3. CONSENT AGENDA

3.1. Approval of April 16, 2019 Accounts Payable
   5.07.19 BOT Warrants
3.2. Approval of April 16, 2019 Regular Meeting Minutes
   4.16.19 BOT Minutes
3.3. Approval of BZA Appointments
   5.07.19 BOT AIM BZA Appointment Approval
   5.07.19 BOT BZA Draft Minutes 4.11.2019
   5.07.19 BOT BZA Tom Mahowald
   5.07.19 BOT BZA Karen Fletcher Application
   5.07.19 BOT BZA Kevin Kafka Res
3.4. Approval of DDA ED recommendation
   5.07.19 BOT AIM DDA ED Recommendation
   5.07.19 BOT Hope Jordan DDA ED App
   5.07.19 BOT 4.19.19 NDDA_DRAFT Minutes
3.5. Updated IGA for BOCO regarding tax collection
   5.07.19 BOT AIM BOCO IGA Taxes
   5.07.19 BOT BOULDER_COUNTY-#262970-v1-
   Fourth Amendment to County Nederland Use Tax IGA
3.6. Approval of IGA between NDDA and NFPD-Tentative
   5.07.19 BOT DDA AIM Fire District TIF Funding Support
   5.07.19 Resolution 2019-3 Authorizing Loan to DDA for Fire District
   5.07.19 BOT TIF Funds Financial Projections
3.7. Community Center Kitchen Use Lease
   5.07.19 BOT Simply Bee Organics 2019

4. PUBLIC COMMENT ON NON-AGENDA ITEMS
   The following guidelines are here to help you become more familiar with our procedures:Public comment shall not exceed 30 minute; individuals desiring to speak are required to register prior to the start of the meeting; the Mayor will call each individual registered; individuals will have up to three (3) minutes to address the Board; all individuals shall observe proper decorum; audience members are to remain silent during the remainder of the meeting; persons other than Board of Trustees and Town officers shall not be permitted to address the Board except upon recognition of the Mayor.

5. ACTION ITEMS
5.1. Location of Greenhouse Approval
5.07.19 BOT AIM Greenhouse
5.07.19 BOT Open Space Trails Park Master Plan facilities
5.07.19 BOT Open Space Trails Park Master Plan selected findings
5.07.19 BOT Open Space Trails Park Master Plan programs
5.07.19 BOT GH Public Comment: Chippi
5.07.19 BOT GH Public Comment: Shupe
5.07.19 BOT GH Public Comment: Tania
5.07.19 BOT GH Public Comment: Capriari
5.07.19 BOT GH Public Comment: Eich
5.07.19 BOT GH Public Comment: Cobble
5.07.19 BOT GH Public Comment: Blakemore
5.07.19 BOT GH Public Comment OBrien
5.07.19 BOT GH Public Comment Hill
5.07.19 BOT GH Public Comment: Cordiff
5.07.19 BOT GH Public Comment Brenick

5.2. IGA
5.07.19 BOT AIM IGA UPDATE
5.07.19 BOT Nederland IGA Update Draft county revision
5.07.19 BOT Summary of Proposed Terms for Parcel 3a_2019-04-05.m
5.07.19 IGA Public Comment DAndrea
5.07.19 BOT IGA Public Comment Planning Commission
5.17.19 BOT IGA Public Comment: Jarrill

5.3. ADU Draft Ordinance
5.17.19 BOT AIM Accessory Dwelling Units
5.17.19 BOT Accessory Dwelling Unit Ordinance

5.4. STR DRAFT Ordinance
5.07.19 BOT AIM Short Term Rentals
5.07.19 BOT Short term Rental License Ordinance
5.07.19 BOT STR Public Comment: Blakemore
5.07.19 BOT STR Public Comment: Molly Staufer
5.07.19 BOT STR Public Comment: Vendetti
5.07.19 BOT STR Public Comment: Lawson
5.07.19 BOT STR Public Comment: Chippi
5.07.19 BOT STR Public Comment: Yoh
5.07.19 BOT STR Public Comment: Taylor
5.07.19 BOT STR Public Comment: Volle
5.07.19 BOT STR Public Comment: Johnson
5.07.19 BOT STR Public Comment: P2P Housing
5.07.19 BOT STR Public Comment: Atashna Medicine Shield
5.07.19 BOT STR Public Comment: Bryan
5.07.19 BOT STR Public Comment: Hess
5.07.19 BOT STR Public Comment Chippi
5.07.19 BOT STR Public Comment Wellendorf

6. PUBLIC COMMENT ON AGENDA ITEMS
7. DISCUSSION ITEMS
8. INFORMATIONAL ITEMS
9. OTHER BUSINESS

10. ADJOURNMENT

The Board of Trustees 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 Board of Trustees 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 Board of Trustees meeting packets are prepared by Friday before the Tuesday meetings and are available for inspection at Town Hall during normal business hours. The information is reviewed and studied by the Board of Trustee members, eliminating lengthy discussions to gain basic understanding. Short discussion on agenda items does not reflect lack of thought or analysis. The agendas are posted at Town Hall, the post office, and on the Town's website on the Friday prior to the meeting. Copies of the agenda and meeting packet are available at no cost via email from the Town Clerk or from the Town website at www.nederlandco.org.
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**Total General Fund**

**Community Center Fund**

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### Town of Nederland

#### Council Approval Report

**Council Approval Report**

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$235.00

$222.70

$3,975.00

$672.04

$94.66

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Total Water Fund $3,275.03

Street Fund

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Total Street Fund $2,706.66

Total Bills To Pay: $247,342.80
1. CALL TO ORDER

2. ROLL CALL

Present: Mayor Larsen, Trustee Baumhover, Trustee Conrad, Trustee Apt, Trustee Rawsthorne, Trustee Masters

Also present: Town Administrator Karen Gerrity, Public Works Manager Chris Pelletier, Town Clerk Hope Jordan

3. CONSENT AGENDA

3.1 Approval of April 02, 2019 Accounts Payable

3.2 Approval of April 02, 2019 Regular Meeting Minutes

3.3 Wild Bear Request for Planning Fee Waiver

Motion for Wild Bear Request for a Planning Fee Waiver to be moved into the Consent Agenda. First Motion: Trustee Masters, Second Motion: Trustee Baumhover. Unanimously Approved

Jill Dreves speaks to the Board of Trustees for a moment. She shares that Wild Bear Nature Center will be a Boulder County gem in our neighborhood. The Center will reflect a partnership between Boulder County, Nederland, and Wild Bear.

Motion to Approve Consent Agenda: First Motion: Trustee Masters. Second Motion: Trustee Baumhover. Unanimously Approved

4. PUBLIC COMMENT ON AGENDA AND NON-AGENDA ITEMS

Non Agenda: 3-minutes

1. Ron Mitchell: Mr. Mitchell speaks on behalf of Brent Tregaskis, Operating Manager of the Eldora Ski Area. Mr. Tregaskis wanted the Board of Trustees to know that Eldora Ski Area did not provide housing for any of their employees other than the International House owned by Ron Mitchell. The recent events in Town regarding Eldora employees should not reflect on Eldora, but on the individuals who caused a neighborhood disturbance.

2. Kathleen Chippi: 4.16.19 BOT Chippi Public Comment
5. INFORMATIONAL ITEMS

5.1. Frozen Dead Guy Days Staff Report

The Town Clerk reports information shared and discussed at the Frozen Dead Guy Day Event Review. Frozen Dead Guy Day Staff and Town Staff discussed the possibility of Town supplying them and future festival production crews a Traffic Plan as well as a Parking Plan. They also considered the benefits or issues with the Town purchasing more barricades for festival production companies. The Town Administrator reminds the Board that whether or not Frozen Dead Guy days will return next year is not confirmed. Both FDGD Staff and Town Staff agreed that a survey of Town residents and businesses on the impact Frozen Dead Guy Days has on the Town, its economy, and its residents would be beneficial.

Trustee Conrad and Mayor Pro Tem Gustafson encourage the Board and Staff to consider the value of marketability that FDGD brings to Nederland. They each expressed their belief that Frozen Dead Guy Days helps to put Nederland on the map.

5.2. Code Enforcement Report from SafeBUILT

Chris Pratt, SafeBUILT Code Enforcement Officer for Nederland, provides an overview of codes that were enforced in 2018. He noted that the biggest code violation issues he sees in Nederland is accumulated junk in the yards of community members.

The Mayor asked Chris Pratt if all of the 2018 issues were resolved. Chris Pratt confirmed that they are resolved.

Mayor Larsen requests to move Action Item 6.3 and 6.4 into Discussion Items.

Motion to Move Action Item 6.3 Accessory Dwelling Unit Draft Ordinance and 6.4 Short Term Rental Draft Ordinance into Discussion Items. First Mayor Pro Tem Gustafson. Second: Trustee Masters.

Mayor Larsen also suggests that the Board work on the Short Term Rental issue first because many people in the audience interested in the topic were present.

Mayor Larsen calls for a 5-minute recess to allow the Town Attorney time to locate the legal Liquor Licensing script.

The Board of Trustees is in Recess until 7:55 p.m.

6. ACTION ITEMS

6.1. Rincon Del Sol Liquor Licensing Hearing

Mayor Larsen introduces the Town Clerk as the Liquor Licensing Authority.

Froy Martinez: Mr. Martinez operates Rincon Del Sol in Boulder, Colorado as a family owned and run restaurant. The one alcohol infraction mentioned in his application was dealt with by removing the employee who served a minor from 9:00-2:00 on a Saturday.
the restaurant.

Dan Harrower: Mr. Harrower owns and operates the Laundry Room; Nederland’s only laundromat. He also was the owner and Operator of The Candyman, which closed in 2018. He is excited about his partnership with Mr. Martinez and looks forward to opening day, around May 10\textsuperscript{th}.

**Public Comment:**
Kathleen Chippi: Supports Rincon Del Sol’s request.

**Motion to Approve Rincon Del Sol’s Liquor License Application. First Motion:**
Trustee Masters. **Second Motion:** Trustee Baumhover. Unanimously Approved.

6.3. **STR DRAFT Ordinances**

4.16.19 BOT AIM Short Term Rentals  
4.16.19 BOT Short Term Rental License Draft Ordinance

Town Attorney, Jennifer Madsen introduces the draft Short Term Rental Ordinance.

**Public Comment:**
1. Daryl Purpose: Mr. Purpose expressed his belief that bans on Short Term Rentals would be economic suicide for Nederland. He sang a verse he wrote about his love for Nederland
2. Darren Stepanik: 4.16.19 BOT STR Stepanik
3. Reid Barcus: 4.16.19 BOT STR Barcus
4. Dave Zimmerman: 4.16.19 BOT STR Zimmerman
7. Stephanie Ridgeway: 4.16.19 BOT STR Ridgeway
8. Erin King: Ms. King is a Boulder resident who is self-employed. She and her husband rent their Nederland home on short terms so that they can afford it. Ms. King expressed that because of limited career options in Nederland, renting short term is helpful as an income. She ascertains that long term renters are more of a nuisance. Short term rentals will help build Nederland’s economy. Does the Town have the resources to enforce over regulation?
9. Mary Jarril: 4.16.19 BOT STR Mary Jarril
11. Kim Goho: Ms. Goho is concerned about the definition of an Accessory Dwelling Unit, currently referred to as a Mother-In-Law Suite. Short Term Rental banning will affect property that she purchased in Nederland nine years ago. She furthers her conversation by mentioning that she was told her property would not be affected by regulations. According to the current draft Ordinance, her property would be affected. She believes a kitchen within the unit and a lock on the door is necessary. Ms. Goho supports Short Term Rentals as well as Accessory Dwelling Units. Ms. Goho mainly uses her ADU for visiting family members. She
does not want to use her ADU for long term renters because of its proximity to her house. Ms. Goho asks the Board if long term rentals are more important than long term residents.

12. Karen Blakemore: Ms. Blackmore is in favor of Short Term regulations because she believes they will provide more homes for future and current residences at all income levels. Regulations will make for stronger neighborhoods because people will have an investment in the area. Ms. Blakemore offers the name of an online service that would help with enforcement of Short Term Rentals.


19. Kathleen Chippi: Ms. Chippi is a business owner in Nederland. She believes tourists bring in more money than locals. She expressed that the STR owners should have been notified by mail. Ms. Chippi believes the Doctrine of Latches prevents the BOT from taking action on the STR items. As a business owner she feels that business owners should be consulted in the STR and ADU issue. Ms. Chippi feels that long term rentals do more damage to property then short term rentals.

Additional Letters:
1. 4.16.19 STR W Bryan Letter
2. 4.16.19 STR Hagensted Letter
3. 4.16.19 STR Orthner Letter
4. 4.16.19 STR Schaufer Letter
5. 4.16.19 STR Johnson Letter
6. 4.16.19 STR Warren Letter
7. 4.16.19 STR Lawson Letter
8. 4.16.19 STR Dane Cobble

Trustee Apt assures the audience that the Board of Trustees has worked very hard on the STR issue. He reminds the gathering that they are working on many interconnected issues and must take into consideration all sides. Trustee Apt informs the group that there seems to be an equal balance of people who do not want STRs with those who do. He believes a compromise is necessary.

Trustee Baumhover appreciates the willingness of STR owners to work with the Town and with individuals who do not want STRs. He recognizes that STR owners appear to be open to regulations in the forms of taxes and permits. He values the benefits of STR. He is also aware of the issues facing the Town. The STR issues needs to be viewed from all perspectives.

Mayor Pro Tem Gustafson addressed the issue of stakeholder communication beyond the current efforts of the Town posting information on their website, Facebook, Town Hall, the newspaper and the Post Office. The responsibility of understanding what is going on in local government lies on each community member to engage in local government. She asks everyone to consider tagging the Town's website page, “liking” the Town's Facebook page, and seeking information about local issues. Nederland is not unique in this issue. She commends everyone on both sides for coming to the meeting and sharing their voice.
Trustee Masters affirms that the BOT has worked diligently on the STR topic. He reminds the audience that both of the draft Ordinances presented are a reflection of 3 years of work. Housing shortages are the driving force. The BOT does not want to see houses taken out of the Town's housing stock. He ascertains that the Ordinances in front of the Board are exactly where the BOT wants to be. He believes that with some fine tuning the Ordinances can be signed in a few weeks.

Mayor Larsen appreciates the variety of ways people are using their homes. He is aware that the Ordinances in front of the Board do not make everyone happy. The BOT will keep the discussion open.

The Mayor calls for a 5-Minute break at 9:50.

The meeting reconvenes at 9:58. Mayor Larsen asks for a motion to extend the meeting until 10:30 p.m.

Motion to extend the meeting. First Motion: Mayor Pro Tem Gustafson.
Second: Trustee Conrad. The Meeting is extended in a 6-1 vote. Trustee Masters votes No.

Accessory Dwelling Unit Draft Ordinance

Mayor Pro Tem Gustafson requests that the Board acknowledges that they will not get to the IGA this evening. After considerations, the Board of Trustees decides to move forward with the Agenda Item.

The Town Attorney discusses aspects of the PowerPoint presentation on the draft Ordinance regarding Accessory Dwelling Units (ADU). There are two drafts being considered: detached accessory dwelling units, and attached or integrated accessory dwelling units. Both Ordinances clean up current regulations in the zoning code and short term rentals. The common regulations to both integrated and detached ADUs are the owner occupancy requirement, the primary residence requirement for ADUs, and the restriction to subdividing the lot. Short term rentals would be prohibited with an exception to one of the Ordinances that would allow for detached existing ADUs to have short term rentals. There would be a requirement for a parking plan. Clarification would be required as to whether detached ADUs would be limited to single family homes.

The Town Administrator clarifies what makes a space a detached Accessory Dwelling using the example of a person renting their basement. If there is a lock on the door between the rented space and the primary residence, the area would be considered a detached ADU.

Mayor Pro Tem Gustafson was unclear about the distinction between detached ADU and attached.

Trustee Masters discusses the terms integrated ADUs and detached ADUs. He would like to see everything within the definition of an ADU to be in one place and not spread throughout the document.

The Town Attorney explains that after the definitions of the terms are explained
in one section, each term has specifications particular to each term that is later defined in other areas. For example, there is a definition of a dwelling unit that is different than accessory dwelling unit. Placing requirements within the definition could cause confusion.

External access and internal connectivity were terms that Mayor Pro Tem Gustafson felt were unclear. She determined that if a door is locked within a building to prevent interior access to a unit, and said unit has exterior access, why would it not be considered an attached ADU.

Trustee Masters feels that with a longer time to review the Ordinances the BOT will have a better understanding of the Ordinances. Trustee Conrad feels that size of the building limits the occupancy. Considering parking availability is important. She is interested in placing occupancy based on bedrooms. Occupancy rules should be considered.

Mayor Pro Tem Gustafson feels that room occupancy should be one rule that covers all rentals. She asks the Board to look into density requirements. Board members also reflect on the term “existing” as it suggests grandfathering in current ADUs.

Mayor Pro Tem Gustafson's concern is allowing ADUs (detached) as STRs incentivizes building them because of the potential profit and less impact. She suggests that if the BOT is going to allow ADUs, which greatly impact a neighborhood- they should provide for a greater good of the community, i.e. LTR.

Public Comment:

1. Kim Goho: Ms. Goho does not have more to add other than if the issue of sealing off the unit is on the table, she would like it to be removed. This would mean that if her family, or elderly mother, visited, they would need to go out a door, walk down a driveway and back up to the house in order to see their family. She would like consideration to be grandfathered in to the plans.

2. Steve Williams: Mr. Williams is the Vice Chair of the Planning Commission. He reiterates a few concepts that are very important to the commission. The largest confusion seems to be over the definition. An ADU is a second dwelling unit created on a lot with an existing residential structure. Or, a dwelling unit within a principal structure that is a distinct and separate dwelling unit. The PC wanted to make sure zoning, the setback issues would be the same as the principal unit. A parking plan is important so there is no on street parking. A parking plan is important as parking issues are always a problem. ADUs are typically smaller with regulations on bedrooms. They are not meant to be a second full size family residence all on one lot.

1-Minute:

1. Mary Jarrill: Ms. Jarrill supports Mr. William’s thoughts on setbacks. She is also supportive of density solutions. She believes getting more people from the community into the discussion is important. Ms. Jarrill would like the BOT to consider a graduated PIF.

Mayor Larsen moves to extend the meeting until 11:00 p.m.
Motion to Extend the Meeting. First: Mayor Pro Tem Gustafson. Second Trustee Rawsthorne. The Motion is approved by a vote of 5-2. Trustee Masters and Trustee Baumhover votes No.

Mayor Pro Tem is interested in protecting the zoning codes that people bought into when they purchased their homes. Trustee Conrad and Mayor Pro Tem Gustafson discuss their perspectives on attached and detached ADUs.

Trustee Baumhover would like to consider PIFs as a way to fund the increased use of Town resources. The Town Administrator reminds the BOT that increased taxes due to size increases for ADUs will raise taxes to pay for infrastructure.

Trustee Masters wants the issue to move forward. He suggests reviving the committee on STRs and ADUs to hash out details so that the Ordinances on both STRs and ADUs can be put to a vote. The committee would include members of the Planning Commission and members of the BOT. Trustee Conrad agrees. The Committee will work on a the drafts.

A Nod of Four directs the STR/ADU Committee to review the draft ADU as a group to create a single draft. The committee will also discuss density issues.

The Committee plans to meet before the Planning Commission on April 24th. Information gathered will be presented at the May 7th BOT meeting.

Trustee Conrad makes a motion to move the IGA Agenda Item to the May 7th meeting due to the late hour. Trustee Apt Seconds the motion.

7. DISCUSSION ITEMS

The BOT moves the IGA item to the May 7th meeting. An audience member wishes to make a brief comment on the issue.

7.1. IGA and Next Steps

Jack Bestall, the attorney representing the Schuler Family, the current owners of the Sundance on Hwy. 72 let the Board know that the Schulers are interested in annexation.

1-Minute Public Comment:
1. Kathleen Chippi: Ms. Chippi does not support the annexation.

8. OTHER BUSINESS

9. STAFF REPORTS

9.1. Karen Gerrity, Town Administrator

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8. BOARD OF TRUSTEE REPORTS

9.1. Mayor’s Report

9.2. Trustees’ Reports

Mayor Pro Tem Gustafson
Trustee Apt
Trustee Baumhover Trustee Gustafson
Trustee Masters Trustee Rawsthorne
Trustee Conrad

9. ADJOURNMENT

Motion to Adjourn: 11:00 First Motion: Trustee Masters Second Motion: Trustee Baumhover.

Approved by the Board of Trustees

_____________________________________________
ATTEST: Kristopher Larsen, Mayor

Hope Jordan, Town Clerk

The Board of Trustees 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 Board of Trustees 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 Board of Trustees meeting packets are prepared by Friday before the Tuesday meetings and are available for inspection at Town Hall during normal business hours. The information is reviewed and studied by the Board of Trustee members, eliminating lengthy discussions to gain basic understanding. Short discussions on agenda items does not reflect lack of thought or analysis. The agendas are posted at Town Hall, the post office, and on the Town's website on the Friday prior to the meeting. Copies of the agenda and meeting packet are available at no cost via email from the Town Clerk or from the Town website at www.nederlandco.org.
AGENDA ITEM:
Request to approve appointment(s) to the Board of Zoning Adjustment.

SUMMARY:
The BZA had 1 regular member opening arise due to a board member residing out of town limits. The BZA also had an opening for an alternate member. Town staff received 2 Board of Zoning Adjustments applications for appointment from Karen Fletcher and Thomas Mahowald. The position was advertised on the Town’s website and on the Town’s Facebook social media platform. Per the bylaws, both candidates are residents of the Town.

On April 11, 2019 the BZA approved the appointment of Karen Fletcher as alternate and Thomas Mahowald as member to their Board.

ACTION
The BZA requests that the Board of Trustees approves their appointment recommendations.

ATTACHMENTS:
1. Karen Fletcher application
2. Thomas Mahowald application
TOWN OF NEDERLAND
BOARD OF ZONING ADJUSTMENT
REGULAR BUSINESS MEETING

NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466

April 11, 2019 7:00 P.M.

MINUTES

A. CALL TO ORDER
Meeting is called to order at 7:10 pm.

B. ROLL CALL
Present: Vice Chair Mark Moll, Trustee-Liaison Kristin Conrad. Board Members: Debbie Davenport, Billy Giblin.

Absent: Chair Mark Stringfellow. Alternate Member Roger Cornell.

Also present: Town and Zoning Administrator Karen Gerrity. Deputy Zoning Administrator and BZA Clerk Cynthia Bakke.

C. APPROVAL OF MINUTES FROM January 10, 2019
Motion was made by Member Davenport to approve the January 10, 2019 minutes as read, seconded by Trustee Conrad, with 4 in favor.

D. PUBLIC COMMENT
There was no public comment.

E. ACTION ITEMS
1. Consideration of 2 applicants: Karen Fletcher and Thomas Mahowald (in order applications were received) for 1 vacancy. It was explained that the Board could potentially fill both a full member term and an alternate term position.

Fletcher was present for the meeting. Mahowald was unable to be present due to cancelled flights returning from the East Coast.

Fletcher said she had 15 years Title experience, from which she has written title commitments and policies, and reviewed easements, along with having managed a Title department in Boulder. She is currently on the Nederland Library Board, and was past President of that Board from she just stepped down.
Fletcher asked about the length of the term. Bakke explained the term for a full member is 5 years, and for an alternate it is a 2-year term. Fletcher acknowledged that the Alternate position would be a better fit for her. She further asked if she would have to recuse if a customer talked to her about Board business. Gerrity explained protocol in these situations.

Fletcher asked about training. Gerrity and Bakke said they can provide training documents. Davenport said the presentation from Jefferson County that went along with the previously sent slides were very beneficial. Bakke will send that out again to the Board and new members.

Due to Mahowald’s anticipated absence from flight delays, he sent a prepared statement which Bakke read into the record.

**Motion by Trustee Conrad to approve nomination of Thomas Mahowald for full time member and Karen Fletcher for alternate position, second by Member Davenport, with all in favor. (4)**

Trustee Conrad asked about the different types of Board membership. Gerrity said per BZA Bylaws the Board can have 5 full members, with 3 alternate members, of which Trustee Conrad technically serves as, along with Roger Cornell. There is space for another alternate position, esp. considering the less frequent meeting schedule.

Vice Chair Moll opened the Public Hearing portion of the meeting.

**Public Comment:**
Dave McElvain of Nederland said that he knows Tom Mahowald from Wild Bear Nature Center and thinks he will be a great addition to the Board.

Vice Chair Moll closed the Public Hearing portion of the meeting.

**Motion by Vice Chair Moll to approve nomination of Thomas Mahowald for full time member and Karen Fletcher for alternate position, second by Giblin, with all in favor. (4)**

1. **Approval of Findings and Decision for 9-foot variance from a rear lot line on the west side and 5-foot variance from rear lot line on east side at 88 Sundance Circle for Dave and Jessica McElvain**
   Gerrity said Bakke drafted the Findings of Fact which were vetted through Legal review. She asked if there were any concerns with approval.

   **Motion by Trustee Conrad to 9-foot variance from rear lot line on West side and 5-foot variance from rear lot line on East side at 88 Sundance Circle, seconded by Member Davenport, with all in favor. (4)**
F. DISCUSSION ITEMS
There were no discussion items.

G. OTHER BUSINESS
There was no other business.

H. ADJOURNMENT
Motion to adjourn was made by Member Davenport, seconded by Vice Chair Moll, with all in favor (4). The meeting was adjourned at 7:38 pm.

Approved by the Town of Nederland Board of Zoning Adjustment,

____________________________________________________________________

Mark Moll, Vice Chair (Acting Chair)

____________________________________________________________________

ATTEST: Cynthia Bakke, Deputy Zoning Administrator
TOWN OF NEDERLAND
STANDARD APPLICATION FOR
APPOINTMENT OR REAPPOINTMENT TO TOWN
ADVISORY BOARDS AND COMMISSIONS

This is an application for appointment ♦ or reappointment ♦

Applicant Name: Tom Mahowald _________________________________

Board or Commission for which (re)appointment is sought:

______________________________________________________________________________________________

______________________________________________________________________________________________

______________________________________________________________________________________________

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

My previous board work includes the Summit Middle School Board (5 years, 3 as chair).

We self-funded and built a $6 million addition to the school. As a board member for Wild Bear Nature Center in Nederland, I lead fund-raising for a new Nature Center, and helped with the title transfer of the land at Mud Lake. In my work with Navigant Consulting, I lead a team focused on smart cities, advanced transportation, smart buildings, and renewable energy systems finance, which includes a focus on zoning, regulation, and "bank-ability" determination. As a home-owner, my wife and I have renovated 3 homes, and built one.

Applicant Signature

March 27, 2019

Date
This is an application for appointment X or reappointment ()

Applicant Name:  

Mailing Address:  
Street Address:  
Telephone number(s):  
Email address:  

Board or Commission for which (re)appointment is sought:  

Board of Zoning Adjustments

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

I was involved in title insurance for 15 years in the Vail valley and Boulder county, I did the real estate closings and also wrote the commitments and policies, so I’m familiar with real estate issues. I’m currently serving on the Nederland Community Library District Board (since 2013) so I’m also familiar with how boards work, and I enjoy working together to accomplish a common goal.

Karen Fletcher  

Applicant Signature  

3/25/19  

Date
Kevin Kafka

1/14/19
Nederland BZA

Dear Mr./Ms. Last Name:
I would like to inform you that I am resigning from the BZA, effective immediately. I was under the impression I qualified for the BZA. One day when I have more time, I'm going to challenge that archaic regulation. Sorry for any inconvenience this situation may have caused.

Sincerely,
Kevin Kafka

On Fri, Jan 11, 2019 at 1:08 PM Karen Gerrity <kareng@nederlandco.org> wrote:

Hi Kevin. Our legal counsel says that you don't meet the residency requirement for the BZA. She suggested that you submit a letter of resignation to staff to make things official. An email stating that is fine.

Thank you,

Karen Gerrity
Nederland Town Administrator
303-258-3266 ext 1010
kareng@nederlandco.org
AGENDA ITEM:

Nederland Downtown Development Authority (NDDA) Board Recommendation for Executive Director

SUMMARY:

Due to the March 20, 2019 resignation of Josiah Masingale, the NDDA appointed a hiring committee and began the search for his replacement. The opening was publicly posted and applications were accepted through April 8. The Hiring Committee selected two of the applicants for interviews. Both candidates were moved to the next step in the process which included some online testing and an interview with the NDDA board.

