

Town Of Nederland
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
Nederland Town Hall, 45 West First Street, Nederland, CO 80466
Annex
October 30, 2013 at 6:30 pm
SPECIAL MEETING AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT

D. INFORMATION ITEMS

1. Resignation letter from Sue Churches, Secretary to the NDDA Board
2. Public Hearing Notice for the November 20, 2013 combined meeting of the NDDA and the Planning Commission for the Town of Nederland Pedestrian Enhancement Design and Nederland Pedestrian and Storm Water Management Improvement Project.

E. ACTION ITEMS

1. Consideration of recommending 2 new members to the Nederland Board of Trustees at their next meeting November 5, 2013, replacing two members who have resigned.

F. DISCUSSION ITEMS

1. Discussion of options of replacing NDDA board Secretary.

G. OTHER BUSINESS

H. ADJOURNMENT

NEXT REGULAR MEETING: Wed, November 20th, 2013 - 6:30pm Multi Purpose 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.

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 secneddda@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.

October 25, 2013

Dear NDDA Board:

I would like to inform you that I am resigning from my position as Secretary for the Nederland Downtown Authority, effective 2 weeks from today, November 8, 2013.

Thank you for the opportunity to serve this Board as Secretary as well as in an additional capacity post Executive Director Paul Turnburke's resignation in January, 2013.

I realize that this is somewhat unconventional - but I've attached some additional reading: 1/ Paul's resignation and 2/ an amended Plan of Development. His final report / overviews are rooted in this Board's history as well as his 5 year commitment to the DDA, and I feel compelled to give them some air in response to questions I've received and Mr. Adler's presentation of the DDA's history at our last meeting. Only 1 short year ago - this was the DDA I was hired into to serve. Again, a reminder to focus on the issues, not the people.

It has been quite an interesting and insightful time to be involved with this organization. Having put systems in place, archived, created templates, ads and communication avenues, and managed the day to day duties for the Board, I hope that you will find that my time and efforts have been professional and supportive.

If I can be of any help during this transition, please let me know. I appreciate all of the time and commitment each of you have made to work together for a safe, beautiful and vibrant downtown.

Sincerely,

Susan Davis Churches

NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
DIRECTORS' REPORT
January 16, 2013

Time Reporting

The following is a breakout of my time related to the NED PED project and basic administrative tasks. Since December 13, my time breakout is as follows (as of January 10):

NED PED time	11.5 hrs (46%)
Administrative time	13.5 hrs (54%)
<u>Total time</u>	<u>25.0 hrs (100%)</u>

As we enter 2013, I would like to reflect on the past year. We transitioned the leadership of the NDDA from the previous board of directors to a new board, and as our first assignment we were asked to undertake the NedPeds project and to do so within a very optimistic time frame. Although it was not an easy task, we worked hard to accomplish this, all of us to the best of our abilities.

Looking forward, NedPeds is now well under way and is becoming the first test of the Nederland Public Process. This process will not be perfect, and I'm sure many things will be learned. But it is the most comprehensive public process that has ever been done in Nederland and I hope it will become a model for future projects.

The design process is going well under the direction of Conor and Brian. I am confident that, although some difficult decisions are yet to be made, the project will become an asset to the citizens of Nederland and will establish a new benchmark for sustainability and public outreach.

In this year, there will be new challenges facing this board. For NedPeds, finalizing the design and moving into the construction phase will require the diligent attention of everyone. The board will need to determine how much of its' resources to expend towards NedPeds and how much will be available for other work.

I believe an outreach effort to the constituents of the district should be part of this year's work. It is important to recall that the voters of the district approved our debt authorization with the understanding that a revised Master Plan would be done. Our constituents throughout the district are the ones who will be asked to vote on future debt authorizations and extensions of the mill levy. They need to know what the NDDA is doing for them, and the board needs to understand their challenges and concerns.

The NDDA should also work closely with the town to align our goals as much as possible with the goals of the Board of Trustees and the revised Comprehensive Plan. By working together, we will be more effective and we can continue to improve our working relationship with the BOT.

With all of these challenges before us, as Executive Director I have been taking stock of the time commitment required for this work. A few weeks ago, I accepted a position as a Project Manager for the City of Boulder. This job now occupies much of my time, in addition to my landscape architectural practice, Turnburke Associates, which has also picked up.

I take my position as Executive Director and my commitment to you all very seriously. Unfortunately, I can no longer fulfill the requirements of this job, which have evolved to be very time sensitive and deadline oriented, in the way I would like. Therefore, I am submitting my resignation, effective immediately. I am willing to work out the remainder of the month in order to provide a smooth transition if the board wishes.

