENT AND FEE SCHEDULE: AUTHORITY shall pay the ARTIST for completion of the agreed upon mural under this Agreement, and the ARTIST shall accept as full payment for those services, not to exceed the sum of \$1,000.00, payable in two payments (\$500.00 upon initiation and \$500.00 upon completion).

Necessary, and prior approved, maintenance to fix graffiti or other reasonable upkeep will be provided by the ARTIST to the AUTHORITY at a rate of \$25.00/hour.

No other expenses will be paid or reimbursed without prior execution of an AMENDMENT to this contract.

5. INDEPENDENT CONTRACTOR: In providing services under this Agreement, the

ARTIST acts as an independent CONTRACTOR and not as an employee of the AUTHORITY. The ARTIST shall be solely and entirely responsible for his/her acts, and the acts of his/her employees, agents, and subcontractors during the term and performance of this Agreement. No employee, agent, servant, or subcontractor of the ARTIST shall be deemed to be an employee or agent of the AUTHORITY because of the performance of any services or work under this Agreement.

6. **TERMINATION:**

- **For Cause:** If, through any cause, the ARTIST fails to fulfill its obligations under this Agreement in a timely and proper manner, or if the ARTIST violates any of the covenants, conditions, or stipulations of this Agreement, the AUTHORITY shall thereupon have the right to immediately terminate this Agreement, upon giving written notice to the OWNER and ARTIST of such termination and specifying the effective date thereof.
- **For Convenience:** The AUTHORITY may terminate this Agreement at any time by giving written notice as specified herein to the OWNER and ARTIST, which notice shall be given at least thirty (30) days prior to the effective date of the termination. If this Agreement is terminated by the AUTHORITY, the ARTIST will be paid an amount that bears the same ratio to the total compensation as the services actually performed bear to the total services the ARTIST was to perform under this Agreement, less payments previously made to the ARTIST under this Agreement.

7. **MUTUAL UNDERSTANDINGS:**

- **Jurisdiction and Venue:** The laws of the State of Colorado shall govern as to the interpretation, validity, and effect of this Agreement. The PARTIES agree that jurisdiction and venue for any disputes arising under this Agreement shall be in Boulder County, Colorado.
- **Assignability:** Neither this Agreement, nor any rights hereunder, in whole or in part, shall be assignable or otherwise transferable by the ARTIST or OWNER without the prior written consent of the AUTHORITY.
- **Force Majeure:** No party (AUTHORITY, OWNER or ARTIST) shall be liable for any delay or failure to perform its obligations hereunder to the extent that such delay or failure is caused by a force or event beyond the control of such party including, without limitation, war, embargoes, strikes, governmental restrictions, riots, fires, floods, earthquakes, or other acts of God.
- **Indemnification:** In the performance of this Agreement, the ARTIST agrees to indemnify and hold harmless the AUTHORITY, its directors, officers, employees, agents and others acting on its behalf and to defend and protect them from and against any and all loss, damage, liability, cost and expense (including, without limitation, attorney fees and other costs and expenses of defense), of any sort whatsoever based upon, resulting from or otherwise arising in connection with any actions, claims, or proceedings brought, or any loss, damage or injury of any type, by reason of any act or omission of the ARTIST, its employees or agents or any

other person or entity for whose acts or omissions the ARTIST is legally responsible.

- Governmental Immunity. The AUTHORITY, its officers and employees are relying on and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, §§ 24-10-101, C.R.S., et seq., as amended, or otherwise available to the AUTHORITY and its officers and employees.
- Notice: For the purposes of this Agreement, any and all notices shall be addressed to the contacts listed below:

<input checked="" type="checkbox"/>
Address: <input checked="" type="checkbox"/>
Phone: <input type="checkbox"/>
E-mail: <input checked="" type="checkbox"/>
Nederland Downtown Development Authority Contact: Josiah Masingale Address: PO Box 396, Nederland, CO 80466 Phone: (303) 258.3266 x28 E-mail: Josiah@NederlandDowntown.org

- Integration of Understanding: This Agreement contains the entire understanding of the PARTIES hereto and neither it, nor the rights and obligations hereunder, may be changed, modified, or waived except by an instrument in writing that is signed by the PARTIES hereto.
- Severability: If any provision of this Agreement is determined to be unenforceable or invalid for any reason, the remainder of this Agreement shall remain in effect, unless otherwise terminated in accordance with the terms contained herein.
- Authorization: Each party represents and warrants that it has the power and ability to enter into this Agreement, to grant the rights granted herein, and to perform the duties and obligations herein described.