After the interviews held on Friday, April 19 during a public meeting, the NDDA unanimously agreed to put forth Hope Jordan as their recommendation to fill the position of NDDA ED.

QUESTION BEFORE THE BOARD:

Does the board support the recommendation of the NDDA?

ATTACHMENTS:

- Draft Minutes of NDDA board meeting, April 19, 2019
- Application information from Hope Jordan

FINANCIAL CONSIDERATIONS:

The NDDA has budgeted for this part-time position.
My interest in proactive communication, transparency, engagement, and community vitality are a few of the reasons why I am drawn to apply for the Executive Director position available with the Nederland Downtown Development Authority. My sense of purpose is invigorated by engaging in projects, boards, services, and grant writing that support Nederland’s sustainable development and economic health. My skills, volunteerism, professional experiences, interests, and desire to make a positive impact on our Nederland community affirm my viability as a candidate for the opportunity.

My entrepreneurial and innovative, nature enables me to function effectively in an independent environment. After interviewing for the Executive Director position in February, 2018, I took the initiative to strengthen my shortcomings by successfully completing a grant writing course through Boulder County. As the garden liaison for the Nederland Food Pantry I developed a garden initiative to expand garden production, increase food distribution, and provide free community resources and access to local gardening. Once I presented the project to the Food Pantry’s Board of Trustees for approval, I researched funding for the initiative, wrote two grants, and acquired $13,000.00 to bring the project to fruition.

Knowing the Downtown Development Authorities interest in creating a Town Riverwalk, I allocated funding to beautifying Nederland’s business district by replacing rock framed plots in the community garden with fully equipped redwood raised beds and irrigation systems. The Nederland Food Pantry Community garden will also provide garden beds and resources to our community members whose life is enriched by ADA compliance. Working collaboratively with area businesses I am helping to create a food resilient community that maximizes local resources.

I enjoy my role as Town Clerk for Nederland. Performing a variety of leadership and administrative duties provide me with an excellent foundation for success as the Executive Director. My ability to communicate on a variety of social platforms allowed me to connect with business owners and help overhaul the Town’s Business Licensing database. Moreover, in an effort to continue the maintenance of the database, I trained our Town Administrative Assistant how to outreach and process business licensing permits.

When I began processing Business Licenses, I studied Town licensing code, along with state regulations and requirements. When I sought clarity on phrasing and terminology, I reached out to my colleagues, as well as state and local authorities for guidance. I am personally excited about the current Business Permit spreadsheet. We are meeting our goals of increasing revenue, and building relationships with local businesses by assisting them in state and local compliance.

My skills in managing records and information stem from my experience working with a diverse community of families as their Educational Advisor for the Johns Hopkins Center for Talented Youth. I was the first point of contact for students and their families; many who only spoke Spanish. I effectively provided them with a broad range of services including academic planning, problem solving, cohort development, logistical coordination, and conflict resolution. I proactively designed, facilitated, and
organized all of the details for ten interactive academic workshops each year that engaged 60 scholars and their families in a variety of ways in which they could accomplish their educational goals. To assist in scholar retention, I utilized available report tracking and assessment tools and technologies. Through quarterly grades and testing, I monitored each scholar’s academic progress to identify gaps in learning. Employing my strong research and communication skills I imparted internship, scholarship, and academic opportunities to students via technology, individual meetings, daily interactions, and phone conversations. I also coordinated their summer program registrations and applications, including arranging travel and managing necessary paperwork. I enjoy assisting people in their personal and professional advancement.

My excellent communication skills enable me to positively connect differing personalities. I greet everyone with an open attitude. In my position as Town Clerk I manage multiple community issues and individual needs with a keen ability to remain focused on positive solutions. When a disgruntled individual called Town Hall to vent about the need for a stop sign on a local street, I assured him of a swift resolution. I walked him through the steps of filing a complaint via the Town website, then connected the appropriate department heads with the issue and witnessed solutions unfolding. A few days later the individual called back and asked me to thank everyone for their quick response.

From implementing Town Hall processes and procedures, to serving community members and leading projects and volunteers, to promoting downtown beautification, and consistently applying my administrative, technical, and customer service skills to each of my town endeavors, I exude Nederland. If you want the results that you have outlined in the job post, I am the person who will deliver. Aside from my knowledge and skills, I truly enjoy working at Town Hall and working toward the enhancement of my community. Thank you for considering me for the position. I look forward to visiting with you to discuss how I will utilize my skills to best serve the Nederland Downtown Development Authority.

Graciously,
Hope Jordan
C. Hope Jordan
Nederland, CO 80466

ADMINISTRATIVE
The Town of Nederland
Nederland Town Hall, Nederland, CO

Town Clerk

- Administer, coordinate, and direct the Clerk’s Office, as required by State statutes and Town ordinances.
- Performs a variety of administrative, technical and paralegal duties in several roles including: Town Clerk, Clerk to the Board of Trustees, the Local Licensing Authority for liquor and marijuana.
- Provide excellent customer service to peers, supervisors, Town employees and community members.
- Engage in extensive public contact, necessitating excellent communication, interpersonal skills, customer service, independent judgment and professionalism.
- Serve as Clerk to Board of Trustees; prepare and post agendas and packets; transcribe minutes at meetings for public record; ensure all agreements, resolutions, ordinances, and land use documents are signed, published, and recorded with the County, as required by State and local laws. Serve as Clerk to the Planning Commission and the Board of Zoning Adjustment when the Planning & Building Technician is not available.
- Maintain meeting management data and audio streaming programming via iCompass through the CivicWeb portal on the Town Website.
- Research and draft documentation for new ordinances, resolutions, and policies. File all ordinances, resolutions, minutes, contracts and agreements, Board of Trustees meeting packets and other records. Prepare ordinances for codification in the regular supplementation of the Nederland Municipal Code.
- Attend to public requests in accordance with the provisions of the Open Records Act. Submit pro forma public notices to local newspaper as required by statutes and local ordinances.
- Initiate, organize, file, safeguard, retrieve and archive a variety of electronic and physical documents, files, and records in accordance with State and Federal laws applicable to open records, confidentiality, and other issues. Oversee creation of a filing system and a Records Retention Schedule. Purge records according to applicable law. Develop spreadsheets, templates, databases, and other computer-based tools to manage departmental information, statistics, and reporting.
- Process applicants for marijuana and liquor licenses; hold public hearings for all new stores according to State and local laws. Coordinate with the State Marijuana Enforcement Division and Liquor Enforcement. Issue licenses when appropriate; develop policies and forms necessary to implement State and local law; issue licenses when appropriate.
- Implement Municipal Code requirement; meets with staff and applicant as needed to discuss applications for mutual consent of expectations, document summaries, issues permits when appropriate.
- Serve as primary contact with citizens in response to inquiries related to Board of Trustee meetings, Town records, permitting, licensing and State statutes. Oversee design and implementation of a cohesive communication format and policy that leverages all available technologies. Update and post to the Town website and social networking portals as appropriate.
- Work collaboratively with other Town staff on various projects, and promote Board of Trustees policy goals through project management and implementation.
The Town of Nederland
Nederland Town Hall, Nederland, CO

Town Administrative Assistant

- Update the town website and Facebook via posting, editing, maintenance and development.
- Coordinate Nederland’s Eco Pass program, with responsibilities to include ordering and documenting new passes, working in RTD’s web portal, communicating with RTD, deactivating lost passes and recording passes that have been picked up.
- Respond to public inquiries and disseminates information, both written and verbal, to the public and other departments; answer public complaints professionally and carefully and informs others, or forwards to appropriate party; follow-up.
- Manage a limited amount of time and prioritizes a large volume of work so as to ensure all essential duties are completed correctly and on time.
- Manages spreadsheets and databases and word processing to track internal information.

Johns Hopkins Center for Talented Youth (CTY), Baltimore, MD

Educational Advisor/Program Manager

- Assess academic needs and career goals of scholarship recipients.
- Provide proactive/case management advising to 60 scholars to promote student retention.
- Act as a Guided Academic Pathway liaison with CTY departments.
- Engage in basic career planning conversations with students, including matching student career interests to courses/programs of study, scholarships and internships, and summer programs.
- Utilize available report, tracking, assessment, and communication technologies.
- Facilitate and coordinate student travel logistics for summer programs and college visit events.
- Design, facilitate and coordinate academic workshops to enhance student success.

The Bryn Mawr School for Girls, Baltimore, MD

College Counseling Assistant

- Develop a college admissions access handbook to be used by all students and guardians.
- Create college access workshops for area non-profits supporting underserved youth.
- Manage Naviance database and college information resource library.
- Serve as AP coordinator, trainer, and administrator.

MANAGEMENT

The Business Connection, Nederland, CO

Inventory Manager/Customer Service

- Manage inventory tracking systems and database.
- Develop and implement inventory control procedures and best practices.
- Provide Notary services and maintain customer confidentiality.

Pitchfork Field, Hunt Valley, MD

Farmer: Organic Produce/Flowers

- Develop techniques for water and soil conservation practices.
- Assess soil for transplants, direct seeding, and plant productivity.
- Employ organic based pest, disease management, weed management.
- Operate small farm equipment, i.e., tractor, till, irrigation system.
- Educate community on nutrition, food preservation through community based events.
TEACHING/ADVISING
Boulder Valley School District Feb., 2017 – present
Substitute Teacher: Middle School/High School – Math, Art, Science, English
- Foster a safe and positive academic environment in accordance with school and county policies.
- Engage students in academic conversation while implementing lesson plans.
- Inspire students through visual modeling and clear discussion.

The Mindful Scholar, Baltimore, MD Oct., 2014 – present
Educational Advisor/Independent College Access Counselor
- Drive strategic projects and build partnerships to grow program participation and visibility.
- Create effective college and career workshops and resources to support student advancement.
- Guide students through the college essay writing and editing processes.
- Create meaningful content and maintain social media platforms.

INTERNSHIPS
Oak Spring Farm, Freeland, MD Jan., 2016 – Oct., 2016
Organic Farmer Intern
- Identify plants, pests, and weeds to determine organic remedies.
- Manage weekly market and CSA preparation and breakdown.
- Provide customer service at weekly farmers market.

COMMUNITY SERVICE
- Nederland Food Pantry, Board Member, Garden Liaison, 2017 – present
- Nederland Community Garden, Manager, 2018 – present
- Backdoor Theatre, Board Member, 2017 – present
- Charm City Folk and Bluegrass Festival, Ticket Manager, 2013 – 2016
- 2014 Moveable Feast: Ride for the Feast, Cyclist, 2014

GRANT WRITING
Boulder Food Shed: 11.1.2018 - $2,500.00
Colorado Garden Foundation: 1.1.2019 - $10,000.00

EDUCATION/CERTIFICATION
Colorado Notary, 2017 – 2021 State of Colorado
Beekeeper Certification, 2016 Irvine Nature Center, MD
Beginner Farmer Certification, 2016 University of Maryland Ext., MD
Bachelor of Arts, English, 1995 McDaniel College, Westminster, MD
Secondary Education Certification, 1998 University of Colorado, Boulder, CO

COMPUTER SKILLS
- InDesign, PhotoShop, Adobe
- Microsoft Office (inclusive of Excel, Powerpoint, Word)
- Google, Google +
- Wordpress, Twitter, Facebook, Skype, PayPal, Snapchat
- Outlook
- Naviance
A. CALL TO ORDER

B. ROLL CALL 3:10
Chair Brent Tregaskis, Members Rea Orthner, Claudia Shauffler, and Steve Karowe were present.

C. PUBLIC COMMENT
No public in attendance and no comments made.

D. ED INTERVIEWS
1. Hope Jordan—Candidate introduced herself and spoke for several minutes. NDDA board members asked questions and listened to applicant responses.
2. Nicole Cavalino—Candidate introduced herself. She then stated that she had just recently learned that Hope Jordan applied for the position. After thinking upon it for the past 48 hours, she asked to withdraw her application and make a recommendation for Hope Jordan to be hired as the ED based on her past experience and knowledge of the community.

G. ACTION ITEM
After a brief discussion the members agreed unanimously to recommend Hope Jordan to the BOT as their selection for the ED position.

Hope Jordan and the members held a brief discussion regarding the position and next steps.

H. OTHER BUSINESS
There was no other business.

I. ADJOURNMENT—Meeting was adjourned at 4:15pm.

NEXT REGULAR MEETING: May 15, 2019 6:00 pm at the Nederland Community Center Multi Purpose Room
AGENDA ITEM: FOURTH AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT FOR COLLECTION OF COUNTY USE TAX BETWEEN BOULDER COUNTY AND THE TOWN OF NEDERLAND

HISTORY AND PREVIOUS BOARD ACTION:

Boulder County and the Town entered into the Intergovernmental Agreement for Collection of County Use Taxes between Boulder County and the Town effective January 1, 2008 (the “County Use Tax IGA”), under which the Town collects for Boulder County tax on the privilege of using or consuming in Boulder County any construction and building materials purchased at retail.

The Parties desire to streamline the process by which Boulder County notifies the Town of the use tax increments to be collected, administered, and enforced by the Town. In order to streamline the process by which Boulder County notifies the Town of the use tax increments to be collected, administered, and enforced by the Town, the Parties herein agree that on or before December 15th of each year Boulder County shall provide to the Town: (1) notification of any newly imposed use taxes or use tax extensions that were passed by resolution and approved by the voters in the November elections; and (2) a revised Schedule A showing a current list of use taxes imposed by Boulder County, together with the relevant enacting resolution.

In order to implement this streamlined process for use tax collection, Boulder County and the Town desire to amend the existing County Use Tax IGA as previously amended.

QUESTION BEFORE THE BOARD: Does the board approve of the amendment?

RECOMMENDATIONS: Staff recommends approval.
FOURTH AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT
FOR COLLECTION OF COUNTY USE TAX BETWEEN
BOULDER COUNTY AND THE TOWN OF NEDERLAND

This Amendment is effective as of January 1, 2019, between the County of Boulder, Colorado ("Boulder County"), and the Town of Nederland, Colorado, a Colorado municipal corporation, (the "Town") and together, the “Parties”.

RECITALS

A. Boulder County imposes countywide use taxes pursuant to the authority granted in Sections 29-2-101, et seq., C.R.S., resolution of the Board of County Commissioners, and with voter approval.

B. Consistent with Section 29-2-106(3)(a), C.R.S., Boulder County collects, administers, and enforces its countywide use taxes pursuant to resolution.

C. Boulder County and the Town entered into the Intergovernmental Agreement for Collection of County Use Taxes Between Boulder County and the Town effective January 1, 2008 (the “County Use Tax IGA”), under which the Town collects for Boulder County tax on the privilege of using or consuming in Boulder County any construction and building materials purchased at retail;


E. The Parties have amended the County Use Tax IGA seven times, see First through Seventh Amendments to the County Use Tax IGA, to revise the amount of use taxes that are collected to be consistent with Boulder County’s imposition of new or extension of existing use taxes.

F. The Town has collected, administered, and enforced the County’s use taxes consistent with the County Use Tax IGA, as amended, since 2008.

G. The current list of use taxes imposed by Boulder County, together with the relevant enacting resolution(s), is provided in the attached Schedule A.

H. The First through Third Amendments to the County Use Tax IGA specified any newly imposed or extended use taxes to be collected, administered, and enforced by the Town.

I. It has become the practice of Boulder County to notify the Town in or about December of each year of any newly imposed use taxes or use tax extensions that were passed by
resolution and approved by the voters in the November elections.

J. The Parties desire to streamline the process by which Boulder County notifies the Town of the use tax increments to be collected, administered, and enforced by the Town.

K. In order to implement these extensions of the use tax collection, Boulder County and the Town desire to amend the existing County Use Tax IGA as previously amended.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

1. All of the terms and conditions of the County Use Tax IGA, as amended, shall remain in full force and effect and shall apply to collection of the countywide use tax described herein.

2. In order to streamline the process by which Boulder County notifies the Town of the use tax increments to be collected, administered, and enforced by the Town, the Parties herein agree that on or before December 15th of each year Boulder County shall provide to the Town: (1) notification of any newly imposed use taxes or use tax extensions that were passed by resolution and approved by the voters in the November elections; and (2) a revised Schedule A showing a current list of use taxes imposed by Boulder County, together with the relevant enacting resolution(s).

3. In order to implement this streamlined process for use tax collection, Boulder County and the Town desire to amend the existing County Use Tax IGA as previously amended.

4. The Town agrees to at all times collect, administer, and enforce all currently effective countywide uses taxes as may be imposed or extended by Boulder County pursuant to the authority herein identified.

5. This Amendment may be executed in several counterparts, all of which when taken together shall constitute this instrument, notwithstanding that all parties have not signed the same counterpart.

BOARD OF COUNTY COMMISSIONERS
OF BOULDER COUNTY, COLORADO

By: _____________________________
Elise Jones, Chair

ATTEST:
Clerk to the Board

TOWN OF NEDERLAND, COLORADO

___________________________
Kristopher Larsen, Mayor

ATTEST:

___________________________
SCHEDULE A

1) Effective for the period January 1, 2019 through December 31, 2019, the Town agrees to collect, administer and enforce the countywide use taxes in the total amounts set forth herein:

<table>
<thead>
<tr>
<th>Authority (Resolution Nos.)</th>
<th>Increment (%)</th>
<th>Expiration date</th>
</tr>
</thead>
<tbody>
<tr>
<td>99-111; 2016-77; 2016-79</td>
<td>One-quarter of one percent (0.25%)</td>
<td>December 31, 2034</td>
</tr>
<tr>
<td>2003-92; 2008-88; 2017-89</td>
<td>One-twentieth of one percent (0.05%)</td>
<td>December 31, 2033</td>
</tr>
<tr>
<td>2000-113; 2007-80</td>
<td>One-tenth of one percent (0.10%)</td>
<td>December 31, 2029</td>
</tr>
<tr>
<td>2004-86; 2004-102</td>
<td>One-tenth of one percent (0.10%)</td>
<td>Effective January 1, 2005 through December 31, 2024 with 0.05% expiring on that date and 0.05% remaining in perpetuity</td>
</tr>
<tr>
<td>2001-128; 2007-79</td>
<td>One-tenth of one percent (0.10%)</td>
<td>June 30, 2024</td>
</tr>
<tr>
<td>2003-91</td>
<td>One-twentieth of one percent (0.05%)</td>
<td>Remaining in perpetuity</td>
</tr>
<tr>
<td>2010-93</td>
<td>One-fifteenth of one percent (0.15%)</td>
<td>December 31, 2030</td>
</tr>
<tr>
<td>2014-66; 2018-76</td>
<td>Eighteen and one-half hundredths of one percent (0.185%)</td>
<td>December 31, 2024</td>
</tr>
</tbody>
</table>

2) Under the foregoing provisions, the Town shall collect countywide use tax in the amount of 0.985%.
AGENDA ITEM:
Consideration of Resolution 2019-3 allowing the DDA to borrow funds, in the amount of $20,034 from the Town, to be paid back from 2017 debt authorization funds, to pay for 2019 support of the Nederland Fire District.

SUMMARY:
The DDA has been approached by the Nederland Fire District with a request for an intergovernmental agreement (IGA) for support from the DDA TIF revenue. The DDA Board of Directors expressed interest in exploring the issue further and requested the Fire Marshall Rick Dirr do some additional research on TIF funding and how fire departments from other districts have worked with their DDA's and intergovernmental agreements and bring this information back to the DDA Board.

Fire Marshall Dirr forwarded information on the subject to Town of Nederland Staff and DDA Board Members Susan Schneider and Mark Stringfellow. DDA Staff worked with the DDA Attorney to determine the legality of the issue. Noting certain considerations and reservations (such as the potential for an administration fee to cover Town and DDA Staff costs to administer such as IGA, and that the DDA should conduct normal budgetary and BOT processes around any agreement), the attorney affirmed that IGA's in this respect are legal.

Attached is the Fire District IGA prepared by the DDA Attorney, approved by the DDA and reviewed and approved by the Town's Attorney. The IGA is an annual agreement and is ready for approval for the FY2019.

The scope and budget requests authorization of $20,034 in DDA TIF funds to be provided to the Nederland Fire District in FY2019.

HISTORY AND PREVIOUS BOARD ACTION:
No previous board action taken.

QUESTION BEFORE THE BOARD:
Approve IGA and Budget/Scope or provide other guidance.
RECOMMENDATIONS:
Approve the resolution and loan to the DDA.

ALTERNATIVES:
Do not approve the resolution and loan to the DDA and provide further guidance.

ATTACHMENTS:
1) DDA-Fire District IGA
2) Resolution 2019-3 authorizing the Board of Trustees to loan the DDA for the Fire District support in FY2019

FINANCIAL CONSIDERATIONS:
The DDA is requesting to borrow $20,034 from Nederland's Water Fund at at WSJ's current prime rate not to exceed 7% and not fall below 2.5%. The interest collected by the town would help cover the cost of administering the loan and is a small revenue stream.
TOWN OF NEDERLAND  
Boulder County, Colorado  
RESOLUTION 2019 – 3  

A RESOLUTION OF THE NEDERLAND BOARD OF TRUSTEES AUTHORIZING A LOAN FROM FUND BALANCE IN THE TOWN’S WATER FUND TO THE TOWN DEVELOPMENT AUTHORITY (DDA) FUND, AND PROVIDING FOR THE 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 the DDA should finance an annual Intergovernmental Agreement (IGA) with the Nederland Fire District.  

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 the Water Fund of the Town of Nederland (“Town”) for the payment of principal and interest on such advances or loans is expected to be approximately $20,084; and  

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

WHEREAS, at an election held on November 7, 2017 the voters authorized the Town to borrow up to $2,300,000, 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, $54,955.65 has been issued, leaving remaining authorization of $2,245,044.35; 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 Wall Street Journal’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 $20,034 to the DDA Fund, which loan shall bear interest at the WSJ’s current prime rate not to exceed 7% and not fall below 2.5%, for the purposes of financing the FY2019 Fire District IGA, for the period of January 1, 2019 – December 31, 2019.

Section 2. The Town Treasurer shall repay this loan in monthly installments over a 6-month period, with accrued interest, from the DDA Tax Increment Financing receipts to the Water Fund by December 2019. There shall be no penalties imposed for early prepayment.

RESOLVED, APPROVED and ADOPTED this 7th day of May, 2019.

TOWN OF NEDERLAND

By: __________________________________________
    Mayor Kristopher Larsen

ATTEST:

_________________________________
Hope Jordan, Town Clerk
<table>
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<th>Jan 2019</th>
<th>Feb 2019</th>
<th>YTD Actual</th>
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This is a lease (Lease) between the Town of Nederland, Colorado, a Municipal Corporation (“Lessor”) and Simply Bee Organics, an S-Corp organization (“Lessee”). Lessor leases to Lessee the following area(s) located on the premises of the Nederland Community Center located at 750 Hwy 72, Nederland, CO, for the rental rate(s) specified below, including any special conditions, for a term beginning on June 1st, 2019 and ending on December 31st, 2019, unless this lease is sooner terminated or renewed as provided for in this Lease.

Leased Space(s) and Their Purpose(s):
1) Nederland Community Center Commissary Kitchen

Rental Rate(s):
1) $9/hour @ 6 hours/month
   $54/ month

Special Conditions:
1) Tenant will participate in Town provided recycling service
2) Tenant will participate in Town provided compost service
3) Tenant or employees will not use the garbage disposal
4) Commissary tenant will keep common spaces free of supplies specific to their operation when not using the kitchen
5) Tenant will supply their own utensils, pots and pans if needed (ie vegan or specialty items)
6) Tenant will work with staff and existing tenants for scheduling kitchen time
7) Hours subject to change based on actual usage. Monthly rent will be adjusted to reflect actual usage once tenant begins operations and will be based on hourly rate

Contact Information
Lessor:
Organization: Town of Nederland
Contact Person: Dawn Baumhover, Community Center Manager
Mailing Address: PO Box 396, Nederland, CO 80466
Phone: 303.258.9721
E-Mail: dawnb@nederlandco.org

Lessee: Simply Bee Organics
Organization:
Type of Organization: S-Corp
Contact Person: Tyler Stellern
Mailing Address: 6437 S Florence Way Englewood CO 80301
Phone: 720.937.2572
E-Mail: tyler@simplybeeorganics.com
LEASE CONDITIONS

1. Lessee shall notify the Lessor in writing or by email of any condition upon the premises requiring repair or adjustment, and the Lessor shall have a reasonable time to accomplish said repair or adjustment.

2. The Lessor shall be responsible for the provision of heat, electricity, gas, water, sewer, and other services related to the general operation of the building. The Lessee shall not tamper with the controls or devices related to any of these provisions under any circumstances.

3. The Lessor shall be responsible for janitorial services and the removal of trash and recyclables in the common areas of the building. The Lessor shall empty the shared trash and recycling bins.

4. The Lessee shall be responsible for its operational expenses, including but not limited to telephone and internet services, printing, copying, faxing, and other expenses related to its operations, including cleaning and removal of trash and recyclables from its leased space(s), unless specified in the special conditions above.

5. Lessee agrees the leased space(s) shall be used and occupied in a careful, safe and proper manner and the Lessee will pay for any damage to the premises caused by misuse of the same by Lessee or Lessee’s agents, employees, or guests. Lessee agrees Lessee will not use or permit the leased space(s) to be used for any purposes not specified in this lease or prohibited by the laws of the United States, the State of Colorado, or the Ordinances of the Town of Nederland, Colorado. Lessee will at all times comply with all applicable laws and regulations and use reasonable efforts to see its agents, employees, and guests do the same.

6. Lessee will not use or keep any substance or material in or about the leased space(s) that may present a hazard or risk to the premises, or that may prove offensive or annoying to nearby Lessees, property owners or residences. Lessee shall not create or maintain a nuisance.

7. Lessees desiring to make tenant finishes in the leased space(s) shall first obtain the written consent of the Lessor. Special provisions related to the tenant finishes, such as discounted lease rates or other accommodations, shall be specified in the Special Conditions section above or attached in a separate document signed by an authorized officer of Lessor. Lessee shall permit no liens to be attached to the property, as a result of any tenant finishes or alterations.

8. Lessee agrees it will not sublet the leased space(s), or any part thereof, nor assign this Lease or any interest therein without first obtaining the Lessor’s written consent.

9. If Lessee abandons or vacates the premises before the end of the term of this Lease, Lessor may, at its option, enter the premises and re-let the same, or any part thereof, as Lessor sees fit. For the purpose of such re-letting, the Lessor is authorized to make repairs, changes, alterations or additions in or to said leased space(s), as may, in the Lessor’s opinion, be necessary or desirable for the purpose of such re-letting.

10. If Lessee fails to remove all personal property from the premises upon the abandonment thereof or upon the termination of this Lease, the Lessor may remove the same without liability to the Lessor for loss thereof, and Lessee agrees to pay the Lessor any and all expenses incurred in such removal,
including storage charges for any length of time the property shall be in the Lessor’s possession. Lessor, at its option, and after 30 days written notice to Lessee at Lessee’s last known mailing address, may dispose of or sell said property for such prices as the Lessor may obtain. Lessee must notify Lessor in writing or by email of any change in Lessee’s mailing address.

11. All personal property of any kind or description whatsoever in the leased space(s) shall be at the Lessee’s sole risk, and the Lessor shall not be held liable for any damage done to or loss of such personal property, or for damage or loss suffered by the business or occupation of the Lessee.

12. If the leased space(s) or building shall be so damaged by fire or other catastrophe as to render said premises wholly untenable, and if such damage shall be so great that said premises cannot be made fit for occupancy within ninety (90) days from the happening thereof, then this Lease shall cease and terminate from the date of the occurrence of such damage, and the Lessee thereupon shall surrender to the Lessor said premises and all interest therein, and the Lessor may reenter and take possession of said premises and remove the Lessee’s property therefrom.

13. The Lessee shall, at Lessee’s expense, obtain and keep in force a liability insurance policy for its own personal property, and shall furnish current copies of such insurance policy to the Lessor. Lessor shall be named as an additional insured on the Lessee’s liability insurance policy which shall be in an amount of no less than $600,000.00. Lessee’s insurance shall be primary.

14. Lessor shall, at all times, have the right, by its officers or agents, to enter the leased space(s) to inspect and examine the same.

15. This Lease is the entire understanding of the parties. All prior discussions are merged into this Lease. There are no promises or representations other than those set forth in this Lease. Any modification of this Lease must be in a writing signed by both parties.

16. The exclusive venue for any dispute arising out of this Lease shall be in Boulder County, Colorado. In any such action, the parties waive trial by jury. In any such action, the Court must order the losing party to pay the prevailing party’s attorney’s fees and costs.

