

TOWN OF GYPSUM
RESOLUTION NO. 11
(Series of 2019)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GYPSUM, COLORADO,
APPROVING THE EXPENDITURE OF COMMUNITY ENHANCEMENT FUNDS FROM HOLY
CROSS ENERGY IN ACCORDANCE WITH ARTICLE 11 OF THE FRANCHISE AGREEMENT APPROVED BY
TOWN OF GYPSUM, ORDINANCE
NO. 2017-11 (SERIES 2017).

WHEREAS, the Town Council of the Town of Gypsum, Colorado, approved Ordinance No. 2017-11, Series of 2017 ("Ordinance"), granting a franchise to Holy Cross Energy and approving the Franchise Agreement Between the Town of Gypsum and Holy Cross Energy ("Agreement"): and

WHEREAS, Article 11 of the Agreement provides that Holy Cross Energy will voluntarily make monetary resources ("Community Enhancement Fund") available to the Town for programs designed to make a difference in people's lives and the communities where they live; and

WHEREAS, Article 11.1 of the Agreement limits the use for which Community Enhancement Funds shall be spent to: (1) Beautification projects; (2) Energy conservation projects; (3) Equipment and technology upgrades for schools; (4) Scholarship funds; (5) Acquisition of open space and/or park land and development thereof; (6) Sponsorship of special community events; and (7) Undergrounding of overhead electric and other utility lines.

WHEREAS, Article 11.4 of the Agreement provides that Town Council is required to approve the expenditure of Community Enhancement Funds by resolution or ordinance duly enacted by the Town Council, and such resolution or ordinance shall clearly describe the nature and purpose of the project for which the expenditure is made and that prior to any expenditure, the Town shall notify the Company of its intended use of the Community Enhancement Funds. Unless the Company objects, in writing, prior to the expenditure, the Company shall have waived its right to object in the future if the funds are expended for the use identified in the notice.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GYPSUM,
COLORADO:

Section 1 Pursuant to the bid results presented to the Town Council on February 26, 2019, the 2019 Roundabout at Cooley Mesa and Valley Roads project has been awarded to Ewing Trucking and Construction LLC for a total contract amount of \$1,742,743.28.

Section 2 The successful completion of this project requires the relocation of existing powerlines, largely consisting of the undergrounding of overhead electric and other utility lines. The Town Council approved entering into a contract with Holy Cross Energy on February 26, 2019, with an estimated cost of \$114,000, and Holy Cross Energy is in receipt of all necessary executed agreements, including the Underground Right-of Way Easement agreement, the Trench, Conduit and Vault agreement, and the contract letter agreement, dated February 26, 2019. The job is in the process of being scheduled for construction.


Section 3 The contract with Ewing Trucking and Construction, LLC includes \$49,750 for the installation of Holy Cross Energy equipment, previously described, bringing the total cost for the Holy Cross Energy work required for this project to \$163,750.

Section 4 The Town Council approves the use of the entire Community Enhancement Fund balance, in the amount of \$157,868.32 towards this project.

Section 5 The Town Finance Officer is hereby authorized and directed to forward this resolution to Holy Cross Energy to comply with Section 11.4 of Ordinance.

INTRODUCED, READ, PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Gypsum, Colorado held on 3/12 . 2019

TOWN OF GYPSUM, COLORADO

By: 
Steve Carver, Mayor *Pro Tem*
Tom Edwards

ATTEST:


Danette Schlegel, Town Clerk

