

**TOWN OF NEDERLAND
BOARD OF TRUSTEES
REGULAR MEETING:
February 16, 2010**

RESPONSIBLE DEPARTMENT: Administration

CONTACT STAFF MEMBER: Christi Icenogle, Town Clerk

CONSENT AGENDA*

***Items which are not controversial in nature; have been previously discussed and considered**

- A. Warrants**
- B. Feb 5, 2010 Regular Meeting minutes**
- C. Approval of agreement for reimbursement with Fire Dept for CWPP**

BOARD MEMBERS MAY:

Move TO APPROVE the Consent Agenda

Or

Move TO AMEND by removing or adding from the Consent Agenda

By A roll call vote of the Board of Trustees

TOWN OF NEDERLAND

WARRANTS

WARRANTS FOR 02/16/10

Date	Number	VENDOR	AMOUNT	DESCRIPTION
31-Jan	AUTO	Wells Fargo Equipment Finance	\$2,743.12	backhoe lease and Ford explorer lease
16-Feb	24034	Accounting Specialists	\$5,000.00	January Accounting services
16-Feb	24035	Ace Hardware	\$626.08	misc supplies/streets/water/townhall/community center
16-Feb	24036	Acme Septic	\$265.00	sewer
16-Feb	24037	Denver Linen	\$169.82	uniform cleaning public works
16-Feb	24038	David Anderson	\$1,300.00	professional services water/sewer
16-Feb	24039	Applied Concepts	\$152.00	radar equipment - PD
16-Feb	24040	B&F	\$109.09	misc supplies
16-Feb	24041	The Business Connection	\$211.12	copies/business services/supplies
16-Feb	24042	CEBT	\$8,361.54	health insurance
16-Feb	24043	Colonial Supplemental	\$655.17	supplemental insurance
16-Feb	24044	East Street Garage	\$58.58	oil change - jeep liberty
16-Feb	24045	Elliot Lee	\$300.00	reimbursement for annual fitness center membership - lost job
16-Feb	24046	Accutest Mtn States	\$313.00	water/sewer testing
16-Feb	24047	Five Star Product	\$1,401.25	sewer chemicals
16-Feb	24048	Clarence Jagt	\$588.00	janitorial services
16-Feb	24049	Murray Dahl	\$7,438.35	legal fees
16-Feb	24050	Law Enforcement Executive Dev	\$650.00	training for Jake - PD
16-Feb	24051	Len's Excavating	\$1,700.00	hauling road base
16-Feb	24052	Mountain Design & Publishing	\$3.99	copies/business services/supplies
16-Feb	24053	The Mountain Ear	\$250.00	BZA postings
16-Feb	24054	Marci Whelock	\$125.00	reimbursement for conference
16-Feb	24055	Napa Auto Parts	\$52.94	misc parts -streets
16-Feb	24056	Neve's Uniforms	\$2,657.87	new uniforms for new hires - PD
16-Feb	24057	Nicoletti- Flater	\$175.00	background check for new hire - PD
16-Feb	24058	Pioneer Sand	\$1,066.42	salt/sand - streets
16-Feb	24059	Prairie Mountain Publishing	\$19.80	Planning commission postings
16-Feb	24060	Professional ID Cards	\$29.30	new ID cards for new hires - PD
16-Feb	24061	Proforce Law Enforcement	\$932.55	taser equipment - PD
16-Feb	24062	Qwest	\$830.41	local phone service
16-Feb	24063	Safebuilt	\$5,961.83	professional services
16-Feb	24064	Donna Schneider	\$412.50	prosecutor fees
16-Feb	24065	Sunbelt Rentals	\$78.04	equipment rental water
16-Feb	24066	The Engineering Company	\$23,814.40	see below
16-Feb	24067	The Tire Stop	\$798.00	new tire trucks - public works
16-Feb	24068	UNCC	\$15.40	misc - water/sewer
16-Feb	24069	Vranesh & Raisch	\$227.50	water legal fees - Q4 2009
16-Feb	24070	Thomson West	\$29.15	subscription - PD
16-Feb	24071	Western Disposal	\$286.50	trash pickup
16-Feb	24072	Xcel Energy	\$714.46	street lights
16-Feb	24073	Nederland Chamber of Commerce	\$1,000.00	Frozen Dead Guy Days

Total Non Payroll Warrants \$71,523.18

12/31/09	16884	Construction & Start up	\$	528.00	water
12/31/09	16879	Easement	\$	997.40	water
12/31/09	16898	Final Design: Original	\$	20,189.00	sewer
12/31/09	16892	Reservoir Due Diligence		\$2,100.00	water
				\$23,814.40	