17. Both parties carefully reviewed this Lease and had the opportunity to consult counsel before signing it. The parties sign it voluntarily, free of coercion or duress.

18. Lessee agrees the following rules and regulations are a part of this Lease, and the Lessee agrees to its employees and agents, or any others permitted by the Lessee to occupy or enter the premises, will at all times abide by these rules and regulations except as specifically contemplated in the Special Conditions above, and failure to abide by the rules and regulations will be a material default in the performance of this Lease.

a. Rent is due in full on the 1st day of the month via check made payable to Town of Nederland, ATTN: Carole Handler, P.O. Box 396, Nederland, CO 80466. Rent more than 5 days late will incur a $10 per day late fee. Tenants will not be invoiced for rent and are expected to pay on time without a reminder. Interest on all sums owed to Lessor pursuant to this Lease that are not paid on time shall accrue at 8% per year. There will be an additional charge of $50 for check that is returned, in addition to any other rights Lessor may have under Colorado’s bad check statute.

b. This agreement shall automatically renew for one year unless one of the following occurs:
The Town of Nederland gives written notice to the Lessee, at least 30 days prior to the end of this Lease, of its intent to not renew this Lease.

The Lessee gives written notice, at least 30 days prior to the end of this Lease, its intent to not renew this Lease.

c. Lessor shall keep the sidewalks, entries, passageways and stairs free and clear of all obstructions, snow, ice, and other hazardous conditions, and shall maintain the grounds upon which the building is located.

d. Signs, notices, advertisements, art work, posters, or other inscriptions shall not be nailed, tacked or taped to the interior or exterior walls of the building, or otherwise placed upon any part of the premises outside of designated areas, without Lessor’s prior approval. The Lessee may, however, attach a reasonable number of decorative items on the walls of the Lessee’s leased space(s) using a method that will cause the least amount of permanent damage. Lessee is responsible for any damage.

e. Lessee shall not mark upon, paint signs or murals upon, cut, drill into, or in any way deface the walls, ceilings, partitions or floors of the building. Any defacement, damage or injury caused by the Lessee, its agents or employees or guests, shall be paid for by the Lessee.

f. No awnings or window coverings shall be attached to the premises without Lessor’s prior written approval.

g. No personal property shall be located or stored in the building outside of the Lessee’s leased space(s) without the Lessor’s written permission. Lessee will be charged a daily storage fee of $15 per day for things stored outside leased premises without Lessor’s written permission.

h. Common areas, including restrooms and other water fixtures, shall not be used for any purpose other than for which the same are intended, and any damage resulting to the same from misuse on the part of Lessee, its agents or employees or guests, shall be paid for by the Lessee.

i. The Lessor reserves the right to charge the Lessee for the excessive use of gas, water, electricity, or the shared trash and recycling bins.

j. No animals of any kind shall be allowed in the building, except for service dogs, without Lessor’s prior written consent.

k. No persons occupying the premises shall disturb the occupants of adjoining spaces or premises by the making of loud or improper noises, except as specifically contemplated by the allowed use.

l. A reasonable number of keys to the leased space will be furnished by the Lessor, and neither Lessee, or its agents or employees, shall have any duplicate keys made. At the termination of this tenancy, the Lessee shall promptly return all such keys to the Lessor. The cost of replacing lost keys or re-keying locks will be billed to the Lessee.

m. Lessee, before closing and leaving the leased space(s) at any time, shall see that all windows are closed, in order to avoid possible damage from fire, storm or freezing, and to maintain the security of the building.
n. Lessee shall not install or operate or carry on any mechanical business in the leased space(s) that may produce vibrations, dust, smoke, excessive heat, or the release of small particles into the air to protect the sensitive air handling units and fire suppression system.

o. To the extent the Tenant is a non-profit entity, whose rent has been established based on such non-profit status, the Town reserves the right, upon reasonable notice, to examine the books and records of the Tenant to confirm such non-profit status. Any such Tenant must promptly notify Lessor in writing if its non-profit status changes.

p. Lessor reserves the right to make such additional reasonable rules and regulations as in its judgment may be necessary or appropriate for the safety, care and cleanliness of the premises and for the preservation of good order therein.

q. No vehicles or equipment shall be parked overnight or stored on the premises outside of the building unless written consent of the Lessor is obtained.

r. If Lessees are found to be out of compliance with terms of lease/Lessor retains the right to terminate the Lease per the conditions listed above.

DONE AND SIGNED this _____________ day of ___________________, 2019

TOWN OF NEDERLAND, CO
MUNICIPAL CORPORATION

Tenant

__________________________________   ______________________________________
                                          Kristopher Larsen, Mayor
AGENDA INFORMATION MEMORANDUM
NEDERLAND
Board of Trustee

Meeting Date: May 07, 2019
Initiated By: Jonathan Baumhover
Dept: PROSAB
Action: SAB Greenhouse Location

AGENDA ITEM:

Members of PROSAB, SAB and Public Works, and the public at large have offered their insights into the proposed location of the Nederland greenhouse project.

Question:
Do we want to keep the greenhouse in current location? Or, does the board want to move it.

PROSAB's Input:

Hello Board of Trustees,

While I had hoped to reach out to more of you independently, I have eye surgery tomorrow which will limit my capabilities to respond over the next few days...

I was surprised and honored to be elected as the new Parks, Recreation, Open Space Advisory Board Chair at our last meeting. I applied to be on the PROSAB board first because I care about Nederland parks and open space, but also because I'm involved in so many community activities that I feel I have a sense of the general pulse into Nederland's social climate. I'm the volunteer manager/caretaker and docent coordinator at the Gillaspie House museum owned by the town. I'm volunteer chair of local non-profit Mountain Forum for Peace. I run a toddlers’ play time at the community center. I write local history articles for the Mountain-Ear. I design the Nederland town map for the visitor’s center which I’ve been doing for free for the past several years. I recently created a new Nederland historical walking tour map. All of this because I think Nederland has something very special. It has a beautiful natural environment, a unique sense of community and a fascinating history.

I am optimistic about the abilities of the newly seated and motivated PROSAB to thoughtfully review the 2013 Master Plan, consider Envision 2020 goals, and address current public thought and feedback. I honestly do think it entirely possible that we can present a park plan which will unite the community
from the young to the elderly and everyone in between. The current moment is an opportunity for SAB, PROSAB and the BOT to demonstrate our willingness to accept community input and conduct our decision making and planning process with transparency and oversight.

Parks go beyond the grass, trees and recreation equipment they comprise. They become integral parts of people’s lives and essential to a community. They bind people together over their shared love of the outdoors and their desire to see beauty in their neighborhoods. For me, this is not about the greenhouse. I do support a greenhouse. But what I support more is a community built on communication, understanding and trust. I have drafted an alternative that I believe would bring the community together, foster civic pride and also adhere to the Nederland envisioning process. It will require cooperation, compromise, communication and coordination. It would result in a cohesive, connected park area that takes into account cultural history, the natural environment and provides a community space welcoming to all.

In all of the Envision 2020 documents and plans, the input of public opinion was considered vital. I would like to continue this tradition, and take our time to complete what is right for our community. PROSAB understands and has had feedback from community members that there’s a very divided opinion in town right now. The greenhouse location was cited by NedFest organizers as a reason they couldn’t continue operating. Other people are concerned that the building will affect the multi-use purpose of the Guercio Ballfield which includes baseball and soccer. Nederland community members feel very protective over this particular piece of land, as flat, undeveloped open space public land is extremely scarce. PROSAB have tried to locate any documents relating to the proposal, studies, approval, design and build.

Unfortunately we have been unable to find any paperwork relating to the greenhouse, and as such it has been difficult to understand or verify the process that got the build to this point. It is the boards understanding that the current location of the Greenhouse appeared on the 2018 map to be used in the GOCO application which was then withdrawn. PROSAB recognizes that a responsible park planning process will mean we encounter roadblocks and delays along the way. Frequently, plans have to be adjusted to match the realities of the land available, the political landscape or just random occurrences.

PROSAB is obliged to recommend to the SAB and the BOT to move the greenhouse location and we requested a joint meeting of all boards ASAP to discuss an action plan in moving forward. It is deeply regrettable that PROSAB and SAB find themselves at odds with this project as it currently stands, especially considering Nederland’s limited resources to expend on non-essential personnel and programs. PROSAB understands the financial loss to be incurred if the project is not built within three months, and does not take this recommendation lightly.

The current board of seven members are all taking their positions as public servants very seriously and are foremost interested in pursuing oversight, community input and transparency. As public servants within local government –
like officials at all levels of government -- we must be accountable for actions to constituents. Losing grant funds and the potential repercussions of such is a possible consequence of bypassing standard procedures. Unfortunately we were unable to find any paperwork relating to the greenhouse, and as such it has been difficult to understand or verify the process that got the build to this point.

This morning (Monday 29th April) we received some documents including the original greenhouse proposal, so we will need time to review them. Our questions as of this date include:

- Did PROSAB approve the location of the current build? If so, could these documents be released to the current PROSAB?
- What permits were required?
- Did the BOT vote to approve the location specifically?
- Who suggested the current location, and when?
- One BOT member has asked us to compile a list of alternative locations with pros and cons listed. I requested that we use the original list of possible alternative locations with pros and cons listed. I assumed that PROSAB and SAB would have conducted this initial research before the build began.
- Is the greenhouse being built in conjunction with the Nederland Food Pantry Community Greenhouse, Nederland Food Pantry Community Gardens or is it something separate?

It seems like any permanent structure built on Guercio Memorial Ballfield would need to adhere to the Nederland Planning Process (Resolution 2012-12). PROSAB members are currently unaware of any public vetting of this project. As such, the board voted to advise the BOT halt construction and begin a public process. There is an unfortunate lack of written public record regarding the specifics and so the newly elected PROSAB members would appreciate the chance to review the paperwork. PROSAB would like to refer to this town resolution and “encourage a robust process in Town project planning, to meet objectives of the third Vision Statement’s commitment to communication and citizen’s responsibility and ownership in the governance process.

"PROSAB RECOMMENDATION:
Move the Greenhouse Location-Pros - Move the Greenhouse from current location:
- Retain integrity of the ball field/ multi-use field.
- Resolve community conflict and showcase public input.
- Maintain existing open space.
- Compromise with festival/ event organizers.

Cons -Move the Greenhouse from the current location:
- Financial loss of funds used.
- Potential loss of future sustainability grant funds.

The community feels that the location has not been adequately vetted. Flat, open space is an extremely limited resource in Nederland. Once the building is complete, it is done and the chances to move it to a more suitable place will be greatly
reduced. PROSAB is of the opinion that a build on public land should go through a rigorous public vetting process.

I am optimistic about the abilities of the newly seated PROSAB board to thoughtfully review the 2013 master plan, consider Envision 2020, address current public thought and present a park plan which will unite the community from the young to the elderly and everyone in between. I'm optimistic and think that it's entirely possible for PROSAB, SAB, and the BOT to develop an action plan that demonstrates our willingness to accept public input, conduct our decision making and planning processes with integrity, transparency and oversight.

We look forward to working with the BOT to move forward with Nederland's Master Plan and create a wonderful cohesive, connected parks area that the entire town will support and enjoy. Thank-you for all the hard work and public service that you provide!

~ Jessie Ansari

**SABs Input:**

**Question before the Board:** Will you approve a motion to confirm the current Community greenhouse location at Guercio Ballfield?

**Previous Board Action:**
- SAB Requested $5,000 matching funds in October 2017, denied by the BOT.
- SAB applied for the BoCo Sustainability Matching Grant, waiving the 25% cash match requirement by pledging $13,000 in volunteer hours and $500 in-kind match from Town.
- The grant application was approved in February 2017, and the IGA with Boulder County Signed Spring 2017 (March or April?)
- In early 2018, SAB connected with PROSAB and attended their meetings to move the greenhouse from the WWTP to the Barker Meadow Park Area. In April of 2018 PROSAB suggested the current location.
- In 2018, as remembered by Trustee Dallas Masters, the location change was updated to the BOT and the current location was approved.
- In April of 2019 PROSAB discussed the location of the greenhouse and had concerns, discussed making a recommendation to the BOT to move it.
- In April of 2019 SAB motioned: We recommend the BOT confirm the approval of current location of the greenhouse. Motioned by Melody Baumhover, seconded by Eryka Thorley. All in Favor. (Board members absent: Alan Apt and Kevin Mueller).

Index of documents:
- Grant Application
- Grant Quarterly Reports
- Greenhouse Proposal 2017
- Greenhouse Programming Schedule 2019
Environmental Sustainability Matching Grant Application – 2017

Please submit your application online here by 5 p.m. on February 10, 2017. This Word document is provided simply for preparing your application, as the online form must be completed in one sitting.

Note: Application forms must be typewritten, and each applicant must also submit a completed IRS W-9 form when submitting this application (IRS forms can be downloaded from www.irs.gov).

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<th>Town of Nederland</th>
<th>Tax ID#: 84-6000699</th>
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<td>Project Coordinator Name and Title:</td>
<td>Nathan Tyes, Town of Nederland Executive Assistant / Payroll and Grants Coordinator</td>
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<td>Phone:</td>
<td></td>
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</tr>
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</table>

Funding Eligibility Criteria: (please provide yes or no answers only)
- Does this project meet an environmental priority within the applicant’s municipality? Yes___ x__ No_____
- Will this project be completed within a 12 month timeframe? Yes___ x__ No_____
- Will your team provide acknowledgement that the municipality is receiving funding from Boulder County to support this project? Yes___ x__ No_____

Please provide detailed answers to the following questions. Before filling out the application, please read the grant program overview on the program website to gain a better understanding of the types of projects Boulder County is most likely to fund. Any local government in Boulder County may apply as long as the scope of work is within Boulder County.

Project Goals and Rational:

1) What community will this project serve?

The Nederland Community Greenhouse will serve Nederland residents, their families, and other local community members, especially those with a lack of food security. The Nederland community identified establishing local food sources as a priority when creating our Vision document, Envision Nederland 2020. Living at altitude provides various challenges to establishing bountiful garden space, including wind, harsh sun, and temperature. As such, Nederland's local sources of food are small and located in home gardens - most of our produce is hauled by trucks from Denver, and in many cases, further. The community is in need of access to gardening areas and knowledge of winter gardening techniques.
2) What are the goals of your community for this project?

1. To establish a year-round gardening space for increased access to fresh food by: a) allowing for a wider variety of crops in winter while economical options are unavailable, and b) a successful summer harvest of hot-weather crops.
2. To establish a year-round growing space for produce donations to the local food pantry.
3. To establish a space for community gathering based around food, farming, home gardening, and access to local knowledge and expertise.
4. To educate local youth groups and school students about local food and farming.

3) What environmental sustainability benefits will your project provide to the local community?

In 2016 the Nederland Community Garden was re-opened, after years of abandonment, and the Nederland Farmer's Market was established by the Community Agriculture Subcommittee. This year, the Town of Nederland, the Sustainability Advisory Board, and the Community Agriculture Subcommittee are dedicating continued effort to support the local food movement for the Nederland area. Especially when considering community resiliency, a stable food source is a much needed provision in Nederland.

The establishment of a community greenhouse garden will provide many benefits to our small mountain community. Fresh local food and active gardening will increase the health and well-being of residents who garden there, and provide fresh produce to support the health of visitors to the Nederland Food Pantry. Providing a year-round growing space will stimulate the local food economy by providing affordable access to local food. Further, the greenhouse will not use standard electricity, and will showcase various sustainable ways to heat a space and grow food through the winter. It will also serve as an example to the community and their children of the importance of growing food locally.

Project Design, Logistics and Timeline: Please provide a brief description of the project/program you would like to implement using the requested funds. Be sure to include how you will measure the quantitative and qualitative success of this project/program and expected program outcomes.

Please limit text to no more than 1 page.

The Town of Nederland and various volunteer boards are seeking funding for the establishment of the Nederland Community Greenhouse Garden. To support recent gardening efforts by providing a year-round space, this volunteer project will be located on a 30ft² piece of land at the Nederland Wastewater Treatment Facility, next to the Guercio Ball Park that hosts various local concerts and the Nederland Farmers Market.

The first success of our project will be the establishment of the physical greenhouse structure, completed within the timeline. Preliminary designs are for a 24ft² structure with a cinder block foundation. A local excavator will do approximately $2,500 work with a 50% discount on cost to level a pad and dig a water line trench. Through February and March we will seek additional funding sources, possible renters, and assign our main volunteer base of at least 10 people. We will finalize designs and apply for necessary approval, permits, and inspections during this time-frame. By the end of April we plan to have the area graded and a foundation built, pending good weather, funding, and permit approval. No less than ten 6-hour work days with no less than 10 volunteers will account for construction of the frame, paneling, and
interior setups. No less than 40 hours of volunteer work will be needed to finish the interior, shop for supplies, and other managerial tasks of establishing the greenhouse. The greenhouse should be completed, and ready to rent out to community members, by the end of summer 2017.

During planning and construction we will track all volunteer hours and a description of accomplishments to ensure the success of our in-kind match. Once the structure is completed, we can track various components of activity to measure the success of our goals. In order to measure access to food, we will record the number of renters, the amount and type of plants grown, and evaluate how many food purchases were diverted from Boulder. We will separately track and record the number of plants grown for the Nederland Food Pantry and the weight of produce supplied. We will also track and record the number of events we hold, both educational and recreational, and the number of attendees to those programs to measure our outreach success.

The total budget for this project includes $2500 in preparing and laying a foundation, no less than $7,000 for construction materials, $700 for access material such as locking doors and fencing, $750 for permitting (highly variable depending on designs), and at least $300 in interior finishing supplies. We will also need funding for sustainable energy, such as a small solar panel system, to ventilate the building, and for the installation of a water meter. Additional costs may be incurred depending on design approval by inspection and Town recommendation. Water costs and other in-kind support for the greenhouse will be covered by the Town of Nederland. We estimate to have at least 640 hours volunteer work for planning and construction, and further volunteer efforts will be made to maintain the greenhouse.

### Budget Information:

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<th>Funding Sources</th>
<th>Amount</th>
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<td>$15,000</td>
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<td>2. Applicant cash contribution*</td>
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<td>(must cash match 25% of the amount requested from Boulder County)</td>
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<td>3. Other community contribution</td>
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<td>4. Total project budget</td>
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**Additional Information:** Please provide any additional pertinent information about why your project should be considered for Boulder County funding.

*Boulder County will accept requests to change the 25 percent cash match if your community cannot meet this requirement. Please describe your proposed match, as well as the reason for your request.*
Nederland is a small mountain community that believes in sustainability. However, the tourism economy of Town sometimes combats those efforts. In the past few years, our Town has needed to focus on maintenance projects and large-cost improvements. Volunteers' efforts in the past couple years have been tremendous in supporting sustainability, and community agriculture in particular. In order to reduce fossil fuel use and travel time, increase food affordability, and establish a space for people to connect with their food, the Sustainability Advisory Board formed the Community Agriculture Subcommittee to establish and develop needed agriculture projects in the Town of Nederland. The Town of Nederland Board of Trustees agreed to use $500 in-kind funding toward this project in 2017 due to budget restraints, particularly the construction of the much needed Town Shop building. As such, we request a change in the proposed cash match. We propose the alternative of a 100%+ in-kind match to the funding in Town in-kind expenses, community donations, and volunteer efforts. We will continue to seek other funding and more community donations to go above-and-beyond in serving the Nederland Community and surrounding areas.

Volunteer Labor = 640 hours x $21.79 = $13,945.60

Town of Nederland In-Kind Supplies, Labor = $500.00

Excavator Donation = $2,500 estimate, 50% discount = $1,250.00

Proposed In-Kind Match = $15,695.60

2017 Q2 (First report)

We have compiled lots of year-round altitude growing research and consulted with many professionals from various fields to attain a design concept that will be acceptable in Nederland's weather. So far, we have come up with a site design for Phase 1 (2017) and Phase 2 (2018 larger greenhouse). We have retained a structural engineer free of charge, an excavator at 50% charge, an architect at reduced cost, and have various other professionals consulting our team. We have almost completed our geothermal design. We have found sources for most of the materials needed and produced a more detailed budget. We have obtained a quote for a 14x14 structure, completely finished, for $6,000, and for a larger structure to build in the future. We have sourced some raw materials for inside construction as well.

A major challenge to construction of this greenhouse is the permitting process and various code requirements. Further, it has been difficult to understand the correct code requirements for this structure in Nederland. In order to overcome this challenge we are seeking to build in two phases, first a small structure that will not require permitting. This will allow us the funding to achieve and underground geothermal and water system that would be adequate for a larger 25x50 structure that we want to end up with. Secondly, the Town of Nederland is between Town Administrators, which causes a slow down of all process lengths. At the moment we are working to speed things up and have excavation work done in July.

2017 Q3

We have compiled lots of year-round altitude growing research and consulted with many professionals from various fields to attain a design concept that will be acceptable in Nederland's weather. So far, we have come up with a site design for Phase 1 (2017) and Phase 2 (2018-19...
larger greenhouse depending upon additional funding and collaboration with non-profits). We have retained a structural engineer free of charge, an excavator at 50% charge, an architect at reduced cost, and have various other professionals consulting our team. We completed our geothermal design and contingency plans. We have found sources for most of the materials needed and produced a more detailed budget. We have obtained a quote for a 14x14 structure, completely finished, for $6,000, and for a larger structure to build in the future. We have sourced some raw materials for inside construction as well.

2017 Q4
Progress has been slow this quarter as the ground is frozen. We have been working on the small structure placement and garden design.

We must wait for ground to thaw to dig geothermal. Need to work on pursing small greenhouse build so that excavation can be done in the spring and the project completed shortly after. Also, the site design may need to change slightly to achieve another Town goal of solar at the Wastewater Treatment Facility. Ultimately, we envision the greenhouse moving onto the adjacent Town property, but this still requires proper approval.

2018 Q1
This quarter we moved the site to the nearby Guercio Ballfield to get rid of prohibitive fencing costs and to allow easier public access. We met with the Nederland Parks, Recreation, and Open Space Advisory Board in February and March to discuss the greenhouse site move and future park plans. The Guercio Field/Barker Meadow Park area was designed utilizing a GOCO grant, and developing this site in conjunction with the greenhouse will be helpful in attracting visitors and ensuring maintenance. You can find an updated project proposal draft attached that outlines the building, volunteer, and expenditures we expect (DRAFT subject to change.) All expenditures thus far refer to volunteer in-kind hours.

While the site move is beneficial for many reasons (1: lower fencing costs, 2: simpler and cheaper excavation, 3: easier access to road/vehicles, 4: higher community visibility), it also now requires engineering and permitting approval. Since our budget initially changed to accommodate a smaller structure that would not need engineering fees, we will now have to re-work budget to allow for a shift in expenditures away from seeds/vegetation/programming and towards the engineering fees. We are searching for a low-cost option for stamping the builder's design.

The outcomes of the project have not been quantitative as of yet. Unfortunately the changeover in Town government, the fact of having a completely volunteer-run project, and the building hurdles have stalled the greenhouse project. The Town of Nederland SAB and community agriculture proponents in the community fully support a project moving forward. Qualitative outcomes: 1: finding a community space that we can co-mingle outdoor recreation, tourism, and community agriculture, 2: establishing a better partnership between the PROSAB and SAB and Town Works Staff, 3: incorporate local high-altitude gardening knowledge and permaculture expertise into the greenhouse garden interior and exterior designs.

Next Steps: Need to establish Town Park requirements for this building. Need to establish explanation of $500 in-kind Town Public Works Dpt. Match. Need to finalize updated project proposal and understand Town Hall/BOT process moving forward.

2018 Q2
Worked with engineer to establish CAD drawings and a ½ price rate for stamping the
greenhouse timber frame design. Working with PROSAB on exact placement for the greenhouse within the parks area, concluded at least 10’ from the fence-line, and about 20’ from the parking area in the NW Corner of the field.

The major delay this quarter has been waiting on engineering timeline. Luckily we have a great group of engineers that are communicative and supportive of the design, and willing to do it for ½ price, still waiting on an official quote once they finish up CAD drawings.

The outcomes thus far are 1) Design established and awaiting engineering approval. 2) Established timeline of 7 work days +/- a couple paid labor days, cannot establish dates until engineering work is completed. 3) Partnership with PROSAB and DDA established, working to continue those relationships.

NEEDS: a) What is the $500 in-kind support Town is willing to contribute, materials, labor, etc. b) Get Engineering stamp and reconfirm that is the only approval that is needed to start building. c) Continue to reach out to PROSAB regarding how the greenhouse/gardening area contributes and fits into the Park Master Plan. d) Establish funding plan with Chris P. (new Town Liaison for this grant) and e) how to acquire purchasing funds for materials sold by owner.

2018 Q3

This quarter we established engineering plans and work/build days to complete the build by winter (estimated completion by Nov 1 2018). Attached is an updated proposal regarding maintenance of the greenhouse. A relationship was established with Ella, a youth leader in the community who is interested in helping to run programming for the greenhouse in Spring of 2019. We developed a liaison with Barry Bennett from Native Ecology, a local fire mitigation company to start stocking locally sourced timber frames for the build. We revised the building plan to include a filled rubble trench foundation for extra support, taking into consideration wind and snow loads as well as fluctuating water table issues. Engineering was secured by a $500 deposit, the remaining $1500 fee will be paid upon completion of drawings.

[The challenge this quarter] Securing proper engineering liability and down payment paperwork. Engineer wait time of two months also contributed to this.

To date we have secured a plan for building and operating the community greenhouse and established many community partnerships. We have collected materials and established a work plan for October.

2018 Q4

Engineering approvals are completed. We have collected free materials and purchased other materials. Also, programming for 2019 is in the beginning phases of planning. We hosted 4 successful volunteer action days, during which all the timbers for framing were stripped and prepped for the spring build, and the rubble trench foundation dug. The stem wall has been built and we aim for completion of the greenhouse as soon as good weather hits.

We expected to have some nice days on the winter weekends to get volunteers or to work, unfortunately we were only able to have 4 of the 6 planned work days due to wind/snow.

To date we have accomplished a plan for the build, preliminart plan for programming, and have started construction and purchasing materials. We have secured donated windows and polycarbonate plastic to greatly reduce materials cost.

2019 Q1

Not much progress through March, completed schedule of 2019 build days, community programming, and started a fundraiser for continued efforts/labor.

Community feedback regarding the location of the greenhouse was sudden and non-cooperative. It is difficult to understand why these citizens did not get engaged in the placement
process sooner, and changeover in Town Staff throughout the project has limited the institutional knowledge of what decisions were made when. We hope to combat the negative comments regarding current construction placement with overwhelming community support for the current location.

To date we have accomplished a plan for the build, preliminary plan for programming, and have started construction and purchasing materials. We have secured donated windows and polycarbonate plastic to greatly reduce materials cost.

**Nederland Community Greenhouse Proposal**

Local Food  
Natural Building  
Community Volunteer Opportunities  
Sustainable Educational Workshops  
Children’s Programs  
Earth Hop Designs, Sustainability Advisory Board and Healing Earth Homes Collaboration  
January 2018

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**Physical Building Plan**

We propose that the greenhouse be constructed on the North side of the Water Treatment Plant, to be included in the plans for a public park. The greenhouse is proposed at 20x10 feet with a small 8x8 shed added onto the back Northeast wall. The built structure will not require fencing as it will only be accessible with a padlock and key. A copper water line could easily be installed as an extension of the pipe running on the Southwestern side of the Water Treatment plant. Images for the proposed site are furnished below. Budget costs for utilities are outlined in the Budget section.

**Building Plan Renderings**

Earth Hop Designs and Healing Earth Homes have collaborated to produce hand drawn scale renderings of both the building plans and the interior bed layout for the initial 20x14 greenhouse structure. The building will be comprised of as many reclaimed materials as possible to promote creative interaction and recreation within the community. We will utilize materials such as locally harvested (fire mitigation sites) timber frames, reclaimed windows and lumber, hemp and locally obtained stone. Greater detail about materials costs and sourcing is available in
the Budget section.

*Professional digitalized renderings can be produced upon request.*

**Long-term Vision**

The initial 20x10 greenhouse will act as a demonstration to the Town of Nederland of sustainable building techniques of a small greenhouse. It will be built by the hands of volunteers and skilled carpenters in the community. Our long term vision for the site is to have a second 25x50 commercial greenhouse built beside the smaller one. The larger structure will demonstrate the systems of the smaller structure but on a larger scale, including heirloom vegetable production, mushroom cultivation, soil building and sustainable energy systems. The larger structure will also provide the opportunity to expand beneficial programming to the community. Some possibilities for this programming includes a Pick Your own CSA Program, larger classroom space for workshops and classes and expansion of mushroom, greens, and sprouts production that will offer local food to the Mountain People’s Co-ops and restaurants in Nederland, furthering Nederland’s sustainability goals.

