

Town Of Nederland
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
NEDERLAND COMMUNITY CENTER 750 Hwy 72 Nederland, CO 80466
Conference Room

June 26, 2012 at 6:00PM

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT

D. CONSENT AGENDA

1. Approval of June 12, 2012 Regular Meeting Minutes
2. Approval of Treasurer's Regular Meeting report for June 26, 2012 and Accounts payable

E. INFORMATIONAL ITEMS

1. Executive Director report - Paul Turnburke
2. DAT report - Pat Everson/Ron Mitchell

F. ACTION ITEMS

1. Approval of Resolution for \$80,000 for Phase I Sidewalks
2. Approval of Resolution for \$300,000 for refinancing of loan with Mutual of Omaha
3. Approval of Resolution for \$18,000 for Nedpeds
4. Approval of Amended POD for Nedpeds
5. Approval of RFP for Nedpeds
6. Clarification of status of \$200 offer for Chris Smith for insurance as an increase to his bid

G. DISCUSSION ITEMS

1. Discussion of a new direction for organizational duties of the NDDA Board
2. Discussion of a new job description for NDDA Executive Director
3. Discussion of the need to hire clerical staff to help the NDDA Board and the DAT team

H. OTHER BUSINESS (NEW)

G. ADJOURNMENT

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 by Friday before the Tuesday 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 paul@turnburkeassociates.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.

NDDA Meeting Minutes from June 12, 2012

present: Ron Mithcell, Pat Everson, Mary Ann Rodak, Will Guercio, Annette Croughwell, Donna Kirkpatrick

also present: Paul Turnburke, Scott Smith, Katrina Harms, Joe Gerlach, Alisha Reyes,

1. First motion was made to approve the slate of officers, Mary Ann made the motion, Pat made the second, motion carried to appoint the following:
Ron Mitchell, Chair of NDDA, Pat Everson, Vice Chair, and Donna Kirkpatrick, Secretary.
2. Minutes to previous meeting;

Pat brought up the project presentation by Mayor Joe Gerlach. She pointed out that the presentation was not one of his vision for the DDA and it's projects, but of an actual project has been accepted and voted on by the Board of Trustees, and has been funded.

She also corrected the previous meeting minutes as having already appointed the DAT team members from the DDA of herself and Ron Mitchell.

It was agreed that the dda board was on board for the nedpeds project as discussed in the previous meeting.

Pat moved to accept the minuets as amended, and Ron seconded, motion passed.

3. Ron moved to go ahead and move forward with the nedpeds and that the dat membership representation would be Ron and Pat.

Mary Ann seconded the motion. Alisha stated we should a disclosure stmt on our agenda as there could be questions of legality of our motions.

Discussion was held, and Pat expressed she would be more comfortable with dda approval.

Acceptance of the the mayors proposal for nedped, motion passed

4. Treasurers report

Eva handed out the budget. We will bump up loan to \$80K and hold balance as contingency fund that leaves a slight cushion in the budget where we were over spent by \$76K.

Pat stated that we needed to get the non tif into balance and this was decided by budget workshop

NEDPEDS budget: we don't have numbers yet but Eva has the initial proposal and budget would be used (from Loris and Assoc.) We need to get the more actual numbers to plug into the budget process per Eva. We need to get more actual figures. Per Paul he feels we do not have time. Loris did the initial design and cost estimates. Eva asked if Joe has done any work or talked with Loris. Ron reiterated that we need someone to do this really quickly.

Ron- how much money would it take to get Loris to look at this and get this done? Loris has part of the numbers. Per Eva they broke up the budget estimate in 3 sections so they might be able to use a portion. \$3300 was the original cost for their new costs estimate. \$210 per foot was the actual costs of phase 1. The initial for phase two was \$96.50

Treasures report: we have no more warrants at present

Budget ready to be approved to be submitted to BOT for their approval

Motion made by Pat to accept this as budget to be amended, Mary Ann seconded. Ron wants to know if we can use approx \$2k to approach Loris to see if we can proceed with nedped

Ron made motion to go to Loris to see what cost of new proposal for nedped and storm water control. Donna seconded . Both motions passed, Alisha said it needed to be a roll call vote. Roll call taken and all voted yes.

Annette left for a brief meeting at 6pm.

Ron will meet with Loris to proceed.

Scott Smith asked if we were to get money back from Loris. Ron asked if Loris is aware that there are changes in phase 2? Per Paul, Loris was retained to do an accurate cost est. of phase 2

5. Executive Director's Report

Chris Smith has been watering the entry way. He has not proceeded as he has a problem with the insurance stipulation

He has broken out the job into the separate sections of the job ie, planters, bridge and entry garden

Pat is not comfortable without the insurance, nor is Mary Ann. We cannot waive this requirement. Who is responsible for watering? Was this not to be the town's responsibility?

Ron made the proposal that we get his quote for insurance and we pay then we deduct from his proceeds or final payment. Motion was seconded by Will. Vote taken and passed. We will not pay for his insurance due to delays by Chris Smith, but will help him to at least acquire the necessary insurance.

Paul gave us an overview of the parks and rec survey documents: 361 respondents from over 2000 households

A detailed overview is available on line

DDA survey was to give out prizes to respondents we will need to select recipients at our next meeting. This will be added to the agenda

6. DAT update from Pat. Ron put out on flyers to neighborhood. Joe put on a very good presentation. The individuals that came were very receptive. They came with chips on their shoulders and left quite happy.
7. What has to be done is the plan of development and the RFP. Pat has written as much as possible and now she needs help. Pat expressed her great concern of the timeframe that we face. She was under the impression the town staff would help with the project. Joe stated that we need to go to bid before the end of January; we need the bid documents by December. November we need the schematic design, construction drawing, needs to be done in January of 2013. Schematic is where will it be and what will it look like. In August we must have the design done. It can be kind of loose. To get additional money we must have something done in August, so it can be vague prior to design development. The rougher it is the harder it will be for them to get it done by January 2013.

Paul asked if no action was taken to get this done by August then do we need to do this? Alisha said the construction sector is improving and costs will be more if we wait. Paul said this is just too involved to get done by August. Ron said we must get professional advice as soon as possible. Pat agreed that for us to go forward, we must go to Loris and have them help with the RFP as there was no one that could do it in the tight time frame currently on the NDDA board, but they could be viewed as partisan

Pat asked why can't we move forward to get the money in a positive way and get the job done instead of just giving up?

New Business: Ron called on Will for new business items for Lakeview Drive.

Will stated we need to .fix the old sidewalk issues with the shopping center access that generates 65% tax income in town.

Annette returned at 6:35

He proceeded to say it is apparent to everyone that the traffic flow in and around the shopping center is a critical problem. Ron suggested using a portion of the money allocated (40k) to test a traffic control device and add to the agenda for next meeting.

Annette asked if cdot has been contacted? Ron requested we authorize Will to contact them. Motion made by Ron to authorize Will to contact CDOT to pursue the traffic control issues and he will come back with an action item at the next meeting. Motion approved

Finance task force: Pat is requesting that we form a task force to begin considering the new budget that will have to thoroughly discussed. A motion was made to form the task force with Ron, Pat, and Eva with perhaps Gayle Eddy as the outsider to attend meetings. Motion carries

Per Ron, Frank Lutz wants to be on DAT, as does Andrew Becker on 2nd St.

We now heard from the new DDA applicants, Katrina Harms and Scott Smith.

Katrina has a strong interest in the business community in town. She is currently Chamber Coordinator. She wants to make business more viable in the community. She worked in communications and tech, runs her own business

Scott Smith is a painting contractor who lives on 2nd St. He is interested in keeping Nederland as is but improving going forward. He would like to see Nederland made more tourist friendly.

Ron pointed out that the BOT has the ability to appoint to board. He thanked those for attending and that they would be considered at the next BOT meeting.

We now will adjourn to executive session that will be recorded for discussion of personal matters. Now the non DDA members were asked to leave.

Executive session was held.

Meeting reconvenes at 8:32PM. Next meeting will be held on June 26th at 6pm. Meeting location will be forwarded later.

Annette moved to adjourn and everyone seconded. Meeting adjourned at 8:37PM.



MEMORANDUM

To: NDDA Board

From: Eva Forberger, Treasurer
Town of Nederland

cc: Alisha Reis, Town Administrator

Date: June 22, 2012

Re: Treasurer's Report

Year to Date, the DDA has received 44% and 47% of its anticipated 5 mil levy property tax revenue and Tax Increment financing (TIF) revenue, respectively.

In terms of expenditures, the DDA has exceeded its budget for personnel and professional fees and the budget will need to be amended. Personnel costs are higher due to the continued employment of an executive director since the DDA did not disband, and professional fees are higher due the legal cost associated with the elections being higher than what was budgeted.

The DDA currently has a negative balance for its non-TIF related expenditures. There is a proposal for a loan resolution that would correct this situation. Additionally, there are two other loan proposals: one for refinancing the current loan with Mutual of Omaha, and the other to finance the design phase of NEDPEDS. The loan for refinancing the Mutual of Omaha loan will save the DDA \$18,665 in interest.

**TOWN OF NEDERLAND
DDA FINANCIAL REPORT
MAY 2012**

	YEAR TO DATE			FULL YEAR			VS. PRIOR YEAR
	2012	2012	2012	VS. BUDGET	2011	VS. PRIOR YEAR	
	ACTUALS	% OF FORECAST	FORECAST REMAINING	FORECAST	BUDGET	var	%
BEGINNING FUND BALANCE	70,335			70,335	122,589	A	96,859
NON TIF FUNDING							
TAXES	11,733	44%	14,990	26,723	26,723	0	0%
INTERGOVERNMENTAL	-	0%	190,907	190,907	-	190,907	0%
LOAN PROCEEDS		0%	162,000	162,000			
MISCELLANEOUS	191	16%	1,009	1,200	-	1,200	-3%
INTEREST	144	29%	357	500	-	500	2286%
TOTAL REVENUE	12,068			381,330	26,723	38,488	
PERSONNEL	9,716	41%	14,045	23,760	7,630	16,130	211%
PROFESSIONAL FEES	5,970	60%	4,030	10,000	3,000	7,000	233%
TREASURER'S FEE (TAX COLLECTIC	906	45%	1,094	2,000	-	2,000	19%
ACCOUNTING FEE		0%	1,750	1,750			
CAPITAL OUTLAYS		0%	206,240	206,240		206,240	175%
PROSAB GRANT		0%	1,000	1,000			
SIDEWALK MAINTENANCE		0%	4,000	4,000			
FLOWERS/PROJECTS		0%	3,625	3,625			
OTHER	353	35%	648	1,000	525	475	90%
TOTAL EXPENDITURES	16,944			253,375	11,155	125,923	
TIF FUNDING							
TAXES	47,568	47%	54,361	101,929	101,929	0	0%
TOTAL REVENUE	47,568			101,929	101,929	104,413	-2%
DEBT SERVICE	20,166	10%	186,982	207,148	47,400	159,748	337%
TOTAL EXPENDITURES	20,166			207,148	47,400	43,502	376%
ENDING FUND BALANCE	92,860			93,071	192,686	70,335	
NON TIF FUNDS BALANCE	(129,760)		3,072	3,072	(51,750)	(121,883)	
TIF FUNDS REMAINING	222,619		89,999	89,999	244,436	193,218	

