

TOWN OF PALMER LAKE, COLORADO

ORDINANCE NO. 5 OF 2018

AN ORDINANCE REPEALING SECTIONS 13.02.020 AND 13.02.060 OF THE TOWN OF PALMER LAKE MUNICIPAL CODE CONCERNING WATER TAP FEES, WATER BASE RATES AND WATER USAGE RATES, AND ADOPTING A NEW SECTION 13.02.020, AND DECLARING AN EMERGENCY

WHEREAS, PURSUANT TO § 31-35-402(1)(F) OF THE COLORADO REVISED STATUTES, THE TOWN OF PALMER LAKE POSSESSES THE AUTHORITY TO PRESCRIBE, REVISE AND COLLECT FEES FOR PROVIDING WATER SERVICES; AND

WHEREAS, SECTION 13.02.020 SETS THE WATER TAP FEES FOR NEW WATER SERVICE CONNECTIONS, SECTION 13.02.060(A) OF THE TOWN OF PALMER LAKE MUNICIPAL CODE SETS THE WATER BASE RATES CHARGED TO EACH PROPERTY SERVED BY A TAP IN THE TOWN'S WATER SYSTEM, AND SECTION 13.02.060(B) OF THE TOWN OF PALMER LAKE MUNICIPAL CODE SETS THE PER THOUSAND GALLON WATER USAGE RATES; AND

WHEREAS, THE TOWN OF PALMER LAKE, COLORADO HAS DETERMINED THAT THE WATER SYSTEM TAP FEES, WATER BASE RATES AND WATER USAGE RATES FOR THE TOWN SHOULD BE MODIFIED AS NEEDED TO MEET THE FINANCIAL DEMANDS OF OPERATING THE SYSTEM AND SERVICING THE DEBT RELATED TO THE SYSTEM'S CAPITAL IMPROVEMENTS; AND

WHEREAS, THE TOWN BOARD OF TRUSTEES FINDS THAT SECTION 13.02.020 AND SECTION 13.02.060(A) AND (B) OF THE TOWN OF PALMER LAKE MUNICIPAL CODE SHOULD BE REPEALED AND A NEW SECTION 13.02.020 ADOPTED TO ALLOW THE SETTING OF SUCH FEES AND RATES BY RESOLUTION OF THE BOARD; AND

WHEREAS, THE BOARD HAS PREVIOUSLY AUTHORIZED THE ISSUANCE OF A GOVERNMENTAL AGENCY BOND (THE "LOAN BOND") TO THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY ("CWRPDA") TO EVIDENCE THE TOWN'S REPAYMENT OBLIGATIONS UNDER A LOAN AGREEMENT WITH CWRPDA IN THE PRINCIPAL AMOUNT OF \$1,100,000.00 TO INSTALL A NEW UNDERGROUND WATER STORAGE TANK TO PROVIDE SYSTEM REDUNDANCY, BACK UP WATER SUPPLY, AND SUPPORT EMERGENCY OPERATIONS ("PROJECT"); AND

WHEREAS, THE BOARD HAS DETERMINED THAT THE CURRENT WATER BASE RATES DO NOT COVER THE COSTS OF DELIVERY OF ITS WATER AND ITS DEBT SERVICE QUALIFICATION REQUIREMENTS AND THAT AN EMERGENCY EXISTS AND THE IMMEDIATE EFFECTIVENESS OF THIS ORDINANCE IS REQUIRED IN ORDER TO

ENABLE THE TOWN TO MEET THE FINANCIAL QUALIFICATIONS NECESSARY TO ISSUE THE BOND TO THE CWRPDA AND PROCEED WITH THE INSTALLATION OF THE PROJECT.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, EL PASO COUNTY, COLORADO, AS FOLLOWS:

Section 1. Repealing Sections 13.02.020 and 13.02.060. Sections 13.02.020 and 13.02.060 of the Palmer Lake Municipal Code are hereby repealed and replaced with a new Section 13.02.020 (with Section 13.02.060 reserved) to read as follows in its entirety:

13.02.020. Water Tap Fees, Water Base Rates and Water Usage Rates.

- A. **Tap Fees.** There shall be charged a water system tap fee for all new tap and service connections to the Town's water system at the rates set forth by the Board of Trustees by resolution. The cost of the water tap shall be in addition to the cost of a water meter, such cost also set by the Board of Trustees by resolution, and all associated labor costs for installation of the water tap and meter, which shall be charged in the amount of such actual costs incurred by the Town.
- B. **Water Base Rates and Water Usage Fees.** There shall be assessed and charged for the use of water from the water system of the Town a monthly base rate and a monthly water usage fees at the rates set forth by the Board of Trustees by resolution.

Section 2. Emergency; Safety Clause. The setting of the water tap fees, base rates and user rates is directly related to the financial health of the Palmer Lake water system, which is essential infrastructure for potable drinking water, fire protection, and other important public purposes; therefore, the immediate effectiveness of this ordinance is necessary for the immediate preservation of the public health and safety of the Palmer Lake community.

Section 3. Severability. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining provisions of this Ordinance will remain valid, it being the intent of the Town of Palmer Lake that the provisions of this Ordinance are severable.

Section 4. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 5. Publication and Effective Date. The Acting Town Clerk shall certify to the passage of this ordinance and cause notice of its contents and passage to be published by title only in a newspaper of general circulation and in full on the Town official web site. This Ordinance shall become effective upon its adoption.

ORDINANCE PASSED, APPROVED AND ADOPTED ON THIS 8th DAY OF MARCH, 2018
BY A VOTE OF 4 FOR AND 0 AGAINST



JOHN CRESSMAN, MAYOR

ATTEST:



CATHY GREEN, ACTING TOWN CLERK

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO
COUNTY OF El Paso

I, Rachel Johnson, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Colorado Springs Gazette, LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole at the city of Colorado Springs in the County of El Paso, and the State of Colorado, and which is called Colorado Springs Gazette; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper 1 time(s) to wit 03/12/2018

That said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.



Rachel Johnson
Sales Center Agent

Subscribed and sworn to me this 03/12/2018, at said City of Colorado Springs, El Paso County, Colorado.
My commission expires November 1, 2020.



Mary Heifner
Notary Public
The Gazette

MARY HEIFNER
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20164041634
MY COMMISSION EXPIRES NOV. 1, 2020

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2018

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Cost: \$28.70

Start: 03/12/18

Stop: 03/18/18

**Class: 910, Legal No-
tices**

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