I am confident that you will be in good hands with Sue. She is extremely conscientious and capable and has been a pleasure to work with. I have spoken with her about my decision to insure that she will be comfortable with the increased workload that may be required of her.

As the future is always uncertain, perhaps I will be able to help in some way at a later time. If you see an opportunity where I could be of assistance in furthering the goals of this organization, it is my hope that you will feel free to contact me.

In closing, I would like to say that I have enjoyed my work as Executive Director of the NDDA over the past five years and feel privileged to have had the opportunity. I am grateful for the support and cooperation I have received from you. I understand and deeply appreciate the commitment all of you have made to the improvement of our downtown and I wish you all the best for the future.

Regards,

Paul Turnburke
Executive Director

NDDA (Nederland Downtown Development Authority) 2006 PLAN OF DEVELOPMENT (Amended 07/03/12)

The following list of projects are not in any priority order because it is important that the DDA Board retain flexibility to act upon any of these projects or other projects that arise.

In developing these projects, the DDA formation committee considered the input provided by participants at the past two Economic Summits, the findings and recommendations of the Market Analysis and information compiled by action groups that resulted from the two Summits.

1. Circulation

Design and build a circulation system for pedestrians, bicycles, traffic and parking so as to minimize conflicts among the modes of transportation and maximize the safety and convenience of driving to and walking in the District.

- Improve the shopping center/bank intersection
- Provide safe pedestrian crossings of Highway 119 and other main roads
- Construct sidewalks and trails
- Connect key amenities (e.g. RTD to downtown)

2. Riverwalk

Develop the Middle Boulder Creek corridor into an attractive centerpiece of the Town that connects the South and North business areas and the lakefront in an environmentally sensitive manner.

- Construct a new overpass at Highway 119 to accommodate pedestrian trails along the creek
- Provide a pedestrian path along the north side of the creek with easy access and integration with businesses
- Construct a pedestrian-friendly bridge linking Chipeta Park and East First Street
- Enhance the creek for better fish habitat and kayaking

3. Beautification - improve the attractiveness of the District.

- Place underground publicly and privately owned utility and communication lines.
- Promote attractive streetscape (e.g., lamp posts, landscaping, signage)
- Retain historical buildings and adhere to Town architectural design standards
- Incorporate art features (e.g., historical artifacts, fountains, graphics, etc.)
- Encourage and promote private and public development projects, such as parks, plazas, and landscaping throughout the District

4. Town Square

Design and build an attractive and functional gathering place for the community and visitors.

- Convert the Town-owned land behind the Visitor's Center to a town square
- Create a multi-purpose space for community gatherings such as farmer's market, festivals, arts and crafts fairs and other events
- Incorporate attractive landscaping, historical features and public art in projects

5. Promote and Support Private Developments that Create a Public Benefit

Encourage activities and services that will attract residents and tourists by broadening the entertainment, cultural, shopping and social activities and events that take place in the district.

- Participate with developer/builder if their project is highly desirable; and their project is consistent with the plans and objectives of the DDA; and their project may not be otherwise economically viable
- Plan and develop public facilities that will enhance and encourage the development of privately sponsored projects
- Encourage planning and projects which are compatible with their surroundings
- Encourage diversity of land uses in the district so that the area includes a cross section of compatible uses
- Actively solicit and if necessary, provide sites for land uses that are important to the economic vitality of the town

6. Amendment to Plan of Development to include the NED PED project.

The overall project is focused on the design for the enhancement of the multi-modal aspects of the corridor including the need for new walkways and non-vehicular road crossings; expanded and formalized parking areas on public rights of way; adjustments to private parking areas within public rights of way and within temporary easements; provisions for drainage and storm water management facilities including water quality enhancement by using the principles of biomimicry where ever possible; utility relocations (if needed) and other appurtenant items.



PUBLIC HEARING

PLEASE TAKE NOTICE that the Town of Nederland Planning Commission and the Nederland Downtown Development Authority shall have a Public Hearing on Wednesday, November 20, 2013 @ 7:00 p.m. in the Nederland Community Center, 750 Highway 72 North, Multi-purpose Room, to discuss and to consider the the Town of Nederland Pedestrian Enhancement Design and Nederland Pedestrian and Storm Water Management Design. All interested persons are encouraged to attend.

IN WITNESS WHEREOF, I affix my hand and the official Seal of the Town of Nederland, Colorado, September 30, 2013.

(Seal)

Cynthia Bakke, Deputy Town Clerk

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
SPECIAL MEETING DATE: October 30, 2013

INITIATED BY: Patricia H. Everson

INFORMATION: ACTION:X OR DISCUSSION:

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AGENDA ITEM: Consideration of filling two NDDA board member vacancies.