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IN WITNESS WHEREOF, the PARTIES have caused their names to be affixed hereto.

Name: X

Date

Nederland Downtown Development Authority
Name: Josiah Masingale
Title: Executive Director

Date



Nederland Downtown Development Authority <ndda.ed@gmail.com>

Re: Public art

1 message

no firstname no lastname <ronaldamitchell@mail.com>

Sun, Sep 23, 2018 at 12:23 AM

To: Nederland Downtown Development Authority <josiah@nederlanddowntown.org>

1. The West Side of the Rock Shop and the North Side of the Rock Shop at 5 East First Street
2. The East Side of the Garage at 95 East First Street.
3. The West Side of the Alpaca Store at [30 West Boulder Street](#)
4. The East Side of the Shed on the Parking lot just East of 75 East First Street.
5. The West side of 45 East Second Street.
6. The North Sides of the two pink sheds at 55 East Second Street
7. The East Side of the Red Shed at 55 East Second Street.
8. The East side of the house at 60 East Second Street.
9. The West side of 35 East Second Street

Wow. There are more than I thought there were ==after thinking about it.

Sent: Wednesday, September 19, 2018 at 6:55 AM

From: "Nederland Downtown Development Authority" <josiah@nederlanddowntown.org>

To: "Ronald A Mitchell" <ronaldamitchell@mail.com>

Subject: Re: Public art

Great, Ron! Please do put together a proposal for us! Let me know if you have any questions as you are putting it together.

Thanks!!!

Josiah

On Tue, Sep 18, 2018 at 4:43 AM Mail.com <ronaldamitchell@mail.com> wrote:

I'm in. I have 3 or 4 sites available. Ron Mitchell

<http://www.nederlanddowntown.org/wp-content/uploads/NDDA-Call-for-Property-Owners-for-Mural-Project-September-2018.pdf>

Ronald A. Mitchell

--
Josiah Masingale, [NCRT](#), [CCAP](#)

Executive Director

Nederland Downtown Development Authority

Josiah@NederlandDowntown.org

www.NederlandDowntown.org

303-258-3266 x-28

P.O Box 396 Nederland, CO 80466





Nederland Downtown Development Authority <ndda.ed@gmail.com>

Re: Last Call for Artists/Property Owners for Mural Project and Efficiency Workshop October 30th at Hub Ned

1 message

Karina Luscher <karina@saltocoffeeworks.com>

Sun, Sep 30, 2018 at 5:33 PM

To: Nederland Downtown Development Authority <Josiah@nederlanddowntown.org>

We would love to be a host for a mural.

Karina Luscher
 Owner/Craft Roaster
saltocoffeeworks.com
 112 E 2nd St
 Nederland, CO 80466

On Sep 30, 2018, at 3:08 PM, Nederland Downtown Development Authority <Josiah@NederlandDowntown.org> wrote:

[View this email in your browser](#)



Nederland Downtown Development Authority

Call for Artists and Call for Property Owners

NDDA Public Art Project

DEADLINE **TODAY**

The NDDA released a [Call for Artists](#) and a [Call for Property Owners](#) for the Public Art Project seeking to install two murals in the Downtown area on private property.

The NDDA is seeking property owners interested in hosting a mural, and artists and conceptions for two still to be determined locations. Deadline for proposals is TODAY.

The purpose of the project is to bring a sense of vibrancy and curb appeal to the Nederland Downtown area. The mural locations are to be selected by the Nederland Downtown Development Authority Arts and Culture Committee, will be displayed on the chosen properties for a two-year period, and will be maintained by the selected artist with support of the DDA.

Please share with any potentially interested parties!

Project supported through Tax Increment Funding (TIF) through the Nederland Downtown Development Authority.



Nederland Downtown Development Authority <ndda.ed@gmail.com>

Re: Mural Project

1 message

Kate Miller <alpinebotanicals@gmail.com>
To: josiah@nederlanddowntown.org

Tue, Oct 2, 2018 at 10:37 AM

Hi Josiah,

Yes, we are not expecting any leeway, it just got missed in the fray and I'd like to be involved if possible. I guess technically it would be as owner of the building, not necessarily as the business. We were planning on installing a botanically themed mural anyway when I heard about this project.

