

**Ridgway Town Council
Special Meeting Agenda
Tuesday, June 23, 2020
201 N. Railroad Street, Ridgway, Colorado**

**Due to COVID-19, and pursuant the Town of Ridgway's Electronic Participation Policy,
participants are encouraged to attend via Virtual Meeting.**

Join Zoom Meeting

<https://us02web.zoom.us/j/88553497175?pwd=d0ovUFJqSVFIMGF0SzhnMSt2VzdVUT09>

Meeting ID: 885 5349 7175

Password: 859252

Phone

+1 346 248 7799 US

+1 253 215 8782 US

6:00 p.m.

ROLL CALL Councilors Tessa Cheek, Kevin Grambley, Beth Lakin, Russ Meyer, Terry Schuyler, Mayor Pro Tem Eric Johnson and Mayor John Clark

POLICY MATTERS Public comments will be limited to 5 minutes per person; overall discussion of each item may be limited to 10 minutes.

1. Review and action on request for a waiver of fees to use Hartwell Park and the performing arts stage for worship/faith-based gatherings – Pastor Pam Stofferahn, United Church of the San Juans
2. Review and action on Intergovernmental Agreement related to Distribution of CARES Act Funds – Town Manager
3. Review and action on purchase of water meter handheld and water meters – Public Works Services Administrator
4. Review and action on *Town of Ridgway Amended Electronic Participation Policy for Regular and Special Meetings* – Town Manager

ADJOURNMENT



To: Honorable Mayor Clark and Ridgway Town Council
From: Preston Neill, Town Manager
Date: June 22, 2020
Agenda Topic: **Review and action on Intergovernmental Agreement related to Distribution of CARES Act Funds**

ACTION BEFORE COUNCIL:

Council is asked to review and take action on the attached Intergovernmental Agreement related to Distribution of CARES Act Funds.

PROPOSED MOTION:

“I move to approve the Intergovernmental Agreement related to Distribution of CARES Act Funds.”

SUMMARY:

Attached for Council’s review and consideration is an Intergovernmental Agreement (IGA) related to the distribution of CARES Act funds between the Town of Ridgway, City of Ouray and Ouray County. Colorado counties, municipalities, and special districts with the exception of the five counties that received a direct distribution from the US Treasury and the municipalities within those counties, are eligible to participate in the Coronavirus Relief Fund (CVRF) program that is being administered by the Department of Local Affairs (DOLA). The State of Colorado is appropriating \$424,818 of CARES Act funding to Ouray County. The 2019 U.S. Census Bureau Countywide population figures set the funding pool cap for allocations within county boundaries.

Title V, Section 5001(d) of the CARES Act provides the eligible purposes for which CVRF payments may be used. Specifically, it allows local governments to request reimbursement for program payments that:

1. are necessary expenditures incurred due to the public health emergency with respect to Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of the date of enactment (March 27, 2020); and
3. were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

In order for a municipality to complete the one-time opt-in web-based form in the DOLA Grants Portal, an agreement needs to be in place with their respective county including current and projected expenses per unit of local government to establish place markers for “drawdown” of funds. According to the IGA, the amount allocated to the Town of Ridgway, on a per capita basis, will be \$91,631. The opt-in period ends on July 7, 2020.

ATTACHMENT:

Intergovernmental Agreement related to distribution of CARES Act Funds

**INTERGOVERNMENT AGREEMENT
RELATED TO DISTRIBUTION OF
CARES ACT FUNDS**

This Intergovernmental Agreement related to the distribution of CARES Act funds (“IGA”) is made and effective on June 23, 2020, by and among the Board of County Commissioners of Ouray County, Colorado (referred to as “County”); the City of Ouray, Colorado; and the Town of Ridgway, Colorado (individually referred to as “Municipality” or collectively as “Municipalities”). (The County and Municipalities will jointly be referred to as the “Parties.”)