Both greenhouse structures will be utilized as a site for growing local food, educating local residents on sustainable systems and gardening techniques, and as a local hub for sustainable solutions and opportunities for the community. We would like to develop a paid building apprenticeship program for the construction of the commercial greenhouse in partnership with Teens, Inc. We would also like to offer children’s programming in partnership with the Nederland Library and Wild Bear Ecology Center. Elizabeth of Earth Hop also plans to offer bimonthly classes on Gardening techniques, Rainwater harvesting, Composting, Seed saving and Food Preservation as a means of developing local knowledge, community and trust in the project.

Both greenhouses will be heated with a sustainable system, the Biogas Digester. This anaerobic composting system produces biofuel as well as a sustained heat source for in ground heating tube system. This system, once established, has the potential to divert waste streams for restaurants and Nederland restaurants, turning them into viable sources of energy! We would like to expand this program as the project grows. We have also incorporated a small heater and electricity tie in as a backup system. This will run only as a backup and eventually will be driven by solar power once all of Nederland’s public utilities are converted to solar systems.

**Operational Philosophy**

Corwin Mandel (Healing Earth Homes) and Elizabeth Agee (Earth Hop Designs) have come together to create an interactive greenhouse design that is locally sourced, built and grown by the community and for the community. Through careful design that incorporates innovative energy and building solutions and a dedication to using reclaimed and healthful materials, we have created a low cost greenhouse that will operate as a living classroom, local food hub and demonstration for sustainable building design and lifestyle.

Corwin is an expert natural builder whose philosophy is to build community structures in process with the hands of the local community. He plans to obtain materials that might not be in use, construct the structure with the help of community workshop-based building days, and to produce a design that is easily repeatable with creativity and reclaimed materials. The entire building process will be done in engagement with the community so as to create learning opportunities as well as sense of place and ownership for the project.

Elizabeth is a permaculture consultant and garden designer whom is designing the interior space of the greenhouse to be a living classroom as well as source of local food for the
community. Garden bed design is based on forest gardening, intensive layering, soil building and other permaculture methods to promote an abundant harvest. The food grown in the community greenhouse will be distributed through a Pick Your Own Community Supported Agriculture (CSA) program that encourages folks to get involved in the gardening process. Community members will either be able to purchase CSA shares or work in the garden in exchange for Farm Shares that can be traded for produce. We will also have regular workshops to teach about permaculture gardening techniques, sustainable system design and building, rainwater harvesting, preserving the harvest, seed saving, etc.

**Budget**

**Materials**

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<tr>
<td>Polycarbonate Panels (4x8) $180 each x7 Lex-am Brand</td>
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<td>Metal Roofing Panels (2x8) $25 each x10</td>
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<td>Hemp Bricks (slate, lime, hemp matter, chicken wire)</td>
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<td>Lumber</td>
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<td>Timber Frames</td>
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<td>Hardware (Mountings, screws, rebar, nails)</td>
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<td>Insulation Panels (4x8) $25 each x16</td>
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<td>Heating System</td>
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<td>Fixtures and Hardware</td>
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**Labor**

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<td>Building Days $200 (x7)</td>
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**Other**

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<td>Copper pipes</td>
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Building Phases:
- PROSAB Approval
- Water Foundation
- Heat Systems
- Timber frame
- Natural build on North Wall
- Window Framing
- Bed Build

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Work Station Install
Soil Build
Planting

Maintenance Approach
The initial build will be financed by a $15,000 grant that will cover materials, water connection costs, building permits, and design and construction fees. Further programming and maintenance will be funded by regular workshops and work days, Permaculture zine fundraiser and mushroom cultivation. SAB and Earth Hop Designs have plans to pursue further funding from Slow Money, Community Food Projects Competitive Grant Program, Food Insecurity Nutrition Initiative Grant Program, The Expanded Food and Nutrition Education Program, Agriculture and Food Research Initiative, and the Food Security Challenge in late summer and fall. We are also exploring other options and opportunities for funding.

Regular Workshops and Work Days:
Through weekly work days and biweekly workshops, Earth Hop will offer educational opportunities for the community as well as free maintenance for the greenhouse. At the weekly workdays, I will lead participants through regular garden tasks such as soil amendment, transplanting seedlings, repairing systems, starting rotational crops, installing and building new beds and planters, etc. Programming will be adjusted on a weekly basis based on greenhouse maintenance needs. This program increases community access to the greenhouse and will offer community members the opportunity to work in the greenhouse in exchange for Farm credits, thus fresh food.

During biweekly workshops, Elizabeth and guest teachers will offer an opportunity to build, design or in some way engage with the greenhouse. Future workshops include Companion Planting, Soil Building, Rainwater Harvesting, Intensive Forrest Gardening, Biogas Digester construction, Composting 101, Pollinator Garden Design, Seed saving, Irrigation System Installation, etc. In these workshops, folks will have the opportunity to learn new approaches to gardening, sustainable energy, natural building and how to intensify one’s food growing efforts in an alpine environment. There will be a small fee for each workshop to cover maintenance costs of the greenhouse. Half (50%) of these fees will go to the instructor and half (50%) will go into a fund allocated for greenhouse material needs.

Permaculture Zine Fundraiser:
Elizabeth Agee and Na Han Nii have collaborated to create a Permaculture zine series that provides artistic visuals and concise information on permaculture gardening and systems. We are able to print these at no cost at the Rocky Mountain Peace and Justice Center in Boulder. Elizabeth has plans to distribute the first edition in early March to local businesses with a suggested donation jar. All of these funds will be used for projects and educational programming for the greenhouse.

Mushroom Cultivation:
Elizabeth has incorporated a small mushroom grow operation into the design of the greenhouse. She will produce approximately 20 lbs of Lion’s Mane and Oyster mushrooms ($8 and $12/lb, respectively) each month and has discussed selling them at the Mountain People’s Co-op on a regular basis. There are ample systems and opportunities to expand this operation based on success of the pilot program.

Public Access Plan:
The door to the greenhouse will remain locked with padlock and key at all times other than public programming and work days. The only people who will obtain a key and thus access to the greenhouse are Builder, SAB representative and Greenhouse Manager.

**Cultural and Educational Outreach**

*Community Engagement Building Ideas:*

Corwin would like to offer opportunities to the community to help with the construction of the greenhouse, gain valuable skills and cultivate an understanding of design solutions, natural and sustainable building methods. We anticipate partnering with Teens, Inc and the Community Center to generate interest among Nederland’s youth.

To actually construct the structure, we propose a three-pronged system that includes Specialized Building Days, Community volunteer days and Workshops. Specialized building days are more detail work to complete projects, seal air leaks and other technical aspects best handled by an expert. Community volunteer days are catered to both youth and community members who have experience building or want to learn. On these days, we will complete labor intensive tasks such as building the foundation, hauling soil, setting stones, etc. They will be led by professional builder Corwin Mandel. Workshops will be a sliding scale paid opportunity for community members to learn a valuable skill while also lending a hand in the greenhouse’s construction. These latter two opportunities provide valuable learning opportunities for the community while also allowing folks the opportunity to take part in construction of this community feature.

**Collaborations with Local Nederland Businesses:**

- Wild Bear Ecology Center and Nederland Public Library: Children’s Programs
- Teens, INC: Learning/Building Opportunities

**Statements of Public Support:**

- SAB Member
- Co-op Rep
- Library Rep
- Wild Bear Rep
- Community member’s support

**Resources:**

- CRMPI, Jerome Ostentowski
- Grow Haus, Adam Brock and Isabel Sanchez
- Healing Earth Homes, Corwin Mandel
- Earth Hop Designs, Elizabeth Agee

**2019 Programming Schedule**

- May 4 Workshop: Planning Your Garden Planning your alpine garden with Permaculture principles at the library with Elizabeth Agee
- May 5 Workshop: Microenterprise & Community Sharing Planning your garden for micro enterprise and community sharing with Elizabeth Agee
- June 1 Workshop: Greenhouse Off-grid Systems Setting up off grid heating systems for a year round greenhouse with Greg Wilson
- June Workshop TBD: Timber frame Construction Timber frame construction with local materials with Corwin Mandel
- June/July Workshop TBD: Hempcrete Construction Techniques & Ecological Benefits Hempcrete building techniques with Elizabeth Agee and Corwin Mandel
• September 7 Workshop: Preserving the Harvest
  Canning, fermenting, and proper storage of squash and roots with Elizabeth Agee.

Public Works Manager's Input:

At the regular May 7th 2019 BOT meeting an action will be brought before the Board to approve the existing location of the greenhouse that is currently being constructed in Guercio Ballfield. As Staff Liaison to the SAB and PROSAB, I would like to provide staff perspective and make some recommendations based on the multiple meetings I have attended and the various stages of planning that has occurred. I want to first recommend to the BOT that they continue to adhere to the February 2013 Nederland Area Parks, Recreation, Open Space, and Trails Master Plan adopted by Resolution 2013-02 on February 19, 2013. It is this plan that helps Staff and advisory groups guide decisions that affect parks and open space in Nederland. A lot of consideration has gone into the current location of the greenhouse and has been discussed at multiple public meetings and venues since 2017. Below is a list of facts taken from the 2013 Nederland Area Parks, Recreation, Open Space, and Trails Master Plan:

• All projects are to go through the Nederland planning process before implementation.
• The plan is meant to be a guiding mechanism to meet existing and future needs for parks, open space, and trails for the next 5-10 years.
• The survey performed to produce the results of the plan was a comprehensive and statistically valid survey.
• The top activity rated by respondents was “Biking/hiking/running”
• The top facility to be added was Open space. The community greenhouse was #4, an outdoor amphitheater was #8 and Baseball was #23.
• The area was logistically vetted to be located in an area that can be easily accessed for deliveries, pedestrians, Staff, and users.
• The greenhouse is located in an area that will be near the Town’s water supply if the restroom facilities are constructed.
• Open Space was identified as one of the main goals of the Master Plan. Keeping the greenhouse next to the road helps to satisfy that goal. This was also a serious consideration of the PROSAB Board at the time which was another reason why the existing location was chosen.
• This area was also chosen because it will not impact future music events and will actually compliment them. A performance space has already been dedicated in another location.
• An outdoor amphitheater was listed as #8 on a list of 31 facilities to be added according the Master Plan, however 40% of the entire area to be developed is dedicated as performance space.
Attachments to Agenda Packet:
1. Public Works Facilities Master Plan
2. Public Works Mater Plan Selected Findings
3. Public Works Master Plan Programs
Figure 13
15 Top Rated Facilities to be Added, Expanded or Improved (4 or 5)
Live in the Town vs. Outside the Town

- Open space / conservation land: Inside the Town 75%, Outside the Town 79%
- Pedestrian / bike paths (soft surface): Inside the Town 76%, Outside the Town 77%
- Community gardens: Inside the Town 62%, Outside the Town 73%
- Indoor swimming pool: Inside the Town 65%, Outside the Town 63%
- Community greenhouse: Inside the Town 65%, Outside the Town 57%
- The proposed gateway park at the west end of Barker Reservoir: Inside the Town 57%, Outside the Town 64%
- Boating on the reservoir (non-motorized small craft): Inside the Town 61%, Outside the Town 74%
- Outdoor amphitheater: Inside the Town 46%, Outside the Town 46%
- Other priorities: Inside the Town 56%, Outside the Town 74%
- Fitness and weight room equipment: Inside the Town 54%, Outside the Town 47%
- Sledding hill: Inside the Town 49%, Outside the Town 54%
- Playgrounds: Inside the Town 54%, Outside the Town 56%
- Picnic areas / wind shelters: Inside the Town 53%, Outside the Town 51%
- Dog park: Inside the Town 52%, Outside the Town 52%
- Festival / event space(s): Inside the Town 50%, Outside the Town 46%
Selected Findings

Parks and recreational opportunities are important to area residents. Respondents to the survey from the Nederland area indicated that the availability of local parks and recreational opportunities in the Town are very important, with an average rating of over 4 on a 5-point scale where 5 means “extremely important.” Eighty-three percent (83%) of respondents rated the importance of parks and recreational opportunities a “4” or “5.”

Activities and programs that are important to be added, expanded, or improved. The list below provides a rank ordering of relative importance of the top rated categories based on a list of 21 categories.

- Biking/hiking/running
- Indoor swimming/aquatics
- Non-motorized boating
- Events (e.g., movies, concerts, festivals)
- Cultural/arts/dance/music/crafts
- Snow and ice activities

Facilities to be added, expanded, or improved. The survey evaluated priorities of the community, both in town and in the larger area (Library District Boundary). Results from the two groups are very similar. Based on a list of 31 categories, the eight most identified facilities in approximate rank order included:

- Open space/conservation land
- Pedestrian/bike paths (soft surface)
- Community gardens
- Indoor swimming pool
- Community greenhouse
- The proposed gateway park at the end of Barker Reservoir
- Boating on the Reservoir
- An outdoor amphitheater

In a related question, respondents were asked to pick their top three priorities from the list. This question resulted in the following five choices being most identified by both residents of the Town and the remainder of the Library District area.

- Indoor swimming pool
- Boating on the reservoir (non-motorized)
- Open space/conservation land
- Pedestrian bike paths (soft surface)
- The proposed gateway park

(Note: See additional analysis on swimming/aquatic facilities in Chapter 6 in the Nederland Community Center section.)

Boating on the Reservoir. Slightly over 6 in 10 Nederland area respondents indicate support for a boating program on the reservoir, measured by a “4” or “5” on a 5-point scale where “5” is “definitely support.”

These results vary somewhat by whether the respondent lives in town versus outside of Nederland, with slightly higher support from those outside. Further, while there is a significant group that did not support boating among town residents (about 3 in 10), the negative sentiment is weaker in the County.
- Open space/conservation land (27%)
- Pedestrian/bike paths (soft surface) (25%) (Note that hard surface paths received 12%)

Figure 15
Top Three Highest Priority Activities or Programs to be Added, Expanded, or Improved

Comments

Q. If chose other priorities to add, expand, or improve in the Nederland area, please specify. Click View (or type http://rrcinfo.com/nederland/comments/Ned11.pdf)
SAB: Tonight's meeting agenda says it all: First public comment on Greenhouse and then Second what SAB plans on doing about the GH (asking the BoT to confirm the current location)--so why the heck would people show to the meeting for public comment when whatever they say makes no difference in what SAB plans to do about it?

I know if I was on SAB (LOL)-I'd be sending the BoT a letter asking them why the hell they put the GH where they did and yourselves (SAB) in this publicly unsettling situation. I'd be asking them why they then continued construction full steam ahead after the blowback they got on the GOCO grant proposal and then even after that grant withdrawal.

Actually, I would have sent that letter to the BoT and PROSAB back when PROSAB (3) came up with the GOCO map in Sept well before the GH mid Dec. groundbreaking, but hey, I get concerned about how things I personally work on, especially in public space, will affect the public.

Apparently no matter how many people show or not wouldn't matter-SAB (I'm pretty sure MINUS Kevin) have already decided their position and they want to keep the GH where it is. So SAB continues to ignore the public voice. It's shameful and selfish, imo.

When the BoT withdrew the GOCO grant because it wasn't publicly vetted, you seem to have forgotten the GH (funded by a different grant) location also wasn't publicly vetted and had been poorly 'worked into' the GOCO grant map to be next to the restrooms (that would have been on top of the Ned-fest stage.)

After extensive research by myself and Karen (Town)/Dallas (BoT), the Town/BoT/SAB/PROSAB can provide NO documentation from SAB, PROSAB or the BoT themselves that addresses how the GH ended up in the current (bad) location.

Many of us had been saying the GH should be by the creek/wetlands/teen center and out of the multi use Ballpark space and view of the water/area since Dec 2018. We were ignored.

The new PROSAB board, who are trying to begin planning enhancement of that area with a fresh start/clean slate, want the GH moved to a more appropriate place that won't 'muddy' our soon to be improved Ballpark/multi use/sport field.

SAB want's to finish the GH where its at.

Your (SAB/BoT) ONLY (unacceptable) reason is that SAB spent time and money and don't want to take a loss on the bad BoT decision, (that isn't publicly recorded.)

PROSAB and many others do not agree that we should all have to take the
loss, 'deal with', work around or accept a location that was questioned from ground-breaking in mid Dec 2018 and displaces historical use of the field for multi use/sport.

We, people who attended the Feb. 5th BoT and more, think the BoT should take responsibility for it's bad, non-trackable decision, accept the consequences, halt construction and MOVE IT! $ lost is because of the BoT's refusal to hear/listen to 'we the people'.

Other than the plethora of complaints about the GOCO grant/displacement of festivals/loss of the ball park for a un-vetted bike pump track and restrooms, the GH current location does just what the GOCO grant proposal did, ignore the voice of 'we the people', the master plans, sustaining what we have and what makes (common) sense etc.

Please MOVE the GH because it's the right thing to do for we the people and the future cohesiveness/enhancement/flow of our public park.

Kathleen Chippi
Colorado Press Association Friend of the First
From: BOT [mailto:bot-bounces@nederlandco.org] On Behalf Of Matthew Shupe -
Sent: Friday, April 26, 2019 2:04 PM
To: bot@nederlandco.org; prosab@nederlandco.org
Subject: [BOT] Ned greenhouse project

BOT, PROSAB, I'm writing in support of the greenhouse project and in support of the currently planned location of the greenhouse near the corner of the ballfield, where major planning has already begun. This project has been a long time in the planning, and will be a fantastic role model for our community. There is no reason why the various other projects in the area should not be able to adjust to the planned location of the greenhouse as it stands. Thanks for your work on behalf of the community,
Matthew Shupe
Hello all, only in Nederland can something as amazing as a greenhouse be so contentious but there it is. It's become a hated symbol for a disrespect to the Guercio field legacy and the nail in the coffin for the beloved Nedfest... 

But I think we should also address the terrible condition of the ball field. You have people who moved here a few years ago who only know it as the dusty, useless field that it's become. The lack of irrigation is entirely to blame... Combined with the lack of reliable monsoon weather and instead of mix of drought and heavy rain that field stopped maintaining its grass. Also hosting the festivals like frozen dead guy days (even though the grass is dormant) completely stresses it out. And Ned fest as well tramples it and during drought years- the grass can't grow back. If we ever get a grassy field again the town of Ned must install irrigation and festivals need to have some responsibility to re seed or re sod if grass appears damaged...

The town of Ned should subsidize these efforts because these festivals are vital to our economy. Hosting festivals and having a great grassy field where people can play a variety of games ( and yes- this was used by local adult baseball teams when I first moved here and the grass was lovely) is beneficial to Nederland. I also understand that 9000 (!!) (I mean someone seriously needs to look into their expenses... How is that possible?) has been spent already and they can't afford to move but it's a little naive to assume that Guercio field and NedFest should be the ones punished for someone's else's lack of proper organization and clearance. It's very childish to say- well we made a mistake but we started and now it's too late. They made a mistake and now they need to be held accountable... If they really have tons of people who support this project then they can all pitch in 50 dollars and labor and move this greenhouse to a better location (fishermans lot IMO). We have to think about the future. We don't know when and if any of these great envision plans will happen. I hope they do but in the meantime what can be done is restoring Guercio field to its donated intention. Building the greenhouse in fishermans lot will be beautiful surrounded by the wetland restoration project... Keeping it in Guercio will be a constant reminder of the ineffectual government who doesn't vet ideas that affect the entire community and instead serve special interest groups. They say that we can have it all- that it's tiny and we can have a ball field and festival space but I'm not sure why they would want projectiles being kicked or hit near a glass building? Or having your greenhouse (that is a community greenhouse so it can't be locked then right?) in the same space with hundreds of strangers who might also break something. This isn't the way to protect an investment. This is my message... Sometimes you have to recognize you made a mistake and start over. I find this a lot with my art work... I see a mistake in a drawing -for example -but I don't want to lose the hours of work and think that my adding color and more designs it will distract from that mistake and it doesn't - all I see is the mistake... I imagine if factories used this logic? Well we've already built half this car but we have a fatal mistake in the chassis... Oh screw it.. Let's finish! (actually I'm sure they do operate this way but that's why there are so many recalls)

In summary, it's time for the greenhouse to step up as a community organization and move - for the greater good of this town. And for good vibes for future support of this project. As it stands now- half this town hates it. I mean hates it. And to think that we could hate a greenhouse...
It's preposterous but it's more what the greenhouse is representing... Which
is (in my opinion) a special interest group usurping the desire of the
majority and this special interest group is too stubborn to recognize they
made a mistake... Give them a nudge and tell them to move it - please
Thanks so much, Tania

Sent from my iPhone

BOT mailing list
BOT@nederlandco.org
http://nederlandco.org/mailman/listinfo/bot_nederlandco.org
From: Hope Jordan <TownClerk@nederlandco.org>
Sent: Wednesday, May 01, 2019 2:56 PM
To: 'Hope Jordan'
Subject: FW: [Prosab] Greenhouse location in Ned
Attachments: Untitled attachment 00395.txt

C. Hope Jordan
Town Clerk of Nederland, CO
PO Box 396
Nederland, CO 80466
Phone: 303-258-3266
FAX 303-258-1240
www.nederlandco.org

From: Prosab [mailto:prosab-bounces@nederlandco.org]
Sent: Wednesday, May 01, 2019 2:45 PM
To: BOT@nederlandco.org; prosab@nederlandco.org
Subject: [Prosab] Greenhouse location in Ned

For the record:

I just want to let you know I am also against the greenhouse being built in the Guercio Field area.
There are so many events that happen there and new events that could happen there, events that bring money to the town. I can't believe the town even considered a greenhouse in this location. I would think, for a greenhouse, that would be a bad location so close to the reservoir where it is the coldest and windiest part of town.
I hope you listen to the majority of town and local mountain residents and move the location of the proposed greenhouse.

Michelle Caprari
Hello Board of Trustees and Parks, Rec, Open Space Board,
I'm emailing in support of the Ned greenhouse, as well as its location. The greenhouse (and a pump track) would be great improvements and assets to our town.

Regarding the greenhouse being in Nedfest's Green Room (musician's) tent, it's ridiculous. Their green room is literally a tent, by definition "a portable shelter." It can easily be moved. Plus, the greenhouse is 12-14 feet (?) wide, that's literally four to five steps for grown-up. It's almost comical how this is even an issue.

Furthermore, all of this anti-park angst is because Nedfest chose to cancel. It was their decision, they pulled the plug. No one forced it. For 20 years they pulled a flatbed semi trailer in, now when a beautiful park is proposed they cancel and Facebook goes nuts with rampant misinformation and hatred.

Please, please, don't let a few grumpy people ruin years of hard work for a 3-day festival that half the town dislikes.

Other points to consider are below:

- Land area use, the greenhouse is 200 sq. ft. which equals 1% of the land in the area
- Removing the greenhouse will be a waste of the resources already invested in the project ($6,000) and it can put future sustainability funding in jeopardy
- There will be a performance space funded through the DDA that will take up 40% of the Barker Meadows Park space
- The main Nedfest organizer was informed of the location last summer, she did not express any concerns at that time and only complained about it after we had already broken ground. She also has stated that they could work around the greenhouse
- The greenhouse would only be an inconvenience for the backstage tents for a festival that occurs 3 days per year
- According to Envision Ned 2020 a greenhouse ranks higher than a baseball field
- The town works and PROSAB decided on the location taking into account many factors such as excavation costs and access to roads and utilities

Perhaps naively, I expect more from our community. Hearing the hate and sheer misinformation being spread as fact is sad, disappointing and embarrassing.

Vote for the park and greenhouse and make our town a better place during your term. Voting against, or delaying the implementation forever, is useless, everyone loses. Nedfest loses, the town loses, SAB loses, residents lose. Be proud when you drive into town and say "I helped get that sweet park made!"

Thanks for reading.

Russell Eich
For the record

- Green house
Over the past few weeks it came out that this is to be used as an education center more than a "Community Greenhouse." I recommend returning the grant monies (which I have yet to read an accounting for), utilizing the Food Pantry Community Gardens and the LEEDs compliant Community Center for classes.

- Guerco field restrooms
To be located next to the sewer ponds, with a small three spot parking area next to it. This will limit the impact on the field and the ball field diamond can be moved forward. This location provides easy access for town maintenance and overall use, while keeping the integrity of the open field.

- Moving forward and backwards
Determine how we got to the point where a paved pump track, greenhouse and restroom location were determined, how a grant was submitted and then once the town's people realized what was going on, they flipped. Something is very broken to get here - it makes me wonder what other projects are flying under the radar. Holding individuals accountable is a beginning, I foresee resignations or firings in the future as it is determined how we got here; we're a small loving town, let's not reinvent the wheel and follow Envision 2020.

Thank you.
Karen Cobble
Hello BOT members,

I am writing in favor of keeping the community greenhouse in its current location.

In the Nederland Master Plan, a community greenhouse is listed as an option for the Big Hill Moraine in Section D - Gateway Park Master Plan. This indicates to me that there was community support for a greenhouse in Gateway Park.

Currently, the greenhouse is located in the area called the Great Lawn in the Master Plan. The footprint of the greenhouse is much smaller than the Mountain Bike Track that is shown as an option for the east side of the Great Lawn. I understand that the bike track is no longer slated for this area. So it seems that there is available space for the greenhouse and I imagine the community gardens as well.

Other aspects of the current location which I think work well for the greenhouse are:

- sunny location
- pedestrian & auto traffic
- adjacent to farmer's market

Thank you,
Karen Blakemore
To the Board of Trustees, PROSAB, SAB, the Planning Commission, and Town staffers involved in the execution of the Envision 2020 document;

The recent months have shown large disconnect between Town leadership and its Boards and the people they represent. The surprise that people are opposed to the changes made last year should not have occurred, and indicates that, however well intentioned, the effort and communication last year were not sufficient to get get public buy-in to the changes made to the 2013 Envision 2020 document. It would be easy to place blame and be accusatory as to the motives (as many have done) but I neither believe that anyone working for the Town has been deliberately disingenious nor do I think that the communication regarding the scope and nature of the changes have been sufficient to allow the public to be aware of and actively participate in the changes made. It reminds me of the scene in Hitchhiker's Guide to the Galaxy in which Arthur Dent finds out that his house is to be bulldozed to make way for a bypass. Neither Arthur nor the man with the bulldozer are at fault, but the process that linked them had obviously not functioned as intended.

The Town and the people in the community in which it serves and operates are at an impasse. This is due to different lenses, different problems to solve, and differences in vision as a result. The life and issue that affect those who live in town, those who live in the library district but are governed by the county and the many of us who have a Nederland address, post office, and zip code are different. As my Operations Management professor said, "It's not that people are stupid or callous, they're just paid to think about different things in different ways than you are. You must be able to translate." That translation piece of communication, or the ability to "switch code" is essential for good public communication. The people here thought the plan was settled with the Envision 2020 document and the current Town staffers looked at it as a guideline that could be changed.

Regardless, it's apparent that the current changes to the Envision 2020 document are unwelcome by a significant number of the public that it's supposed to serve. This is unfortunate, as many of it's elements are good ideas on their own, but the way and manner in which they were combined didn't get significant public participation to garner public buy-in and support.

I would like to stress that what I am typing is not a synopsis of my personal opinion, but based on observation of what I have heard people get excited about, the Envision 2020 document, the reactions of the public on Facebook over the last 3 months, an in depth conversation with Elizabeth Agee, and research into both the SAB and PROSAB meeting agendas and minutes, and brief research of social media and Town calendars to see what is indeed available and out there. My participation at this point was spurred by the realization that, despite the impression that there was still room to work with this plan and make it work for all stakeholders, that construction of at least the greenhouse foundation had already occurred. I would also like to see this rather expensive lesson result in a smoother, more transparent process that makes sense for both the Town and the people who are affected by
it's policy.

The scope, size, and intent of the greenhouse in addition to the location has changed and is not, in its current incarnation what the people of the Town of Nederland have been thinking they were getting. It has this potential, but there are significant issues that present hurdles to this due to its location, size, and liability exposure, which is something that the average citizen doesn't think about.

So what is wanted?