**TOWN OF NEDERLAND
DDA FINANCIAL REPORT
MAY 2012**

NOTES:

- A) Beginning balance is less than budget due to the timing of CDOT reimbursement for sidewalks phase 1
- B) Represents the CDOT reimbursement for Sidewalks Phase 1 which was forecasted to hit in 2011
- C) Assumes an Executive Director will stay on for the full year.
- D) Increased Professional fees to account for higher legal fee (\$4k) for DDA ballot initiative than budgeted and continual legal support.
- E) Did not budget for Boulder County Treasurer's fee for collection of taxes. Should include going forward or net out of revenue.
- F) Increased to account for office supplies/postage/website maintenance/membership dues
- G) Additional Revenue from the Adopt A Planter program/additional costs from the flower plantings/sidewalk maintenance
- H) Assume accounting fee allocation of \$250 per month starting in June
- I) \$1K GRANT FOR PROSAB MASTER PLAN FOR GATEWAY PARK

NOTES: (N)

<u>Capital Outlays</u>	
NEDPEDs	166,240
Sidewalk Enhancements/Lakeview Intersection	40,000
Total	206,240

Intergovernmental

CDOT	124,240
CDOT Phase 1	66,667
Total	190,907

Debt Service

Budget Debt Payments	47,400
Sidewalk Phase 1 Old Costs	80,000
NedPeds	42,000
Sidewalk Phase 1 Fixes	40,000
Interest on new loans	540
Payments on Refinanced Loan	22,584
Savings from Payments on Old Loan	(25,375)
Total	207,148

**NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
TIF LOAN SUMMARY**

<i>Years</i>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	<i>Total Payments</i>	<i>Total Interest</i>
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019		
Beginning TIF Balance	-	-	-	22,018	86,446	134,307	195,218	125,300	128,029	98,828	36,666	3,261	9,692	50,237		
TIF Receipts	<i>Actual</i>	<i>Actual</i>	<i>Actual</i>	<i>Actual</i>	<i>Actual</i>	<i>Actual</i>	<i>Actual</i>	<i>Forecast</i>								
			22,018	67,811	83,921	104,413	101,929	107,025	108,096	109,177	110,268	111,371	112,485	113,610	1,152,124	
Debt Authorization	913,589															
Loan Disbursements																
Mutual of Omaha Loan	300,000			3,383	36,060	38,605	21,751									99,799
Tractor	19,589					4,897	4,897	4,897	4,897							19,590
Loan 1 - Town	248,500						27,666	66,399	66,399	66,399	38,733	-			265,596	17,096
Adjustment for Refinance	(248,500)															
Loan 2 - Town	80,000						80,224								80,224	224
Loan 3 - Town	37,000						37,309								37,309	309
Loan 4 Estimate	300,000							33,000	66,000	66,000	66,000	66,000	33,000		330,000	30,000
Loan 5 Estimate	177,000									38,940	38,940	38,940	38,940	38,940	194,700	17,700
Total Loans	913,589		-	3,383	36,060	43,502	171,847	104,297	137,297	171,339	143,673	104,940	71,940	38,940	1,027,217	65,329
Ending TIF Balance	-	-	22,018	86,446	134,307	195,218	125,300	128,029	98,828	36,666	3,261	9,692	50,237	124,907	124,907	

**TOWN OF NEDERLAND
DOWNTOWN DEVELOPMENT AUTHORITY**

WARRANTS

WARRANTS FOR 06/26/12

Date	Number	VENDOR	AMOUNT	DESCRIPTION
13-Jun	26407	Grimshaw & Harring	\$ 492.27	legal fees for DDA
13-Jun	26414	Loris and Associates	\$ 312.19	consulting for CDOT audit of sidewalks phase 1
Total Non Payroll Warrants			\$ 804.46	

NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY
DIRECTORS' REPORT
JUNE 26, 2012

1. Update on Planter Project

The requested insurance certificate was provided by Chris Smith, dba Home Grown Garden Service, and the planters were planted. Watering duties have been coordinated with town staff.

2. Time Reporting

The board requested that I provide an accounting of my time spent in fulfilling the duties of Executive Director and to provide a break down between time related to the NED PED project and basic administrative tasks. Since June 12, the date of our last meeting, my time breakout is as follows (as of June 22):

NED PED time	45.5 hrs (85%)
<u>Administrative time</u>	<u>8.5 hrs (15%)</u>
Total time	54.0 hrs (100%)

3. Most of my time was directed towards the NED PED project. Some of the tasks I worked on, along with Pat, Ron, Alisha, and Eva, were:

Discussion with Lee Staedele re: survey requiremnts, schedule, etc.

Discussion with Joe Gierlach re: scheduling and cost estimate requirements

Discussions with Scott belonger re: potentila revisions to cost estimate

Discussions with Eva and Alisha re: process to move project ahead

Discussions with Boulder County Transportation Department re: grant funding for bus stop improvements related to project

Requesting water quality data from City of Boulder Water Dept. re: baseline measurements

Meetings with Pat and Ron re: project requirements, strategy moving forward

Working with Pat on RFP, Needs Statement, Plan of Development, and Planning Commission packet

Working on NDDA board packet

The NDDA and DAT have made substantial progress towards moving the NED PED project forward, while navigating the procedural steps necessary to do so correctly. Progress was also made towards team building through collaboration and a concerted effort by all involved. Thanks to the entire team for all their hard work!

NEDPEDS
DESIGN ADVISORY TEAM REPORT
JUNE 26, 2012

The DAT is growing in numbers every day. Both Ron and I have had numerous inquiries almost everyday. Most are extremely excited to be involved in the process and have agreed to join. The following have applied:

- a. Vera Schulte 164 E 2nd
- b. Theresa Bradley - 140 E 2nd
- c. Megan Blohm - 140 E 2nd
- d. Dave Sites - 101 E 2nd
- e. Frank Lutz - Representing the Presbyterian Church
- f. Barbara Hardt - Representing the Mining Museum
- g. Alice Lemoine - Representing the Business Connection
- h. Library Board will determine a liaison at their next meeting
- i. Donna Sue Kirkpatrick - representing Nederland Feed Store

The other members representing the Town, BoT and the NDDA are:

- a. Alisha Ries - Town Administrator
- b. Paul Turnburke - NDDA Executive Director
- c. Joe Gierlach - Mayor
- d. Kevin Mueller -Mayor Pro-temp
- e. Ron Mitchell - Chairman NDDA
- f. Pat Everson - Vice Chairman NDDA

I have been receiving emails and letters with concerns and requests that we are filing for input after we hire the Landscape Architect/civil engineer to run the meetings and design the project with these concerns in mind.

During the last two weeks, all staff and myself having been working hard on the RFP paperwork necessary to move forward with hiring the Landscape Architect/civil engineer. We have also worked with the Town on the procedure for getting an Amended Plan of Development before the Planning Commission and the BoT.

Eva has been working on the budget for the project, which is needed for approval of the project. This must be approved by the BoT. She has also worked with the Town Attorney on the language for the Resolutions to present to the BoT to allow us to borrow money using the TIF funds to repay the loans. These Resolutions and Plans of Development will be presented to the NDDA at this meeting.

During the last week, Paul, Pat, Alisha and Town Staff have been working on the AIM for the Planning Commission presentation of the Plan of Development on June 27. This presentation will also be used for the BoT presentation of the same Plan of Development for approval to the BoT on July 3rd.

Working as a Team with the Town Staff, Paul, myself, and other members of the team, we have put together, in a week, most of the documents and procedures necessary to move this project closer to the timeline that was presented by the Mayor in May. Everyone is extremely excited to be on board and we hope that enthusiasm will be shown in the community when we make our presentation to the Planning Commission next Wednesday, June 27, at 7:00pm

Pat Everson/Ron Mitchell - DAT Team

AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY

MEETING DATE: JUNE 26, 2012
INITIATED BY: Eva Forberger- Treasurer
CONSENT: OR ACTION:X

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AGENDA ITEM: CONSIDERATION OF LOAN RESOLUTIONS FOR THE DDA TO BORROW MONEY FROM THE TOWN WITH THE PRINCIPAL AND INTEREST TO BE REPAYED FROM TIF FUNDS.

SUMMARY: The DDA would like to utilize its TIF fund for projects related to its plan of development. In order to access TIF funds a debt needs to be established, as by state statute TIF funds can only be used to repay debt. During the budget workshop on June 2012, the Treasurer brought up the idea of borrowing money from the Town as a more convenient method of borrowing money versus going through a bank or bonding process. The Treasurer proposed 3 separate loans: 1) refinance the current Mutual of Omaha loan; 2) cover the sidewalks phase 1 shortfall, sidewalks maintenance, and flowers in the Downtown area; and 3) cover the cost of design for NEDPEDs.

The three loan resolutions have been prepared for the DDA to review and approve for the Nederland's Board of Trustees for consideration.

RECOMMENDATIONS: Approve the three loan resolutions.

ATTACHMENTS: Loan Resolution 22, Loan Resolution 23, Loan Resolution 24
TIF Loan Summary

FINANCIAL CONSIDERATIONS: The three loan resolutions propose for the DDA to borrow \$365,500 from the Town. The total interest payable from the 3 loans will be \$17,629. By financing the Mutual of Omaha loan, the DDA will save \$18,665 in interest.

The total debt authorization approved on April 2, 2012 is \$913,589. Of this amount \$319,589 went towards loans that were already issued leaving \$594,000 available for future borrowings. Of the three loans, \$117,000 will go against the \$594,000 remaining debt authorization, leaving \$477,000 remaining.

**TOWN OF NEDERLAND
Boulder County, Colorado**

RESOLUTION 2012 – 22

**A RESOLUTION OF THE TOWN OF NEDERLAND’S BOARD OF TRUSTEES
AUTHORIZING A LOAN FROM FUND BALANCE IN THE TOWN’S WATER FUND
TO THE DOWNTOWN DEVELOPMENT AUTHORITY (DDA) FUND, AND
PROVIDING FOR REPAYMENT OF THE LOAN FROM THE DDA’S TAX
INCREMENT FINANCING RECEIPTS**

WHEREAS, the Board of the Nederland Downtown Development Authority (“DDA”) has determined that, in order to support future projects associated with its approved Plan of Development, the DDA should refinance its current loan with Mutual of Omaha that was taken out for Sidewalks Phase 1, and has a balloon payment due on October 16, 2014, and carries an interest rate of 7%; and

WHEREAS, pursuant to C.R.S. § 31-25-808(1)(g), the DDA is authorized to receive contributions, loans and other rights and privileges from the municipality or county in which it is located; and

WHEREAS, the net cost of the loan refinancing payable from a special fund of the Town of Nederland (“Town”) for the payment of principal and interest on such advances or loans is expected to be approximately \$265,596; and

WHEREAS, the DDA Fund must receive an advance or loan of money to accomplish the refinancing, and

WHEREAS, at an election held on April 2, 2012, the voters authorized the Town to borrow up to \$913,589, repayable only from tax increment revenues collected within the DDA and revenues derived by the Town pursuant to the DDA plan of development; and

WHEREAS, of that authorized amount, \$319,589 has been issued, leaving remaining authorization of \$596,000; and

WHEREAS, a loan from the Town Water Fund could be accomplished at less administrative and financing cost to the DDA than a publicly financed debt; and

WHEREAS, the Town Water Fund balance can provide the necessary funding without hampering the operations or replacement schedules of the Water Fund; and

WHEREAS, the Town Board of Trustees has therefore determined that it is in the best interest of the Town to loan a portion of the fund balance in the Town’s Water Fund to the DDA Fund, the loans bearing interest at the WSJ’s published prime rate.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF NEDERLAND, COLORADO:**

Section 1. The Board of Trustees of the Town of Nederland hereby authorizes a loan from the fund balance in the Town's Water Fund in the amount of \$248,500 to the DDA Fund, which loan shall bear interest at the WSJ's current prime rate, for the purposes of refinancing the DDA's current loan with Mutual of Omaha that was taken out for Sidewalks Phase 1 and which has a balloon payment due on October 16, 2014 and carries an interest rate of 7%.