SUMMARY: The NDDA board has accepted the resignation of two members and has advertised for several weeks for replacements. The positions open are for property owners only, as we have to keep the majority of the board property owners. The two resignations were property owners. The following people have applied:

1. Amanda Kneer - Treasurer - Board of Directors representing the Mountain Peoples Coopertive property at 30 E 1st St. Nederland
2. Susan Schneider - Branch Manager of the Mutual of Omaha property at 26 S Hwy 119, Nederland.

Both of these people meet the qualification of property owner due to their positions within the structure of the entity.

Amanda Kneer is in an authoritative position on the board of the directors of the Mountain Peoples Cooperative that controls the property.

Susan Schneider, as part of the duties of the branch manager, controls the property in which the bank is located. She is given this authority by her job description.

Both of these applicants will be representing the interests of the property and not the businesses located at those addresses. Although the interests of the businesses at all locations are considered within the NDDA.

- RECOMMENDATIONS:
1. Appoint both applicants
 2. Appoint one applicant
 3. Do not appoint any applicants and continue advertising.

ATTACHMENTS: 1. Applications from Amanda Kneer and Susan Schneider



**TOWN OF NEDERLAND
STANDARD APPLICATION FOR
APPOINTMENT OR REAPPOINTMENT TO TOWN
ADVISORY BOARDS AND COMMISSIONS**

This is an application for appointment X or reappointment to the **Nederland Downtown Development Authority**.

Applicant Name: Amanda Kneer

Mailing Address: _____

Street Address: _____

Telephone number(s): _____

Email address: _____

Are you applying as a Property owner or Business lessee? Property owner

- Location of property or business: 30 East 1st Street Nederland
- Position (Owner, manager if property is a corporation): Treasurer, Mountain Peoples Cooperative Board of Directors
- Name of Business if a Lessee: _____

If a NEW APPOINTMENT, please describe any special knowledge, abilities, background or interests you feel will provide a positive contribution to the goals and purposes of the board or commission for which you are seeking appointment. (Attach resume if desired or use an extra sheet of paper, if necessary.) If a RE-APPOINTMENT, please describe previous board(s) experience and contributions.

Please plan on attending the BOT meeting at which your appointment will be considered.

Applicant Signature

Date

10/21/13

Amanda S. Kneer

Nederland, CO 80466

Work
Experience

Accounting Specialists Inc **March 1998 – present**
Accountant

Business and Income tax return preparation and advice. Full charge bookkeeping and accounting services, including payroll processing, payroll tax deposits and reporting, sales tax returns.

Accurate Payroll Solutions **January 2008 – present**
Owner/Payroll processing company

Company consists of two full time employees whose duties include processing payroll, payroll tax deposits and payroll tax returns for about 150 companies.

Gold Lake Mountain Resort and Spa **November 1994 – March 1998**
Accounting assistant

Managed A/P and A/R for the resort. Tracked daily sales and entered sales journal entries into accounting program.

Moved to Nederland, Colorado – October 1994

Volunteer
Experience

Mountain Peoples Cooperative **October 2000 – present**
Treasurer, Board of Directors

Peak to Peak Healthy Community Project **May 2011 – present**
Treasurer, Board of Directors

NedCompost **May 2012 – present**
Treasurer, Board of Directors



RECEIVED
10/21/13

TOWN OF NEDERLAND
STANDARD APPLICATION FOR
APPOINTMENT OR REAPPOINTMENT TO TOWN
ADVISORY BOARDS AND COMMISSIONS

This is an application for appointment ♦ or reappointment ♦ to the Nederland Downtown Development Authority.

Applicant Name: SUSAN SCHNEIDER
Mailing Address: C/O MUTUAL OF OMAHA BANK
P.O. BOX 69 NEDERLAND CO 80466
Street Address: 26 S. Hwy 119 NEDERLAND CO 80466
Telephone number(s): (303) 258-7071 WORK, _____
Email address: SUSAN.SCHNEIDER@MUTUALOFOMAHABANK.COM

Are you applying as a Property owner or Business lessee? PROPERTY OWNER

- Location of property or business: 26 S. Hwy 119 NEDERLAND
- Position (Owner, manager if property is a corporation): BANK MANAGER
- Name of Business if a Lessee: _____

If a NEW APPOINTMENT, please describe any special knowledge, abilities, background or interests you feel will provide a positive contribution to the goals and purposes of the board or commission for which you are seeking appointment. (Attach resume if desired or use an extra sheet of paper, if necessary.) If a RE-APPOINTMENT, please describe previous board(s) experience and contributions.