Nederland Waste Water Plant Construction Tracking

Date	Invoice	Description	Amount	Fees	Reimbursables
2007		Preliminary Design	\$ 53,500.00	\$ 53,500.00	
11/30/07	15048	Preliminary Design	\$ 11,500.00	\$ 11,500.00	
12/31/07	15087	Final Design: Original	\$ 7,481.66	\$ 7,481.66	
01/31/08	15190	Final Design: Original	\$ 10,869.84	\$ 10,869.84	
02/29/08	15248	Final Design: Original	\$ 11,493.81	\$ 11,493.81	
03/31/08	15423	Final Design: Original	\$ 13,263.04	\$ 13,263.04	
04/30/08	15477	Final Design: Original	\$ 17,605.52	\$ 17,605.52	
05/31/08	15576	Final Design: Original	\$ 3,242.85	\$ 3,242.85	
06/30/08	15627	Final Design: Original	\$ 3,765.14	\$ 3,765.14	
07/31/08	15744	Final Design: Original	\$ 4,045.00	\$ 4,045.00	
08/31/08	15796	Final Design: Original	\$ 1,474.48	\$ 1,474.48	
11/30/08	16090	Final Design: Original	\$ 4,456.81	\$ 4,456.81	
12/31/08	16182	Final Design: Original	\$ 2,777.11	\$ 2,777.11	
01/31/09	16246	Final Design: Original	\$ 14,819.47	\$ 14,819.47	
02/28/09	16309	Final Design: Original	\$ 22,336.46	\$ 22,336.46	
03/31/09	16385	Final Design: Original	\$ 17,053.81	\$ 17,053.81	
04/30/09	16418	Final Design: Original	\$ 15,326.33	\$ 15,326.33	
05/31/09	16497	Final Design: Original	\$ 18,658.12	\$ 18,658.12	
06/30/09	16556	Final Design: Original	\$ 18,407.36	\$ 18,407.36	
07/31/09	16625	Final Design: Original	\$ 966.64	\$ 966.64	
08/31/09	16668	Final Design: Original	\$ 4,788.27	\$ 4,636.50	\$ 151.77
09/30/09	16697	Final Design: Original	\$ 16,188.00	\$ 16,188.00	
11/30/09	16815	Final Design: Original	\$ 19,088.50	\$ 19,000.50	\$ 88.00
12/31/09	16898	Final Design: Original	\$ 20,189.00	\$ 20,131.00	\$ 58.00

\$ 313,297.22

		Contract Amount	Paid To Date	Remaining	
fixed	Preliminary Design	\$ 100,030.00	\$ 65,000.00	\$ 35,030.00	65%
hourly	Final Design: Original	\$ 263,500.00	\$ 248,297.22	\$ 15,202.78	94%
hourly	Final Design: Revised Building & Basin Layout	\$ 37,614.00		\$ 37,614.00	0%
hourly	Final Design: High Speed Blower	\$ 18,734.00		\$ 18,734.00	0%
hourly	Final Design: Solar PV Arrays	\$ 23,644.00		\$ 23,644.00	0%
hourly	Bidding	\$ 10,430.00	\$ -	\$ 10,430.00	0%
hourly	Construction & Start up	\$ 107,288.00	\$ -	\$ 107,288.00	0%
		\$ 561,240.00	\$ 313,297.22		56%
hourly	Construction Observation	\$ 178,962.00			
estimate	Add'l Engineering/O&M Manual	\$ 10,800.00			
estimate	Legal	\$ 25,000.00		\$ 25,000.00	

Soft Costs \$ 776,002.00 \$ 313,297.22

		Estimate	
**	Construction	\$ 3,699,785.00	\$ 3,699,785.00
revised est	Interest	\$ 160,000.00	
	Reserve	\$ 317,213.00	\$ 317,213.00

Hard Costs \$ 4,176,998.00

Grand Total \$ 4,953,000.00
Budget \$ 4,953,000.00
Remaining \$ -

Total Invoices	\$ 313,297.22
Expensed in 2007	\$ (72,481.66)
CIP Balance	\$ 240,815.56
40-14-118	\$ 240,815.41
Difference	\$ 0.15