Section 2. The Town Treasurer shall repay this loan in monthly installments over a four year period, with accrued interest, from the DDA Tax Increment Financing receipts to the Water Fund by **July 6, 2016.**

RESOLVED, APPROVED and ADOPTED this ___ day of _____, 2012.

TOWN OF NEDERLAND

By: _____
Joe Gierlach, Mayor

ATTEST:

Teresa Myers, Town Clerk

**TOWN OF NEDERLAND
Boulder County, Colorado**

RESOLUTION 2012 – 23

**A RESOLUTION OF THE TOWN OF NEDERLAND’S BOARD OF TRUSTEES
AUTHORIZING A LOAN FROM FUND BALANCE IN THE TOWN’S WATER FUND
TO THE DOWNTOWN DEVELOPMENT AUTHORITY (DDA) FUND, AND
PROVIDING FOR REPAYMENT OF THE LOAN FROM THE DDA’S TAX
INCREMENT FINANCING RECEIPTS**

WHEREAS, the Board of the Nederland Downtown Development Authority (“DDA”) has determined that, in order to support future projects associated with its approved Plan of Development, the DDA should finance the past debt for Sidewalks Phase 1, the past maintenance costs of the sidewalk, and the Downtown beautification project (i.e. flowers).

WHEREAS, pursuant to C.R.S. § 31-25-808(1)(g), the DDA is authorized to receive contributions, loans and other rights and privileges from the municipality or county in which it is located; and

WHEREAS, the net cost of the loan payable from a special fund of the Town of Nederland (“Town”) for the payment of principal and interest on such advances or loans is expected to be approximately \$80,224; and

WHEREAS, the DDA Fund must receive an advance or loan of money to accomplish the refinancing, and

WHEREAS, at an election held on April 2, 2012, the voters authorized the Town to borrow up to \$913,589, repayable only from tax increment revenues collected within the DDA and revenues derived by the Town pursuant to the DDA plan of development; and

WHEREAS, of that authorized amount, \$319,589 has been issued, leaving remaining authorization of \$596,000; and

WHEREAS, a loan from the Town Water Fund could be accomplished at less administrative and financing cost to the DDA than a publicly financed debt; and

WHEREAS, the Town Water Fund balance can provide the necessary funding without hampering the operations or replacement schedules of the Water Fund; and

WHEREAS, the Town Board of Trustees has therefore determined that it is in the best interest of the Town to loan a portion of the fund balance in the Town’s Water Fund to the DDA Fund, the loans bearing interest at the WSJ’s published prime rate.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF NEDERLAND, COLORADO:**

Section 1. The Board of Trustees of the Town of Nederland hereby authorizes a loan from the fund balance in the Town's Water Fund in the amount of \$80,000 to the DDA Fund, which loan shall bear interest at the WSJ's current prime rate, for the purposes of financing the past debt for Sidewalks Phase 1, the past maintenance costs of the sidewalk, and the Downtown beautification project (i.e. flowers).

Section 2. The Town Treasurer shall repay this loan in monthly installments over a one month period, with accrued interest, from the DDA Tax Increment Financing receipts to the Water Fund by **August 6, 2012.**

RESOLVED, APPROVED and ADOPTED this ___ day of _____, 2012.

TOWN OF NEDERLAND

By: _____
Joe Gierlach, Mayor

ATTEST:

Teresa Myers, Town Clerk

**TOWN OF NEDERLAND
Boulder County, Colorado**

RESOLUTION 2012 – 24

**A RESOLUTION OF THE TOWN OF NEDERLAND’S BOARD OF TRUSTEES
AUTHORIZING A LOAN FROM FUND BALANCE IN THE TOWN’S WATER FUND
TO THE DOWNTOWN DEVELOPMENT AUTHORITY (DDA) FUND, AND
PROVIDING FOR REPAYMENT OF THE LOAN FROM THE DDA’S TAX
INCREMENT FINANCING RECEIPTS**

WHEREAS, the Board of the Nederland Downtown Development Authority (“DDA”) has determined that, in order to support future projects associated with its approved Plan of Development, the DDA should finance the design phase of the NEDPEDS project which shall include the matching portion for the DRCOG grant as well as funds allocated to cover the cost of a project coordinator for the period of July 2012-December 2012.

WHEREAS, pursuant to C.R.S. § 31-25-808(1)(g), the DDA is authorized to receive contributions, loans and other rights and privileges from the municipality or county in which it is located; and

WHEREAS, the net cost of the loan payable from a special fund of the Town of Nederland (“Town”) for the payment of principal and interest on such advances or loans is expected to be approximately \$37,309; and

WHEREAS, the DDA Fund must receive an advance or loan of money to accomplish the refinancing, and

WHEREAS, at an election held on April 2, 2012, the voters authorized the Town to borrow up to \$913,589, repayable only from tax increment revenues collected within the DDA and revenues derived by the Town pursuant to the DDA plan of development; and

WHEREAS, of that authorized amount, \$319,589 has been issued, leaving remaining authorization of \$596,000; and

WHEREAS, a loan from the Town Water Fund could be accomplished at less administrative and financing cost to the DDA than a publicly financed debt; and

WHEREAS, the Town Water Fund balance can provide the necessary funding without hampering the operations or replacement schedules of the Water Fund; and

WHEREAS, the Town Board of Trustees has therefore determined that it is in the best interest of the Town to loan a portion of the fund balance in the Town’s Water Fund to the DDA Fund, the loans bearing interest at the WSJ’s published prime rate.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
THE TOWN OF NEDERLAND, COLORADO:**

Section 1. The Board of Trustees of the Town of Nederland hereby authorizes a loan from the fund balance in the Town's Water Fund in the amount of \$37,000 to the DDA Fund, which loan shall bear interest at the WSJ's current prime rate, for the purposes of financing the design phase of the NEDPEDS project which shall include the matching portion for the DRCOG grant as well as funds allocated to cover the cost of a project coordinator for the period of July 2012-December 2012.

Section 2. The Town Treasurer shall repay this loan in monthly installments over a five month period, with accrued interest, from the DDA Tax Increment Financing receipts to the Water Fund by **December 6, 2012.**

RESOLVED, APPROVED and ADOPTED this ___ day of _____, 2012.

TOWN OF NEDERLAND

By: _____
Joe Gierlach, Mayor

ATTEST:

Teresa Myers, Town Clerk



**AGENDA INFORMATION
MEMORANDUM
TOWN OF NEDERLAND
PLANNING COMMISSION**

Meeting Date: June 27, 2012

**Initiated By: Nederland Downtown Development
Authority**

Dept:

Action Discussion

AGENDA ITEM:

Review of an amendment to the previously approved Plan of Development to include the NED PED project resulting in recommendations, if any, to be forwarded to the BOT for a public hearing at their July 3rd meeting.

SUMMARY:

In 2006, a Plan of Development, as required by state statute, was approved by the Planning Commission and the BOT. In consideration of the recent turnover of the NDDA board, the town solicited legal counsel as to how best to proceed with the NED PED project. The opinion was that the best course of action was to amend the existing Plan of Development to include the NED PED project via direct mention. State statute requires that prior to approval, *“the governing body shall submit such plan to the planning board of the municipality, if any, for review and recommendations. The planning board shall submit its written recommendations with respect to the proposed plan of development to the governing body within thirty days after receipt of the plan for review.”*

The timeline for the NED PED project, as proposed by the BOT, suggests that an additional funding request to be made to DRCOG in August in order to request additional funds that are anticipated. These additional funds are primarily due to the expanded scope of the project to include storm water management and an enhanced design process, per the NPP (Nederland Planning Process).

The NDDA is aware the project will receive input from many sources, including the DAT, SAB, PROSAB, BOT, and CDOT, as well as the community. Also, the NDDA is aware that the project will require many levels of approval as it moves forward. The NDDA is committed to working

to insure that the project furthers the goals of the community as set forth in Envision Nederland 2020.

HISTORY AND PREVIOUS COMMISSION ACTION:

On September 21, 2010, the BOT approved an application for DRCOG TIP Funding and instructed the Nederland Downtown Development Authority (NDDA) to apply for it. This is the only project submitted by Nederland in this round of TIP funding. TIP funding will not be available again until after the 2012-2017 TIP cycle.

On March 16, 2011, DRCOG adopted the 2012-2017 Transportation Improvement Program (TIP) including Nederland's only project. The Town was notified that the application for this funding was approved by the Denver Regional Council of Governments (DRCOG), which serves as the metropolitan transportation planning organization for the Denver metro area, including Nederland. The project was funded with Federal Funds allocated by DRCOG (project #2012-061).

On May 3, 2011, the BOT discussed with the Boulder County Transportation Department a bus stop improvement plan to provide shelter from wind and rain at bus stops in Nederland.

On August 23, 2011, the BOT held an informational workshop on the CDOT IGA's provisions and to discuss the timeline and process, including clarification of the breakdown of funding.

On November 1, 2011, the BOT began discussion of the CDOT IGA and received public comment.

- SAB recommended the BOT accept the IGA and move forward, with the understanding that the project must comply with Resolutions 2004-006, 2007-006, and 2011-021, specifically following and documenting LEED standards and contractor demonstration of environmental protections. Additionally, the SAB will supply, as part of this recommendation, a list of initial design recommendations and the SAB provided draft Sustainability Scorecard results for use in guiding initial design considerations.
- PROSAB was unanimous in finding that the plan supported the following goals and objectives: 1) Establishment of high quality and safe recreational trail experiences for uses of facilities in the Nederland Area, 2) Establishment of safe pedestrian friendly routes through town, including clearly marked and enforced crosswalks, 3) Development of non-motorized multiple use trail linkages in the Town of Nederland to provide alternative transportation and a more pedestrian friendly environment, including linkages between Nederland Neighborhoods and routes to the Youth and Family Center and athletic fields. In addition, the routes of all the proposed plan align with routes designated in the Trails Master Plan.
- The BOT received letters of support from representatives of buildings along the route: Nederland Area Historical Society, The Post Office, Saint Rita Roman Catholic Church, Nederland Community Presbyterian Church, and Cohen Law

Group. The BOT received community e-mail communication both for and against the project.