I. RECITALS

- A. The novel coronavirus referred to as COVID-19 has been declared a worldwide pandemic. National, state, and local emergencies have been declared as a result of COVID-19.
- B. All Parties, as local governmental entities, have expended significant effort and funds to protect the community from the impacts of COVID-19 and to slow its spread.
- C. Efforts to slow the spread and protect the community are ongoing and will require continued time and funding. Recovery efforts are also ongoing and will require the additional expenditure of time and funds.
- D. The emergence and rapid spread of COVID-19 was unexpected and unable to be predicted. Therefore, local governments could not have adequately budgeted for such expenses.
- E. The State of Colorado is appropriating \$424,818 of CARES funding to the Parties to reimburse these unbudgeted expenses through the Department of Local Affairs.
- F. The State of Colorado has designated DOLA as the fiscal agent for the funding which will be administered as a reimbursement program following eligibility verification performed by DOLA for the expenses.
- G. All parties recognize that it is in the best interest of the Ouray County community to work cooperatively to ensure that all of the Ouray County allocation is applied to the benefit of Ouray County residents rather than allowing the funds to remain unspent and revert to the state-wide reserve fund pool for reallocation elsewhere in the state.
- H. The criteria for eligibility will be as prescribed in the CARES Act and rules which may be revised from time to time
- I. The Parties wish to agree on an equitable distribution of the appropriated funds for the good of the community.
- J. The Parties have a successful history of working together for the benefit of the community.
- K. County and Municipalities are authorized pursuant to Article XIV, Section 18 of the Colorado Constitution and Section 29-1-201, et seq., Colorado Revised Statutes, to enter into agreements for the purpose of providing any service or performing any function which they can perform individually.

II. CONSIDERATION

NOW, THEREFORE, in consideration of the covenants and obligations herein expressed, the County and Municipalities agree as follows.

III. TERMS AND CONDITIONS

- A. Commencing on 6/23/2020 and continuing until 12/31/2020 the Parties agree to the following in relation to the CARES Act funding available for expenses incurred during the period beginning March 1, 2020 and ending on December 31, 2020.
- B. The obligations of the County and Municipalities to commit or expend funds are subject to and conditioned on the receipt of the CARES Act funds.
- C. The funds will be distributed among the parties as outlined below, which contains the total estimated and projected expenses by each unit of local government in order to establish "drawdown" of funds.
- D. Parties agree to the following formula regarding the distribution of the \$424,818 allocated for all of Ouray County:
 - a. 10% reserve of the total allocation to Ouray County and Municipalities for contingency (\$48,482);
 - b. 58% of the remainder allocated on a per capita basis allocated to the County for COVID emergency expenditures for county-wide Public Health, Emergency Management, Public Information Officer, County Emergency Staffing, Contract Recovery Coordinator and supplies to benefit both the incorporated and unincorporated regions of the county (\$253,075);
 - c. 21% of the remainder allocated on a per capita basis allocated to the Town of Ridgway (\$91,631) to be allocated for COVID emergency expenditures for the benefit of both incorporated and unincorporated regions of the county; and
 - d. 21% of the remainder allocated on a per capita basis allocated to the City of Ouray (\$91,631) to be allocated for COVID emergency expenditures for the benefit of both incorporated and unincorporated regions of the county.
 - e. The distribution formulas referenced above (D. a., b., c., and d.) may be revised in the future based upon actual expenditures incurred by each jurisdiction and procurement needs agreed upon by the Parties.
- E. Each Party is individually responsible for any record keeping, implementing the necessary controls, financial reporting, and accounting related to such funds as required by applicable statute, DOLA guidelines, and any applicable federal or state laws, and for completing all activities necessary to become eligible to receive reimbursement from the CARES Act funds. Failure to do so may result in forfeiture of funds.
- F. Each Party assumes responsibility for the funds distributed to it (other than the other party's assuming responsibility and liability related to any funds distributed to the

party by the County) and also assumes responsibility for ensuring the funds are only used for eligible expenses as determined by DOLA under the CARES act criteria.

- G. Each Party will assume responsibility for initially covering its own costs and await reimbursement from DOLA. No Party will have any expectation of other parties to the agreement providing any money to another.
- H. All Parties may seek partners on projects eligible for CARES reimbursement from among the other Parties signatory to the agreement. No Party is under any obligation to participate in any such partnership.
- I. The parties will confer in late August or early September to share information about the progress of each Party's application of the funds to beneficial use in the community and to consider an adjustment to the allocations stated in paragraph D.
- J. Each Party will keep an appropriate accounting of the expenditure of funds sufficient to meet the requirements of DOLA, and their own accounting practices.
- K. This Agreement is to be construed according to its language using a plain and clear meaning and is deemed to be and contain the entire understanding and agreement between the parties hereto. There shall be deemed to be no other terms, conditions, promises, understandings, statements, or representations, expressed or implied, concerning this Agreement unless set forth in writing and signed by the Parties hereto.
- L. This Agreement cannot be modified except in writing signed by all Parties.
- M. This Agreement will be governed by and its terms construed under the laws of the State of Colorado. Venue for any action shall be in Ouray County, State of Colorado.
- N. Nothing contained herein is deemed or should be construed by the Parties or by any third party as creating the relationship of principle and agent, a partnership or a joint venture between the Parties, or an employment relationship between the Parties.
- O. This Agreement is made for the sole and exclusive benefit of the County and the Municipalities, and it is not made for the benefit of any third party.
- P. Notification to Parties to this Agreement shall be made to the addresses listed on Exhibit A.