**construction costs reduced based on SBR switch

Nederland Water Plant Construction Tracking

Date	Invoice	Description	Amount	Fees	Reimbursables	
01/31/08	15205	Preliminary Design	\$ 5,760.00	\$ 5,760.00		req 2
01/31/08	15206	Funding Assistance I	\$ 1,375.00	\$ 1,375.00		req 2
02/29/08	15289	Funding Assistance I	\$ 3,522.44	\$ 3,415.00	\$ 107.44	req 2
02/29/08	15288	Preliminary Design	\$ 1,920.00	\$ 1,920.00		req 2
03/31/08	15441	Preliminary Design	\$ 9,216.00	\$ 9,216.00		req 2
03/31/08	15442	Funding Assistance I	\$ 3,466.58	\$ 3,427.50	\$ 39.08	req 2
04/30/08	15509	Funding Assistance II	\$ 7,732.83	\$ 7,605.40	\$ 128.33	req 1
04/30/08	15508	Preliminary Design	\$ 10,930.94	\$ 10,930.94		req 2
05/31/08	15571	Preliminary Design	\$ 10,573.06	\$ 10,573.06		req 2
05/31/08	15574	Boulder County Planning Assistance	\$ 1,075.00	\$ 1,075.00		req 2
05/31/08	15573	Funding Assistance II	\$ 3,512.80	\$ 3,500.00	\$ 12.80	req 1
05/31/08	15572	Final Design	\$ 5,412.49	\$ 5,412.49		req 1
06/30/08	15647	Boulder County Planning Assistance	\$ 750.00	\$ 750.00		req 2
06/30/08	15646	Funding Assistance II	\$ 2,400.00	\$ 2,400.00		req 1
06/30/08	15645	Final Design	\$ 14,012.78	\$ 14,012.78		req 1
07/31/08	15793	Funding Assistance II	\$ 2,907.01	\$ 2,902.50	\$ 4.51	req 1
07/31/08	15792	Final Design	\$ 11,024.73	\$ 11,024.73		req 1
08/31/08	15842	Funding Assistance II	\$ 900.00	\$ 900.00		req 1
08/31/08	15841	Final Design	\$ 8,313.87	\$ 8,313.87		req 1
09/30/09	15915	Funding Assistance II	\$ 1,050.00	\$ 1,050.00		req 1
10/31/08	16016	Funding Assistance II	\$ 1,350.00	\$ 1,350.00		req 1
11/30/08	16103	Funding Assistance II	\$ 1,800.00	\$ 1,800.00		req 1
12/31/08	16133	Final Design	\$ 1,836.13	\$ 1,836.13		req 1
01/31/09	16232	Final Design	\$ 20,300.00	\$ 20,300.00		req 1
01/31/09	16233	Funding Assistance II	\$ 2,722.50	\$ 2,722.50		req 1
02/28/09	16332	Final Design	\$ 25,375.00	\$ 25,375.00		req 1
02/28/09	16333	Bidding	\$ 1,750.00	\$ 1,750.00		req 1
03/31/09	16379	Final Design	\$ 10,150.00	\$ 10,150.00		req 1
03/31/09	16381	Bidding	\$ 875.00	\$ 875.00		req 1
03/31/09	16380	Funding Assistance II	\$ 3,371.77	\$ 3,371.77		req 1
04/30/09	16424	Final Design	\$ 3,045.00	\$ 3,045.00		req 1
05/31/09	16520	CDPHE Design Report	\$ 2,437.50	\$ 2,437.50		req 1
06/30/09	16560	CDPHE Design Report	\$ 945.73	\$ 945.73		req 2
06/30/09	16559	Funding Assistance II	\$ 708.00	\$ 708.00		req 2
06/30/09	16558	Final Design	\$ 2,030.00	\$ 2,030.00		req 2
07/31/09	16617	Bidding	\$ 1,750.00	\$ 1,750.00		req 2
08/31/09	16669	Boulder County Planning Assistance	\$ 836.00	\$ 836.00		req 2
08/31/09	16670	CDPHE Design Report	\$ 2,556.77	\$ 2,556.77		req 2
08/31/09	16671	Bidding	\$ 8,750.00	\$ 8,750.00		req 2
08/31/09	16672	Construction & Start up	\$ 1,009.00	\$ 1,009.00		req 2
09/30/09	16669B	Bidding	\$ 4,375.00	\$ 4,375.00		req 3
09/30/09	16670B	Easement	\$ 5,397.00	\$ 5,397.00		req 3
10/31/09	16794	CDPHE Design Report	\$ 660.00	\$ 660.00		req 4
10/31/09	16743	Easement	\$ 8,198.50	\$ 7,834.50	\$ 364.00	req 4
10/31/09	16742	Construction & Start up	\$ 494.50	\$ 494.50		req 4
11/30/09	16839	Construction & Start up	\$ 834.50	\$ 834.50		
11/30/09	16842	Easement	\$ 528.55	\$ 467.50	\$ 61.05	
12/31/09	16884	Construction & Start up	\$ 528.00		\$ 528.00	
12/31/09	16879	Easement	\$ 997.40	\$ 850.00	\$ 147.40	