Do you need me to submit a proposal still or am I on a waiting list of some kind?

On Mon, Oct 1, 2018 at 8:36 AM Nederland Downtown Development Authority <josiah@nederlanddowntown.org> wrote:

Hi Kate! Thanks for your email, and for your interest in the project! Can we put Alpine Botanical down as a possible property for now? If chosen, we could potentially then work with a preferred artist (your staff member that is out of town)...

It will ultimately be up to a committee of folks working on this project that will make the determinations, so I'm not in a position to give you any leeway, but I will bring it to the committee for their consideration.

Thanks again!
Josiah

On Sun, Sep 30, 2018 at 4:14 PM Kate Miller <alpinebotanicals@gmail.com> wrote:

Hi Josiah!

I kept misplacing my information about this and just saw that today is the deadline!

Is there anyway I could get you guys a proposal before the end of the week? The store is short staffed and I'm pretty much the only one here until Wednesday evening.

One of my employees would likely be the artist on this project, and she is out of town at the moment so we wouldn't be able to submit a draft sketch of the mural on the west side until she returns.

Let me know if an extension would be allowable!

Thanks!

Kate

--

Kate Miller

Owner & CEO
Alpine Botanicals Artisan Apothecary & Center for Resilience
92 East First St
Nederland, Colorado
www.alpinebotanicals.com

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--

Josiah Masingale, [NCRT](#), [CCAP](#)
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www.NederlandDowntown.org
303-258-3266 x-28
P.O Box 396 Nederland, CO 80466



Nederland Downtown Development Authority <ndda.ed@gmail.com>

Heather Taylor - Artist

1 message

Heather Dalton <hdaltonarts@gmail.com>

Sun, Sep 30, 2018 at 7:17 PM

To: Nederland Downtown Development Authority <josiah@nederlanddowntown.org>

Heather Taylor
720-626-8886
www.TheArtofHeatherTaylor.com

I'm proposing to do a landscape in my style which would take about 2 weeks. I will be using Aerosol paint to keep the budget on point and longevity of the mural. As a professional artist I realize the cost of materials, renting scaffolding, transportation instantly cuts said budget in half. I just have some questions- When is the launching date and is there a timeline preferred now that we're getting into tricky weather? Is it \$1000 per mural or for both? "Mural will be displayed on the wall for 2 years maintained by the artist and DDA..." Does this mean the DDA covers the maintenance cost when unforeseen situations arises like weather, sun, and vandalism? I've done many murals in the past and would love to add some of my color to Nederland. Thank you for the consideration. I hope to be in touch soon. Sincerely, Heather Taylor

On Wed, Sep 19, 2018, 6:48 AM Nederland Downtown Development Authority <josiah@nederlanddowntown.org> wrote:
Hi Heather,

Thanks for your email, and very nice to meet you!

Thanks for your interest. Please let me know if you have any questions as you prepare your proposal.

Thanks again!
Josiah

On Tue, Sep 18, 2018 at 11:45 AM Heather Dalton <hdaltonarts@gmail.com> wrote:

Hello my name is Heather Taylor. I'm well known around Nederland. I think it would be nice to see a large landscape on one of the buildings. My website is www.TheArtofHeatherTaylor.com I've talked with Susan before, and have done projects for Ron Mitchell. Thank you so much for your time

--
Josiah Masingale, [NCRT](#), [CCAP](#)
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3 attachments



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10/2/2018

Gmail - Heather Taylor - Artist



AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: October 10, 2018
INITIATED BY: Josiah Masingale, Executive Director
INFORMATION:___ ACTION:___ OR DISCUSSION: X___
=====

AGENDA ITEM: Visitors Center

SUMMARY: The Town of Nederland is requesting the NDDA Board of Directors discuss potentially taking over operations for the Visitor Center.

RECOMMENDATION: Board Discussion on Pros/Cons of taking over administration of the Visitors Center, including any questions to be asked of Town.

FINANCIAL CONSIDERATIONS: N/A at this preliminary point.

ATTACHMENT(S): N/A