- During public comment, the BOT was warned of sending unintended messages to outside funding organizations if it waffled on the decision.

On November 15, 2011, the BOT continued a discussion of the IGA that began November 1. BOT discussion was completed, including a straw poll of the Board which directed staff to continue work on the IGA. It was noted that while there was clear public support for the portion from the library to the roundabout, the section connecting the roundabout along the highway to the Post Office did not have support. Many citizens were in favor of routing the connection to the Post Office down 2nd Street, which is believed to be more widely used. Some citizens also objected to the proposed amount of concrete.

On January 3, 2012, the BOT reviewed the IGA and possible implementation of the Nederland Planning Process (NPP) for project review by the Board of Trustees, Town advisory boards, and public input gathering. There was support for “option 2”, which was to delay acceptance of the DRCOG funds until after the question would be put to the voters for securing the NDDA portion of the funding. Trustee Perret motioned to approve “option 1”, allowing the Town to be responsible for the \$18,000 first-year grant match funding until the NDDA secured the funding. The resolution to accept the CDOT IGA was rejected, and the resolution to approve the NPP process was tabled.

In March 2012, the Town was turned down for a Safe Routes to Schools grant partially on the basis of indecision and uncertainty on the DRCOG funding project. The grant would have funded completing the trail from the end of the sidewalk at Eldora Road to the Nederland Middle/High School, as well as two highway crossings in town to support the trans-community trail.

On March 20, 2012, the BOT approved Resolution 2012-12, adopting the Nederland Planning Process (NPP) as a model to govern the public input and review process for town projects.

On April 18, 2012, Mayor Gierlach and Trustee Croughwell attended the DRCOG Executive Directors meeting, where they discussed additional TIP funding that DRCOG will plan to allocate. The Town may be able to re-submit a modified design to DRCOG. The Nederland project can be allowed to be re-routed down 2nd Street in lieu of the highway. The project may include different surface material as was proposed previously. The project may include storm water management systems, and bus stop shelters, which were also supported by the community.

On May 1, the BOT voted unanimously to direct the Mayor to convey to DRCOG that the Town intends to proceed with the NED PED project, that staff is to continue working on the funding IGA with CDOT, and that \$58,000 of NDDA funding be applied toward this project.

On May 15, the BOT appointed five appointees to the NDDA.

On May 22, the NDDA held their first meeting. Mayor Gierlach gave a presentation of the NED PED project and there was general consensus of support for the NED PED project. The board appointed Ron Mitchell and Pat Everson to be NDDA representatives to the Design Advisory Team (DAT), which would be a committee comprised primarily of citizens along the proposed route. This committee is intended to help guide the design and to work with consultants to achieve a design which will address community needs.

On June 2nd, the NDDA held a board retreat to get some background and history and to further discuss budgets and timelines for the group.

On June 3rd, the DAT held its first meeting with the residents, and representatives of businesses and non-profits along the proposed route.

On June 6th, the NDDA held a budget workshop to gain a better understanding of the budget, implications and revisions to be made prior to BOT approval.

On June 12th, the NDDA held its second meeting, and it was decided to prioritize tasks related to implementation of the NED PED project. Approval of the Plan of Development was determined to be a high priority.

RECOMMENDATIONS:

The NDDA is requesting that the Planning Commission review the amended Plan of Development and provide comments to be forwarded to the BOT for consideration at their July 3rd meeting.

ALTERNATIVES:

By state statute, the Planning Commission may take 30 days to forward comments to the BOT.

ATTACHMENTS:

- 1) Amended Plan of Development
- 2) Proposed Project Map
- 3) Preliminary Project Budget

FINANCIAL CONSIDERATIONS:

The total budget for NedPeds is currently estimated to be \$906,000 including design and construction. The DDA match portion is estimated at \$180,000 and the total DDA cost is estimated at \$201,000. These figures may change as the project proceeds.

Town of Nederland
45 West First Street
P O Box 396
Nederland, Colorado 80466

July xx, 2012

Nederland Pedestrian Enhancement Design (NedPed) and Nederland Pedestrian and Storm Water Management Improvement Project

CDOT Project No. STU M935-003
CDOT Project Code 18952
Region 4

ORGANIZATION OF REQUEST

Public Notice for Professional Consultants

Definitions

Project Requirements

UDBE Goal

Selection Process

Town Schedule for Consultant Selection

General Project Scope of Work

Design Standards and Specifications

Agencies and Stake Holders

Consultant Provided Services

UDBE Definitions and Requirements

Exhibits

PUBLIC NOTICE FOR PROFESSIONAL CONSULTANTS

The Town of Nederland, Colorado is seeking Statements of Interest and Work Plans for the design and construction of a new bicycle/pedestrian project consisting of a multi-use path for use by pedestrians and bicycles from East St. to approximately Jackson St., generally following Second Street (a portion of which is SH 72) and connecting the Post Office and proposed gateway park with the Nederland Public Library and the RTD Park'n'Ride. The project will also include 20 bike racks (10 of which will be covered) and improvements to the existing bus stops. The project will also include curb and gutter, curb ramps, and crosswalk markings.

Description of Work

This request is for design and related services only as further described in this request. The work requested is to provide design and consulting services for the enhancement of the existing SH 72 (at approximately Jackson St.) east to Second Street on to East St. and the Post Office.

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; utility relocations (if needed) and other appurtenant items.

The work will also include the collection of data and mapping of existing rights of way, easements, utilities and other topographic features necessary to support the design. The extent of the mapping will be determined during the initial phases of the design work, but generally include the corridor described, plus immediate areas to facilitate roadway connections and drainage improvements. The mapping of the area is critical to the work as there will be impacts to existing property owners and careful assessment of those impacts will be critical to the on-going economic prosperity of the Town and its businesses and residents.

The project will also involve community relations for those property owners and businesses impacted by the design. The Town, The Nederland Downtown Development Authority, and the Design Advisory Team for the NDDA will be involved with this process.

Right of way and easement acquisition might be necessary for the project. The scope of work also includes the necessary documentation and assessments for the acquisition of these items in accordance with CDOT requirements. The Town and NDDA will also participate in this activity.

Drainage mitigation and conveyance are important aspects of the project. This will also require study for the stormwater runoff impacts. The final solution will be a design that mimics the natural systems as much as possible, resulting in a low energy system that will adapt and evolve over time.

The design efforts are expected to result in a complete and well thought out plan for the construction of the improvements. An important part of the plan will be consideration of the Sustainability Resolution (Exhibit A) and the Board of Trustees-adopted Envision 2020 document (Exhibit B), as well as a Needs Statement and Defined Objectives (Exhibit C). These

efforts will include a complete and ready to bid project compliant with requirements established by CDOT and the Town and as further described by this request.

Anticipated Duration

It is anticipated that the design portion of the project will last 6-9 months.

Responsibilities of Consultant

The Consultant selected for the project will at a minimum be required to perform the following services:

- Work with the Town staff, Nederland Downtown Development Authority, the Design Advisory Team, and the Colorado Department of Transportation to define the standards for the design of the enhancements. The consultant will be relied upon to provide examples, exhibits, diagrams or other documents to support the standards presented.
- Create a presentation document and PowerPoint presentation of the standards for presentation to the Nederland Planning Commission, Board of Trustees, and NDDA, each of which will be provided to the Town in their created format.
- Work with the Design Advisory Team to attend public informational and educational sessions.
- Create and update design schedules; track and provide reports of design fee expenditures and provide reports; provide bi-weekly project status updates that include completed items from the previous periods, items currently underway, upcoming items and any critical path or critical issue items.
- Collect data of existing land, topographical, hydrological, and biological conditions including easements, rights of way, existing above and below ground features. Create maps of those findings and a report that is provided to the Town in paper and pdf format, with a digital version of all mapping, exhibits and legal descriptions in their created formats.
- Meet with the Town, NDDA, Design Advisory Team, and State regarding the project at various phases, as needed, and provide reports of the meetings.
- Meet with stakeholders and define requirements and issues and provide a report to the Town and NDDA including resolutions and requirements, specifically focused on implications to the design of the project.
- Prepare exhibits and other documents to support the negotiations with property owners whose current site amenities overlap into the right of way, or are otherwise impacted by this project.
- Work with Town staff to integrate the design with other projects, goals or needs of the Town and NDDA.
- Prepare necessary designs, documents, reports, agendas, exhibits, documents or other items to successfully complete the anticipated land acquisitions, easement acquisitions; and design of the enhancements.

Responsibilities of Town

The Nederland Downtown Development Authority, as well as the Town of Nederland, will be an active participant in the project. It is expected that the selected consultant will work closely with the Town Administrator, Public Works Manager, Sustainability Advisory Board, and representatives of the NDDA and DAT. The involvement of each of these parties is not yet fully defined, but will need to be integrated into the process.

DEFINITIONS

Town	Town of Nederland, Colorado including any staff, departments or boards
State	State of Colorado – Generally referring to any departments listed
CDOT	Colorado Department of Transportation – Agency overseeing project
Request	Request for Statement of Interest/Work Plan – Document being requested

ABBREVIATIONS

BOT	Board of Trustees of the Town of Nederland
NDDA	Nederland Downtown Development Authority
DAT	Design Advisory Team
SAB	Sustainability Advisory Board

PROJECT REQUIREMENTS

In addition to the standard contract language and requirements, the following will be included in the Consultant Contract:

The design work under this Agreement shall be compatible with the requirements of the contract between the Local Agency and the State (which is incorporated herein by this reference) for the design/construction of the project. **The State is an intended third-party beneficiary of this agreement for that purpose.**

This project is partially funded by the Transportation Enhancement program and includes federal aid money.

The prime firm of each team must be on CDOT's list of prequalified consultants by the date of this document. Prequalification must be done in accordance with CDOT rules and regulations.

UDBE GOAL:

The Town of Nederland and CDOT have determined the contract goal for UDBE participation in this contract will be met with certified DBE's who have been determined to be underutilized on professional services contracts. At this time, all DBE's will be considered to be UDBE's. The UDBE goal for this project is:

XX%

The type of compensation on this contract is anticipated to be a Fixed Price – No to Exceed format, subject to further review by the Town of Nederland.

The Town of Nederland reserves the right to reject any or all proposals, to further negotiate with the successful proposer and to waive informalities and minor irregularities in proposals received, and to accept any portion of the proposal if deemed to be in the best interest of the Town of Nederland to do so.

The Town of Nederland assumes no obligation of any kind for expenses incurred by any respondent to this solicitation.

PROCEDURE FOR PROPOSAL SUBMISSION

The Town will be receiving sealed proposals at Town Hall, 45 W. 1st St. Nederland, CO. 80466,

until 4:00 pm (MST), Friday July xx, at which time proposals will be registered but not publicly opened. For mail deliveries, the address is P.O. Box 396, Nederland, CO, 80466

Eight (8) copies of the proposals are requested for the selection committee consisting of representatives of the Town of Nederland, CDOT, and the Nederland Downtown Development Authority. The proposals should also be made available in pdf format. The selection committee will prepare a short list of consultants by Friday, July xx, 2012.