What I overwhelmingly hear from the people who weigh in on this, boils down to the following:

1. A space available to the community- many members of our community are not able to build a greenhouse due to the administrative process of negotiating the Boulder Land Use code. Those who live in town have limited space and many live in apartments or homes they don't own, and so are unable to have greenhouses of their own.
2. Education and assistance with gardening. I run CO High Altitude Gardener on FB and the Food Pantry Garden and its community gardens offer resources but the general education and process of gardening is still a mystery to many, and we have new people every year who have a hard time adjusting to the difference in altitude.
3. Food security through growing their own food. As the cost of living increases, being able to create food from minimal inputs like water, sun and time, become appealing. Of course, up here this is not so simple but to support this vision is to support our community's food security.
4. Accessibility- people are creatures of habit and the current support of DIY food feels disjointed and confusing. Hope, Elizabeth and I have already started talking about what this could look like in terms of collaboration between our two projects, and we are reaching out to Victory Gardens as they reorganize and develop their program.
5. Community events such as the Farmer's Market. Melody and the rest of the Nederland Farmer's Market board have done an outstanding job of promoting this and providing a much hungered for aspect of what people consider a community here. I have also scheduled a Vegetable Show so that people can come together to celebrate their hard earned harvests. It's still in the conceptual phase, but I could see at an event at the community Center, or perhaps coordinating with the Farmer's Market, though I haven't spoken to anyone about that yet.

Given the above desires, this is my proposal for a win-win. I haven't had enough time to really investigate the feasibility, which can be a lengthy process. However, with enough desire on the part of the town and teh various stakeholders involved, it can be done.

Step 1- stop construction of the greenhouse in the current location and re-evaluate where the best location should be with public participation. Although it's tempting to let finances or the lack thereof to take the lead in this, I feel it's short sighted. The location of the greenhouse will dictate its success and acceptance by the community. A location that doesn't utilize any portion of the old ball park is needed to achieve this. This could be the area marked as the Big Hill in the Envision 2020 document, the area next to the library or the Community Center, depending on what they have planned for those spaces, or another area, but public sentiment seems to be to leave the ball field to sports. I don't really see the current location of the greenhouse meshing with this public sentiment. Many people miss the old ballpark and would like to see that infrastructure replaced and the Envision 2020 concept executed as
Perhaps a greater and more important consideration is accessibility for the public. Perhaps it would be wise to build on the presence and success of the Food Pantry greenhouse and put a community greenhouse up there. Area schools and Teens Inc would still be able to utilize it for educational purposes. The Community Center and the Library makes sense as they are already huge loci of community events now, and either organization would see benefit from hosting the greenhouse in terms of participation in programs, increased membership and heightened awareness. This in turn would make future grant requests stronger and more appealing, as the support base is stronger.

Step 2- Discuss and cement the role and scope of gardening and its related programs in the Town of Nederland. "How do I grow things up here" is one of the most popular questions I see from newcomers and seasoned residents alike. A great garden makes great community, and as discussed above, makes for food security as well. I have personally contacted all but the Jim at the Victory Garden group and we are all willing to meet and coordinate to makes this happen. We would also like to see a summary packet describing the size, construction, plans and scope of activities for the greenhouse so the public has a clear idea and can agree on it. I have volunteered to help with this document. I fear that without a summary document with public buy-in, that this greenhouse would be underutilized or, worse, see it as a folly that was forced.

Step 3- Define and develop the curriculum for the greenhouse so it can get public buy-in. A great resource is the Green Bronx Machine, a non-profit started by an elementary school teacher in the Bronx. It's now a thriving endeavor that does everything from school outreach and curriculum to programs that train at risk individuals how to make a living in the food and farm industry. A farm to table endeavor is definitely something I could see being a success here, as well as educational opportunities for our public school kids and the kids in at risk programs alike.

Step 4- Develop a budget and identify possible funding source for each piece, including staffing so that the public has access to the building.

Step 5- Get public consensus and approval. I think that the people in this community would support a paid for greenhouse in just about any location other than the current one. Current objections aren't towards having a greenhouse but where it is and anxiety over how it's going to be used. Grants may have to be rewritten (I have volunteered for this and could likely find more volunteers through my garden group) and it may take longer to put up, but the increased accessibility would result much higher trade-offs than any short term savings. Having public buy-in at the point is incredibly important, and I don't see how continuing the current plan without public approval would be a good thing for anyone.

Step 6- Formalize the current guidelines for public communication and participation into stand operating procedure. If there is a master punch list that must have documented proof of being done and submitted as part of the project packet to get the final approval granted, then there is no way for this to happen in the future. Our people and out town should be working hand in hand to make this a great community and Town. The differences being discussed now should be in the beginning, formative stages of a project, not after it's already been given financial approval and work has begun.
Other things to consider-

I know that the deadline has been extended, but let's ask the grantor for an extension for this process so we can do it right. Fundraising and grant proposals for additional pieces could also be done during this time. With a convincing request and the desire to do what is best for the people in our community I believe it could be successful and/or be attractive to another grantor. We should not let fear of missing out take priority over having done it well. It would be a shame to have the amount of time, energy and money it takes for a project like this wasted because people can't or don't want to use it.

It is incredibly important to recognize the good will, time, and effort of the people who have worked on this greenhouse project. Whether you agree with the current location of the greenhouse or not, the important thing is somebody actually put in effort and free time into getting it done. Mistakes happen, and it would be a shame to burn people out of public service with negative attitudes and allegations of hidden motives.

At this time, this email is the best I can do on short notice since Sunday. I am late on my route as a result of crafting this, but I feel that it's important and that my customers would support my efforts, as sustainability is a key aspect of Keep Magnolia Clean. There are so many reasons to encourage a community greenhouse and people growing their own food, and I am very passionate about it. I will continue to refine this and put together a presentation on my proposals to find a solution. Most importantly, I believe that there is a solution that will satisfy everyone's interests, for all aspects of the Gateway Park, not just the greenhouse. None of the pieces are inherently mutually exclusive, they just conflict in their current forms and the desires of various portions of the community.

Lastly, I ask that perhaps this issue, as well as construction, be tabled until the next BoT meeting or a special session held on May 14th. Many of us, including myself, had no idea that the greenhouse has been funded and given the green light for construction until April 29th, when the request for material donations was posted on NedHeads on Facebook. Many of us haven't even seen an elevation or plan for this greenhouse.

Thank you for your time and consideration,

Most respectfully,

Erin O'Brien

Thank you for your time and consideration. I look forward to
Hi, I vote a strong NO to building anything on the ball field and anything that reduces the size and availability of the ballpark for multi outdoor uses like softball, festivals, farmers markets etc. Period. ***Pamela Hill

Sent from my iPhone
Hello,

My name is Courtney Cosgriff and I am a member of the Nederland community, I was born in Morrison, CO and have spent much of my life along the front range. I work at the apothecary in town. I have heard of the potential shut down of a truly amazing project all in the name of a baseball field.

It is my understanding that the greenhouse being proposed that community members have tirelessly worked to bring into fruition may be blockaded or outright not allowed due to the desire to build a baseball field. This greenhouse is unique in many ways and promotes long lasting healthy food access to the community, in other words this would benefit the whole community while a baseball field is sure to only benefit a few.

Please reconsider this decision and realize that maybe both can coexist.

I hope to hear this amazing project gets to continue.

Kind regards,
Dear Board,
I have owned my home in town since 1998. I feel that the greenhouse should be left in its current spot. My understanding is that we will lose the funding if it is moved at this time, which would be unfortunate.

Thank you,
Dana Brenick
AGENDA ITEM:

Review of Boulder County response to proposed DRAFT language from the Town regarding a Comprehensive Development IGA.

SUMMARY:

There exists a Comprehensive Development Plan Intergovernmental Agreement (IGA) between Boulder County and the Town of Nederland which went into effect in March, 2002 with a 20 year term.

The current IGA requires a five-step process for amending the IGA to approve annexations, with recommendations from both the town and county planning commissions, approval by the Nederland Board of Trustees (BOT) and Boulder County Commissioners, and a vote of the town electorate.

Town staff, Boulder County Land Use staff, the Boulder County Commissioners, and the BOT have spent the past 18 months discussing the DRAFT IGA and proposed map. Based on these conversations a DRAFT version of the proposed IGA and Map was created.

The draft IGA includes changes to streamline the annexation procedure, and to ensure timely responses to referrals and establishment of clear procedures for processing amendments.

The draft IGA includes a Primary Planning Area within which annexation can occur with no amendment to the IGA or decision role for the county, and no vote of the town electorate. Annexation would need to be initiated by the property owner.

The draft reflects an expiration date of 2032, 10 years from the current 2022 expiration date.
At the March 5, 2019 board meeting, the BOT agreed to send to the County a proposal that included deletion of parcel-specific language for 3 (a) Eldora Road Parcel Southeast and adding two parcels to the Primary Planning Area as requested by the property owners.

The BOT received an email response from County staff that included updated IGA drafts, a summary providing background and explanation for the proposed terms for parcel 3 (a) and updated maps that include PPAs 6 & 6 as requested by property owners.

These documents are included as attachments to this memo.

**QUESTION BEFORE THE BOARD:**

Does the board wish to discuss the DRAFT IGA and maps proposed by the County? Does the board have further direction for staff?

**ATTACHMENTS:**

- DRAFT IGA including Town and County revisions redlined
- County Summary to provide background and explanation
- Updated Maps
This Intergovernmental Agreement ("IGA") by and between the Town of Nederland, a Colorado statutory municipal corporation ("Nederland" or the "Town"), and the County of Boulder, a body politic and corporate of the State of Colorado ("Boulder County" or the "County") (collectively, the "Parties") is made to be effective on the Effective Date as defined on the signature page of this IGA.

**RECITALS**

A. Sections 29-20-101 through 29-29-109, C.R.S. as amended ("LUCEA") authorizes the Parties to enter into intergovernmental agreements to plan for and regulate land uses in order to minimize the negative impacts on the surrounding areas and to protect the environment. LUCEA specifically authorizes local governments to cooperate and contract with each other for the purposes of planning and regulating the development of land by means of a "comprehensive development plan."

B. Sections 29-1-201 through 29-1-207, C.R.S., as amended, authorizes the Parties to cooperate and contract with one another with respect to functions lawfully authorized to each of the Parties and the people of the State of Colorado have encouraged such cooperation and contracting through the adoption of Colorado Constitution, Article XIV, § 18(2).

C. The functions described in this IGA are lawfully authorized to the Parties which perform such functions hereunder, as provided in Article 20 of Title 29; Part 1 of Article 28 of Title 30; Part 1 of Article 12 of Title 31; and Parts 2 and 3 of Article 23 of Title 31, C.R.S., as amended.

D. On March 7, 2002, the Parties entered into a Comprehensive Development Plan Intergovernmental Agreement (the "Original IGA") for a period of 20 years. The Original IGA was amended in 2009 for the Town to annex the 6.68 acre Town Maintenance Shop Parcel.

E. The term of the Original IGA as amended ends in March 2022, and the Parties believe it is in the best interests of the citizens of the Town and the County to enter into a new intergovernmental agreement with the goal of continuing the spirit of collaboration that was established by the Original IGA and demonstrated through the Parties’ course of dealing throughout the term of the Original IGA.

F. In October 2003, the Parties entered into the Boulder County Countywide Coordinated Comprehensive Development Plan Intergovernmental Agreement (the “Super IGA”) which is designed to coordinate all of Boulder County’s comprehensive development plan IGAs, to recognize and protect each municipality’s planning area, and to preserve the rural character of the land outside of each community’s respective planning areas.

G. The Parties believe that it is in the best interest of the residents of both communities to enter into a new IGA in order to preserve Nederland’s unique and individual character through orderly development within a newly defined Nederland Planning Area (the
“NPA”). The NPA contains a Primary Planning Area (“PPA”) where annexation and development may occur in accordance with the provisions of this IGA. The areas of the NPA not designated as PPA are designated as Rural Preservation Area (“RPA”) where the Parties’ intent is to preserve the rural quality of the land.

H. The Parties have each held hearings after proper public notice for the consideration of entering into this IGA and the adoption of a comprehensive development plan for the subject lands.

NOW THEREFORE, in consideration of the above and the mutual covenants and commitments made herein, the Parties agree as follows:

1.0 PURPOSE AND INTENT. This IGA is intended to protect and enhance the Town's ability to coordinate its future growth into the PPA, and specifically for the following purposes:

1.1 Implementing Comprehensive Plans. This IGA is designed to implement the goals and policies set forth in the Parties’ respective comprehensive plans.

1.1.1. The Nederland Comprehensive Plan (referred to herein as the NCP) emphasizes the Town’s commitment to quality of life, sustainability and preservation of small town character, while addressing the need for quality, affordable housing, a diversified, sustainable local economy, and a compact, walkable land use pattern.

1.1.2. The NCP emphasizes proactively planning for the future and balancing the demands of environmental and economic sustainability with community character, historical preservation and property owners’ rights.

1.1.3. The Boulder County Comprehensive Plan, as amended from time to time, (the “BCCP”) seeks to protect agricultural lands, channel growth to municipal planning areas and consider environmental factors, natural resources, and natural hazards in land use decisions.

1.1.4 BCCP policy CW 1.07 states that “[t]o accomplish a cooperative and coordinated land use planning effort among the region’s municipalities, it is herein the policy of Boulder County to enter into intergovernmental contracts with the municipalities for the purpose of implementing the land use proposals and policies of the jointly adopted municipal comprehensive plans.”

1.2 Recognizing Future Development is Appropriate in the PPA. The Parties through this IGA intend to direct future development within the PPA to: avoid sprawl, ensure the provision of adequate services, provide access to opportunities for affordable housing and living, limit impacts on wildlife, minimize risks related to wildfire and natural hazards, maximize the utility of funds invested in public facilities, transportation and services, distribute fairly and equitably the costs of government services among those persons who benefit therefrom, extend government services and facilities in an efficient, logical fashion, simplify the governmental structure of the affected areas, and reduce and avoid, where possible, conflict between the Parties.
1.2.1 Affordable Housing. The Town and County will seek ways to implement its land use and development regulations in a manner that reflects the community values of diverse housing choice and affordability.

1.2.2 Wildlife. Primary Planning Areas 3, 4 and 5 (see Section 1.2.4) are located within a Wildlife Migration Corridor that is designated in the Environmental Resources Element of the BCCP. As such, upon annexation and review of any development proposals, the Town will consider and limit to the extent possible impacts to wildlife, the cumulative impacts of development on wildlife movement in this area is of high importance. Therefore, within one year of the effective date of this IGA, a third-party independent study will be conducted that identifies the current, known migration patterns of the elk herd active in this area and makes recommendations for implementing development in a manner that minimizes the impact to wildlife that utilize the migration corridor. Any development in PPAs 3, 4, 5 must be compatible with the recommendations included in the report of study findings. The study should also consider potential trail development on adjacent lands in its recommendations and seek input from Colorado Parks and Wildlife and the U.S. Forest Service.

1.2.3 Natural Hazards. Upon annexation and review of any development proposals the Town will consider and seek to limit and mitigate risks related to natural hazards, with a particular emphasis on minimizing risk related to wildfire given the community’s location and proximity to heavily forested land.

1.2.4 Parcel-Specific Provisions. The language within this Section 1.2.4 reflects the Parties’ understanding that it is appropriate to consider annexation of developed parcels adjacent to the current municipal boundary. The Town’s water and sewer infrastructure has the capacity to accommodate additional service area, and connection to the Town’s services would benefit water quality. The Town has a limited capacity for providing infrastructural support to annexations and it is critical that developments pay their own way regarding water, sewer, road improvements, and other services. Recognizing the Town’s long-held interest in maintaining its unique character, and that additional development would have impacts on wildlife, transportation, and the environment, this IGA allows for very limited expansion and additional intensity of use of areas eligible for annexation, identified as Primary Planning Area in Exhibit B. The Parties’ intent is to generally restrict additional residential density beyond that which is currently allowed under county jurisdiction, with the exception of Area 3(a).

1.2.4.1 Area 1. Lots 1 through 5 of Caribou Ranch-Sherwood Gulch may be annexed subject to the deed restrictions recorded on May 29, 2013 in the real property records of the Boulder County Clerk and Recorder at Receipt Nos. 3315352, 3315353, 3315354, 3315355, 3315356 respectively.

1.2.4.2 Area 2. Area 2 is composed primarily of developed parcels in County-approved subdivisions. It contains single-family development in forested areas with some steep slopes. The area is very susceptible to wildfire and has limited access. The Town has indicated it has capacity in its water and sewer systems to
serve some of the existing development if properties in Area 2 were annexed. Providing services may benefit water quality and protect wildfire. The County and Town agree that Area 2 is eligible for the Town to annex. This area is suitable for a limited increase in development density, recognizing that any additional development would require a heightened level of attention to wildfire mitigation and wildlife impacts.

1.2.4.3 Area 3(a) (“Eldora Road Parcel Southeast”). The parcel contains a number of development constraints that must be addressed at the time of annexation. Consistent with previous development proposals, this parcel shall only be annexed for the purpose of multi-unit housing to address the community’s need for more diverse and affordable housing options. As a result, annexing this parcel is contingent upon the following limits, which restrictions shall be implemented at the time of annexation through a mechanism acceptable to both the Town and County: (a) Residential development on the parcel may not exceed 50 units; (b) Prior to annexation, the property owner must agree to deed restrict at least 50 percent of the total number of units to be permanently affordable, with those units serving a variety of income levels, consistent with the goals outlined in the Regional Housing Strategy “Expanding Access to Diverse Housing for our Community” completed in December, 2017. Of those units with affordability requirements, 50 percent (i.e., one-quarter of the total number of units on the property) will be deed-restricted as permanently affordable units. The remainder of the units with affordability requirements at the time of development may be sold at market rate after a period of no less than 30 years.

In addition, special consideration will be given to areas of the property with high landslide susceptibility based on County mapping, and any proposed development must be referred to the Colorado Geological Survey, and must be compatible with the recommendations resulting from the wildlife study referenced in 1.2.2. Prior to any development on the parcel, the following plans for the site must be established with input from the County: wildfire mitigation, safe routes to school, access location and improvements to address issues such as visibility and sight lines, and a plan for how impacts to elk migration will be minimized.

1.2.4.4 Area 3(b) (“Eldora Road Parcel, Northeast”). The Town has indicated it has capacity in its water and sewer systems to serve existing development if the “Eldora Road Parcel, Northeast” was annexed. Providing services would benefit water quality. Therefore, the County and Town agree that the parcel is eligible for the Town to annex. Any additional development on the property should be designed with a goal to add to the community’s diversity of housing types.

1.2.4.5 Area 3(c) (“Water Utility Parcel”). The County and Town agree that the parcel is eligible for the Town to annex.

1.2.4.6 Area 3(d) (the “Nederland High School Parcel”). The Nederland High School Parcel is eligible for the Town to annex.
1.2.4.7 Areas 4 & 5. The County requests that any development in these areas be completed in a manner that is sensitive to natural resources and habitat, and does not conflict with the County’s trail network. In recognition of potential cumulative impacts on elk migration in the Nederland area, any development on these parcels must be compatible with the recommendations resulting from the wildlife study referenced in 1.2.2. the County requests establishment of a plan, with input from the County, for how impacts to elk migration will be minimized.

1.2.4.8 Areas 6 & 7. The Town has capacity in its water and sewer systems to serve existing development if these parcels were annexed. Providing services would benefit water quality. Therefore, the County and Town agree that the parcels are eligible for the Town to annex. Any additional development on the properties should be designed with a goal to add to the community’s diversity of housing types.

1.3 Maintaining Community Buffer. This IGA is intended to keep the RPA and the land outside the NPA rural in character to preserve a community buffer.

1.4 Protecting View Corridors, Watersheds and Allowing Only Compatible Development in the NPA. This IGA acknowledges the importance to both Parties of protecting sensitive natural areas, maintaining view corridors, enforcing nuisance ordinances and ensuring that new development is compatible with the character of both Nederland and adjoining County properties.

1.5 Fostering Intergovernmental Cooperation. This IGA encourages the Parties to collaborate to achieve common goals, including becoming more socially, economically and environmentally sustainable and supporting the public and private provision of cultural, educational, social and healthcare services in the NPA.

1.6 Encouraging Transparent and Timely Decisions. This IGA is intended to encourage transparent, open communication between the Parties and to ensure that decisions pertaining to this IGA are made in a timely and efficient manner.

2.0 NEDERLAND COMPREHENSIVE DEVELOPMENT PLAN (IGA Plan).

2.1 IGA Plan Defined. This IGA, including the Maps attached hereto as Exhibits A and B, is hereby adopted by the Parties as the Nederland Comprehensive Development Plan, and shall be known herein as the IGA Plan, as distinguished from the NCP. The IGA Plan shall govern and control the NPA, which is defined as the unincorporated area of Boulder County as shown on Exhibit A, or as subsequently amended in accordance with this IGA. With the exception of the Super IGA, this IGA Plan replaces and supersedes any and all previous agreements between the Parties concerning the NPA.

2.2 Nederland Planning Area Designations. Exhibit A and B identify, designate and define the land to be known as the NPA, which consists of the Primary Planning Area (the “PPA”) and the Rural Preservation Area (the “RPA”).

2.2.1 The PPA is the land that is planned for the expansion of the Town limits and which the Parties recognize is appropriate and intended for development.
2.2.3 The RPA represents areas that are expected to remain rural for the duration of this IGA, unless the Parties agree to an amendment of this IGA pursuant to section 11, below.

3.0 ANNEXATION AND DEVELOPMENT OF PROPERTY.

3.1 Land within the Primary Planning Area.

3.1.1 The Town may annex into its corporate boundaries any and all property located within the PPA, in accordance with state and local laws governing annexation. The Town agrees that it will only annex parcels in their entirety, not portions of a parcel, into the Town, unless mutually agreed to by the Parties. By executing this IGA, the County finds and declares that a community of interest exists between the Town and all property located within the PPA. The County will make reasonable efforts to cooperate with Town efforts to annex land in the PPA.

3.1.2 Any property that is disconnected from the Town after the Effective Date of this IGA (whether currently located within the municipal limits of the Town or later annexed into the Town after the Effective Date of this IGA) shall continue to be within the PPA for purposes of this IGA unless it is specifically excluded by a duly executed amendment to this IGA.

3.1.3 The Town and the County acknowledge and agree that the property within the RPA is intended to remain in the County’s regulatory jurisdiction and shall not be annexed or developed by the Town during the term of this IGA, unless mutually agreed to by the Parties.

3.1.4 The Town agrees that in establishing the boundaries of any area proposed to be annexed, any portion of a platted street that is within, or directly adjacent to, the area to be annexed, the entire width of said street or alley shall be included within, or directly adjacent to, the area annexed.

3.2 Land Outside of the NPA.

3.2.1 The area outside the NPA is intended to remain in the County’s regulatory jurisdiction for the term of this IGA, unless otherwise provided herein or by a duly executed amendment to this IGA.

3.2.2 The Town may annex lands outside of the PPA and expand the NPA only in accordance with Section 4 of this IGA.

3.3 Developing Areas with Constraints. When evaluating development applications within their respective areas of responsibility, both Parties will consider the impact of proposed development on the floodplain, natural areas, wildlife habitat, steep slopes, watershed and historically-and archaeologically-significant areas, and will require impacts to be reasonably minimized and mitigated.

4.0 EXPANSION OF THE NPA
4.1 Mutual Agreement. During the term of this IGA, expansion of the PPA, RPA, or NPA may only occur with the mutual agreement of the Parties and the corresponding amendment of Exhibits A and B in accordance with this IGA.

4.2 Nederland Planning Process. Any request for expansion of the PPA, RPA, or NPA must be consistent with the BCCP and the NCP and the Nederland Public Process.

5.0 OPEN SPACE. Acquisitions within the PPA. The County agrees that for the term of this IGA it will not purchase or otherwise acquire any land within the PPA for open space purposes, including conservation easements and transfer of development right sending sites without the approval of the Town.

6.0 COMMUNITY BUFFER. The County agrees not to process any zoning map amendments other than a change to Mountain Institutional that would allow more intensive zoning designation for lands remaining in the County’s regulatory jurisdiction within the PPA and RPA, unless mutually agreed to by the Parties.

7.0 TOWN OF NEDERLAND UTILITIES.

7.1 Nederland Service Area. It may be necessary for the Town to seek additional water supplies, water storage, and water and wastewater treatment and delivery facilities, both within and outside the NPA. The areas designated in the Map portion of Exhibit A as the NPA shall constitute the Town’s "Service Area" for all purposes, including but not limited to the County's Regulations of Areas and Activities of State Interest in Article 8 of the Boulder County Land Use Code.

8.0 IMPLEMENTATION PROCEDURES.

8.1 Plan Amendment Required. A Plan amendment, agreed to by both the Town and the County, must occur in order to annex or to allow any use or development, or acquire for open space any parcel within the PPA where such annexation, use or development, or acquisition does not comply with the IGA Plan. The provisions of Section 11.0 of this IGA shall apply to any such Plan amendment.

8.2 Notice Required. The Parties each agree to undertake all steps necessary to adopt procedures, plans, policies, and ordinances or other regulations as may be necessary to implement and enforce the provisions of this Plan. The Parties agree that in adopting such procedures, plans, policies, ordinances or regulations, each will give the other Party sufficient notice of such action as will enable such Party, if it so desires, to comment upon the planned actions of that Party. Sufficient notice shall generally mean notice delivered to the other Party at least fifteen (15) days before the date of any public hearing or, where no public hearing will be conducted, before any deadline for the submission of public comment.

8.3 County Zoning Changes within the NPA. Where the County seeks to approve changes to the zoning of properties within the NPA after referral as provided herein, the Board of Trustees shall respond by resolution, approving or disapproving such change or suggesting conditions of approval.
9.0 REFERRALS.

9.1 Nederland Referrals to Boulder County. The Town shall refer in writing to the County:

9.1.1 Any application for annexation; and
9.1.2 Any proposed amendment to the NCP affecting any lot, tract, or parcel within the NPA.

9.2 Boulder County Referrals to Nederland. The County shall treat the Town as a formal referral agency and shall refer in writing to the Town:

9.2.1 Any application for zoning, rezoning, subdivision, PUD, replat, special use, limited impact special use, vacation, transfer of development rights, conservation easement or development (including site plan reviews) for any lot, tract, easement, rights-of-way or parcel within the NPA; and
9.2.2 Any proposed map amendment to the BCCP affecting any lot, tract, or parcel within the NPA; and
9.2.3 In addition to referring the foregoing applications and proposals to the Town, the County agrees to advise any applicant owning land in the PPA during the pre-application process (i.e., prior to formal application submittal) for any of the categories of development listed in Section 9.2.1 of the possibility of annexation into the Town, to encourage any such applicant to contact the Town concerning possible annexation, and to provide such applicants with the Town’s appropriate contact information.

9.3 Referral Period and Waiver of Period for Response to Referrals. The standard period for referrals shall be 30 days. Either Party may, for any given referral, elect to waive or reduce the period of time it requires to submit a response, and such election shall be made by written letter or electronic mail.

9.4 Failure to Respond to Referrals. Failure by either Party to respond to a referral shall entitle the referring Party to assume that the receiving Party has no comment concerning the application or proposal.

9.5 Communication with referral party. For any application or proposal required to be referred by Section 9.1 or 9.2, the referring Party shall use its best efforts to keep the other Party apprised of the status of each application or proposal, including but not limited to, mailing to the other Party notices of public hearings and meetings, staff reports, non-confidential memoranda concerning the status of the application or proposal, and notification of other activities and events associated with the processing of the application or proposal. Upon any final decision concerning the application or proposal, the referring Party shall notify the other Party in writing of the final decision including a general summary of any terms, conditions, or other details of the decision.

10.0 PARTNERSHIPS.

10.1 Intergovernmental Cooperation. The Parties recognize and acknowledge the need for intergovernmental cooperation on important local and regional land use matters and to achieve
common goals. In accordance with the NCP, the Town and the County agree to cooperate in good faith in:

10.1.1 Collaborating to design, fund and construct regional trails that connect Nederland to Boulder County open space and other municipalities;

10.1.2 Working with the Colorado Department of Transportation, the Regional Transportation District and the Denver Regional Council of Governments to improve Nederland’s multimodal transportation system, including continuing to explore ways to improve bus service between the Town, its neighboring communities, and Boulder County destinations and to reduce emissions;

10.1.3 Continuing to freely share geographic information system data, maps and expertise;

10.1.4 Identifying and implementing programs to enhance opportunities for senior housing and affordable housing within the Town and the NPA; and

10.1.5 Cooperating in the identification of sites to provide more efficient governmental services, including, without limitation, sustainable waste management activities, and solar or other forms renewable energy generation facilities.

10.1.7 Enforcing nuisance ordinances to improve the appearance of properties in the NPA.

10.1.8 Implementing the Boulder County Sustainable Energy Plan.

10.1.9 Implementing the Boulder County Regional Affordable Housing Strategic Plan.

10.1.10 Cooperating on joint ventures to finance and provide for cultural and recreational opportunities for Town residents and people living in the NPA and surrounding neighborhoods.