BOARD OF COUNTY COMMISSIONERS OF
OURAY COUNTY, COLORADO

By: _____

Title: _____

ATTEST:

Approved as to form:

County Attorney

TOWN OF RIDGWAY, COLORADO

By: _____

Title: _____

ATTEST:

Approved as to form:

Town Attorney

CITY OF OURAY, COLORADO

By: _____

Title: _____

ATTEST:

Approved as to form:

Town Attorney

EXHIBIT "A"

Ouray County:

County Administrator
P.O. Box C
Ouray, CO 81427

Town of Ridgway:

Town Manager
P.O. Box 10
201 N. Railroad Street
Ridgway, CO 81432

City of Ouray:

City Administrator
P.O. Box 468
Ouray, CO 81427



To: Town Council
From: Chase Jones, Public Works Administrator
Date: June 22, 2020
RE: New Water Meter Handheld and Water Meters

BACKGROUND:

The Town utilizes Sensus meters and MXUs to record water usage of each customer. The MXU is a radio that allows the meter to be read remotely with a handheld. Many MXUs are nearing the end of their life and we are having to replace units to avoid having to read meters manually. The Town's handheld has also begun having an increasing number of issues and a new one is overdue. Manually reading meters is time consuming and prone to errors. Additionally, Sensus has decided to discontinue production of the meters we currently use and is migrating to a different remote read technology.

DISCUSSION:

With Sensus no longer producing the meters currently in use by the Town a transition to the new Sensus IPerl model will be needed. This meter transition would also need to be accompanied with a new handheld. This would allow our system to continue more-or-less consistent to what we currently provide. If the Town does not begin to upgrade the system, we will soon be unable to find compatible meters and will need to purchase a new handheld anyway. 25 new meters and MXUs are also included in the package cost. The cost for these meters and MXUs will be reimbursed upon new tap installation by the customer.

IPerls are "smart" meters that also have the ability to provide hourly data, flow restrictions, leak alerts, etc., if paired with the appropriate technology and software. Council has expressed interest in having this ability in years past. This would require a "VGB" station and would also allow the entire system's meters to be read at a single time. A cost breakdown can be seen below:

Total Cost: \$27,615.29

- \$10,996.62 for handheld and command link
- \$2,999.91 for support
- \$9,125 worth of meters and MXUs (this cost will eventually be reimbursed by the customer)
- \$4,493.76 total added cost for VGB capability. This would allow for very remote reads of new MXUs (aka M radios). With this system we would likely be able to read all installed M radios at once. It would take multiple years to get every tap on M radios.



There may also be relatively small additional costs, such as computer upgrades, that are not included in the total cost above.

Purchasing VGB to utilize the “smart” capabilities of the new meters will cost the Town \$4,495 at this time. This price is a limited time passthrough price since Sensus is requiring their clients to transition to the IPerl meters. The Town will not be able to immediately utilize its benefits, however, if this is not purchased now, it will cost between \$25,000 and \$30,000 in the future. The Town will need to transition entirely to IPerl meters and new MXUs to be able to utilize the “smart” features. It would cost roughly \$250,000 to replace each currently installed meter and MXU with an IPerl and new MXU. This cost can be spread out through many years as the older meters/MXUs age and need replacing or proactively phased. Until Ridgway is utilizing 100% IPerls the old and new meters/MXUs can both be utilized by this system so an investment is not being made into obsolete technology.

FINANCIAL IMPLICATIONS:

The Town’s Procurement Policy contains a provision which allows the Town Manager to waive the formal request process for purchases in excess of \$25,000 when a request for quotes yields a better value and cost for the Town, and/or a formal bid process will not result in a competitive bidding process. The policy further identifies examples of deviation including situations where the solicitation of competitive bids is impractical and unlikely to result in competitive purchasing, involves specialized equipment purchases, or only one vendor exists that can successfully furnish the equipment.