The Town of Nederland will not accept any statements of interest/work plans received after the time and date specified. Submittals after this time will be rejected. The statement of interest/work plan should comply with the format and page limits of CDOT's standardized SOI/WP format (<http://www.coloradodot.info/business/consultants/submitting-a-bid>). Refer to CDOT's SOI/WP instructions. The Town of Nederland will use the criteria described in the RFP for the final selection. Failure to follow the required format as provided in the statement of interest/work plan instructions may result in your submittal being rejected.

SELECTION PROCESS

The selection committee may use other information in addition to the Qualifications Submittal. This information will include any available performance evaluations of work done by the consultant respondent for the State and others. In accordance with Colorado Statutes 24-30-1403 C.R.S. as amended, the volume of work previously awarded to the respondent by the State may also be considered.

From the submittals received, the selection committee will develop a short list of qualified respondents. All firms submitting qualifications will be notified in writing regarding the results of the short-list action. Firms failing to meet the minimum required qualifications will not receive further consideration. After developing a short list, the committee will conduct interviews if necessary, with the consultants on the list and will make a selection of the preferred consultant using the following criteria for final selection:

Project Team (15%)

- Qualifications and abilities of professional personnel
- Experience on similar projects as a team
- Commitment of key members to project

Firm Capability (15%)

- Firm's size, organizational structure and flexibility
- Production facilities
- Firm's technical disciplines and capabilities of sub-consultants on team

Past performance on similar projects (15%)

- Demonstrated ability to control costs
- Demonstrated ability to meet schedule
- Demonstrated ability to do quality work

Location of Office (10%)

- Team's work location relative to the project location

Project Goals (10%)

- Firm’s demonstrated clear understanding of the project goals

Project Control (10%)

- Cost Control Measures
- Quality Control Measures
- Schedule

Project Concept (15%)

- Has the firm formulated a successful approach to the project?
- Where appropriate, are possible design alternatives suggested?
- Where appropriate, has the firm exhibited sensitivity to public concerns on previous projects?

Underutilized Disadvantaged Business Enterprise (10%)

- Has the UDBE goal been met?

NOTE: Firms submitting a Statement of Interest/Work Plan (SOI/WP) must, in their submitted SOI/WP, expressly commit, and identify by name, key employees of their own staff, as well as of the staffs of the sub-consultants on their teams, to be available to do the Work.

Per CRS 24-30-1401, cost shall not be considered as a factor in the evaluation of professional consultant services.

The Town of Nederland is committed to “Going Green”. Consulting firms are encouraged to submit their SOI on 2 sided format, rather than one sided only and to provide pdf files of their SOI.

TOWN SCHEDULE FOR CONSULTANT SELECTION

The Town of Nederland has established an outline schedule for consultant selection. This outline schedule is established in order to adhere to the commitments the Town has entered into with DRCOG and CDOT in order to secure funding for the project.

PREPARATION OF THE RFP

- Submit RFP package to CDOT for review (date)
- Obtain final comments from CDOT (date)
- RFP ready for advertisement (date)

PUBLIC NOTICE PHASE

- 1st advertisement (3 weeks) (date)

SELECTION PHASE

- Submit SOI/WP * (date)
- Selection board meeting (date)
- Staff selection approval (date)
- Notification (date)

NEGOTIATION PHASE

- Submit financial package * (date)
- Audit requested * (date)
- Audit completed (date)

- Cost negotiation meeting * (date)

FINAL CONTRACT PHASE

- Contract approval/execution (date)
- Notice to proceed (date)

GENERAL PROJECT SCOPE OF WORK

Purpose of the Project

The purpose of this project is to provide safe non-vehicular connections from the current downtown area to the area between the Post Office and the Library; enhance that corridor through storm water management, landscaping, pedestrian amenities, and other features, provide for the installation of additional crosswalks and generally enhance the area for the benefit of economic development and sustainability. This project is located adjacent to North Beaver Creek and the quality of the creek corridor and this project should only facilitate that enhancement.

Environmental Sensitivity

This project is located adjacent to North Beaver Creek. The sensitivity to this area is high. The Town is currently seeking grants to improve the quality of the creek corridor and this project should only facilitate that enhancement. There also may be historical considerations with existing buildings.

Right of Way and Access

The current situation for access allows for general un-mitigated access to and from the existing highway from the various parcels along the corridor. With the implementation of the walking pathways and the intersection improvements, the Town anticipates many impacts to all of the businesses and property owners. It is the NDDA’s intent to mitigate these impacts through implementation of bio-retention areas, expansion and formalization of public parking areas and road crossings in the vicinity of the impacted areas, partial reconstruction for connections from private property to new improvements and access points, partial or full reconstruction of existing roadways and utility relocations to minimize land impacts.

Implementation

A portion of this project will occur in an area of Town that is critical to the economic vitality of the Town and its businesses. As such, an important aspect of the design of the project will include detailed considerations and requirements for the maintenance of reasonable vehicle and pedestrian access to businesses during the construction phase. These considerations may include such items as temporary walkways, temporary traffic control, temporary access points, temporary crossings or other items identified for the area.

ROADWAY DESIGN AND CONSTRUCTION STANDARDS

All design and construction shall be done in accordance with the latest edition of the applicable standards including, but not limited to, the following:

- AASHTO Policy on Geometric Design of Highways and Streets

- AASHTO Roadside Design Guide
- CDOT Design Guide
- CDOT Bridge Design Manual
- CDOT Drainage Design Manual
- CDOT Standard Specifications for Road and Bridge Construction
- CDOT M & S Standards
- Manual on Uniform Traffic Control Devices (MUTCD)
- Urban Storm Drainage Criteria Manual
- Town of Nederland Storm Drainage Criteria and Construction Standards Town of Nederland Commercial Design Standards
- Town of Nederland Municipal Code
- The Sustainable Sites Initiative Manual
- EPA's Green Infrastructure in Arid and Semi-Arid Climates

The Town of Nederland shall resolve conflicts in criteria.

AGENCIES AND STAKE HOLDERS

- Colorado Department of Transportation
- Denver Regional Council of Governments
- Town of Nederland Board of Trustees
- Town of Nederland Planning Commission
- Town of Nederland Appointed Boards and Commissions
- Town of Nederland Public Works Department
- Residents of nearby neighborhoods
- Adjacent businesses
- Boulder County
- Xcel Energy
- Utility Companies

CONSULTANT PROVIDED SERVICES

The consultant will work closely with the Town of Nederland and Nederland Downtown Development Authority to perform the work necessary to create conceptual, preliminary and final plans, right of way documents, studies and clearances and specifications for this project based on standard CDOT formats.

1. Site Visits for Pre-design and Design Services

2. Pre-design Meeting

- Assist in conducting a pre-design meeting with the DAT.
- Solicit input from all concerned Agencies.
- Prepare minutes from meetings and distribute to all attendees.

3. Professional Design Survey

- Secure all available existing data that will aid in survey.
- Establish vertical and horizontal control points.
- Obtain necessary permission to enter private and public lands for survey purposes.

- Prepare and transmit project notification to utilities with a request to identify and mark existing and proposed facilities.
- Perform utility pot-holing for locations that are identified as potential conflicts.
- Identify conflicting right of way and boundary conditions in design corridor.
- Conduct ground survey
 - Establish a local baseline for horizontal control (generally the section line or ROW centerline). Gather topographic and descriptive data as needed.
 - Coordinate and gather utility location data.
 - Obtain adequate data to generate profiles and cross sections.
 - Obtain hydraulic survey data.
 - Tie property corners and land monuments to centerline.
 - Horizontal and vertical control must be approved by the Town of Nederland.
- Process field data
 - Generate site plan with 1-foot contours, utility locations and all physical data.
 - Generate plan and profile.
 - Generate cross sections.

4. Geotechnical and Soils Investigation

- Work with Nederland Public Works and NDDA to determine requirements for test hole locations.
 - Collect soil samples and test for
 - Classification
 - Maximum Density and Optimum Moisture
 - Resistance Value
 - Consolidation/Swell
 - Water Soluble Sulfates
- Prepare and submit a soils investigation report which presents test results and addresses roadway subsurface conditions, pavement design with recommendations to the Town and NDDA for review. All design in accordance with CDOT criteria, even for connection and/or reconstruction of existing roads.

5. Initial Hydrologic/Hydraulic Investigation

- Locate culvert and storm sewer pipes and determine invert elevations.
- All hydraulic investigation to be reviewed by Nederland Public Works

6. Initial Roadway, Intersection and Enhancement Design

- Prepare concept plan level roadway, intersection, and enhancement design plans. Include information sufficient to determine access issues and considerations, cross sections of proposed improvements, areas of significant reconstruction, major utility relocations or impacts.
- Provide a full color board of the project corridor with the concept design overlain for presentation, including a pdf of the map.

7. Utility Coordination

- Identify existing utility providers and create master contact list including main contact, phone number and emergency contacts.
- Identify potential conflicts with existing utilities.
- Research for other existing or future utilities in the area.
- Determine the necessary requirements for existing and future utilities.

- Begin coordination with utility companies for relocation of utilities.
- Perform utility pot-holing for locations that are identified as potential conflicts.
- Secure and provide copies of maps from utility providers.
- Provide a utility report including maps, memos, descriptions, communications, and exhibits in hard copy and pdf.

8. Preliminary Right of Way and Easement Documents

- Based on the design, prepare preliminary right of way acquisition maps, easement maps and all other exhibits and descriptions necessary to begin the acquisition process. Provide appraisal of the lands by a CDOT-approved appraiser.
- Provide a full report to the Town and NDDA in hard copy and pdf format.

9. Environmental Requirements

The consultant will be responsible for preparing documents in accordance with requirements of the current federal and state environmental regulations including the National Environmental Policy Act of 1969 (NEPA). The project will likely qualify as a Categorical Exclusion for NEPA documentation.

Documents required in the following sections will be presented to the Town and CDOT for review and then submitted to FHWA or appropriate agency for clearance.

- Threatened and Endangered (T & E) Species
 - If it is determined that the habitat for any threatened or endangered (T & E) species could potentially occur at the project site, a biologist qualified to conduct T & E assessments and/or surveys will need to be retained. It will be the biologist's responsibility to follow all federal and state guidelines developed for the species of concern, including any applicable permits needed to conduct such activities.
- Wetlands
 - If it is determined that wetlands exist within the project area, a wetland ecologist or other qualified person will conduct a wetland determination and if needed, a wetland delineation. The wetland delineation shall be conducted according to the guidelines outlined in the 1987 Corps of Engineers (Corps) Wetland Delineation Manual. Wetland boundaries will be surveyed into the project plan sheets, and temporary and/or permanent impacts determined. If the wetlands are jurisdictional, project activities will be subject to Section 404 permitting through the U.S. Army Corps of Engineers. If a Section 404 permit is required, the applicant will be responsible to ensure all conditions of the permit are adhered to, including preparation of a mitigation plan.
 - A Wetland Findings Report will be prepared for CDOT approval for permanent impacts of 500 square feet or temporary impacts of 1000 square feet which includes wetlands not regulated by the Corps. The Report will include a detailed mitigation plan and unless otherwise noted, mitigation will be at a 1:1 ratio. All mitigation requirements will be coordinated through the CDOT Region 4 biologist.
- Noxious Weed Survey
 - A noxious weed survey will be completed.