10.1.11 Collaborating to construct a cost effective, highly diverse, and resilient wastewater treatment system to serve the NPA that is both environmentally beneficial and aesthetically pleasing.

10.1.12 Cooperating on the provision of water and sewer services to properties in the RPA by the Town.

10.1.13 Cooperating to preserve historic and cultural resources within the NPA.

11.0 AMENDMENTS.

11.1 Entire Agreement. This IGA, together with the Super IGA, contains the entire agreement between the Parties and, with the exception of the Super IGA, supersedes any other or prior agreements concerning the same subject matter.
11.2 Changes to IGA. Any proposed amendment to the IGA affecting the jurisdiction over lands or the development regulation of lands must be referred to the other Party by the Regulatory Party. The "Regulatory Party" shall mean the Party having final land use or annexation approval jurisdiction, as the context requires. Amendment of the IGA shall take place only upon approval by resolution or ordinance adopted by the governing body of both of the Parties, after notice and hearing as may be required by law. The Regulatory Party shall not approve nor permit any development or change of use of any parcel within the NPA by any means in a manner inconsistent with this IGA until and unless the IGA has been amended so that the proposed development or use of such parcel is consistent with the IGA.

11.3 Timely Decisions on Amendments to IGA. The Parties agree that within thirty (30) days after receipt by one Party of an amendment proposed by the other Party, the Parties will agree on and establish a schedule for processing and taking final action upon the amendment proposal.

12.0 NON-SEVERABILITY. If any portion of this IGA is held by a court of competent jurisdiction in a final, non-appealable decision to be per se invalid or unenforceable as to any Party, the entire IGA shall be terminated, it being the understanding and intent of the Parties that every portion of the IGA is essential to and not severable from the remainder.

13.0 BENEFICIARIES. The Parties, in their corporate and representative governmental capacities, are the only entities intended to be the beneficiaries of the IGA, and no other person or entity is so intended.

14.0 ENFORCEMENT. Either or both of the Parties may enforce this IGA by any legal or equitable means including specific performance, declaratory relief, and injunctive relief. No other person or entity shall have any right to enforce the provisions of this IGA. The Parties agree to discuss and attempt to resolve any dispute in the interpretation or application of this IGA, including but not limited to any dispute regarding a request to terminate this IGA, but if they are unable to do so, either Party may request that the matter be presented to a mediator selected and paid for jointly by the Parties.

15.0 DEFENSE OF CLAIMS/INDEMNIFICATION. If any person allegedly aggrieved by a provision of this IGA who is not a party to the IGA asserts or attempts to assert any claim against any Party concerning such IGA provision, Boulder County shall, and the Town may, defend such claim upon receiving timely and appropriate notice of the pendency of such claim. Defense costs shall be paid by the Party providing such defense. In the event that any person not a party to the IGA should obtain a final money judgment against the Town for the diminution in value of any regulated parcel resulting from regulations in the IGA or regulations adopted by the Town implementing the IGA, the County shall, to the extent permitted by law, indemnify the Town for the amount of said judgment.

16.0 GOVERNING LAW AND VENUE. This IGA shall be governed by the laws of the State of Colorado and venue shall lie in the appropriate court(s) for Boulder County, Colorado.

17.0 TERM AND TERMINATION. This IGA shall remain in effect until [date], 2032, unless otherwise terminated earlier by mutual agreement of the Parties.
18.0 PARTY REPRESENTATIVES  Referrals made under the terms of this IGA shall be sent to the Parties’ representatives as follows:

**County of Boulder**

Director, Land Use Department  
P.O. Box 471  
Boulder, Colorado 80306

With a copy to:  
Boulder County Attorney’s Office  
PO Box 471  
Boulder, Colorado 80306

**Town of Nederland**

Karen Gerrity, Town Administrator  
P.O. Box 396  
45 W. First Street  
Nederland, Colorado 80466

Name and address changes for representatives shall be made in writing and mailed to the other representatives at the then current address.

19.0 COUNTERPART.  This IGA may be executed in any number of counterparts which together shall constitute the agreement of the Parties.

20.0 EFFECTIVE DATE.  The effective date of this IGA shall be the date on which both Parties have approved and executed the IGA by signing where indicated below.

**TOWN OF NEDERLAND:**  
Board of Trustees

By: ____________________________Mayor  
Kristopher Larsen, Mayor

Date: ____________________________

ATTEST:

_______________________________

APPROVED AS TO FORM:
COUNTY OF BOULDER:
BOARD OF COUNTY COMMISSIONERS

By: __________________________________
   Elise Jones, Chair

Date: _______________________, 2019

ATTEST:

__________________________

APPROVED AS TO FORM:

__________________________
Summary of Proposed IGA Terms for Parcel 3a
April 5, 2019

Boulder County recognizes that members of the Nederland Board of Trustees have concerns with the county’s proposed IGA terms for parcel 3a (“Eldora Road Parcel Southeast”). This summary provides the rationale and context for the proposed terms.

Background:
In 2014 the Town of Nederland referred an annexation petition to Boulder County for review and action pertaining to annexation of the “Evans property” (also referred to as “Aspen Trails” and more recently the “Bobcat Ridge Development”).1 This is the same parcel that is named the Eldora Road Parcel Southeast in the proposed IGA.

The development proposed at the time of the annexation petition was for 45-60 units of multi-family residential (affordable, senior, other) contained in three clusters of buildings, a community trail linking Town to the Nederland high school, and other amenities.

The annexation referral prompted the county to open Docket IGA-14-0001 to process the IGA amendment required for the annexation to proceed. The Boulder County Planning Commission recommended denial in a hearing on December 16, 2014 citing inconsistency with the 2013 Town of Nederland Comprehensive Plan. The Town’s Comprehensive Plan and IGA did not plan this area for future development, and did not plan for any expansion of the town boundary. At a hearing on March 5, 2015 the Board of County Commissioners (BOCC) put the docket on hold until such time as more information is available to address the concerns raised in the hearing.

Staff from the county’s Parks and Open Space Department did not support the proposal due to its potential effects on the elk migration corridor. Colorado Parks and Wildlife shared those concerns. There was a mix of support and opposition from members of the Nederland community.2 Those opposing annexation and development cited inconsistencies with the existing Boulder County/Town of Nederland IGA and the Nederland Comprehensive Plan, as well as concerns with the distance from downtown Nederland, increased traffic, wildlife impact, site disturbance, and aesthetic impacts. BOCC expressed specific concerns with the proposed development and suggested looking at the issues more comprehensively, including looking at the IGA more broadly. BOCC’s primary concerns included:

- Conflict with a critical wildlife migration corridor
- Site use:
  - Density and location of development, and the extent to which it would address the community’s need for affordable and senior housing
- Transportation:
  - Access to transit

1 Referred by Town of Nederland Board of Trustees in Resolution 2014-14.
2 The Town Board of Trustees did not take formal action on the initial annexation petition other than to accept it and then refer it to the County under the terms of the IGA. Their resolution formally referring it stated that the referral did not constitute an approval.
BOCC did not decide on the matter. Rather, they directed staff to follow up and gather more information, having noted that changes to the proposal would be needed, or additional information provided to arrive at a plan that addressed BOCC’s concerns and would be deemed acceptable.

**Proposed Terms for Parcel 3a:**

In negotiating the terms of the proposed IGA county staff has prioritized the first two concerns listed: wildlife migration corridors and site use.

The topic of the wildlife migration corridor relates to the intensity of development in Nederland more broadly. Therefore, the proposed IGA (Section 1.2.2) includes language requiring a third-party independent study on the known migration patterns of the elk herd active in the area, impacts of development on wildlife that use the migration corridor in the area, and potential trail development on adjacent lands near the area of Primary Planning Areas (PPAs) 3, 4, and 5. The proposed language then requires that development in those areas be compatible with the recommendations included in the report of study findings.

Regarding site use, county staff believes that if the site is to be developed at a much higher density than currently envisioned in both the IGA and Nederland Comprehensive Plan that compromise should only occur if the new development provides a significant benefit to the community, and if impacts are minimized and mitigated. Therefore, staff proposes that the number and location of units on the parcel be guided by the recommendations of the wildlife study, and that half of the total units developed on the property be permanently deed-restricted as affordable, in keeping with the goals of the regional housing plan (“Expanding Access to Diverse Housing for Our Community”) to which Nederland is a signatory. Affordable housing at the scale referenced in the IGA is consistent with the previous development proposals for the property, and the county is not proposing any limit to the level of affordability (i.e., percentage of Area Median Income, or “AMI”) the deed restricted units would serve. In tying the language to the regional housing plan and not a specific level of affordability it would be at Nederland’s discretion to set any specific affordability requirements at the time of annexation.

If the land is not used to develop multi-unit housing it could also be developed consistent with what is currently allowed on the property while it is in county jurisdiction: a single-family home.

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3 As stated on page 20 of the regional housing plan: “This regional housing plan recommends that the 12% goal be comprised of about 30% ownership housing and about 70% rental housing. This approach responds to recent needs assessments demonstrating significantly greater need for rental housing as well as evaluation of existing organizational and funding capacity to preserve and build affordable homes. The following guidelines are recommended: Homes acquired or built for ownership will serve households with incomes from about 150% AMI. Homes acquired and built for rent will serve households with incomes from 0 to 80% AMI. About 200 homes will designated as Permanent Supportive Housing and will be included within the rental housing goal. The anticipated income ranges may be updated as local market conditions and housing policies evolve. Some jurisdictions have already adopted specific local housing goals. Jurisdictions that have not adopted specific goals are encouraged to do so.”
Similarity to other IGAs

Boulder County does not see any legal issue with including parcel-specific language within an IGA. Boulder County has used parcel specific language in a number of IGAs, including some with the Town of Nederland.4

In the Lyons Planning Area IGA, Boulder County designated certain areas within the Primary Planning Area to be “No Development Areas.” As a result, upon annexation, the IGA required those parcels with the No Development Area to execute a Conservation Easement prohibiting structures or development in the preserved area. Further, this IGA called out two specific parcels, and then-owners of those parcels, and stated those two parcels may not be developed for residential uses. Please reference section 3.1 of the Lyons Planning Area IGA to see the specific language.

In the 9557 Paradise Lane Amendment to Southeast Boulder County, South 96th Street, Dillon Road and US 287 Area Comprehensive Development Plan IGA, specific parcels have very detailed conditions of annexation. For example, on one parcel contemplated to be annexed to the City of Louisville, the IGA restricts the aggregate residential density to a maximum of 6 clustered units. On another parcel, no residential units are permitted at all. On yet two different parcels, all future use is limited to right-of-way uses, agriculture, and open space.

Boulder County and the Town of Nederland have even worked together in the past to not only have parcel specific language in an IGA, but also parcel specific language that required the development of affordable housing. In the first executed IGA for Boulder County and the Town of Nederland for the Mud Lake Property, a lot of parcel specific language was included. In particular, the Town of Nederland agreed to convert the Boulder Valley School District bus barn into the new Town Fire Station, and in exchange use the current fire station for 12 units of Boulder County affordable housing and 2 Habitat for Humanity residences. In addition, on a parcel called the South Mud Lake Industrial Parcel, 18 acres of the parcel was limited to having no more than 18 residential units upon annexation. Although the portion of the IGA requiring the current fire station to be converted to 12 units of affordable housing was later amended out of the agreement, both the Town of Nederland and Boulder County have historically understood the importance of providing affordable units and incorporating that united goal in IGAs.

Those are just three examples of parcel specific language in IGAs that Boulder County is a party to, however, there are many other examples. We would be happy to provide additional examples if you would like.

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4 The following website provides access specific IGA documents: https://www.bouldercounty.org/property-and-land/land-use/planning/intergovernmental-agreements-iga/
Hello,
I am resending my previous correspondence as from my understanding this IGA is up for vote.

I am 100% against the Town of Nederland taking PPA #2 as part of this agreement.

100% AGAINST it.

Please read below my concerns and listen to the people you're actually affecting as it's MY property you're planning to vote on, I don't have a voice in this decision which is beyond frustrating.

100% AGAINST it.

Letter sent:
Boulder County Land Use
RE: March 5, 2019 BOT Meeting: IGA PPA#2
Hello,
I just listened to the BOT meeting and am requesting again for removal of PPA #2 from the Nederland Primary Planning Area map just as Ridge Road was removed from this map due to residents NOT wanting to be part of this annexing process.

I read the reasons this area is under consideration, do not agree at all with this assessment and am curious who did this assessment; but I'm betting some developers are chomping at the bit to develop the heck out of this last remaining area outside of Nederland Town limits...

1.2.4.2 Area 2.
Area 2 is composed primarily of developed parcels in County-approved subdivisions. It contains single-family development in forested areas with some steep slopes. The area is very susceptible to wildfire and has limited access. The Town has indicated it has capacity in its water and sewer systems to serve some of the existing development if properties in Area 2 were annexed. Providing services may benefit water quality and protect wildfire. The County and Town agree that Area 2 is eligible for the Town to annex. This area is suitable for a limited increase in development density, recognizing that any additional development would require a heightened level of attention to wildfire mitigation and wildlife impacts.
Let take a look at these statements:

- "The area is very susceptible to wildfire and has limited access." If you look at the PPA #2 map surrounding area, not included in the purple square, this forested area surrounding PPA#2 is "susceptible to wildfire and has limited access" but is not included as it is mostly open space or national forest. If you drive up here and look, you'll see the majority of the properties in the PPA#2 area are in a flat plain, not many trees in the plain, and a few houses tucked along the mountain side. I don't see annexing PPA#2 changing the susceptibility or limited access in the case of a fire as...
many residents have already performed fire mitigation on their properties. Annexing PPA#2 will have no impact on limiting the susceptibility of wildfires or access. Look beyond area PPA#2 to see where fire mitigation should be performed just like you have done off Magnolia in the open space and national forest areas; and you didn't annex residents there.

- "The Town has indicated it has capacity in its water and sewer systems to serve some of the existing development if properties in Area 2 were annexed" According to the 3.05.19BOT AIM IGA.pdf, Town is currently operating at 40% water plant and infrastructure; and 80% waste water treatment plant. Given the current Annexation map, the other proposed areas of development will push Town over the 200-250 unit threshold in no time; thus rendering the above statement questionable. To bring water and sewer into PPA#2 would entail a very expensive expansion up Beaver Creek road where there is no existing infrastructural; at which point they may already have exceeded their capacity by providing water and sewer to the other PPA areas proposed. Also, my drinking well water is amazing 100% year round. I know the difference in drinking water too and I have my well water checked every two years. It comes up crystal clean; which is more than I can say for the majority of water treatment plants.

- "This area is suitable for a limited increase in development density, recognizing that any additional development would require a heightened level of attention to wildfire mitigation and wildlife impacts." This is one of the last areas next to Nederland where large lots exist, wildlife is free to roam safely away from the masses, and people find sanctuary away from the hustle and bustle of daily life. Residents here live happily in a very low density area by choice, enjoying the peace and quiet the mountains provide. There are a few lots on Beaver Creek that can be developed, but because of the square foot restrictions with septic systems, it will keep this last cherished area of Nederland from turning into a mansion villa cluster. Keeping the area real, where the moose can roam, and you can't moon your neighbor because everyone is on top of one another. This area is NOT suitable for a limited increase in development density and I'd be very interested to find out who is making these calls for an area where they don't live which will forever change where I, my dogs and the wildlife call home. If the 1.2.4.2 Area 2 statements were true, then PPA#2 would be increased up to Crestwood, Cardinal and on; all the way up the road to PPA#1.

I am resident here, call the PPA#2 area home and I am 100% completely against PPA #2. If passed, it will forever alter this little piece of heaven so many of us call home.

Trust me, we don't have to develop every single acre to it's max. Let some of this land be land and free.
Thank you.
Deb DAndrea
80466

I wrote this letter on February 9, 2019 to the BOT:
Hello,
As there is an upcoming meeting to discuss the Nederland - Boulder County Intergovernmental Agreement; and as I live at Caribou Rd, and am out of town, unable to attend in person; I am writing my request for the removal of Caribou Rd and Beaver Creek Dr listed as a "Primary Planning Area (PPA) #2" from this map and proposal. There is absolutely no reason to include the Caribou Rd and Beaver Creek Dr properties; and
I'm curious (actually) as to who proposed they be included at this time. These properties for past years have not been included in this proposal, no one is building major developments, and there is no logical reason aside from financial gain to include them ever as part of Towns oversight.

I am beyond thrilled living in Unincorporated Boulder County; honored to be surrounded and part of Arapaho & Roosevelt National Forest; and I love the way Caribou Rd and Beaver Creek Dr are maintained, plowed and cared for by Unincorporated Boulder County. I go into Town often to support our beloved Nederland businesses, of which many are personal friends of mine; and I support Town by volunteering for organizations, some which bring much needed revenue to our businesses during quiet seasons.

I, with intent, purchased my property outside Nederland Town limits due to several reasons I will not go into here.

I am completely, 100% against having the proposed map include Caribou Rd/Beaver Creek Dr. I have heard no discussion regarding why these properties should be included, and why now they are being drawn into this discussion as a Primary Planning Area. No one ever contacted myself, or to my knowledge, anyone in this area; asking us what we thought prior to the proposal map being created.

I do agree with the PPA areas #1, #3a, #3b, #3c and #3d due to developments currently being proposed which require access to Nederlands water/sewer. From my limited understanding, this is the primary push for these properties to be included so they can be properly developed for the betterment of the overall community.

Then again, I have some questions regarding this as, from my limited understanding, Nederlands sewer plant is questionably already working near full capacity (but I could be totally wrong). Also, the traffic patterns in the areas of #3a-b-c-d would require a major overhaul of the road infrastructure to handle any increased traffic, which would domino effect into Town to the traffic circle. Especially during the ski and summer seasons, as we're experiencing with ski traffic now and have for years. A birds eye view of the macro vs micro of these proposed projects is an interesting view.

I have no input regarding #4 or #5 as I'm not sure why those were included aside from proximity to Town; but I did question why the one area to the right of #5 was excluded - that seemed a bit odd given the way other tracks were mapped out in the proposed areas.

I hope you will act upon my request to remove Caribou Rd/Beaver Creek Dr PPA #2 from this map and proposal; and give careful consideration when making decisions regarding the other areas as to the overall impact that will effect Town long term.

--

cheers, deb, bear & sally

On Sat, Feb 9, 2019 at 12:42 PM Deb DAndrea <debdandrea@gmail.com> wrote:

Hello,

As there is an upcoming meeting to discuss the Nederland - Boulder County Intergovernmental Agreement; and as I live at Caribou Rd, and am out of town, unable to attend in person; I am writing my request for the removal of Caribou Rd and Beaver Creek Dr listed as a "Primary Planning Area (PPA) #2" from this map and proposal.

There is absolutely no reason to include the Caribou Rd and Beaver Creek Dr properties; and I'm curious (actually) as to who proposed they be included at this time.

These properties for past years have not been included in this proposal, no one is building major developments, and there is no logical reason aside from financial gain to include
them ever as part of Towns oversight.

I am beyond thrilled living in Unincorporated Boulder County; honored to be surrounded and part of Arapahoe & Roosevelt National Forest; and I love the way Caribou Rd and Beaver Creek Dr are maintained, plowed and cared for by Unincorporated Boulder County. I go into Town often to support our beloved Nederland businesses, of which many are personal friends of mine; and I support Town by volunteering for organizations, some which bring much needed revenue to our businesses during quiet seasons.

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I hope you will act upon my request to remove Caribou Rd/Beaver Creek Dr PPA #2 from this map and proposal; and give careful consideration when making decisions regarding the other areas as to the overall impact that will effect Town long term.
From: Hope Jordan
To: "Hope Jordan"
Subject: FW: Comments on IGA
Date: Monday, May 06, 2019 10:09:35 AM

-----Original Message-----
From: Karen Gerrity [mailto:kareng@nederlandco.org]
Sent: Monday, May 06, 2019 10:04 AM
To: ‘Roger Cornell’; ‘Steve Williams’
Cc: Hope Jordan
Subject: RE: Comments on IGA

From: Roger Cornell
Sent: Monday, May 06, 2019 10:00 AM
To: Karen Gerrity; Steve Williams
Subject: Comments on IGA

> To: Nederland Board of Trustees
> From: Roger Cornell, Planning Commission Chair and Steve Williams, Planning Commission Vice-Chair
> >
> > We would like to comment on the Boulder County IGA and have two issues to discuss,
> > The 1st issue concerns the Beaver Creek parcel labeled zone #2 in the IGA, there are about 40 parcels in this area and after asking several property owners and asking the question at the community forum there seems to be no clear answer to who and why this parcel is being considered for annexation. If you consider the platted lots and the the way Beaver Creek flows through the valley there would be very limited areas for any further development. Because so many properties are involved we would hope that the BOT has heard from a large group of residence who would want to be included in the IGA. We suggest that the property owners conduct a “Neighborhood Meeting” to determine input for a path forward. We feel that in all areas designated on the IGA planning map that there should be a written application from the property owners requesting that properties be placed in the planning area. This is most important in zone #2 where there are so many properties.
> >
> > Our 2nd issue is to formally ask that the final draft of the IGA be sent to the Planning Commission for our review and comments. At this point the PC has only reviewed the preliminary plan and have not be able to review the latest plan and the changes.
> > At the community meeting with Boulder County it was very clearly stated that both County and Nederland Planning Commissions would review and comment on the final draft of the IGA.
> > We request that you would take this action for the PC to have a final review of the IGA.
> >
On Fri, Mar 1, 2019 at 1:58 PM Karen Gerrity <kareng@nederlandco.org> wrote:

Good Afternoon. Please see this message from May Jarril. I’ve also attached a copy.

For the Record
To: Nederland Board of Trustees, cc to county
Re: Docket IGA-14-0001
Proposed revision and extension to the Nederland Area Boulder County Comprehensive Development Plan IGA
From: Mary Jarril
March 1st, 2019
Comments
I attended the meeting February 12th with Boulder County and Town officials, staff, and the public, to learn more and participate in discussion about the proposed update to the Comprehensive Development Plan IGA. My thanks to all of you who presented this!
Here are the facts, as I know them;
1. Development in Nederland should adhere to its Comprehensive Plan
2. Our latest plan does not list annexation as a goal
3. Many people still think a vote is required on any annexation proposal
4. There seems to be no apparent desire to rush this except on the part of a few individuals
   a. One of those areas, 3a, has been extensively discussed in public meetings before the town and there is broad public support. If the plan is moved forward, Boulder County should be left out of regulating this property. Other parcels should only be considered after a thorough public review garners enough widespread and overwhelming support to justify violating our Comprehensive Plan, something which sets a bad precedent.
   For these reasons, I believe the annexations and the IGA which goes with them are premature. Unless the matter is brought before the people, it should not be approved in any form.
Recommendation:
1. Preferred: Allow IGA to expire
2. Less Preferred: Move forward with parcel 3a only, and delete Boulder County regulation provisions on this property. Pass only with voter approval.

Thank you,

Karen Gerrity
AGENDA ITEM: The Board of Trustees will discuss and may take action on outstanding policy items regarding modifications to the Zoning Code and regulation of accessory dwelling units.

SUMMARY:

The Board of Trustees (BOT) and Planning Commission have held previous meetings regarding the desire to encourage the development of Accessory Dwelling Units (ADUs) in the Town of Nederland. Some of the benefits of ADUs are an increased supply of affordable housing units, on-site housing for parents or other family members, and the potential of lower rental prices and higher quality for long-term tenants.

The BOT and Planning Commission have provided direction to Staff related to regulation of ADUs.

HISTORY AND PREVIOUS BOARD ACTION:

On May 15, 2018, the Board of Trustees (BOT) adopted Ordinance Number 785, which established Section 16-98 permitting and regulating Accessory Dwelling Units (ADUs). This ordinance was set to go into effect six months after adoption, i.e.: November 17, 2018.

On November 5, 2018, the Board adopted Ordinance No. 792 which imposed a six (6) month moratorium on the submission, acceptance, processing, and approval of all applications for ADUs. This moratorium was extended by an additional six months by Ordinance Number 796.

Since the moratorium was put in place, the BOT appointed an advisory committee comprised of town staff, trustees and planning commissioners to further research modifications to the Nederland Municipal Code and then present their findings to the BOT in February. The advisory committee met on December 19, 2018, January 14 and January 29, 2019, and the suggestion was made to create a google doc of the code which would be easier to edit and share. Trustee Dallas Masters requested
that the ADU regulations and the short-term rental regulations be placed on the agenda for discussion on the March 19 meeting.

At the March 19, 2019, Regular Meeting, the BOT discussed amending the ADU regulations and adopting short-term rental regulations. Staff was directed to draft an ADU ordinance to incorporate the discussion.

Based on this direction, staff has prepared a DRAFT ADU ordinance for the BOT’s consideration and additional discussion at the April 16, 2019, Regular Meeting. The BOT heard public comment related to regulation of ADUs.

The BOT directed the advisory committee to discuss the short-term rental draft ordinance and the accessory dwelling unit draft ordinance at a work session meeting on April 24, 2019. The BOT also directed staff to bring back the short-term rental ordinance for an action item on May 7, 2019.

**OVERVIEW OF THE ADU ORDINANCE:**

For accessory dwelling units, there are two types of units: detached ADUs and integrated ADUs.

**Integrated ADUs.** An integrated ADU is defined as a separate living space that is located inside or attached to a principal dwelling unit. Examples of the integrated accessory dwelling unit are a basement unit, attic unit, or in-law suite.

**Detached ADUs.** A detached ADU is a stand-alone dwelling unit. It is separate from the principal dwelling unit. Examples of a detached ADU are a carriage house, backyard cottage, or tiny house.

There are regulations that apply to both integrated and detached ADUs. Those regulations are summarized as follows:

1. Either the principal dwelling unit or ADU must be occupied by the owner.
2. The principal dwelling unit and ADU must be owned by the same person.
3. The ADU must comply with the building code and other local regulations.
4. Only one ADU per lot is permitted.
5. The ADU must be served by municipal water and sanitary sewer.
6. Short-term rental of ADUs is prohibited except as authorized in the short-term licensing section.

The regulations that are specific to integrated ADUs are summarized as follows:

1. No limitation to the size of the ADU.
2. There must be an exterior access to the ADU.
The regulations that are specific to detached ADUs are summarized as follows:

1. The maximum height may not exceed the maximum heights as established in the yard and bulk requirements.
2. The total area of the ADU must not exceed 800 feet.
3. The setbacks for the ADU are controlled by the yard and bulk requirements for accessory uses.
4. There is a maximum of two bedrooms.

Related to plant investment fees and tap fees for detached ADUs, the ordinance requires compliance with Chapter 13 for sewer and water utility fees. After this ADU ordinance is adopted, the BOT may discuss amendment of Chapter 13 related to sewer and water fees applicable to ADUs.

The ordinance provides for a permit process for development of an ADU. The permit application is reviewed and approved by the Zoning Administrator or Deputy Zoning Administrator for compliance with the ADU regulations.

The ordinance does include other changes to the Zoning Code to create consistency and clarity related to the regulation of ADUs and short-term rentals.

**ATTACHMENTS:**

- Accessory Dwelling Unit ordinance.
TOWN OF NEDERLAND, COLORADO

ORDINANCE NUMBER ___

AN ORDINANCE AMENDING CHAPTER 16 OF THE NEDERLAND MUNICIPAL CODE CONCERNING ACCESSORY DWELLING UNITS

WHEREAS, pursuant to C.R.S. § 31-23-301, the Board of Trustees (“Board”) of the Town of Nederland, Colorado (“Town”) possesses the authority to create regulations and restrictions concerning planning and zoning within the Town; and

WHEREAS, the Planning Commission made certain recommendations to the Board of Trustees regarding amendments to Chapter 16, Zoning, of the Town of Nederland Municipal Code (“Code”), related to regulating accessory dwelling units; and

WHEREAS, after due and proper notice as required by C.R.S. §§ 31-23-304 and 305, the Planning Commission held a public hearing on April 25, 2018, and other public hearings at meetings following that date; and

WHEREAS, the Planning Commission found that it is advantageous to the Town’s goal of increasing diverse and affordable housing stock to permit and regulate accessory dwelling units; and

WHEREAS, the Board has conducted its own review of the regulation of accessory dwelling units with the goal of increasing diverse and affordable housing stock, including the Planning Commission’s recommendations, and found that it would further the health and welfare of the citizens of Nederland to permit and regulate accessory dwelling units; and

WHEREAS, the Board recognizes that accessory dwelling units may present special or unique impacts on residential character that necessitates certain restrictions on the accessory use; and

WHEREAS, The Board recognizes that not all lots within the Town can accommodate an accessory dwelling unit due to lot size, setbacks, parking limitations, and other reasons; and

WHEREAS, on May 16, 2018, by Ordinance 785, the Board therefore amended the Nederland Municipal Code by the addition of a new section 16-98 concerning Accessory Dwelling Units; and

WHEREAS, Ordinance 785 was scheduled to go into effect six months after May 16, 2018; and

WHEREAS, since May 16, 2018, the Board has conducted additional public meetings with the public regarding the regulation of accessory dwelling units; and

WHEREAS, the Planning Commission and Board desire additional amendments to
Chapter 16, of the Code, entitled “Zoning,” to clarify the regulation of accessory dwelling units.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Nederland, Colorado, as follows:

Section 1. Findings and Intent. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Board of the Town of Nederland.

