

**CITY OF IDAHO SPRINGS
Clear Creek County, Colorado**

RESOLUTION No. 30, SERIES 2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IDAHO SPRINGS, COLORADO AMENDING THE CITY'S AGREEMENT WITH CHICAGO CREEK SANITATION DISTRICT.

WHEREAS, the City entered into an agreement entitled, "Intergovernmental Agreement Concerning Wastewater Service" with the Chicago Creek Sanitation District, a Colorado quasi-municipal corporation (the "District"), on June 01, 2007; and

WHEREAS, the Agreement included provisions for the City to pay the district a monthly fee for the District to provide transmission of water from the City's water treatment facilities through the District's line to the City's wastewater treatment facility; and

WHEREAS, the parties have been in negotiation during 2009 to amend section C. District Fees item 1., which would include deletion of item 3.; and

WHEREAS, the City and the District now wish to amend the Agreement with respect to the district fees; and

WHEREAS, the District has reviewed the proposed addendum and the board plans to approve the attached addendum on December 21st, 2009.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF IDAHO SPRINGS, COLORADO that the between the City of Idaho Springs and the Chicago Creek Sanitation District, the "Intergovernmental Agreement Concerning Wastewater Service" shall be amended as provided in the attachment to this Resolution and the Mayor is authorized to sign same on behalf of the City.

RESOLVED, APPROVED and ADOPTED this 14th day of December, 2009.

CITY OF IDAHO SPRINGS



Jack P. Morgan Jr., Mayor

ATTESTED AND CERTIFIED:



Reba Bechtel, City Clerk

ADDENDUM

The Intergovernmental Agreement Concerning Wastewater Service (the "Agreement"), entered into by the City of Idaho Springs, a Colorado municipal corporation (the "City"), and the Chicago Creek Sanitation District, a Colorado quasi-municipal corporation (the "District"), on 01 day of June, 2007; is hereby amended to include the following terms and conditions:

C. DISTRICT FEES

1. The City shall pay the District a monthly transportation fee of Six Hundred Eighty Eight dollars and Ninety cents (\$688.90) for the calendar year 2009. This monthly transportation fee shall be increased or decreased annually with the January billing based on the City's proportionate percentage of the District's annual flows for the prior year to be finalized by mid January of the following year, calculated using the districts actual prior year operating expenditures and only debt service as of date of amendment and shall exclude sewage treatment costs.

Actual City line flows shall be the sum of monthly flows reported to the District. For purposes of calculating the City's monthly transportation fee, such fee shall be equal to the City's proportionate share of the prior year's flows (total actual City line flows divided by the total line flows) or ten percent, whichever percentage is greater, multiplied by the District's annual operating expenditures, divided by twelve.

Examples for calculation of monthly fee:

Example 1: City flows 1,027,788, District flows 3,242,000, total line flows 4,269,788. City flow divided by total line flows made City 24% of the system. District expenditures were \$23,770.
 $\$23,770 \times 24\% / 12 = \475.40 monthly payment.

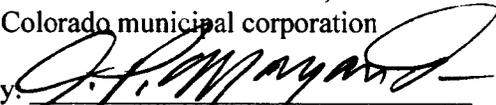
Example 2: City flows 35,000, District flows 3,000,000, total line flows 3,035,000. City flow divided by total line flows made City 1.2% of the system. District expenditures were \$24,000.
 $\$24,000 \times 10\% / 12 = \200.00 monthly payment.

IN WITNESS WHEREOF, the parties hereto have made and executed this Addendum this 14th day of December, 2009.

CHICAGO CREEK SANITATION,
a Colorado quasi-municipal corporation

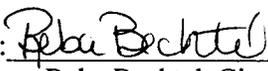
By: _____
Walt Weiss, President

CITY OF IDAHO SPRINGS,
a Colorado municipal corporation

By: 

Jack P. Morgan Jr., Mayor

ATTEST:

By: 

Reba Bechtel, City Clerk