- Hazardous Materials
 - An initial site assessment will be conducted to determine if any hazardous materials may exist in the project area.
- Storm Water Discharge Permit Associated with Construction Activities
 - During construction, if one acre or more of earth disturbance is anticipated, a CDPS permit is required. A Storm Water Management Plan (SWMP) is one of the requirements for the CDPS permit. All SWMP's must be approved by CDOT.

10. Preparation of the Field Inspection Review (FIR)

- Coordinate, complete and compile the plan inputs from the Town, CDOT and other Local Agencies.
- Prepare the preliminary cost estimate for the work described in the FIR plans based on estimated quantities.
- The FIR plans shall comply with CDOT requirements and be in CDOT plan format.
- The ROW Ownership Map shall be included in the FIR plan set.
- The construction phasing and the preliminary traffic control plans will be included in the FIR plan set.
- The FIR plan set will be submitted to the Town for a preliminary review prior to the FIR.
- Print and provide six copies of the preliminary plans to the Town of Nederland and 10 copies to CDOT.

11. Field Inspection Review (FIR)

- Attend the FIR.
- The FIR meeting minutes shall be prepared by the Consultant, approved by the Town and distributed as directed.
- Design decisions concerning questions raised by the FIR will be resolved in cooperation with the Town and NDDA. The Consultant shall document the decision and transmit the documentation to the Town and NDDA for approval.
- A list of all deviations from standard design criteria along with the written justification for each one shall be submitted to the Town Engineer and subject to CDOT review and approval.

12. Final Hydraulic Design

- Review data and information developed from the preliminary hydraulic investigation and updates in accordance with Field Inspection Review comments.
- Prepare final hydraulic report and submit to the Town for approval. The report shall be prepared in CDOT format, as per the CDOT Drainage Design Manual.
- Prepare and obtain appropriate floodplain permit(s) from the floodplain administrator.

13. Final Roadway, Intersection and Enhancement Design

- Revise and incorporate any FIR comments that affect the crossings.
- Complete plan drawings and revise as necessary to include decisions made during the FIR.

14. Utility Relocation Coordination

- Identify final utility relocation needs.
- Schedule and coordinate meetings with impacted utilities and Town.
- Coordinate and schedule required utility relocations with utilities that are not part of the construction project, such as Xcel, REA or City of Longmont.

15. Identification of Property Owners and Right-of-Way Plans

- Follow the Uniform Act throughout the ROW process.
- Identify parcels, easements and existing right-of-way. A Standard Ownership and Encumbrance Report may be required.
- Perform title searches as required.
- Determine new right-of-way and temporary easement requirements if necessary.
- Prepare separate right of way plan sheet(s) according to CDOT standards. Show all property owners, boundaries, easements and existing and proposed right-of-way lines for full length of project. All lines shall show bearing and length.
- Prepare separate right-of-way / easement / ownership maps and exhibits for each parcel requiring right-of-way and temporary easement acquisition (including name, book and page, reception number and area acquired in acres).
- Write legal descriptions for all new permanent right-of-way acquisitions required.
- Prepare survey plat if necessary to satisfy requirements of C.R.S. 38-51-107. All survey monumentation, either found or set shall meet all the requirements of current CRS and CDOT.

16. Preparation of Traffic Control Plan (TCP)

- Review construction plans.
- Prepare permanent and construction TCP, including the plans necessary for interim and temporary pedestrian crossings, access modification and parking provisions for the businesses impacted by the project.
- Tabulate signing items necessary to support the TCP and include in the Final Office Review Plans.

17. Preparation of the Final Plans, Specifications and Estimate

- Obtain standard details and standard special provisions from the Town and CDOT.
- The consultant will be responsible for recommending and providing any necessary CDOT standard or project special provisions for the project. Specific project special provisions may have to be written by the consultant to cover unique or special situations for this project. These shall be sent to the Town by e-mail in Microsoft Word format.
- Revise all plan sheets and design notes to reflect any deficiencies found in the design and detail checks.
- Prepare all drawings in accordance with current CDOT standards.
- Prepare the engineer's estimate. Item numbers, descriptions, units, quantities and extensions will be submitted in a format acceptable to the Town and CDOT.
- Prepare the final special provision package.
- Submit plans, Special Provisions and Estimate for review (6 sets to the Town and 10 sets to CDOT). Plan sets shall be half-size.

18. Independent Design, Detail and Quantity Check

- Perform independent detail check and design check from plans.
- Revise all plan sheets and design notes to reflect any deficiencies found in the design and detail check.

- Check quantities.

19. Final Office Review (FOR)

- Assist in conducting the FOR meeting.
- The FOR meeting minutes shall be prepared by the Consultant, approved by the Town Engineer and distributed as directed.

20. Final Plan Review

- The FOR original plan sheets and the specifications shall be revised in accordance with the FOR meeting comments and submitted to the Town Engineer within one week after the FOR.
- The final review of the plans by CDOT may require final revision of the plans which shall be done by the Consultant.
- The bid plan construction contract package shall consist of the revised FOR plans and will completely describe the work required to build the project including project dated special provisions and detailed quantities.

21. Final Submittals

- Submit a half-size (bond paper) final plan set master for photocopying for bidding and construction plans.
- Submit two additional bond paper final plan record drawing sets with the design engineer's seal and signature on each page.
- Submit one full-size set of plans on bond.
- Submit an electronic copy of all drawings in AutoCAD and Adobe PDF formats to the Town of Nederland on CD.
- Submit one set of quantity calculations to the Town of Nederland in MS Excel format.
- Submit a CD with all other computer input and output files used in the project design to the Town of Nederland, generally as noted above.
- Submit the following plans to CDOT: 7 sets of 11" x 17" plans and 1 set of a 8.5" x 14" sealed record plan set, stamped with the engineer's number and signature on every page and 8 sets of special provisions (1 set shall have the index pages signed and sealed by the PE).

22. Pre-Bid

- Prepare pre-bid agenda and attendance form.
- Conduct the pre-bid meeting with contractors.
- Prepare and issue pre-bid meeting minutes.
- Prepare and issue Bid Document Addendums, Town to coordinate addendums with CDOT.

23. Construction Services

- There are no construction services included with this RFP.

24. Project Coordination – The consultant will work with the Town in the following areas:

- Periodic submittal and review of conceptual designs and plan formats during design to assure that plans will meet Town and CDOT standards.

- The consultant will be required to attend several Town Board Meetings and Public Meetings in the Town of Nederland to assist in explaining the project and answering questions.
- The consultant will be required to lead and conduct meetings with the Design Advisory Team for this project. This team is a community-based effort to involve those directly affected by the project to voice their concerns. The DAT will then conduct Public Meetings to educate the community and receive input on the Design.
- The consultant will be required to lead the project through the Nederland Public Process (NPP).
- The consultant will need to provide the following:
 - Monthly status reports.
 - Design schedule with updates as required.
 - Minutes of meeting.

DBE Definitions & Requirements

Disadvantaged Business Enterprise Regulations

ATTENTION CONSULTANTS - Notice

On June 21, 2001, in order to more narrowly tailor CDOT's DBE program to conform with the results of CDOT's 2001 Disparity Study update, the Colorado Transportation Commission adopted Resolution No. 966, which established a new definition of Underutilized DBE (UDBE) for construction contracts and for consultant contracts and set a 10.93% overall annual DBE goal for the remainder of FFY 2001 and for FFY 2002.

The Disparity Study Update found that ALL DBES were underutilized on CDOT construction contracts and on CDOT consultant contracts, i.e., it determined that ALL DBES WILL BE CONSIDERED TO BE UDBES. Since all CDOT DBEs are considered to be UDBEs, CDOT's DBE list will also be the UDBE list.

Please contact Business Programs with questions about this change. Telephone: 303-757-9162 or 800-925-3427 or e-mail Karen.Gonzales@dot.state.co.us.

DISADVANTAGED BUSINESS ENTERPRISE

DEFINITIONS AND REQUIREMENTS

1. Definitions and Procedures - For this project, the following terms are defined:
 - A. Disadvantaged Business Enterprise (DBE). A small business concern that is certified as being:
 1. At least 51 percent owned by one or more socially and economically disadvantaged individuals or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and
 2. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
 3. "Socially and Economically Disadvantaged individuals" means those individuals who are citizens or lawfully admitted permanent residents of the United States and who are:

(a) Minorities or individuals found by the Small Business Administration pursuant to Section 8(a) of the Small Business Act to be disadvantaged.

(b) Individuals found by CDOT's Office of Certification to be socially and economically disadvantaged.

B. DBE Joint Venture. An association of two or more businesses formed to carry out a single business enterprise for profit for which purposes they combine their property, capital, efforts, skills and knowledge. DBE joint ventures must be certified as a joint venture. The DBE percentage of the joint venture will be determined at the time of certification.

C. Underutilized DBE (UDBE). A firm which meets the definition of Underutilized Disadvantaged Business Enterprise (UDBE) based on the findings and recommendations of CDOT's Disparity Study and is eligible to meet the contract goal as defined in the paragraph titled "Contract Goal."

D. Contract Goal. The goal for UDBE participation that the Department determines should appropriately be met by the selected consultant, based on the type of work included in each project and the availability of UDBEs capable of performing such work. The Contract goal will be the percentage stated in the invitation for consultant services and in the project documents.

E. Certification as a DBE by the Department

1. Any small business may apply to the Colorado Department of Transportation (CDOT) for status as a DBE. Application shall be made on forms provided by CDOT for certification of DBEs. However, only work contracted or subcontracted to DBEs that also qualify as UDBEs and independently performed by UDBEs shall be considered toward contract goals as established elsewhere in these specifications.

2. It shall be the DBE applicant's responsibility to submit applications so that CDOT has sufficient time to render decisions. CDOT will review applications in a timely manner but is not committed to render decisions about a firm's DBE status within any given period of time.

3. The Department will make available a list of DBE contractors, consultants, vendors and suppliers for the purpose of providing a reference source to assist any consultant in identifying DBEs and UDBEs. Consultants will be solely responsible for verifying the Certification of UDBEs they intend to use prior to submitting a Statement of Interest (SOI.) The DBE list is available at:

http://www.dot.state.co.us/app_ucp/

2. Selection of UDBEs by Consultant:

A. Consultants shall exercise their own judgments in selecting any subconsultant to perform any portion of the work.

3. Requirements

A. The use of UDBEs is an evaluation factor for consultant selection under Section 24-30-1403 (2) CRS. All Consultants shall submit with their proposals a list of the names of their UDBE subconsultants to meet the contract goal.

B. If the Consultant proposes to voluntarily use any non-UDBEs on the project, the Consultant shall also submit the names of those DBEs. However, the non-UDBEs will not be used to meet the UDBE goal for the project.

C. Evaluation points will be awarded for UDBE participation during the Statement of Interest (SOI) scoring. A maximum of 5 evaluation points will be awarded for UDBE participation

during the SOI scoring. If the consultant doesn't submit sufficient UDBE participation to meet the project goal, they may be awarded from 0 to 4 points, based on the amount of UDBE participation they submit. The consultant must submit all UDBE participation commitments on either CDOT Form #1330 (for NPS Contracts) or CDOT Form #1331 (for PS Contracts) with their SOI in order to receive the corresponding evaluation points.