Please plan on attending the BOT meeting at which your appointment will be considered.

PREVIOUS BOARD EXPERIENCE WITH THE CAUCUS OF HAPPINESS. I HAVE

WORKED AT THE BANK IN NEDERLAND FOR 7 YEARS. EXPERIENCED AS A

VOLUNTEER FOR NON-PROFIT FUNDRAISERS AND COMMUNITY ACTIVITIES SUCH
AS THE COMMUNITY THANKSGIVING DINNER.

Applicant Signature

Date

10/21/13

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
MEETING DATE: October 30, 2013

INITIATED BY: Patricia Everson, Chairman

INFORMATION: ACTION: OR DISCUSSION:X

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AGENDA ITEM: Consideration of various options to replace the duties of Sue Churches the NDDA Board Secretary.

SUMMARY: Sue has tendered her resignation effective Nov 8, 2013. Although we wish her all the best of luck in her new opportunities, we need to consider how we move forward in this position as a board.

Although we should move on this promptly, we should also consider the option of selecting an interim Secretary, possibly a board member, and give our new members an opportunity to help select one of our options.

Without the services of an Executive Director, we need someone to assume her duties on a temporary basis. Please see the attached job description passed by the NDDA board in September 5, 2012.

In July of 2012, the NDDA board changed the recommendation of the Finance committee, from an Independent Contractor position to an hourly position, so that the hours necessary to complete the work could be more closely monitored. Please refer to the recommendations of the Finance Committee and the Treasurer attached.

At this time, we do not have an adequate computer or office space to have an employee. We need to consider the job description and the status of the position of Secretary to the NDDA Board. Possibilities might include the following:

1. One of the members of the board assuming the responsibilities for a short period until we can decide how to proceed. This was done for many years by a board member.

2. Continuing the position as it is now, but considering that the next person has to provide their own computer, printer, internet service, work space and telephone
3. Change the position to an independent contractor status, with the applicant providing their own computer, printer, work space, internet service and telephone, which would be included in the compensation package. Please refer to the highlighted section of the IRS Determination Memo. Since The NDDA Board only controls the outcome of the work product and not where or how it is performed, we probably can consider the Independent Contractor Status for a new position.

RECOMMENDATIONS:

1. Postpone recommendations until our November meeting when we can include our new members
2. Select an interim Secretary until we have the position filled
3. Select a hiring committee now to start advertising for applicants for the position.
4. Decide on whether we should have the position as an employee submitting hourly time sheets, or an Independent Contractor submitting hours on an Invoicing method.

FINANCIAL CONSIDERATIONS: Should be able to fit within the present budget and the 2014 budget approved at our last meeting.

- ATTACHMENTS:
1. Job Description for Secretary of the NDDA Board
 2. Excerpt from Minutes of July 10, 2012 meeting
 3. IRS Memorandum on differences in Employee vs Independent Contractor Status
 4. AIM from Finance Chairperson with recommendations from the Finance Committee and Treasurer July 10, 2012

September 5, 2012
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
JOB DESCRIPTION FOR
SECRETARY OF THE NDDA BOARD

CRS 31-25-815 (c)

(c) A secretary, who shall maintain custody of the official seal and of all records, books, documents, or other papers not required to be maintained by the treasurer. He shall attend all meetings of the board and keep a record of all its proceedings. He shall perform such other duties as may be delegated to him by the board.

Maintain all records, books and documents, or other papers not required to be maintained by the treasurer.

Attend all meetings of the board and keep a record of all its proceedings.

After minutes are approved, record all meeting minutes with the Town Clerk and the webmaster for publication on the website

Help create the agenda for the board meetings with the Executive Director and the Chairperson using the same format as the Town Board of Trustees.

Send out the agendas to the Town Clerk on the Friday before the meeting or 24 hrs before the meeting, as required by State Statute.

Put together the Packet for the NDDA Board members and for the website.

Send the Packet with the Agenda to NDDA Board members and others

Maintain a list of interested person who would like to be placed on the list to receive agendas and packets.

Create any forms necessary for the NDDA projects

Create and maintain archives of any and all past and current NDDA Board documents, files and other papers, maps, etc pertaining to all past and present NDDA board activity and projects, as required by State Statute under the Freedom of Information Act.