This would be a “non-appropriated” expenditure and, if approved by Council, shall be subject to a supplemental budget to be presented to Council prior to the end of the fiscal year. Since this non-appropriated expenditure exceeds \$25,000, it requires Council approval by formal action.

This expenditure would be paid out of the Water Enterprise Fund.

STAFF RECOMMENDATION:

Staff recommends approval of the deviation from procurement procedures and further recommends authorizing staff to purchase the Sensus IPerl water meter handheld package for \$27,615.29, as described in staff memo dated June 22, 2020.



To: Honorable Mayor Clark and Ridgway Town Council
From: Preston Neill, Town Manager
Date: June 22, 2020
Agenda Topic: **Review and action on *Town of Ridgway Amended Electronic Participation Policy for Regular and Special Meetings***

ACTION BEFORE COUNCIL:

Council is asked to review and take action on the attached *Town of Ridgway Amended Electronic Participation Policy for Regular and Special Meetings*.

PROPOSED MOTION:

"I move to adopt the *Town of Ridgway Amended Electronic Participation Policy for Regular and Special Meetings*."

SUMMARY:

On March 19, 2020 Mayor Clark adopted the *Town of Ridgway Electronic Participation Policy During Town Council Meetings*. The Town's Local Disaster Emergency Declaration dated March 17, 2020 afforded Mayor Clark the authority to adopt the policy. Subsequently, the Town Council reviewed and discussed the said policy during the March 20, 2020 Special Council meeting. The purpose of the policy is to specify the circumstances and means under which the Town Council can conduct regular and special meetings by telephone or other electronic means of participation.

The policy was amended in an effort to make it applicable to all advisory boards, commissions, and committees of the Town, and to incorporate rules governing quasi-judicial matters. Council approved the *Amended and Restated Electronic Participation Policy for Regular and Special Meetings* at the April 24, 2020 Special Council meeting.

Based on Council direction from the June 10, 2020 Council meeting to modify the policy to allow for quasi-judicial hearings for new matters that are subject to referendum to be initiated, staff has further amended the policy for Council's review and consideration.

ATTACHMENT:

Town of Ridgway Amended Electronic Participation Policy for Regular and Special Meetings

**TOWN OF RIDGWAY
AMENDED ELECTRONIC PARTICIPATION POLICY FOR REGULAR AND
SPECIAL MEETINGS**

On March 20, 2020 the Town Council for the Town of Ridgway ratified the Town of Ridgway Electronic Participation Policy During Town Council Meetings. On April 24, 2020 the Town Council amended that policy with the Amended and Restated Electronic Participation Policy for Regular and Special Meetings. That policy is hereby amended with this Amended Electronic Participation Policy for Regular and Special Meetings effective this ____ day of June, 2020.

1. Applicability and Purpose. The purpose of this Electronic Participation Policy for Regular and Special Meetings (“Policy”) is to specify the circumstances and means under which the Ridgway Town Council (“Town Council”) and all advisory boards, commissions, and committees of the Town (“Committees”) shall conduct regular and special meetings by telephone or other electronic means of participation, such as video-conferencing, that is clear, uninterrupted and allows two way communication for the participating members ("Electronic Participation"). Electronic Participation has inherent limitations because Electronic Participation effectively precludes a member of the Town Council or members of one of the Committees from contemporaneously observing documentary information presented during meetings, from fully evaluating a speaker's non-verbal language in assessing veracity or credibility, and from observing non-verbal explanations during a speaker's presentation or testimony. The Town Council finds that these limitations, inherent in Electronic Participation, may produce inefficiencies in meetings, increase the expense of meetings, and alter the decision-making process. As such, the Town Council and Committees shall only utilize the policies contained herein upon the adoption by the Town Council or the Town Manager of a resolution declaring a local disaster emergency pursuant to Section 24-33.5-709, Colorado Revised Statutes.
2. Statement of General Policy. The Town Council and Committees may conduct a regular or special meeting by Electronic Participation only in accordance with this Policy.
3. Emergency Situations. In the event a quorum is unable to meet at the day, hour, and place fixed by the rules and procedures of the Town Council or applicable Committee because meeting in-person is not practical or prudent due to an emergency affecting the Town, meetings may be conducted by telephone, electronically, or by other means of communication so as to provide maximum practical notice. Meetings may be held by telephone, electronically, or by other means of communication if all of the following conditions are met:
 - a. A local disaster emergency has been declared pursuant to C.R.S. § 24-33.5-709; and
 - b. The Town Manager or the Mayor determines that meeting in person is not practical or prudent because of matters related to the declaration of a local disaster emergency affecting the Town; and