Section 2. Section 16-6 of the Code, concerning Definitions, is amended as follows with additions showing in all caps and deletions showing as strike-throughs:

**Bed and breakfast** means a portion of a residence used for rental of five (5) or less bedrooms, access to a bathroom, and provision of limited meal service. A bed and breakfast shall provide at least one (1) additional off-street parking space for each room available to rent, shall not provide for cooking in any of the rooms rented, shall not allow guests to stay for more than seven (7) consecutive days, and the bedrooms and bathrooms used by the guests shall not occupy more than twenty-five percent (25%) of the residence in which the bed and breakfast is located.

**Boardinghouse or roominghouse** means a building other than a hotel, cafe or restaurant where, for direct or indirect compensation, lodging and/or meals are provided for three (3) or more boarders and/or roomers exclusive of the occupant's family.

**Building, accessory** means a building DETACHED from the principal building on the lot which MEETS THE REQUIREMENTS OF SECTION 16-72. is:

a. Integrally related to the principal use on the lot;

b. Subordinate in size and use and clearly incidental to the principal building or use of the lot;

c. Customarily incidental to the principal building or use of the lot;

d. Located on the same lot as the principal building;

e. Used only at the same time as the principal building use is active and operational;

f. Not detrimental or an alteration of the character of the area in which the building is located; and

g. Not used for living or sleeping quarters.

**DWELLING UNIT, ACCESSORY** MEANS A DWELLING UNIT THAT IS AN ACCESSORY BUILDING FOR A SINGLE HOUSEHOLD AND THAT REMAINS
UNDER THE SAME OWNERSHIP AS THE PRINCIPAL DWELLING UNIT ON THE LOT. THERE ARE TWO (2) TYPES OF ACCESSORY DWELLING UNITS:

a. **INTEGRATED ACCESSORY DWELLING UNIT MEANS A SEPARATE AND COMPLETE DWELLING UNIT THAT IS LOCATED INSIDE OF, OR ATTACHED BY A SHARED COMMON WALL TO, THE PRINCIPAL DWELLING UNIT, PERMITTED UNDER THE PROVISIONS OF SECTION 16-98.**

b. **DETACHED ACCESSORY DWELLING UNIT MEANS A SEPARATE AND COMPLETE DWELLING UNIT WITHIN AN ACCESSORY BUILDING PERMITTED UNDER THE PROVISIONS OF SECTION 16-98.**

* Dwelling unit means one (1) or more rooms with internal connections THAT PROVIDES COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE OR MORE PERSONS, including PERMANENT PROVISIONS FOR LIVING, SLEEPING, EATING, COOKING, AND SANITATION. bathroom and kitchen facilities designed, occupied or AND intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes. Multiple dwelling units exist if any of the following conditions exist:

a. There is more than one (1) meter for any utility;
b. There is more than one (1) address to the property;

c. There is more than one (1) kitchen in the building;

d. There are separate external entrances to rooms which could be used as separate dwelling units; e. There is a physical separation between rooms in the dwelling unit, capable of being locked, such that a room or rooms on each side of the separation could be used as a dwelling unit; f. There are rooms with no internal connections.

* Guest room means a room in a hotel, apartment hotel, motel or tourist home offered to the public for compensation, used only for transient occupancy, and in which no provision is made for cooking.

* Home occupation means an occupation carried on in the dwelling or accessory building by members of the family occupying the dwelling, and UP TO one (1) on-site employee; provided that the residential character of the building is maintained and the occupation is conducted in such a manner as not to infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes.
Hotel means a COMMERCIAL establishment that provides temporary lodging in guest rooms ROOMING UNITS and in which meals, entertainment and various personal services for the public may or may not be provided.

Motel means a hotel which usually is arranged in such a manner that individual guest rooms ROOMING UNITS are directly accessible from an automobile parking area.

NURSING HOME means a COMMERCIAL INSTITUTION PROVIDING RESIDENTIAL ACCOMMODATIONS TOGETHER WITH LIVING ASSISTANCE, HEALTHCARE SERVICE(S), AND/OR SKILLED NURSING SERVICE(S) AND MAY INCLUDE HOSPICE CARE.

PRIMARY RESIDENCE SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 6-92 OF THIS CODE.

RETIREMENT HOME means a COMMERCIAL INSTITUTION PROVIDING LONG-TERM (GREATER THAN 30 DAYS) RESIDENTIAL ACCOMMODATIONS FOR PERSONS CUSTOMARILY AGED 60 OR OLDER AND WHICH INSTITUTION INCLUDES THE PROVISION OF SERVICES, ACTIVITIES, AND LIVING ASSISTANCE TYPICALLY DESIRED AND NEEDED BY THE INSTITUTION’S RESIDENTS.

Rooming unit means a room WHICH MAY BE USED FOR SLEEPING, EATING, COOKING, AND SANITATION within a principal structure COMMERCIAL (MIXED USE, HOTEL, OR MOTEL) BUILDING, which provides minimal housing accommodations for a roomer, is arranged primarily for sleeping and study, and in which may be included a private bath; but such a room shall not include any kitchen equipment such as a refrigerator, sink or cooking device.

SHORT-TERM RENTAL SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 6-92 OF THIS CODE.

Use, accessory means a USE subordinate USE TO THE PRIMARY OR PRINCIPAL USE of a building which MEETS THE REQUIREMENTS OF SECTION 16-72.

Section 3. Section 16-32 of the Code, concerning “Use Groups,” is amended as follows with additions showing in all caps and deletions showing as strike-throughs:

<table>
<thead>
<tr>
<th>USE GROUPS</th>
<th>DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>F</td>
<td>MR LDR MDR HDR NC CBD GC I P</td>
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Residential Uses
<table>
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<tr>
<th></th>
<th>Y</th>
<th>Y</th>
<th>Y</th>
<th>N</th>
<th>N</th>
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<th>Y⁸</th>
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</thead>
<tbody>
<tr>
<td>Single-family dwelling units</td>
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<td></td>
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<tr>
<td>Multi-family dwelling units, up to 4 dwelling units</td>
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<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>R</td>
</tr>
<tr>
<td>Multi-family dwelling units, exceeding 4 dwelling units</td>
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<td>R³</td>
<td>N</td>
<td>N</td>
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</tr>
<tr>
<td>Mobile homes, boarding and rooming houses</td>
<td>N</td>
<td>⁴</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
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</tr>
<tr>
<td>Family care home</td>
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<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
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<td>ACCESSORY DWELLING UNIT</td>
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<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
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<tr>
<td>NURSING HOME</td>
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<tr>
<td>RETIREMENT HOME</td>
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<td>N</td>
</tr>
</tbody>
</table>

**Section 4.** Section 16-72 of the Code, concerning “Accessory Building and Uses,” is amended as follows with additions showing in all caps and deletions showing as strike-throughs:

**Sec. 16-72 Accessory buildings and ACCESSORY uses.**

(a) ACCESSORY BUILDING. An accessory building is a subordinate STRUCTURE TO THE PRINCIPAL building THAT IS:

1. LOCATED ON THE SAME LOT AS THE PRINCIPAL BUILDING; AND
2. CLEARLY incidental to the principal building; AND
3. SUBORDINATE IN SIZE TO THE PRINCIPAL BUILDING;
4. USED ONLY AT THE SAME TIME AS THE PRINCIPAL BUILDING IS ACTIVE AND OPERATIONAL; AND
5. CUSTOMARY in connection with the principal building; AND
6. FOR ACCESSORY DWELLING UNITS, SUCH Accessory BUILDINGS MUST COMPLY WITH THE REQUIREMENTS OF SECTION 16-98.

(B) ACCESSORY USE. AN ACCESSORY USE IS A SUBORDINATE USE TO THE PRINCIPAL USE THAT IS:

1. LOCATED ON THE SAME LOT AS THE PRINCIPAL USE; AND
2. CLEARLY INCIDENTAL TO THE PRINCIPAL USE; AND
Section 5. Section 16-76 of the Code, concerning “Home Occupations,” is amended as follows with additions showing in all caps and deletions showing as strike-throughs:

(a) A home occupation shall be allowed as a permitted accessory use, provided that all of the following conditions are met:

(1) Such use shall be conducted entirely by members of the family occupying the dwelling and/or UP TO one (1) on-site employee.

* * * *

(9) The home occupation shall not include:
   a. A use prohibited in the zone district.
   b. An animal hospital.
   c. A restaurant.
   d. A bed and breakfast.
   D. A group home.
   E. An auto repair shop.
   F. A nursing home/convalescent home.
   G. A barber shop/salon.
   H. An excavating or heavy equipment rental.
   I. A mortuary.
   J. A use which requires a special review or a conditional use permit in the zone district.

Section 6. Section 16-82 of the Code, concerning “Rental of Rooming Units,” is repealed.

Section 7. Section 16-98 of the Code, concerning “Accessory Dwelling Units,” is repealed and replaced as follows:

Sec. 16-98. Accessory Dwelling Unit, residential.

(a) Accessory Dwelling Units: Detached and integrated accessory dwelling units are permitted as accessory to a single family dwelling unit subject to the following requirements and approval of a permit application:

(1) General Accessory Dwelling Unit Standards. The following standards apply to detached and integrated accessory dwelling unit:

   a. Primary residence requirement. Either the principal dwelling unit or accessory dwelling unit on the parcel or lot must be owner-occupied.
b. Unity of ownership: The fee ownership of the principal dwelling and accessory dwelling unit shall not be separated.

c. An accessory dwelling unit shall comply with the locally adopted building code and all other applicable local, state and federal regulations.

d. Short-Term Rental: Short-term rental of an accessory unit and short-term rental of a principal dwelling unit on a lot or parcel with an accessory unit are prohibited except as specifically authorized in Article V of Chapter 6.

e. No more than one (1) accessory dwelling unit shall be located on any lot.

f. Accessory dwelling units must be served with municipal water and municipal sanitary sewer.

(2) Accessory Dwelling Unit-Detached. In addition to the general accessory dwelling unit standards in paragraph (a)(1) of this section, the following standards shall apply to detached accessory dwelling units:

a. Maximum height shall not exceed the maximums as set forth in Section 16-33.

b. Maximum total area: The total area of a detached accessory dwelling unit shall not exceed 800 gross square feet.

d. Setbacks: The accessory dwelling unit shall meet the setbacks of an accessory use and all other yard and bulk requirements set forth in Section 16-33 of this Code. Maximum lot coverage and maximum floor area ratios shall not be exceeded.

e. Maximum number of bedroom: There shall be a maximum of two bedrooms within an accessory dwelling unit.

(3) Accessory Dwelling Unit-Integrated. In addition to the general accessory dwelling unit standards in paragraph (a)(1) of this section, the following standards shall apply to the integrated accessory dwelling units:

a. Maximum total area: There shall be no limitation to gross square footage.

b. Exterior access: An integrated accessory dwelling unit shall have a separate exterior access. This requirement may be met with one
airlock type entry to the principal dwelling structure if separate access to the accessory dwelling exists following the initial outside entry of the principal dwelling structure.

(b) Accessory Dwelling Unit Permit Applications.

(1) All applicants shall apply on forms provided the Zoning Administrator and shall contain the following information:

a. A statement of current ownership.

b. A statement of primary residence as documented by the occupant’s: (1) driver’s license or Colorado state identification card; and (2) voter registration; motor vehicle registration; or designated residence for tax purposes. An applicant for an accessory dwelling unit may have only one (1) primary residence for purposes of this section.

c. A legal description of the property.

d. A demonstration of compliance with the criteria this subsection.

e. A parking plan.

f. A demonstration of compliance with the provisions of Chapter 13 of the Code as it relates to sewer and water utilities and fees.

g. A demonstration of approved, inspected septic for all bedrooms, if applicable.

h. Payment of the application fee as set forth in Section 4-151 of this Code.

(2) Review of Application.

a. Approval: The Zoning Administrator reviews the application for substantial compliance with the requirements in this section. Upon approval of the application, the Zoning Administrator will issue a permit.

b. The Zoning Administrator may impose conditions of approval on a permit necessary to protect public health, safety, and welfare and or assure compliance with applicable ADU standards and requirements.
c. The written decision of the Zoning Administrator shall be issued within thirty (30) days of a complete application.

d. Denial: The Zoning Administrator shall deny an application for failure to substantially comply with the requirements in this section.

e. Review: Any person aggrieved by the final decision of the Zoning Administrator may seek review to the Planning Commission. The issue before the Planning Commission will be whether the Zoning Administrator exceeded his or her authority in denying the permit.

(3) An owner or the owners of a lot or parcel with an accessory unit and the principal dwelling unit that were legally established and constructed with a certificate of occupancy on or before May 7, 2019, shall register with the Zoning Administrator and submit payment of the registration fee.

(4) Transfer: An accessory dwelling unit permit may be transferred to the new owner by application to the Zoning Administrator as set forth in Section 16-98(b).

c. Administration and Enforcement. It shall be the duty of the Zoning Administrator to administer and enforce the provisions of this Section.

Section 8. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 9. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

Section 10. Effective Date. After adoption by the Board of Trustees, this ordinance shall take effect on October 7, 2019.
TOWN OF NEDERLAND, COLORADO

_________________________________
Kristopher Larsen, Mayor

ATTEST:

_________________________________
Hope Jordan, Town Clerk

APPROVED AS TO FORM:

_________________________________
Jennifer Madsen, Town Attorney

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Nederland at its meeting of _____________, and ordered published by title only by ________________ newspaper on ________________, 2019.

_________________________________
Hope Jordan, Town Clerk
AGENDA INFORMATION MEMORANDUM
NEDERLAND BOARD OF TRUSTEES

Meeting Date: May 7, 2019
Prepared By: Jennifer Madsen, Town Attorney
Dept: Legal
Consent ☐ Information ☐ Action ☒ Discussion ☐

AGENDA ITEM: The Board of Trustees will discuss and may take action on outstanding policy items regarding potential modifications to the licensing chapter related to short-term rentals of residential property.

SUMMARY:

The Town currently regulates rental of residential property by requiring the property owner to apply for a rental license in Article V of Chapter of the Nederland Municipal Code (“Code”). The rental licensing section of the Code was last revised in 1999. Since that time, the Town has seen significant growth of the sharing economy and the expansion of short-term rental housing.

The expansion of short-term rental housing has created an adverse impact to the health, safety, and welfare of communities, including an increase in housing costs and depletion of residential housing opportunities for persons seeking full-time accommodations. The Board of Trustees has received significant public comment expressing a desire to preserve the residential character of the Town.

The short-term rental ordinance reasonably regulates short-term rentals of residential real property. The regulation of short-term rentals preserves the residential character of the Town and establishes operating standards for short-term rentals. The ordinance accomplishes these goals by amending the Town’s short-term rental licensing requirement.

HISTORY AND PREVIOUS BOARD ACTION:

The Board of Trustees (BOT) and other Town Boards have participated in discussions related to the regulation of short-term rentals since approximately 2016.

Most recently, on July 19, 2018, the BOT met in a work session to discuss a draft ordinance for regulation of short-term rentals. The purpose of the ordinance was to address the impacts of short-term rentals to neighborhoods and infrastructure.
The definition of short-term rental is

Short-term rental means the rent or lease for any form of consideration of a dwelling, dwelling unit, accessory dwelling unit, or portion of any dwelling unit to a particular person or persons for periods of time less than thirty (30) days. Short-term rental does not apply to or include commercial hotels or motels. A short-term rental is a use that is accessory to such dwelling or dwelling unit.

Since the July 2018 BOT work session, the BOT has continued to take public comment and feedback related to the regulation of short-term rentals. In December 2018, the BOT appointed an advisory committee comprised of Trustees, town staff, and planning commissioners to further research modifications to the Nederland Municipal Code and then present their findings to the BOT in February.

During the March 19, 2019, Regular Meeting, the BOT again discussed amending the ADU regulations and adopting short-term rental regulations. Staff was directed to draft a short-term rental ordinance to meet the following regulations:

1. Only primary residence may be licensed as a short-term rental.
2. A whole house short-term rental is capped at thirty (30) days per year.
3. If the primary resident is present, a portion of the house may be short-term rented without a cap.
4. The BOT is considering potentially allowing existing accessory dwelling units that are detached to be rented as a short-term rental.

The BOT agreed that long-term rentals would be permitted in all structures. Long-term rental means a rental of 30 or more consecutive days.

Based on this direction, staff presented a DRAFT short-term rental ordinance for the BOT’s consideration and additional discussion at the April 16, 2019, Regular Meeting. The BOT heard public comment related to regulation of short-term rentals and the different opinions from the public on the impact of short-term rentals in Nederland.

The BOT directed the advisory committee to discuss the short-term rental draft ordinance and the accessory dwelling unit draft ordinance at a work session meeting on April 24, 2019. The BOT also directed staff to bring back the short-term rental ordinance for an action item on May 7, 2019.
OVERVIEW OF THE SHORT-TERM RENTAL ORDINANCE:

The following is an overview and a summary of the short-term rental ordinance.

Short-term rental is defined as a rental of a dwelling unit, or portion of a dwelling unit, for a period of time less than thirty (30) days.

The ordinance allows individuals to rent their primary residence. This means that houses which are not a primary residence may not be short-term rented and, as such, the ordinance prohibits short-term rentals of investment property. The ordinance does not regulate long-term rentals. All long-term rentals are permissible.

The ordinance allows an owner to engage in a whole-house rental of a primary residence for a total of thirty (30) days out of the calendar year. The owner, if present on the property, may rent a portion of the house for an unlimited number of days in the calendar year. The owner is required to pay sales tax on all short-term rentals.

In order to operate a short-term rental, a short-term rental license is required. The owner must fill out an application in a form provided by the Town Clerk. Here are some of the items will be required in the form:

(1) Documentation that the property is a primary residence;
(2) Documentation that the owner has lawful possession of the property;
(3) Completion of a self-inspection form; and
(4) Certification that the property is equipped with operational smoke detectors, carbon monoxide detectors, fire extinguishers, and other life safety equipment.

Each license is valid for one year. The license is not transferrable. The license may be suspended or revoked for violations of the short-term rental licensing section. The Town may also prosecute violations of the ordinance in the Municipal Court.

ATTACHMENTS:

- Short-term rental licensing ordinance
TOWN OF NEDERLAND, COLORADO

ORDINANCE NUMBER 7XX

AN ORDINANCE AMENDING ARTICLE V OF CHAPTER 6 OF THE NEDERLAND MUNICIPAL CODE, CONCERNING BUSINESS LICENSING, TO ESTABLISH A SHORT-TERM RENTAL LICENSING PROGRAM AND AMENDING CHAPTER 16 OF THE NEDERLAND MUNICIPAL CODE, CONCERNING SHORT-TERM RENTAL AS AN ACCESSORY USE

WHEREAS, the Town of Nederland, Colorado (“Town”) is a statutory municipality, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-501, the Town possesses the authority to regulate the operation and licensing of businesses within its jurisdiction; and

WHEREAS, the Board of the Town finds that there exists within the Town from time to time, residential dwelling units that are offered for rent for the purpose of vacation or other short-term stays of less than 30 days; and

WHEREAS, the Board recognizes the existence of studies and reports that conclude that short-term rental of residential property creates adverse impacts to the health, safety, and welfare of communities, including but not limited to, increase in housing costs and depletion of residential housing opportunities for persons seeking full-time accommodations in order to maintain employment and businesses with the Town; and

WHEREAS, the Board recognizes that a shortage of long-term residential housing opportunities exist when compared to prior years; and

WHEREAS, the Board recognizes that long-term residential housing costs have increased when compared to prior years; and

WHEREAS, the Board has received public comment related to a desire to preserve the residential character of the Town; and

WHEREAS, in discussion with the Planning Commission at a joint work session on August 24, 2016, the Board determined it prudent to establish regulations governing such uses, so as to protect the health, safety and welfare of residents of the Town, and so directed the Planning Commission to draft related policy for the Board’s consideration; and

WHEREAS, the Planning Commission has made certain recommendations to the Board of Trustees regarding amendments to Chapters 6, Licensing, of the Town of Nederland Municipal Code (“Code”), related to the short-term rental of housing units and related licensing; and

WHEREAS, after due and proper notice as required by C.R.S. §§ 31-23-304 and 305,
the Planning Commission held a continuing public hearing at many meetings, including on June 27, 2018; and

WHEREAS, in order to protect residential integrity within the Town, the Board finds and determines it is necessary to adopt licensing regulations and restrictions on the renting or leasing of real property for residential occupancy of less than 30 days; and

WHEREAS, the Board finds that the establishment of a licensing program will accomplish this goal, protect the health, safety, and welfare of the public, and prevent adverse impacts to adjacent properties, neighborhoods and quality long-term rental housing units within the Town.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Nederland, Colorado, as follows:

Section 1. Findings and Intent. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Board of the Town of Nederland.

Section 2. Article V of Chapter 6 of the Code, concerning “Rental Property,” is repealed and replaced as follows:

ARTICLE V
Short-term Rental Licensing

Sec. 6-91. Purpose.

The purpose of this Article is to:

1. Reasonably regulate and allow limited short-term rentals of residential real property;

2. Preserve the residential character of the Town and establish operating standards to reduce impacts on adjacent neighbors resulting from short-term rentals; and

3. Provide a licensing process for the Town to track and enforce these requirements as needed and ensure appropriate collection of taxes.

Sec. 6-92. Definitions.

For the purposes of this Article, the following definitions shall apply:

Accessory dwelling unit shall have the same meaning as set forth in Section 16-6 of the Nederland Municipal Code.
Advertise means any act, method or means of drawing attention to a short-term rental for purposes of promoting the same for rent or occupancy.

Dwelling unit shall have the same meaning as set forth in Section 16-6 of the Nederland Municipal Code.

Host means any person who is the owner of record of a primary residence and who offers a dwelling unit, or portion thereof, for short-term rental.

Hosting platform means a manner through which a host may offer a dwelling unit, or portion thereof, for short-term rental. A hosting platform includes, but is not limited to, an internet-based platform that allows a host to advertise and potentially arrange for temporary occupation of the dwelling unit, or portion thereof, through a publicly searchable website, whether the short-term renter pays rent directly to the host or to the hosting platform.

Host present or host presence means the host is actually and physically remaining on the licensed premise during the short-term rental period. In the case of a parcel comprised of a single primary unit and one or more authorized Accessory Dwelling Units and/or Accessory Buildings, the host is considered present if he or she is present in any unit on such parcel.

Licensed premise means the dwelling specified in an approved application for a license under this Article.

Primary residence means a person’s fixed, permanent, and principal domicile for more than six months out of each calendar year and to which the person intends to return following any periods of absence. A primary residence is established by the person’s actual physical occupancy of the domicile and as demonstrated by at least the following documents: (1) driver’s license or Colorado state identification card; and (2) voter registration, motor vehicle registration, or designated residence for income tax purposes. A person shall have only one primary residence.

Rent means allow the use of real property for a period of time. Rent includes such terms as lease, let, and borrow.

Short-term rental means the rent for any form of consideration of a dwelling, dwelling unit, accessory dwelling unit, or portion of any dwelling unit to a particular person or persons for periods of time less than thirty (30) days. A short-term rental is a use that is accessory to the primary or principal use of such dwelling or dwelling unity. Short-term rental does not apply to or include commercial hotels or motels.

Sec. 6-93. Short-term rental license required.

(a) It shall be unlawful for any person to operate a short-term rental in the Town of Nederland without a license issued under this Article V.

(b) It shall be unlawful for any person to operate a short-term rental not in compliance with any and all Town or state laws.
(c) It shall be unlawful for any person to advertise a short-term rental in the Town of Nederland without a license issued under this Article V.

(d) A license issued under this Article is not required for rentals of residential property for a consecutive period equal to or greater than thirty (30) days.

**Sec. 6-94. Primary Residence.**

It shall be unlawful to operate a short-term rental in any location that is not the host’s primary residence.

**Sec. 6-95. Operating standards and requirements.**

A short-term rental is allowed only if it conforms to each of the operating standards and requirement set forth in this Section:

(a) Short-term rental duration and required residency timeframes:

(1) A licensed premise with a host present may be rented as a short-term rental for an unlimited number of days during the calendar year.

(2) A licensed premise with no host present shall not be rented more than thirty (30) days per calendar year. It shall be unlawful to operate a short-term rental of a licensed premise with no host present for thirty-one (31) or more days in a calendar year.

(b) In the licensed premise, the host shall post in a prominent place in the dwelling unit a notice containing the following:

(1) Host’s contact information;
(2) Emergency contact information if the host cannot be reached;
(3) Local trash and recycling schedule;
(4) Parking restrictions, if applicable;
(5) Water restrictions, if applicable;
(6) Evacuation directions in the event of fire or emergency;
(7) Location of the fire extinguisher;
(8) Contact information of the host or agent authorized to respond to emergencies or inquiries; and
(9) Town contact information for purposes of complaints concerning the licensed premises.

(e) There shall be a host or emergency contact who is available full time to manage the property during any period which the property is occupied as a short-term rental. The host or emergency contact shall be required to respond to an active guest within three (3) hours by phone or in person.
(f) The host shall equip the licensed premise with the following operational equipment: smoke detector, carbon monoxide detector, fire extinguisher, and other life safety equipment as required by the Town Administrator.

(g) The host shall display the license number on all hosting platforms and advertising listings of the licensed premises.

(h) The host shall pay all sales taxes and fees owed to the Town in a timely manner.

Sec. 6-96. Application for a short-term rental license.

(a) License application. Applicants for a short-term rental license, including renewal applicants, shall submit a completed application form to the Town Clerk on a form provided by the Town. Such form shall require, at a minimum, the following information:

(1) The full name, residential address, and telephone number for the host.

(2) The full name, address, and telephone number for the emergency contact who will be available to respond to guest inquiries within three (3) hours.

(3) The address of the proposed licensed premises and a description or illustration of the area(s) that will be used for short-term rental purposes.

(5) Documentation that the host has lawful possession of the licensed premises as demonstrated by the deed on the property.

(6) Documentation of primary residency by at least the following documents:
(1) driver’s license or Colorado state identification card; and (2) voter registration, motor vehicle registration, or designated residence for income tax purposes.

(7) An application fee in an amount as established by resolution pursuant to Section 4-151 of this Code.

(8) A certification by the applicant that the dwelling unit is equipped with operational smoke detectors, carbon monoxide detectors, fire extinguishers, and other life safety equipment as required by the Town Clerk.

(9) A signed and completed short-term rentals self-inspection form, which form is available from the Town Clerk.

(10) An acknowledgement that the licensed premises of the dwelling unit may be subject to a request for a pre-arranged inspection by building, fire, and zoning officials, and that a failure to allow such pre-arranged inspection shall, in the discretion of the Town Administrator, result in a suspension of the short-term rental license pursuant to Section 6-10 of this Code.
(11) Such other information determined necessary by the Town Clerk to evaluate the compliance of the applicant, licensed premises or proposed short-term rental activity with the requirements of this Code.

(b) If any of the information in the license application changes or is no longer valid, the Host shall notify the Town Clerk within ten (10) days after knowledge of the changed information.

(c) The Town Administrator is hereby authorized to promulgate any necessary rules or regulations associated with the license application.

(d) A short-term rental license is valid for a term of one (1) year and shall expire at the end of the calendar quarter during which the original license was issued. The Host shall be responsible for renewing the license each year.

Sec. 6-97. Class A short-term rental license for accessory dwelling unit-detached.

(a) A host who owns an accessory dwelling unit-detached which is legally established on May 7, 2019, may apply for a Class A short-term rental license provided the requirements of this Section and Section 6-96 are met.

(b) An accessory dwelling unit-detached with a Class A license may be rented as a short-term rental for an unlimited number of days during the calendar year.