Assist any member and the executive director with clerical support for projects they maybe undertaking as approved by the NDDA Board

4. Consideration of a selection committee to hire a clerical staff for the board. Discussion was held and Eva explained that the position would be a part time 6 month position who would receive a 1099. They would be expected to have their own computer as we have none. We could however authorize the purchase of equipment for their use. The position would be approximately 7-10 hours per week. Katrina asked is this position could possibly share a space with the chamber. Paul offered his office space for a the clerical position. Could we achieve are data and materials with the Town's in the Community Center? Who would do the actual hiring? There was discussion that the job should be an hourly position rather than an Independent Contractor, as the hours needed to be stated and we could not comply with the Independent Status rules. Mary Ann stated that the Executive Director should do the hiring and it was decided that Paul and Katrina would be the selection committee to hire the staff. Mary Ann made a motion to set up the selection committee of Paul and Katrina to hire an hourly employee as Secretary for the NDDA Board. The motion was seconded by Pat Everson and passed

Quoted from the minutes of the July 10, 2012 meeting.

Employee vs. Independent Contractor – Seven Tips for Business Owners

IRS Summertime Tax Tip 2010-20

As a small business owner you may hire people as independent contractors or as employees. There are rules that will help you determine how to classify the people you hire. This will affect how much you pay in taxes, whether you need to withhold from your workers paychecks and what tax documents you need to file.

Here are seven things every business owner should know about hiring people as independent contractors versus hiring them as employees.

1. The IRS uses three characteristics to determine the relationship between businesses and workers:
 - Behavioral Control covers facts that show whether the business has a right to direct or control how the work is done through instructions, training or other means.
 - Financial Control covers facts that show whether the business has a right to direct or control the financial and business aspects of the worker's job.
 - Type of Relationship factor relates to how the workers and the business owner perceive their relationship.
2. If you have the right to control or direct not only what is to be done, but also how it is to be done, then your workers are most likely employees.
3. **If you can direct or control only the result of the work done -- and not the means and methods of accomplishing the result -- then your workers are probably independent contractors.**
4. Employers who misclassify workers as independent contractors can end up with substantial tax bills. Additionally, they can face penalties for failing to pay employment taxes and for failing to file required tax forms.
5. Workers can avoid higher tax bills and lost benefits if they know their proper status.
6. Both employers and workers can ask the IRS to make a determination on whether a specific individual is an independent contractor or an employee by filing a Form SS-8, Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding, with the IRS.
7. You can learn more about the critical determination of a worker's status as an Independent Contractor or Employee at IRS.gov by selecting the Small Business link. Additional resources include IRS Publication 15-A, Employer's Supplemental Tax Guide, Publication 1779, Independent Contractor or Employee, and Publication 1976, Do You Qualify for Relief under Section 530? These publications and Form SS-8 are available on the IRS website or by calling the IRS at 800-829-3676 (800-TAX-FORM).

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT
AUTHORITY

MEETING DATE: July 10, 2012
INITIATED BY: PAT EVERSON- FINANCE CHAIR
INFORMATION: ACTION: X OR DISCUSSION:

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AGENDA ITEM: Consideration of the need to form a selection committee to hire a clerical staff to assist the NDDA Board

SUMMARY: During the budget workshop on June 2012, additional funds were discussed for hiring secretary. This was envisioned to be an independent contractor position with an hourly wage, hours per week estimated to be 10-12 hrs/week.

The job description would include assisting the NDDA board with agendas, minutes and other clerical duties, as well as designing forms and helping implementing some programs such as the Adopt a Planter Project. Skills would be clerical and computer, with emphasis on spreadsheets and documents. Self motivation and direction of primary importance, as well as working with the board members.

The State Statutes does allow a DDA to have a paid Secretary: CRS: 31-25-815 (c) *A secretary, who shall maintain custody of the official seal and of all records, books, documents, or other papers not required to be maintained by the treasurer. He shall attend all meetings of the board and keep a record of all its proceedings. He shall perform such other duties as may be delegated to him by the board.*

Presently we have a paid Treasurer, which is also allowed under CRS: 31-25-815 (b) *(b) A treasurer, who shall keep the financial records of the authority and who, together with the director, shall approve all vouchers for the expenditure of funds of the authority. He shall perform such other duties as may be delegated to him by the board.*

The board should consider how to move forward with additional staffing.

RECOMMENDATIONS; The need for clerical support has been shown, especially in the area of taking minutes and setting up agendas and forms. With the Director having to spend a large amount of time on the NEDPEDS project, and members of the board working on the project as well, there is a need for additional clerical support at the board level.

FINANCIAL CONSIDERATIONS: Since 60% of the Executive Director's salary is now being allocated to NEDPEDS, \$1,150 is now available on a monthly basis to cover clerical support. It is estimated that the cost of this position would be \$600-\$900 a month depending on the workload.