- c. All participating members of the Town Council or Committee, and at least one Town staff member can hear one another or otherwise communicate with one another and can hear or read all discussion and testimony in a manner designed to provide maximum notice and participation; and
 - d. Members of the public can hear the Town Council or Committee proceedings and are afforded opportunities to participate in public comment; and
 - e. All votes are conducted by roll call; and
 - f. Minutes of the meeting are taken and promptly recorded, and such records are open to public inspection; and
 - g. To the extent possible, full and timely notice is given to the public setting forth the time of the meeting, the fact that some members of the Town Council or Committee may participate by electronically, and the right of the public to monitor the meeting from another location or through Electronic Participation.
4. Arranging for Electronic Participation.
- a. The Town Manager or a member of Town staff shall contact the Town Council or Committee members at least twenty-four (24) hours in advance of a regular or special meeting to provide notice of a meeting conducted under this Policy.
 - b. The Town shall initiate the Electronic Participation not more than ten (10) minutes prior to the scheduled time of the meeting. Upon disconnection during a meeting, the Town Manager, or his or her designee, shall make at least three (3) attempts to re-initiate the connection.
5. Quasi-Judicial Matters. The Town Council and the Planning Commission are hereby authorized to hold quasi-judicial hearings at a meeting by Electronic Participation.
- a. In the event that a pending application is scheduled for a public hearing that is quasi-judicial in nature and conducted under this Policy, the Town shall advise the applicant of such circumstances and present the applicant with options for proceeding with the application. Upon notice from the Town, the applicant shall authorize the Town, in writing, to proceed with one of the following options.
 - 1. Conduct the public hearing under this Policy with accommodations made for Electronic Participation by the public; or
 - 2. Suspend any and all review and decisions deadlines until such time that the local emergency or disaster declaration is lifted or rescinded, and the Town Council or Committee may schedule a meeting at which an in-person quorum will be present.

- b. In the event an applicant wishes to request an as-yet unscheduled quasi-judicial matter be conducted by Electronic Participation, a written request shall be made on a form as provided by the Town. The applicant shall acknowledge that holding a quasi-judicial hearing by Electronic Participation presents certain legal risks and involves an area of legal uncertainty, and the applicant shall agree that moving forward with a quasi-judicial hearing by Electronic Participation shall be at their own risk. Applicants with land use related matters shall additionally agree to defend and indemnify the Town in any action that may arise out of, or in connection with, conducting the hearing by Electronic Participation.
6. Public Participation. To the extent reasonably possible, the Town Council or Committee (as applicable) shall provide adequate opportunity for the public to participate in the meeting conducted via Electronic Participation that is commensurate with a similar opportunity that is routinely provided during in-person meetings – e.g., an opportunity to comment on the application during the public comment portion of the hearing. Nothing in this Policy shall prevent members of the public from submitting written comments in advance of the meeting. If written comments are received on an item being considered at a meeting conducted via Electronic Participation, said written comments shall be read into the record by the Mayor, the Committee chair, or his or her designee.
7. Continuation of Meetings Including Quasi-Judicial Matters. In the absence of a quorum, a lesser number of the Town Council or Committee or one (1) member of the Town Council or Committee, as applicable, may adjourn a meeting or continue a meeting or public hearing to a later date and time. Any decision to continue a public hearing will be specified in the minutes of the meeting and shall specify the date and time to which the public hearing will be continued.
8. Executive Sessions. In the event that the Town Council or the Planning Commission holds an executive session pursuant to C.R.S. § 24-6-402, participants shall be authorized to attend via Electronic Participation. Any executive session conducted under this Policy shall be recorded electronically as provided for by statute. All members of the Town Council or Committee participating in an executive session taking place via Electronic Participation, as applicable, shall take all steps necessary to ensure that the privacy and confidentiality of the executive session are maintained at the highest level. No individual member of the Town Council or Committee may permit any other person to hear, see or otherwise have access to executive sessions or related materials.

Adopted this ____ day of June, 2020.

John Clark, Mayor

ATTEST:

Pam Kraft, Town Clerk