(c) To apply for a Class A license, a host shall demonstrate compliance with all the requirements of Section 6-96 and shall demonstrate compliance with the following requirements:

(1) Both the accessory unit and the principal dwelling unit were legally established and constructed as evidenced by a certificate of occupancy dated on or before May 7, 2019;

(2) Documentation that the host has operated the accessory dwelling-unit detached as a short-term rental before May 7, 2019;

(3) If the accessory unit is licensed for short-term rental, only the accessory unit and not any other dwelling unit on the same property may be licensed or used as a rental;

(4) If a principal dwelling unit is licensed for short-term rental, then no accessory unit on the same property may be licensed or used as a rental;

(d) An applicant may apply for a Class A short-term rental license until May 7, 2020 at 5:00 p.m. Following such date, Class A short-term rental licenses will no longer be available.

(e) Class A licenses are not available for the principal dwelling unit.
Sec. 6-98. License nontransferable.

A short-term rental license is nontransferable. It shall be unlawful to transfer or assign the license to another person or location and such conduct shall render the license subject to suspension or revocation.

Sec. 6-99. Suspension and revocation; enforcement.

(a) Any person who violates any provision of this Article is subject to the procedures for suspension, revocation, or other licensing sanctions as set forth in Sections 6-10 through 6-16 of this Code.

(b) A violation of this Article constitutes a civil infraction punishable in the Municipal Court or any court of competent jurisdiction. Any person who violates the requirements of this Article may be punished in accordance with the general penalty provisions set forth in Section 1-72 of this Code.

Secs. 6-100-6-110. Reserved.

Section 3. Section 16-82 of the Code, concerning “Rental of Rooming Units,” is repealed and replaced as follows:

Sec. 16-82. Short-term rental.

A short-term rental of a dwelling unit is an accessory use of residential property.

(a) The short-term rental shall be clearly incidental and customary to and commonly associated with the operation of the primary residential household living use;

(b) The short-term rental shall be operated by the person or persons maintaining the dwelling unit as their primary residence. For purposes of this provision, “person or persons” shall not include any corporation, partnership, firm, association, joint venture, or other similar legal entity.

(c) The short-term rental shall not be located in a motor vehicle, as such term is defined in the Model Traffic Code which is adopted by reference in Section 8-1 of the Code, mobile home, recreational vehicle, as such term is defined in the Model Traffic Code which is adopted by reference in Section 8-1 of the Code, tents, campers or other temporary structures.

(d) The short-term rental shall not include simultaneous rental to more than one party under separate contracts.

(e) The short-term rental shall be conducted pursuant to and governed by the licensing requirements in Article V of Chapter 6 of this Code.

Section 4. Should any one or more sections or provisions of this Ordinance or of the
Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 5. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

Section 6. Effective Date. After adoption by the Board of Trustees, this ordinance shall take effect on October 7, 2019.

INTRODUCED, ADOPTED AND ORDERED PUBLISHED THIS DAY OF , 2019.

TOWN OF NEDERLAND, COLORADO

_________________________________
Kristopher Larsen, Mayor

ATTEST:

_________________________________
Hope Jordan, Town Clerk

APPROVED AS TO FORM:

_________________________________
Jennifer Madsen, Town Attorney

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Nederland at its meeting of _____________, and ordered published by title only by _________________ newspaper on _________________, 2019.

_________________________________
Hope Jordan, Town Clerk
Hello Board Members,

I was curious about how Nederland's draft STR ordinance compares with STR rules in similar Colorado towns and cities. So, using the municipal codes, I put together the attached spreadsheet. You may have already done this research, but if not, I thought you might find it useful.

The municipalities that I considered are:

3. other nearby towns and cities

There are a lot of variations in the rules for STRs. Many towns and cities allow STRs in non-primary residences when these residences are located in commercial areas or areas with more transient populations, such as near the university in Fort Collins. Towns and smaller cities tend to have caps on the number of STRs.

Nederland has the most restrictive rule regarding rental while the home owner is absent - a maximum of 30 days. Crested Butte allows up to 60 days. All other municipalities do not have an explicit restriction.

Considering STR rules in similar municipalities, I think Nederland's draft ordinance provides a reasonable solution to preserving housing stock and the integrity of residential neighborhoods while allowing residents to generate income through the short term rental of a portion of their primary residence.

Best,
Karen Blakemore
To the Board,

My name is Molly and my husband, Matt, and I are property owners of in old town Ned. We occupy our house 3-4 days a week, depending on our travel and work schedules.

We currently do not have our property up for Short Term Renting, but we do not want this option and right taken away from us. If we did do short term renting, it would create more income for us which inevitably gets spent eating out and shopping, it would create more tourism/income for the city, it would employ others (i.e. cleaners) to help us run our property, thus is a good scenario for all involved.

We have a few homes on our street and neighboring streets that are solely used as STRs. We enjoy seeing where the folks come from, how they found Ned, and what brings them here. It seems they like to take walks, they love walking into town to get coffee and eat out, and they love to do adventures in the mountains. A common theme we hear is that they either like to stay in homes that either remind them of their home or they like to see some of the quirky are deco things that small mountain homes/towns possess! The homes that we know of that are STRs are much more maintained and well kept than some of the LTRs or full time homeowners that live by us!

Please take our voice into consideration, don't limit the way we can use our home.

Thanks,

Molly Stauffer
Hi all,

I am writing to you today to express my concern about the impact of short term rentals on our community. I understand that members of this community may have to rent space in their primary residence to continue to be able to live in Boulder County, but it seems like there are many people who are not part of our community who are buying up properties to turn into short term rentals. In a recent quick check of Air BnB "Nederland", there were 139 short term rentals listed. In a quick check of Craigslist "Nederland", there were 10 long term rentals. Upon further investigation of Air BnB "Nederland, I recognized several rentals that used to house families.

Here are my concerns:
In order to have a robust and thriving community, we must have housing for our families, our seniors and our workforce. How do STR's impact the availability of long term housing? From the little bit of research I did, it appears that STR increase housing prices and decrease housing stock. While I understand that tourism is important to the local economy, last time I checked tourists don't send their kids to Ned schools, work at the BandF, sit on nonprofit boards, or are civically engaged in the community. They don't check on the elderly neighbor down the street or take care of your dog when you are out of town. They may spend money, but a thriving community needs actual long term residents (who also contribute to the local economy) who participate at a much deeper level and in a much more meaningful way.

As the government of Nederland, representing the people of Nederland, you have the responsibility to do what is best for everyone in our community. In my opinion, property owners, many of whom are not Nederland residents, have no place in dictating what is best for our town.

I urge you to continue the conversation about the impact STR's are having on our community and regulate as you see fit.

Thanks for your time and your service,

Kristi Venditti

Nederland, CO
April 22, 2019

Kristopher Larsen, Mayor and the Board of Trustees
Town of Nederland
45 West First Street
Nederland, CO 80466

RE: Draft Ordinance for Regulation of Short-Term Rentals

Mayor Larsen & Board of Trustees

We appreciate the volunteer efforts and time of members of the Town Board have invested to arrive at a fair method of policy to regulate short-term rentals in our community.

We are concerned about a section of the proposed ordinance of regulation that limits or caps a primary residence that is not occupied by the owner while rented of thirty days per year! While this is our principal residence of record for voting, drivers licenses, tax obligations, we do have another residence that we sometime travel to be near our family. While at our other residence we have made our primary residence available for short-term rental and feel if this ordinance is approved as in the “draft” form it will put an undue financial burden on us.

Renting our house occasionally for visitors to our community provides us the opportunity to be able to have two homes, does not limit any long-term or affordable housing availability to our community since we reside in our house during the year.

We take very good care of our property, actually better than many of our neighbors, park no cars or trucks in our driveway or even on our road, Sundown Trail, like many of our full-time neighbors as we have a two car garage that we make available to our guests.

We appreciate consideration of extending the number of days we can rent to up to half a year, which we feel is very fair.

Thank you

Jeannie and Tom Lawson
4-24-19
Group Public Comment on STR’s for the Record

First:
We observe that the Town has not done its due diligence to prove the scale of the claimed problem or that banning STRs will cause affordable LTRs to increase. Nor has the Town paid attention to the wishes of its residents. This is a problem that is consistently occurring on multiple and diverse subjects beyond STRs and ADUs.

Second:
Points on which we agree, to significantly improve the BOT Draft Ordinance:
  o We require that STRs shall not be limited to Primary residence only
  o We accept a limit of 2 STRs per person, with a special review beyond this number
  o We accept that STRs shall not be out of character with residential use
  o We require that detached ADUs are not limited for STR purposes
  o Whole House and detached ADU are to be treated the same with no STR restrictions
  o All current STRs, whether Whole House, ADU or detached ADU are grandfathered and licensed for STR use
  o Licenses run with the property regardless of ownership
  o There is no limit on the number of days per year an STR can be rented
  o We are open to taxation and licensing
  o Occupancy density shall be reasonably regulated
  o There are people in the Community who are passionate about the issue of affordable LTR and want to be involved in solving the problem - without incurring the extremely negative consequences of the BOT’s original Draft Ordinance

Signees:
May Jarril
Dave Zimmerman
Barry Cox
Erin King
Ron Mitchell
Darren Stepanik
Kim Goho
Darryl Purpose
Kathleen Chippi
Dane Cobble
Karen Cobble
Stephanie Ridgeway
Wyeth Ridgeway
Hi, I just wanted to voice my opinion regarding the STR's in Nederland. I have lived here for several years and have two young children. Being a stay at home mom was stressful because of our income situation. I found employment in cleaning AirBNB's in the area, allowing me to raise my own girls without placing them in daycare because they can come with me, and now I earn money for them. They are my world and I clean for them. Because Nederland has AirBNB's, I am able to stay local and be close to school if my older one happens to get sick. I don't have to travel down the canyon in the winter with my younger one, wondering if we'll be in danger because of the roads. I now have plenty of work and I know that we'll be ok.

However, I hear that you are either going to restrict the days AirBNB's can operate or perhaps get rid of them all together. All of a sudden, when I didn't have to worry about their future and knew that we would always have shelter and plenty of food, now I have something to worry about. This is how I make a living. You take that away from me then it affects not only me, not only my husband, but my two children as well. I suggest you get the taxes you need from the owners and managers, but please do not take them away or restrict the days. Would you be able to survive off of working 30 days a year? Would you be able to find an employer who allows you to bring in your child because the point of earning money isn't to spend it for a daycare, especially when they're your children and you didn't have them for someone else to raise? If you do rid the town of STR's, can you tell my children that mommy can't do what I do to take care of them because now I'm not allowed to?

Just my thoughts for your consideration, thank you for your time.
Honorable Nederland Board of Trustees
Mayor Larsen
Town of Nederland Administrator Gerrity
Members of the Planning Commission:

Here are some of the things that worry me--
1) Are we going to delay our family's evacuation (and that of known
neighbors we have determined need additional help) to inform the 3 VRBO
clients on our street that they must evacuate from a fire danger area?
Are the First Responders going to have to use their precious time to do it?

2) Is our neighborhood in danger of becoming a ghost town on weekdays
and Party City on weekends?

3) Will extremely wealthy individuals and corporations start buying up
the housing stock in Ned and turn them into profit centers?

4) Will people be coming up here in droves to stay in their AirBnBs with
inadequate street tires and 2 wheel drive vehicles and become an
additional part of the traffic issues we already have?

We don't pretend to have the answers or that we are experts on this
situation. Most of what we have read says "the jury is still out" on how
whole home rentals effect communities, although some studies reflect
exactly the same scenarios described above. Some studies say that a
large percentage of vacation homes will cause the rest of our rents to
skyrocket.

We do know that "community" means you've gotten to know your neighbors,
that you can rely upon them from anything like borrowing a couple of
eggs to helping you when you think you're having a stroke. Knowing who
to call, who is close, is often life saving in these often harsh climates.

One keeps hearing that "people staying in vacation units will use local
restaurants and stores." Well, so will residents. We shop in these
stores, we go to these restaurants.

So, yes, we are in favor of restrictions to whole home, permanent
absentee rentals. We think you need to live in your home at least part
of the year before renting the whole thing out.

We think people with extra bedrooms and cabins on their property should
do what they think best on this. However, it would be helpful if they
would consider our desperate need for housing before they make their
decisions, and the town can play a part in reminding them of this.

Thank you for listening,

Julian and Janette Taylor
21 year Ned residents and local business owners
Dear Board of Trustees of the town of Nederland, Colorado.

I am writing to express my support for not only continuing to allow Short-Term Rentals in Nederland, but to really value what income and people that STRs bring to the town of Nederland, CO.

Our family has participated in the town of Nederland for almost a hundred years, ever since our grandparents, Charles and Marie Lahey, of Wichita, Kansas, purchased and expanded the cabin known as the Lahey Cabin (Street) in the 1920s. The members listed below and approving of this letter are representatives of the 3rd and 4th generations of a family with deep connections to Nederland and Boulder County. Our mother (aunt, grandmother and great grandmother) the late Dorothy Lahey Brown was, in her obituary in the *Mountain Ear*, described as a Nederland “pioneer.” She instilled enormous pride in us for the people and physical town of Nederland. She loved to describe how it took them entire day to make the journey from Boulder to Nederland on when she was a child, and the picnics they had when they stopped for lunch at the falls. She was the Grand Marshall of the Fourth of July parade in Nederland some 10 years ago and lived in our cabin from the mid 1980s until approximately 2015, when, in her late 80s, she was no longer able to care for herself alone in the cabin.

She then moved to Boulder and lived in an independent living facility (Golden West). Although none of her children have made Boulder County their primary residence since 2003, she always insisted on staying as close as possible to the cabin, even years after she no longer had the strength to get “up the hill” to Nederland. Throughout this period her children and relatives visited her constantly, stayed at the cabin, and maintained a strong connection to Ned. Her memorial service was held at St. Rita’s.

When Dorothy died, a group of family members came together and made a significant financial commitment to keeping the cabin in the family and the possibility of participating in the STR economy of the town was one of the strongest considerations in our decision that this purchase was viable for us. We would all be heartbroken should we lose this connection to Ned.

We are not real-estate speculators, developers, or agents, growers, or hoteliers, we are simply a (large) family who loves Ned and has loved Ned for four generations and would love to keep this cabin, our most precious family heirloom, in the family to enjoy as a break from the daily grind. We are not in it for the money. We are in it because we love the cabin and we love Ned.

If the STR market is eliminated for us, though, we will probably no longer be able to afford to keep the cabin. We don’t plan to make significant profits for ourselves by participating in the STR market. For the foreseeable future, all revenue will be devoted to paying ongoing and existing bills for the upkeep on the cabin and to continuing to make improvements. We want to keep the cabin in good shape so that we can return to it ourselves and also to share it with our friends, extended family and clients.

We take satisfaction also in knowing that we continue to participate in the economy of Nederland in this way by helping to employ a variety of people, including a real-estate manager and a housecleaning agency, as well as a variety of other local tradespeople including plumbers, electricians, excavators, pest-control specialists, mechanics, etc., who have and continue help to support our small enterprise.

To the Board of Trustees of the town of Nederland Colorado:

There are probably few families who have paid and continue to pay town real estate taxes for as long as we have. We certainly hope that the board is taking a serious look at the potential local economic impact of eliminating or significantly reducing the presence of STRs.

Even if we were able to keep the cabin without STR, it would be sitting empty during the times that family members are not able to stay in Nederland, which allows for other possible problems. If we were to rent it long-term, we would not be able to use the cabin ourselves (which is the whole point- to keep our connection to Ned and the canyon) and we believe the town would not profit as much because short term renters are more likely to enjoy spending money in the shops. We believe STRs
represent a high-quality form of tourism. These renters who visit Ned are pre-approved and come prepared to spend money in the local cafes, restaurants, supermarkets, grocery stores, convenience stores, liquor stores, smoke shops, gas stations, bike shops, auto-repair shops, boutiques, etc.

Considering the high volume of Nederland STRs listed on the Airbnb website (and elsewhere) and the solid seasonal demand for our property as we’ve experience it so far, STRs like ours have to be considered a major component of the local economy.

Again, we hope that the board will take a very serious look at the potential economic impact of this proposed measure affecting STRs.

We love Nederland not only because of the cabin, our family legacy, and the mountains, but also because of the vibrancy in the streets on the summer weekends, the music, the festivals, the open and welcoming spirit of the people who live there as well as those who come from far off to visit, the incomparable coffee and muffins in the cafes, the impressive food in the restaurants and the diverse people-watching.

Tourism in Ned is not simply tourism, but an exceptional kind of personal revitalization, not only for the people who visit but also for the people who live there year-round. We know this because our family has seen it from both points of view for generations. We don’t want to lose that connection, and would like to be able to pass it on to the next generation!

Please allow STRs.

Respectfully,

Leslie Volle
Sent for Shara Johnson who is out of the country.

I'm a bit dismayed to discover how things actually work with our Board of Trustees. Apparently they get to cherry pick who gets to vote on certain issues and who doesn't. While some trustees can be involved in rewriting or amending codes and providing guidance for the language of new ordinance(s) and they will be allowed to vote to pass their handiwork, another trustee is asked to recuse themselves from the vote because their personal property is affected by those same codes/ordinance. Why do we as citizens vote for a candidate who we feel will represent our interests, when as a trustee they will be barred from actually representing our interests because -- of all crazy things -- that trustee shares the same interest. Seems to me this completely negates the idea of a "board" of varied individuals whose positions are meant to reflect the range and variety of needs and desires of town residents. If a candidate runs on a platform of supporting the needs of small businesses, wins the seat and then when the board comes to vote on some issue that affects small businesses, will that trustee be made to recuse because they already made their stance clear that they will vote in the interest of those businesses? How is that different than if a trustee is asked to recuse because they own a small business themselves? In both cases the trustee's position and the constituents they will represent are made clear. So why has one trustee currently been removed from the voting panel on the topic of STR codes and ordinances just because they own property that has occasionally been used for STR? What if the public wants a code regulating free range dogs and barking noise ... is every trustee who owns a dog going to have to recuse themselves from voting on that code? I think the board members need to convince or compromise with one another through reason to pass a motion, not by simply kicking some members out of the voting booth. Maybe everyone else already knows this and is fine with it. I was disappointed to find out.
To the Nederland Board of Trustees:

I’m sure you know that we are an alliance of human services organizations that serve Western Boulder County. Our job is to provide assistance and support for those in need in the mountains, and, increasingly, middle income people who are turning to us to be an advocate for affordable housing.

We are very aware of the pressure that the Board of Trustees is under regarding Short Term Rentals, particularly from people who want to continue to rent their homes short term as absentee landlords.

We are asking that the Board of Trustees keep in mind the desperate shortage of affordable places to live.Obviously this is not an isolated problem, but it has grown exponentially worse up here over the last couple of years. The development of Tungsten Village will only partially relieve the problem.

Trusting that you will come up with an innovative and clever solution to the problem, all we are asking is that you keep in mind your community's most pressing need: a place to live that they can afford.

Thank you for your time and efforts!

The Peak to Peak Housing and Human Services Alliance

Respectfully,

Dennis Whalen

Dennis Whalen, Chair
Peak to Peak Housing and Human Services Alliance
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In response to the discussion of these restrictions, a group of short-term rental supporters has formed to coordinate with local property owners and managers. Today I received an email from HomeAway (now owned by Expedia) Government Relations. I resent that an international business with unlimited resources has stepped in an organized some town residents in an effort to sway our representatives on this subject. They don’t care if we’re a large city or a small town. Please do not be swayed by their ‘local’ eloquence and impassionate pleas. This is greed nothing less.

ADUs
Their purpose is to provide long-term housing. Whether they are attached or separate is irrelevant. My experiences with them has been both attached or separate, approximately 500 sq’, converted garages aka a studio apartment. They are fully independent living units. Most have had a door leading into a hall in the main house if they were attached.
I totally support ADUs in whatever form they take as long-term rentals, NOT, short-term rentals! The town should require a yearly registration and licensing fee. And, require a parking space for the dwelling.
Regarding the size: if someone has the space and wants to have built another dwelling next to their house, in their yard that’s 800+ sq’, whose size pretty much amounts to another house; well that’s just dumb in my opinion. And, as my mother would say, ‘there’s no accounting for taste’.

STRS
There are 2 type of traditional STRs: the traditional ‘BnB’ type meaning the homeowner is in residence and is renting out either a room on a short-term basis, with or without shared spaces. Or, a small suite in their Home that has a separate entrance, private bathroom, and maybe a kitchenette. I know a few people in the area that have both types. I myself, during the summer, rent out a room in my home on a short-term basis. My guests have been split between individuals and couples staying for on average 2-3 days.
I totally support both types of the aforementioned. However, the town should require a yearly registration and licensing fee; collect a Lodging tax; require a parking space. And, keeping with the traditional intent so as not to have an adverse effect in neighborhoods via their transient nature; it is imperative that they be homeowner occupied.

Whole House STRs
Whole house STRs do serve a purpose to accommodate family and friend groups for vacations. I know people who go away for weeks and months at a time and they rent out their primary residence for that duration. It provides a somewhat personalized, less expensive option to hotels and motels. The average stay tends to be 3 to 5 days.
I support whole house STRs with the following caveats:
1. the town require a yearly registration and licensing fee
2. require a minimum of 2 parking space for the house
3. collect a Lodging tax
4. grandfather in the ‘historic’ family cabins in old town
5. if-when the house is sold or passes out of the family, it is no longer eligible as an STR
6. The house has to be owned by a ‘local’ not an out-of-state person/people (#4 exempt)
7. Limit the number of Whole house STRs to one per family-extended family-relatives, etc.
Dear Mayor and the Board,

During the last BOT meeting I heard a few times about how going from the STR to the LTR model will most likely end up in a completely trashed or blown up house. Where whole home STR people are all respectful. Later on that night, and of course after the meeting, it dawned on me that just hours before, these same people were all cheering about Rincon Del Sol opening soon. The person responsible for that happening here and responsible for keeping a laundromat in town and had run Candyman is a long term renter. That is a massive contributor to our community bringing in non-dispensary businesses. I also personally know his landlord thinks he is a great tenant. This tops what even most of us who own here can bring.

In my Valleyview neighborhood we have had renters that were/are volunteer firefighters, teachers, and public works employees. All huge assets to the community. None of the houses were trashed and one I know has been made better.

STR renters are not always so respectful. Here is property damage from a Boulder STR that hosted a large party:
https://content.govdelivery.com/accounts/COBOULDER/bulletins/17a4a05

Thanks,
David Bryan
Hello BOT,

This is likely my 6th, 7th, 8th letter on this topic in the last few years. I urge you to move forward on this topic and make a decision. Even if the new ordinances reveal some imperfections down the road, you are fundamentally on the correct path. It is time to move forward.

In short, I continue to support the proposed regulations of STR's and ADU's. Please keep the 30 day limit on primary residence STR's. Any more than 30 days spans a significant number of weekends throughout the year. These regulations are timely (if not long overdue) and address the inevitable growth of STR's if left unregulated. These regulations will be instrumental in providing more housing options at all income levels and will ensure neighborhood character and quality of life.

Regarding ADU's I will submit the same comments sent a few weeks ago. I believe grandfathering existing units is not a good idea. I understand the intent, however it gives a monopoly of sorts to existing ADU STR units and they will have an extremely strong (and busy) market at their units after other full home STR's are reduced. These existing ADU owner still have options to create income from their units with LTR's, and although one can empathize with their situation it is not good policy to allow unlimited rental of detached ADU's. Please consider a 30 day cap on all detached ADU STR's universally and eliminate the grandfathering. This provides flexibility of use, but the most financially lucrative renting model is for long term rental. If you are already monitoring day usage on full home STR's this could be monitored in the same way.

Thanks for your continued efforts and for making these tough but necessary policy improvements.

Sincerely,

Kris Hess
Big Springs full time resident
My numbers were off - on the high end - sorry for the confusion. Please replace my comment with what's below for public record.

My comments to the BoT on the STR/ADU/RV over regulatory language to be passed on Tuesday - something that will cause a loss of 2 million in retail sales tax to businesses in addition to cutting 92% of the rental owners rental days/$. Dallas called it a "win-win" but I can find no winners. Everyone loses!:

WoW! Have you no SHAME or CONSCIOUS?

What's up with all the totally NEW, un-vetted language? Retail sales taxes when people buy no "goods"?? No vote on hospitality taxes by we the people?

You continue to REFUSE to be transparent with the public. You continue to screw the public.

I hope the lawsuit breaks your bank!

Enjoy the data I provide below (which is more data than you have provided the public in 3 years of this nonsense.)

Towns/BoT 'urgent' need to curb a 'problem' in the number of STR's started 3 years ago and (BoT say) approx. 8 months ago the total was 52 and no past OR further data available for public review/record. I now have this name/address/contact list of 52. Here is what I broke down from the ONLY BoT data to the public on STR's or ADU's:

Of the 52 Town identified houses from last fall that was gathered by Dallas and NOT Cynthia as were we told at sub-committee meetings (Apparently Cynthia REALLY spent HOURS
working on hiring a company to track STR’s for enforcement and NOT creating an actual list, like she had publicly stated numerous times):

15 listed as P or partial (29% of total- and no loss of housing inventory)
28 listed as W or whole house (53% of total)
6 listed as WS whole house seasonal?? (12% of total)
3 listed as ADU (6% of total)

for a total of 52 (100%)

I'm showing the data I've created based on the ONLY piece of data that the BoT has provided (other than some complaints from residents) say is approx. 8 months old with 52 total (including rooms in home residents reside in, so 37 whole house STR’s of 776 total dwelling in Ned. or 4.7% of the total housing inventory.

Town's/BoT BEST only arguments to rush this vote on May 7, 2019 is a “surge” of STR’s and from Dallas leaving town and wanting to pass this before he leaves is as a personal request to fit into HIS schedule.

What has the yearly increase been in 3 years? Was there a surge? How many where there 3 years ago when they initiated this to justify even a limit of WH use to 30 days?

BoT started working on this 3 years ago (with 0 STR's of any kind as the starting point-which we know is not accurate)—the most BoT can say would be 17 new STR's a year for the last 3 years.- Is 1.4 a month a surge considering we know BoT started working on this when there were probably at least 10-20-30? maybe more? -'popping up almost daily' is what BoT say for 3 years at meetings with no data to back that up--(so we know it's not 17 a year.)

Based on 2 years 'data' and 52 total (partial house/room rental included).
If there were 0 three years ago: 17 a year in 2 years (which we know is not accurate).
If there were 10 three years ago: 14 a year
If there were 20 three years ago: 11 a year
If there were 30 three years ago: 7 a year

The (Whole House) numbers based on 2 years 'data' being 37:
If there were 0 three years ago: 12 a year (which we know is not accurate)
If there were 10 three years ago: 9 a year
If there were 15 three years ago: 7 a year
If there were 25 three years ago: 4 a year

The ADU numbers based on 2 years 'data' being :
If there were 0 three years ago: 1 a year (which we know is not accurate)
If there was 1 three years ago:.66 a year
If there were 2 three years ago:.33 a year
If there were 3 three years ago: ZERO
(I think it's pretty safe to say on ADU's that all 3 identified on their list of 52 total existed 3 years ago or longer)
All the ADU/STR 'issues'/contemplations of STR's stem from what, exactly? A handful of people complaining about all ready defined nuisances issues that I can only guess are not being enforced?

And as far as RV’s or campers/tents on private property: ZERO IDENTIFIED in Safebuilt 2018. But now we know why the Safebuilt guy predicted RV/camper/tent enforcement in 2019.…

Years ago town agreed the only way to provide more affordable housing was “in-fill” and yet now you have added a ban on RV, campers and tents…. WITHOUT ANY PUBLIC VETTING OF ANY KIND…. You added retail sales taxes? that wouldn’t be appropriate as no one is receiving “goods” or is this a poor attempt at a bad way around lawful taxation (without a public vote on a new tax)....

SHAME on YOU!
Kathleen Chippi
Friend of the First, Colorado Press Association
Subject: [BOT] For The Record

Dear Nederland City & Council,

Housing people should not be a crime. Keeping the ability to provide short term rentals for visitors looking to stay less than 30 days provides a direct positive impact to the overall health of Nederland’s economy. The proposed ban is very restrictive and makes travel and tourism to Nederland much more difficult.

I ask the City Council not to pass the proposed regulations that would make it extremely difficult for visitors to obtain proper housing for stays under 30 days. I look forward to seeing the city realize that short-term rental regulation affects families on all sides, renters and Airbnb hosts. We are people too.

Sincerely,
Alex McGavock & Cassie Wellendorf