D. The selected consultant must use the UDBE firms named (if any) on CDOT Form #1330 or #1331 in the Statement of Interest for the items of work described. The replacement of a named UDBE firm will be allowed only as provided for in (6) of the DBE Definitions and Requirements. Failure to comply may constitute grounds for default and termination of the Contract.

E. Consultant's UDBE Obligation.

1. The Consultant submitting a Statement of Interest and a Work Plan on consultant projects advertised by the Department agrees to ensure that UDBEs, as defined in this special provision, have equal opportunity to participate in the performance of contracts or subcontracts. The prime Consultant shall not discriminate on the basis of race, color, national origin, or sex in the selection and bidding process or the performance of contracts.

2. To ensure that UDBEs are offered equal opportunity to participate in the performance of contracts, it is the responsibility of the prime Consultant to offer and to provide assistance to UDBEs related to the UDBE performance of the subcontract. However, the UDBE must independently perform a commercially useful function on the project, as described in F(4) below.

F. Counting UDBE Participation Toward Goals

1. Once a firm has been certified as a DBE that qualifies as a UDBE, the total dollar amount of the contract awarded to the firm shall be counted toward the contract goal as explained below, and as modified for the project in the project special provisions titled "Contract Goal."

2. The actual dollar total of a proposed subcontract, supply or service contract with any UDBE firm shall be reported to the Department in the Consultant's Cost Proposal.

3. The eligibility of a proposed UDBE subconsultant will be finally established based on the firm's status at the time the contract is signed. If a firm becomes certified as a DBE during performance under a fully executed contract with CDOT but prior to the UDBE performing any work, then 100% of the work performed by the firm under that contract may be claimed as eligible work. No work performed by a UDBE firm can be counted toward UDBE participation prior to the firm receiving certification as a DBE.

4. The Consultant may count toward its contract goal only that percentage of expenditures to UDBEs which independently perform a commercially useful function in the work of a contract. A UDBE is considered to be performing a commercially useful function by actually performing, managing, and supervising the work involved. To determine whether a UDBE is performing a commercially useful function, the Department will evaluate the amount of work subcontracted, work performed solely by the UDBE, industry practices, and other relevant factors.

5. A UDBE may enter into subcontracts consistent with normal industry practices. If a UDBE subcontracts over 51% of the work of the Contract the UDBE shall be presumed not to be performing a commercially useful function. The UDBE may present evidence to rebut this presumption to the Department.

6. The Consultant may count toward its contract goal the percentage of expenditures for materials and supplies obtained from UDBE suppliers (regular dealers) and manufacturers

specifically for use on the project, provided that the UDBEs assume the actual and contractual responsibility for and actually provide the materials and supplies.

a. The Consultant may count 100 percent of its expenditures to an UDBE manufacturer if the purchased items are to be used on the project. A UDBE manufacturer is a certified firm that operates or maintains a factory or establishment that produces on the premises the materials or supplies obtained by the Consultant.

b. The Consultant may count 60 percent of its expenditures to UDBE suppliers that are not manufacturers, provided that the UDBE supplier performs a commercially useful function in the supply process. A supplier is a certified firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of the Contract are bought, kept in stock, and regularly sold to the public in the usual course of business. To be a supplier the firm must engage in, as its principal business and in its own name, the purchase and sale of the products in question. A supplier in such bulk items as steel, cement, gravel, stone, and petroleum products need not keep such products in stock, if it owns or operates distribution equipment. Brokers and packagers shall not be regarded as manufacturers or suppliers within the meaning of this section.

c. The Consultant may count toward its UDBE goal the following expenditures to UDBE firms that are not manufacturers or suppliers:

1. The fees or commissions charged for providing a bona fide service, such as professional, technical, consultant or managerial services and assistance in the procurement of essential personnel, facilities, equipment, materials or supplies required for performance of the Contract, provided that the fee or commission is determined by the Department to be reasonable and not excessive as compared with fees customarily allowed for similar services.

2. The fees charged for delivery of materials and supplies required to a job site (but not the cost of the materials and supplies themselves) when the hauler, trucker, or delivery service is not also the manufacturer of or a supplier of the materials and supplies, provided that the fee is determined by the Department to be reasonable and not excessive as compared with fees customarily allowed for similar services.

3. The fees or commissions charged for providing any bonds or insurance specifically required for the performance of the Contract, provided that the fee or commission is determined by the Department to be reasonable and not excessive as compared with fees customarily allowed for similar services.

4. Determination of goal achievement

To determine the goals achieved under this Contract, the UDBE participation shall be divided by the original prime Contract amount and multiplied by 100 to determine the percentage of performance. The Consultant shall maintain records of payment that show amounts paid to all UDBEs and DBEs. The Consultant shall submit a CDOT Form #1313 with each billing/invoice to the Department listing all subconsultants (including UDBEs and other DBEs) that participated in this Contract and the dollar amount paid to each. The Consultant shall certify the amount paid, which may be audited by the Department. When the participation by UDBEs is less than the Consultant committed to the Department, the Consultant shall submit a statement to CDOT along with the CDOT Form #1313 that indicates the amount of participation and gives reasons why it was different from the Consultant's SOI commitment.

5. Replacement of UDBEs used to meet the contract goal

A. Based upon a showing of good cause the Consultant may request that a UDBE named in the Consultant's Statement of Interest be replaced with another UDBE pursuant to the terms and conditions of this special provision. Replacements will be allowed only with prior written approval of the Department.

A. If a replacement is to be requested prior to the time that the named UDBE has begun to effectively prosecute the work under a fully executed subcontract, the Consultant shall furnish to the Department the following:

1. Written permission of the named UDBE. Written permission may be waived only if such permission cannot be obtained for reasons beyond the control of the Consultant.
2. A full written disclosure of the circumstances making it impossible for the Consultant to comply with the condition of award.
3. Documentation of the Consultant's assistance to the UDBE named in the Consultant's Statement of Interest.
4. Copies of any pertinent correspondence and documented verbal communications between the Consultant and the named UDBE.
5. Documentation of the Good Faith Efforts in finding a replacement UDBE and the results of the efforts. It is within the control of the Consultant to locate, prior to award, UDBEs that offer reasonable prices and that could reasonably be expected to perform the work. For this reason, increased cost shall not, by itself, be considered sufficient reason for not providing an in-kind replacement.

C. In the event a UDBE begins to prosecute the work and is unable to satisfactorily complete performance of the work, the Consultant shall furnish to the Department the following:

1. Documentation that the subject UDBE did not perform in a satisfactory manner.
2. Documentation of the Consultant's assistance to the UDBE prior to finding the UDBE in default.
3. A copy of the certified letter finding the UDBE to be in default or a letter from the UDBE stating that it cannot complete the work and it is turning the work back to the Consultant.
4. Copy of the contract between the Consultant and the UDBE, plus any modifications thereto.

6. Sanctions

A. It is the obligation of the Consultant to provide UDBE firms with equal opportunity to participate in the performance of the work.

B. It is the responsibility of UDBE firms to perform their work in a responsible manner fully consistent with the intent of the DBE program, and in substantial compliance with the terms and conditions of these DBE definitions and requirements.

C. UDBE firms which fail to perform a commercially useful function as described in subsection 4(E) of these DBE definitions and requirements or operate in a manner which is not consistent with the intent of the DBE program may be subject to revocation of certification.

D. A finding by the Department that the Consultant has failed to comply with the terms and conditions of these DBE definitions and requirements may constitute sufficient grounds for default and termination of the Contract.

EXHIBIT A

http://nederlandco.org/download/2011-21_Citizens_for_Sustainability_Resolution.pdf

EXHIBIT B

http://nederlandco.org/download/Nederland_vision_2020.pdf

EXHIBIT C

**Nederland Pedestrian Enhancement Design (NedPed)
Nederland Pedestrian and Storm Water Management Improvement Project
Need Statement
created June 2012 by the Design Advisory Team
of the Nederland Downtown Development Authority**

The Town of Nederland has come to recognize that healthy ecosystems provide essential services that sustain life and therefore understands the importance of placing the preservation, protection or enhancement of ecosystem services at the top of the community's priority list. Additionally, the Town of Nederland recognizes the impact land development and management practices can have on ecosystem services.

Following is a list of ecosystem services that can be preserved, protected or enhanced through the use of sustainable land development and management practices.

Air and water cleansing Removing and reducing pollutants in air and water.	Habitat functions Providing refuge and reproduction habitat to plants and animals, thereby contributing to conservation of biological and genetic diversity and evolutionary process
Water supply and regulation Storing and providing water within watersheds and aquifers	Waste decomposition and treatment Breaking down wastes and recycling nutrients
Erosion and sediment control Retaining soil within an ecosystem, preventing damage from erosion and siltation	Human health and well-being benefits Enhancing physical, mental and social well-being as a result of interaction with nature
Hazard mitigation Reducing vulnerability to damage from flooding, storm surge, wildfire and drought	Food and renewable non-food products Producing food, fuel, energy, medicine or other products for human use
Pollination Providing pollinator species for reproduction of crops and other plants	Cultural benefits Enhancing cultural, educational, aesthetics and spiritual experiences as a result of interaction with nature

The importance of ecosystem services were not considered in traditional land use development and management practices within the Town of Nederland. This has resulted in a loss of ecosystem functionality including stormwater management, erosion and sedimentation control. Additionally, the Town has also come to recognize the ecological benefits of increasing the use of non-motorized transportation in Town and throughout our region.

The Town of Nederland has committed to becoming a sustainable community and has committed to move forward in a sustainable manner.

Sustainable development is development that meets the needs of the present without compromising the ability of future generations or other communities from meeting their needs.

This project will address two major issues for the entire community of Nederland in it's quest to becoming a sustainable community.

1.Improved non-motorized circulation

Reducing our dependence on traditional non-renewable forms of transportation is a small but important step in becoming a sustainable community. Developing a non-motorized circulation system that allow community members to walk or bike to local destinations and to region transportation portals results in cleaner air, healthier community members and a greater sense of community.

1.Improved watershed functionality through focused improvements in stormwater management systems.

Developing and maintaining a high functioning stormwater management system not only protects private property from damage but also helps retain and restore the watersheds natural ecosystem functionality. Preserving, protecting, enhancing and learning from healthy ecosystems are an essential part of becoming a sustainable community.

Non-motorized Circulation

In order to improve non-motorized transportation, we must first understand how to measure how well our existing non-motorized transportation system functions.

Once we understand the functionality of the existing non-motorized circulation system, we can then determine where and how improvements should be made in order for improvements to be successful.

Stormwater Management

In order to effectively address stormwater in our developed areas we must first understand how the water shed reacts naturally to stormwater.

Once we understand how our watershed reacts naturally to stormwater we can then develop solutions for managing stormwater that work with the natural systems as opposed to the traditional methods of working against the natural systems.

Background

A need for safe pedestrian/biking trails was established by PROSAB and SAB that would allow the habitants to safely and easily walk/bike between from the East to the west end of town.

