

**TOWN OF MEAD, COLORADO  
ORDINANCE NO. 1067**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, ADOPTING A  
NEW SEWER USER FEE TO OFFSET THE TOWN'S DIRECT AND INDIRECT  
EXPENSES ASSOCIATED WITH OPERATING AND IMPROVING THE  
RATERINK LIFT STATION**

**WHEREAS**, pursuant to Sec. 13-1-210(a) of the Mead Municipal Code ("MMC"), the Board of Trustees is authorized to establish fees for the use of and for the service supplied by the wastewater facilities of the Town of Mead, and the amounts of such fees shall be set forth in the Town's comprehensive fee schedule and adopted by resolution of the Board of Trustees; and

**WHEREAS**, pursuant to this authority, the Board of Trustees wishes to adopt a new sewer user fee titled the *Raterink Lift Station – Capital Maintenance Fee* ("Maintenance Fee") which shall apply to any and all sewer utility accounts that utilize the Raterink Lift Station ("Lift Station") for sanitary sewer service; and

**WHEREAS**, the purpose of the Maintenance Fee is to defray the Town's direct and indirect expenses associated with operating and improving the Lift Station; and

**WHEREAS**, the Board finds that the Maintenance Fee is a "special fee" as discussed in *Bloom v. City of Fort Collins*, 784 P.2d 304 (1989) in that the Maintenance Fee is not designed or intended to raise revenues to defray the general expenses of the Town, but rather is a charge imposed on specific persons or property for the purpose of defraying the cost of a particular governmental service, in this case the direct and indirect costs of providing sewer service to those specific properties that use and benefit from the Lift Station; and

**WHEREAS**, based upon the costs associated with repairs and improvements to the Lift Station necessitated in 2024, which costs are outlined in the *Agenda Item Summary* prepared for this Ordinance and incorporated herein by reference, the Board sets the initial monthly Maintenance Fee at \$1,285.00/month, per user; and

**WHEREAS**, the Board of Trustees finds that the initial monthly Maintenance Fee is reasonably related to the overall cost of the service and has been set at a level to reasonably defray the direct and indirect costs of the specific service rendered by the Town; and

**WHEREAS**, the Board also intends that the Maintenance Fee shall be effective November 1, 2024, in order to permit the Town's Director of Administrative Services / Town Clerk an opportunity to provide advance written courtesy notice to the sewer utility accounts that utilize the Lift Station; and

**WHEREAS**, pursuant to Sec. 13-1-210(a) of the MMC, the Board of Trustees reserves the right to recompute the Maintenance Fee by way of resolution if additional users are added to the Lift Station, on the basis of a financial or engineering study, or as otherwise necessary to provide adequate funds for the continued operation, maintenance, and repair of the Lift Station; and

**WHEREAS**, the Board of Trustees desires to direct Town staff to prepare a resolution for consideration by the Board of Trustees that amends the Town's comprehensive fee schedule to add the Maintenance Fee; and

**WHEREAS**, the Board of Trustees finds that the adoption of this ordinance will further the public health, safety and welfare of the residents of the Town.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

**Section 1. Recitals Incorporated.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

**Section 2. Adoption of Maintenance Fee.** The Board of Trustees hereby adopts the Maintenance Fee described in this ordinance. The Maintenance Fee shall apply to any and all accounts that utilize the Lift Station for sanitary sewer service, and shall be effective on November 1, 2024. The Maintenance Fee is in addition to the Raterink Lift Station Surcharge that is currently set forth in the Town's Comprehensive Fee Schedule ("Fee Schedule"). The Raterink Lift Station Surcharge shall remain in the Fee Schedule and is not affected or modified by this ordinance.

**Section 3. Reservation of Right to Recompute Fee.** In accordance with Sec. 13-1-210(a) of the MMC, the Board of Trustees hereby reserves the right to recompute the Maintenance Fee by way of resolution if additional users are added to the Lift Station, on the basis of a financial or engineering study, or as otherwise necessary to provide adequate funds for the continued operation, maintenance, and repair of the Lift Station.

**Section 4. Direction to Provide Advance Written Notice to Accounts Holders.** The Town's Director of Administrative Services / Town Clerk shall provide advance written courtesy notice to the sewer utility accounts that utilize the Lift Station in advance of the November 1, 2024 Maintenance Fee effective date.

**Section 5. Direction to Amend Comprehensive Fee Schedule.** Town staff is hereby directed to prepare a resolution for consideration and adoption by the Board of Trustees amending the Fee Schedule to add the Maintenance Fee.

**Section 6. Effective Date.** This ordinance shall be published and become effective as provided by law.

**Section 7. Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.

**Section 8. 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 9. Certification.** The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted ordinance available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, AND ADOPTED THIS 9<sup>TH</sup> DAY OF SEPTEMBER, 2024.**

**ATTEST:**

**TOWN OF MEAD:**

By: \_\_\_\_\_  
Mary E. Strutt, MMC, Town Clerk

By: \_\_\_\_\_  
Colleen G. Whitlow, Mayor