

RESOLUTION NO. 977-16

A RESOLUTION AUTHORIZING THE APPLICATION FOR SECOND LOAN FROM THE COLORADO WATER RESOURCES AND POWER DEVELOPMENT AUTHORITY BY THE TOWN OF FOWLER SEWER ENTERPRISE TO PARTIALLY FUND THE TOWN OF FOWLER WASTEWATER TREATMENT FACILITY UPGRADE

WHEREAS, the Colorado Department of Public Health and Environment (“CDPHE”) is requiring the town of Fowler to upgrade its wastewater treatment plant to meet CDPHE discharge regulations; and

WHEREAS, the town previously obtained a \$600,000 CDBG grant through the Colorado Department of Local Affairs (“DOLA”); and

WHEREAS, the town previously obtained a loan from the Colorado Water Resources and Power Development Authority in the amount of \$1,400,000; and

WHEREAS, it was anticipated that the total project cost would be \$2,000,000 and be covered by the grant and loan; and

WHEREAS, when the town submitted its site application after completing 70% of the construction design, CDPHE imposed a new Total Inorganic Nitrogen (“TIN”) discharge standard; and

WHEREAS, the technology selected by the town is not capable of meeting the new TIN standard without adding an additional process increasing the total cost significantly; and

WHEREAS, the town has elected to use a different approach that will meet all CDPHE requirements including the TIN requirement and costs less than the alternative; and

WHEREAS, the additional cost for the upgrade to the wastewater treatment plant is estimated at approximately \$2,400,000 or approximately \$400,000 above the initial estimate; and

WHEREAS, additional funding is required to fully fund the project and meet the new CDPHE standards.

NOW, THEREFORE BE IT RESOLVED by the Board of Trustees of the Town of Fowler, Colorado as follows.

1. The town administration is hereby authorized to prepare and submit an application to the Colorado Water Resources and Power Development Authority to meet the unfunded portion of the wastewater treatment plant project.
2. The mayor is authorized to sign an engagement letter with Larry Berkowitz bond attorney to provide the bond attorney’s opinion letter for the loan.

3. It is anticipated that the loan will be for a term of 20 years at 0.000% interest. If these terms change, the administrator will notify the Board of Trustees prior to the contract being executed.
4. Mayor Chuck Hitchcock or, where he may be absent or otherwise unavailable, Mayor Pro-Tem Nathan Schultz are authorized to sign all documents necessary to apply for, accept the loan including, but not limited to the loan application and the loan contract.

ADOPTED AND APPROVED this 3rd day of October 2016.

Charles R. Hitchcock
Mayor- Town of Fowler

ATTEST:

Kelly Lotrich
Fowler Town Clerk