The North and South ends of Town have been connected by a sidewalk built in 2009. The East to West connectivity is hampered by lack of defined non-motorized paths and increasing traffic due to development.

Several storms last summer also showed that since recent development on the North Beaver Creek meadow there had been a dramatic increase in the velocity of the water in North Beaver Creek causing damage to property further downstream. The lower portion of 2nd Street to the East is dirt while the upper section to the West that contains the Library is paved. The impact of nonpervious surfaces on watersheds is well documented and the Town of Nederland is a living example of these negative impacts.

Further development projects on 2nd Street have been unable to obtain accurate elevations for connecting sidewalks and handicap ramps, making some of them unusable. Open drainage ditches on each side of the street make crossing the street impractical for some residences and walking down the street is equally impractical for some residences due to many large pot holes that reappear after each large rain event. Children and young people going to the Family and Teen Center from other areas of Town must use the center of the street for walking due to large drainage ditches on either side of the road, forcing them to walk in the middle of the street with and between cars. The need for safe pedestrian and bicycling paths is becoming more acute as some of the vacant land in the area is developed bring more traffic and more parked cars.

The need for connectivity:

Using 2nd Street to connect the Post Office to library allows people living on second street non-motorized access to both locations safely. Many children and families live on 2nd Street and the street has become hazardous with increased vehicle traffic from the mixed use and commercial sections, as well as from the deteriorating conditions of the road surface.

Nederland has adoptive a sustainability Resolution that will direct the community going forward. The deteriorating conditions of the road are unsustainable for the future, not only from a cost stand point, but also from erosion and instability. Mountain communities have vanished over past decades due to wind and soil erosion, such as Caribou and others.

In promoting a healthy community, Nederland strives to encourage alternative modes of transportation. The need for this is to encourage a healthier lifestyle decreasing obesity which is a problem nationwide. Colorado's obesity rate is the lowest in the country for adults, but the obesity in children is rising rapidly from 3rd in the country to 23rd in 2011. This is due in part to a decrease in physical activity and more passive indoor activities. In order to lower this rate further, healthy cities have adopted multi-modal forms of transportation. The proposed east/west pedestrian/biking path will fulfill this purpose.

The need for controlling storm water in the mountains is greater than in lower elevations due to the severity of the storms and the spring runoff. The water from even higher elevations needs to be safely directed to collection points for use by cities in other parts of the state. Debris and hazardous materials need to be filtered along the run off corridors to ensure clean and healthy drinking water downstream.

With this project we will be able to address two major issues for the entire community of Nederland. A walkable community, as well as a reduction in flooding from storm water runoff.

**AGENDA INFORMATION MEMORANDUM
NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY**

MEETING DATE: JUNE 26, 2012

INITIATED BY: Paul Turnburke, Director and Donna Sue Kirkpatrick

CONSENT: X OR DISCUSSION:

=====

AGENDA ITEM: Clarification of status of the \$200 that was approved on May 22, 2012 board meeting, then modified at the June 12, 2012 Board meeting as additional cost to cover insurance for Chris Smith contract for landscaping of planters and other work.

SUMMARY: On May 22, 2012, the board agreed to accept Chris Smith's bid for planting the containers and other locations under the Adopt a Planter program. But they required he have Comprehensive General Liability Insurance with a certificate to be produced before commencing work. There was discussion that he may not be able to afford the insurance, and a motion was made, seconded and approved to increase his bid by \$200.

At the June 12, 2012 meeting of the NDDA, the Director reported that Chris had not obtained the insurance and it costs \$750. The Board expressed frustration and concern due to the late timing of obtaining and planting. The Art Show and Festival was to be June 24, 2012. It was further pointed out, that he probably did not have the \$750 to pay for the insurance. Ron Mitchell made a motion to advance the \$750 with the presentation of the bill and take it out of his final check at the end of the season. The motion did not contain a determination on the original \$200 increase.

Chris has subsequently obtained the insurance, but has not produced the bill as requested in the second motion, although the Board members have received proof of Insurance.

ATTACHMENTS : Insurance Certificate

FINANCIAL CONSIDERATIONS: Increase of \$200 to the cost of the landscape project

RECOMMENDATIONS:



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/15/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Rick Baker & Associates Insurance, Inc 5360 Arapahoe Ave, Ste G Boulder, CO 80303 License #: 27695	CONTACT NAME: Cheryl Campbell
	PHONE (A/C, No, Ext): (303)444-3334 FAX (A/C, No): (303)444-2716
	E-MAIL ADDRESS: rick@rickbakerinsurance.com
	INSURER(S) AFFORDING COVERAGE
	INSURER A: AMCO Insurance Company
	INSURER B:
	INSURER C:
	INSURER D:
	INSURER E:
	INSURER F:

COVERAGES CERTIFICATE NUMBER: 00002091-0 REVISION NUMBER: 1

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input checked="" type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR	Y	N	ACP7505701875	06/15/2012	06/15/2013	EACH OCCURRENCE \$ 300,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 300,000 GENERAL AGGREGATE \$ 600,000 PRODUCTS - COMP/OP AGG \$ 600,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER Nederland Downtown Development Authority 45 West First St. P.O. Box 396 NEDERLAND, CO 80466	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE  (CLC)
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AGENDA INFORMATION MEMORANDUM NEDERLAND DOWNTOWN DEVELOPMENT AUTHORITY

MEETING DATE: JUNE 26, 2012
INITIATED BY: PAT EVERSON- FINANCE CHAIR
CONSENT: OR DISCUSSION:X

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AGENDA ITEM: New Direction for the organization of the NDDA Board and staff

BACKGROUND: When the NDDA was created in 2005 they had to determine the direction of the Authority. They did this by a Plan of Development, which was later developed into The Strategic Master Plan. During this time, they set the direction for the development of the district. They hired Turnburke and Associates to prepare the plan from information that had been gathered previously. At this point, they did not have projects and only set policy for the future.

They then secured a grant for Phase I Sidewalks, which demanded they have a staff to oversee the project. They hired a Director, Paul Turnburke for this position. During the years of the design and construction of the project the Director helped with the project management of the project. He also functioned under the job description as set out in the State Statutes, see attached.

The Board during this time appears to have acted in a policy setting position. Leaving the day to day activities and running of the Authority to the Director. Which fit the time constraints and levels of commitment the members of the board were able to devote to the NDDA.

That Board resigned effective April 1, 2012. A new board was chosen by the BoT on May 15, 2012. During the meetings they have had, and two workshops, a more proactive type of leadership has been expressed by many members. To this end, the Design Advisory Team for the Nedpeds project and the Finance Task Force have been created and approved. Both of these committees have two NDDA board members each, with one being the Chairperson.

The State Statutes further declare that the the board may by resolution establish alternate administrative provisions relating to the administrative organization and structure of the authority and responsibilities of board members, officers, and employees. The provision would allow this new board to determine a different type of administrative organization. During the June workshop and the June 12, 2012 board meeting, there was a desire to change the description of the duties of the Director and to reallocate his time. This reallocation has been determined to be necessary by the NEDPEDS project. The finance workshop also allocated funds from the NEDPEDS budget for a project co-ordinator, with the anticipation that other projects were being planned for the pipeline.

ATTACHMENTS: crs 31-25-815. Employees - duties - compensation
New job description for Director

FINANCIAL CONSIDERATIONS: Salary for the Director has been determined in the budget. This would allocate 40% of time and salary to administration of NDDA and 60% of time and salary to project co-ordination. This would free up approximately \$1,150 per month in funds that could be allocated to secretary position.

RECOMMENDATIONS:

DRAFT

Nederland Downtown Development Authority

DRAFT Job Description for

Project Coordinator/Executive Director

JUNE 26, 2012

This is a salaried position contemplating a 20 hr work week. The time to be split as follows: 40% or 8 hrs a week on duties assigned to the NDDA Board and Authority, 60% or 12 hrs a week on the upcoming NEDPEDS project and other projects to be put in the pipeline.

Compensation presently provided by 2012 budget for Executive Director.

A time sheet will be kept accounting for all hours work and stating what work was accomplished. This time sheet will be part of the Executive Directors report to the Board meetings.

Routine hours should be established and published, when board members and the public can contact the project coordinator/Executive Director

Job Purpose of the Project Coordinator portion

This is administrative work performing non-routine research and administrative tasks related to the coordination and oversight of projects to ensure timely and effective project development and completion.

Characteristic Duties and Responsibilities

Coordinates program or project planning and implementation, including assessing needs, setting goals and objectives.

Establishes project work plan and calendar or schedules; monitors, reviews, and evaluates progress.

Maintains internal and external contacts as necessary.

Provides advice to participants; acts as a resource person by performing research, analyzing information, providing documentation, and preparing reports.

Monitors record keeping and file maintenance for the program or project

Prepares records of project activities;

Verifies and analyzes the accuracy of all data and information used or generated by project;

Job Purpose of the Executive Director portion

This is administrative work performing administrative tasks related to the coordination and oversight of operations of the NDDA and NDDA Board activities.

Characteristic Duties and Responsibilities

Works with Town of Nederland and other governmental agencies to coordinate activities and to insure that Town policies and procedures are implemented.

Monitors record keeping and file maintenance for NDDA

Maintains internal and external contacts as necessary.

Acts as a resource person by performing research, analyzing information, providing documentation, and preparing reports.

Works with Committees and Task Forces formed by the NDDA Board

Works with the NDDA to compile meeting agendas and packets.

Coordinates outreach efforts of the NDDA, including notifying webmaster of upcoming events and meetings.

Works with Town Clerk to set up required notification of meetings and recording of minutes of meetings.

Interacts with NDDA Board members to supply information on procedure and resources.

Works with NDDA Board to establish and implement objectives and goals, both short and long term.

Reports progress to Board at meetings in writing as part of the Agenda Packet

Other record keeping and office duties as may be required.

31-25-815. Employees - duties - compensation

(1) The board shall employ and fix the compensation, subject to the approval of the governing body, of the following, who shall serve at the pleasure of the board:

(a) A director, who shall be a person of good moral character and possessed of a reputation for integrity, responsibility, and business ability. No member of the board shall be eligible to hold the position of director. Before entering upon the duties of his office, the director shall take and subscribe to the oath of office and furnish a bond as required by the board. He shall be the chief executive officer of the authority. Subject to the approval of the board and directed by it when necessary, he shall have general supervision over and be responsible for the preparation of plans and the performance of the functions of the authority in the manner authorized by this part 8. He shall attend all meetings of the board and shall render to the board and to the governing body a regular report covering the activities and financial condition of the authority. In the absence or disability of the director, the board may designate a qualified person to perform the duties of the office as acting director. The director shall furnish the board with such information or reports governing the operation of the authority as the board may from time to time require.

(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.

(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.

(d) Upon recommendation of the director, such clerical, technical, and professional assistants, including but not limited to persons in the fields of engineering, planning, and economic research, as shall, in the opinion of the board, be necessary to provide for the efficient performance of the functions of the board.

(2) Any provision of this section and section 31-25-807 to the contrary notwithstanding and subject to any limitations in the ordinance creating the authority or in any amendments thereto, the board may by resolution establish alternate administrative provisions relating to the administrative organization and structure of the authority and responsibilities of board members, officers, and employees.