\$ 221,467.38

Nederland Water Plant Construction Tracking

		Contract Amount	Paid to Date	Remaining	
	Preliminary Design	38,400.00	\$ 38,400.00		
<i>hourly</i>	Funding Assistance I	\$ 8,364.02	\$ 8,364.02	\$ -	
<i>hourly</i>	Boulder County Planning Assistance	\$ 2,661.00	\$ 2,661.00	\$ -	
<i>hourly</i>	Funding Assistance II	\$ 28,454.91	\$ 28,454.91	\$ -	
<i>hourly</i>	Easement	\$ 15,121.45	\$ 15,121.45		
	Final Design	\$ 101,500.00	\$ 101,500.00	\$ -	
	Bidding	\$ 17,500.00	\$ 17,500.00	\$ -	
	CDPHE Design Report	\$ 6,600.00	\$ 6,600.00	\$ -	
<i>hourly</i>	Construction & Start up	\$ 121,541.00	\$ 2,866.00	\$ 118,675.00	
		\$ 340,142.38	\$ 221,467.38		
06/22/09	Sherman & Howard Bond Counsel	\$ 7,500.00	\$ 7,500.00	\$ -	req 1
	Soft Costs	\$ 347,642.38	\$ 228,967.38		
	Membrane System	\$ 600,686.00	\$ 10,000.00	\$ 590,686.00	
	Construction	\$ 1,351,071.00		\$ 1,351,071.00	
	Reserve	\$ 200,000.00		\$ 200,000.00	
	Hard Costs	\$ 2,151,757.00	\$ 10,000.00		
	Grand Total	\$ 2,499,399.38			
	Budget	\$ 2,500,000.00			
	Remaining	\$ 600.62			

Total Costs	\$ 238,967.38
Expensed	\$ (7,500.00)
Expensed	\$ (708.00)
CIP Balance	\$ 230,759.38
50-14-118	\$ 230,759.38
difference	\$ -

Loan from Colo Water Resources/Power	\$ 238,967.38
Not Allowed	\$ (10,000.00)
yet to draw	\$ (2,888.45)
	\$ 226,078.93
	\$ 226,078.93
	\$ -

TOWN OF NEDERLAND MINUTES

REGULAR BOARD OF TRUSTEES MEETING

NEDERLAND COMMUNITY CENTER
750 Hwy 72 Nederland, CO 80466

February 2, 2010

7:00 P.M.

A. CALL TO ORDER

B. ROLL CALL

Present: Abu-Haidar, Wheelock, Gierlach, Cornell

Absent: Mayor Cheshes, Mayor Pro Tem Porter, and Trustee Barnett

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

C. CONSENT AGENDA

- Warrants
- January 19, 2009 Regular Meeting Minutes

A motion to approve the Consent Agenda was made, seconded, and approved.

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

Marie Mazden, Census 2010 employee, said they are recruiting locally for employees. You need to take a test to be eligible, which is given at the Community Center on Thursdays. She encouraged people to apply and left information at the Community Center.

Paul Turnburke, Executive Director of the DDA, was present to share the DDA 2010 Action Plan. He also inquired about formalizing a process for the DDA to comment on Planning Commission applications. The DDA would like this to be a part of this process.

E. NEW BUSINESS

1. Presentation on Eldora Mountain Ski Area from Jim Spenst, General Manager

Jim Spenst, General Manager, updated the Board on some upcoming public meetings that Eldora Ski Resort would be having at the Community Center. They are in the process of updating their master plan to meet the Forest Service's requirement that they do this every 10 years or so.

The first open house is Feb 9th from 4:00-8:00 P.M. at the Community Center. Residents can drop in any time during it to ask questions and offer ideas. They hope to submit their plan to the Forest Service at the end of March.

2. Discussion and approval of changes to TEC contract for work on the wastewater plant

These contract changes came from workshops between the Board of Trustees and TEC. The change orders include design for solar PV alternate, high-speed blowers and revisions to previous building layout to relocate SBR tanks outside

USDA Rural Development has not yet formally approved this but Stevens anticipates they will approve it.

The Board will have another workshop with TEC on Tuesday, Feb 16th at 5:30 PM.

A motion was made by Trustee Abu-Haidar and seconded by Trustee Wheelock to approve the contract changes to the wastewater treatment plant.

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

3. Discussion and Approval of Resolution 2010-03, a resolution of the Board of Trustees of the Town of Nederland referring an initiated ordinance to town electors at the April 6, 2010 regular municipal election, that proposes to remove all criminal penalties from the Nederland Municipal Code relating to buying, selling, possessing, consuming, transporting, cultivating, manufacturing and dispensing marijuana and its concentrates and related paraphernalia by persons twenty-one (21) years of age and older.

In accordance with state law, the Town Clerk has received an initiative petition, which she has determined to be sufficient. The initiated ordinance proposes to remove all criminal penalties set forth in the Nederland Municipal Code relating to marijuana, its concentrates and paraphernalia for persons at least twenty-one years of age.

Carmen Beery, town attorney, explained that after an initiative petition is determined to be sufficient, the Board has two choices: (1) adopt the ordinance, without alteration, or (2) refer the ordinance, also without alteration, to the Town electors. This

resolution refers the initiated ordinance to Town voters at the regular municipal election to be conducted in April. Including this measure on a regular election ballot will cost the Town significantly less than conducting a special election.

If the Board wishes to refer the ordinance to the voters, they should adopt this Resolution. If the Board wishes to adopt the initiated ordinance, as is, they should direct Town staff to prepare an ordinance implementing the terms of the initiative and present such ordinance to you at your next regular meeting.

The Nederland Municipal Code currently contains two provisions concerning marijuana and paraphernalia: NMC Sections 10-144 (possession of cannabis) and 10-146 (possession of drug paraphernalia). If the initiated ordinance is approved by Town voters, the Board would be required to amend these Code sections to apply only to persons under twenty-one years of age. This amendment of local law would *not* have any effect on the status or enforceability of state and federal drug laws within the Town of Nederland.

Trustees discussed adopting an ordinance instead of referring it to the ballot. They asked if they would be able to regulate the use of marijuana. The Town Attorney said it would only apply to the parts of the code that currently apply so she did not believe the Board could develop more stringent rules than the ballot language allowed.

Trustee Abu-Haidar said she did not believe it should be criminal to possess marijuana but she does not believe that this will change anything.

Trustee Gierlach would want to direct staff to develop an Ordinance.

Trustee Wheelock thinks this is too big a decision for the four trustees to decide and she thinks it should be referred to the ballot for residents to decide.

Trustee Cornell agreed that the public voting on this would be a good solution.

Public Comment:

Kathleen Chippi said how this law is marketed will be very important as she believes this will create a potential free-for-all with regards to people visiting town. It would be a historic moment but also just a symbolic one as state law would still prevail.

A motion was made by Trustee Wheelock and seconded by Trustee Abu-Haidar to approve Resolution 2010-03, a resolution of the Board of Trustees of the Town of Nederland referring an initiated ordinance to town electors at the April 6, 2010 regular municipal election, that proposes to remove all criminal penalties from the Nederland Municipal Code relating to buying, selling, possessing, consuming, transporting, cultivating, manufacturing and dispensing marijuana and its concentrates and related paraphernalia by persons twenty-one (21) years of age and older.

A roll call vote of the Board resulted in the motion passing 3:1 with Trustee Gierlach voting against the measure.

4. Discussion and Appointment to Community Center Foundation Board

A motion was made by Trustee Abu-Haidar and seconded by Trustee Wheelock to appoint Laura MacAlister Brown to the seat.

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

5. Discussion and approval of Resolution 2010-04, a resolution of the Board of Trustees of the Town of Nederland, Colorado, designating the town clerk as the designated election official for the April 6, 2010 regular municipal election and delegating to the town clerk the authority to appoint election judges

This Resolution is adopted every election per the Colorado Revised State Statutes. It appoints the Town Clerk as the Election Official for the upcoming election and allows her to appoint judges.

A motion was made by Trustee Abu-Haidar and seconded by Trustee Wheelock to approve Resolution 2010-04.

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

F. OTHER BUSINESS

- **Downtown Institute:** Trustee Wheelock will be attending with Teresa Warren.
- **Community Center Foundation:** Art Open House from 5-7PM on Feb 11th
- **Stevens Review:** 1st meeting in March
- **Pro/Con comments for the Lodging Tax are due to the Town Clerk by Feb 19th**
- **Next agenda:** Item to give the NFPD money from Boulder County to be used for the Community Wildlife Plan
- **BZA Alternate:** A motion was made to appoint Denise Jackson as an alternate to the BZA was made, seconded, and approved.

G. Executive Session: Executive session pursuant to C.R.S. 24-6-402(4)(e) to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators; and pursuant to C.R.S. 24-6-402(4)(b) to confer with the Town Attorney to receive advice on specific legal questions; all relating to pending litigation concerning the Town's appointment of a building official.

A motion was made, seconded, and unanimously approved to go into executive session for the reason above.

When the Board came back into session, Carmen Beery stated that the session had included only the topic cited for discussion.

A motion was made by Trustee Abu-Haidar and seconded by Trustee Gierlach to direct staff to continue negotiations as discussed in executive session.

H. ADJOURNMENT

It was moved, seconded, and unanimously approved to adjourn at 9:00 pm

Approved by the Board of Trustees

Roger Cornell, Trustee

ATTEST:

Christi Icenogle, Town Clerk

REIMBURSEMENT AGREEMENT

THIS REIMBURSEMENT AGREEMENT (this "Agreement") is made this ____ day of _____, 2010, by and between THE TOWN OF NEDERLAND, COLORADO, a municipal corporation of the State of Colorado (the "Town"), and THE NEDERLAND FIRE PROTECTION DISTRICT, a Colorado Title 32 Special District (the "District").

WHEREAS, the Town previously entered into an Intergovernmental Agreement with the County of Boulder ("County") concerning certain property known as the Mud Lake Property, effective December 17, 1999, recorded December 21, 1999, at Reception No. 2008471 ("Mud Lake IGA"); and

WHEREAS, in 2009, the Town and County approved and executed a Fifth Amendment to the Mud Lake IGA; and

WHEREAS, Section 4.b. of said Fifth Amendment requires the County to pay the Town twenty thousand dollars (\$20,000) for purposes of completing a Community Wildfire Protection Plan (the "Plan") for the District; and

WHEREAS, the Town and the District wish to provide for the Town's reimbursement of the District's costs in completing the Plan, using the funds obtained from the County for said purpose, in accordance with the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the covenants and conditions in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Town and the District agree as follows:

1. Reimbursement for Community Wildfire Protection Plan. The Town shall reimburse the District up to twenty thousand dollars (\$20,000) of actual costs incurred by the District to complete a Community Wildfire Protection Plan.
2. Payment. On or before thirty (30) days after the Town's receipt of an invoice from the District reflecting District costs incurred towards completion of the Plan, accompanied with reasonable supporting documentation evidencing the amounts claimed to be due if requested by the Town, the Town shall reimburse the District for such invoiced costs, up to the maximum reimbursable amount set forth in Section 1 above.
3. Contingency. The Town's obligation to reimburse the District as set forth herein is expressly contingent upon the Town's receipt of twenty thousand dollars (\$20,000) from Boulder County for said purpose in accordance with the Fifth Amendment to the Mud Lake IGA.
4. Term. This Agreement shall expire the earlier of: (a) the Town's cumulative payment of twenty thousand dollars (\$20,000) to the District under this Agreement, or (b) December 31, 2010.
5. Notices. All notices, demands, requests or other communications hereunder shall be in writing and shall be given either: (a) by personal delivery with receipt acknowledged in writing, in which case they shall be deemed delivered on the date of delivery, or (b) by deposit in

the United States Mail, First Class postage pre-paid, in which case they shall be deemed delivered on the third business day after such deposit, at the following addresses (or such other address as either party may designate from time to time in writing):

If to the Town : James A. Stevens, Town Administrator
P.O. Box 396
45 W. First Street
Nederland, Colorado 80466

With a **required copy**
of any invoice to: Eva Forberger, Town Treasurer
P.O. Box 396
45 W. First Street
Nederland, Colorado 80466

If to the District: _____

6. Entire Agreement. This Agreement constitutes the entire agreement between the Parties with respect to the subject matter of this Agreement and may not be amended or modified except by a writing signed by both Parties. Nothing herein shall give or allow any claim, benefit or right of action by any third person not a party hereto.

7. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, and both of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date set forth above.

TOWN:

TOWN OF NEDERLAND, COLORADO

By: _____
Martin Cheshes, Mayor

ATTEST:

Christi Icenogle, Town Clerk

