

ALAMOSA CITY COUNCIL

Regular Meeting Agenda

Council Chambers
300 Hunt Avenue, Alamosa, CO
November 2, 2016

As a full service municipal government, our mission is to enhance the quality of life for our residents, visitors, and businesses. We strive to provide balanced business, employment, recreational, and residential opportunities.

Any person needing reasonable accommodation to attend or participate in a public meeting, please contact the Alamosa City Clerk's office by telephone (719) 589-2593, by email cityclerk@ci.alamosa.co.us, in person at 300 Hunt Avenue, or by mail at POB 419, Alamosa, CO 81101.

Council Calendar

7:00 PM - Regular Meeting

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. AGENDA APPROVAL

IV. CITIZEN COMMENT

Alamosa City Council welcomes your comments. Citizens wishing to speak may obtain and complete a speaker card through the City Clerk at the start of the meeting.

A. Audience Comments

B. Follow-Up

V. CONSENT CALENDAR A

The Consent Calendar allows multiple actions with one motion. Consent Calendar A contains routine items which have been recommended for action by staff or advisory boards. Council may remove a consent calendar item for separate consideration.

C.7.a. Approve Minutes of Meeting October 19, 2016

B.1.a. Appoint Rob Mabry to the Historic Preservation Advisory Committee

VI. REGULAR BUSINESS

A. Presentations from Outside Agencies

1. Dustin Allinger, Alamosa County Regional Airport Manager

B. Business Brought Forward by City Staff

1. Parks and Recreation

a. Resolution 15-2016; A Resolution to act as the fiscal agent for the grant application for the Alamosa Ballfields Improvement Project Grant from the State Board of the Great Outdoors Colorado Trust Fund.

- b. First Reading, Ordinance No. 19-2016, An Ordinance Approving An Intergovernmental Agreement with the Alamosa School District to Apportion Responsibilities with Respect to a GOCO Grant for the Alamosa Ballfields.

C. Committee Reports

D. Staff Announcements

COUNCIL COMMENT

ADJOURNMENT

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

Council Calendar

ATTACHMENTS:

Description		Type
	Council Calendar	Cover Memo

Alamosa City Council Meetings and Events

Updated 10/28/2016

All events are held in Alamosa Colorado unless otherwise noted

CITY HALL IS LOCATED AT 300 HUNT

Date	Time	Event	Location	Additional Information
November 3, 2016	8:30 a.m.	Boutique Air Ribbon Cutting Ceremony	SLV Regional Airport	***
November 15, 2016	12:15 p.m.	Private Luncheon with the Governor	ASU Student Union	**
November 16, 2016	5:00 p.m.	Joint Work Session with P&Z RE:Comprehensive Plan	Council Chambers	*
November 16, 2016	After Adjournment of Regular Council Meeting	Work Session - Ice/Rink/Multi-Purpose Facility Presentation	Council Chambers	*
November 18, 2016	5:30 p.m.	Celebration of Lights	City Hall	***

* Work sessions are informal Council meetings for the purpose of discussion among Council members. No action is taken. The public is invited to attend, but public comment is generally not received unless otherwise noted.

**Sponsored by outside entity. Council members have been invited to attend. Please check with originating entity for registration information

*** Citizens are encouraged to attend this community event

**** This is a purely social event and not open to the public

*****This is a closed session and not open to the public

**ALAMOSA CITY COUNCIL
COUNCIL COMMUNICATION**

Subject/Title:

Approve Minutes of Meeting October 19, 2016

ATTACHMENTS:

Description	Type
📎 Minutes of Meeting October 19, 2016	Cover Memo

ALAMOSA CITY COUNCIL

Regular Meeting Minutes

Council Chambers
300 Hunt Avenue, Alamosa, CO
October 19, 2016

As a full service municipal government, our mission is to enhance the quality of life for our residents, visitors, and businesses. We strive to provide balanced business, employment, recreational, and residential opportunities.

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7:00 PM - Regular Meeting

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The Regular Meeting of the Alamosa City Council was called to order on the above date by Mayor Josef Lucero at 7:00 p.m. The Pledge of Allegiance was recited.

II. ROLL CALL

Present at roll call: Mayor Josef Lucero, Councilors Jan Vigil, Kristina Daniel, Liz Hensley, Michael Stefano, and Ty Coleman. Councilor Griego previously requested to be excused. Also present: City Manager Heather Brooks, City Attorney Erich Schwiesow, and City Clerk Holly Martinez.

III. AGENDA APPROVAL

Councilor Vigil moved, seconded by Councilor Hensley to approve the agenda as presented and to excuse Councilor Griego. The motion carried unanimously.

IV. CITIZEN COMMENT

Alamosa City Council welcomes your comments. Citizens wishing to speak may obtain and complete a speaker card through the City Clerk at the start of the meeting.

A. Audience Comments

Charlie Sanchez and Lupita Garcia spoke in regards to the energy resource center of the San Luis Valley giving information to Council on the services they provide.

B. Follow-Up

Councilor Coleman thanked Mr. Sanchez and Ms. Garcia for coming out and

getting information out, inviting them to come back and do a presentation as a regular agenda item.

V. CEREMONIAL ITEMS

- A. GOCO Starburst Award Presented by Laura Solano, Executive Director of the Colorado State Lottery

Laura Solano, Executive Director of the Colorado State Lottery, along with Council, presented the GOCO Starburst Award to representatives of the Rio Grande Farm Park committee.

Council congratulated the Rio Grande Farm Park on receiving this prestigious award.

VI. CONSENT CALENDAR A

The Consent Calendar allows multiple actions with one motion. Consent Calendar A contains routine items which have been recommended for action by staff or advisory boards. Council may remove a consent calendar item for separate consideration.

Councilor Vigil moved, seconded by Councilor Daniel, to approve Consent Calendar A as presented. The motion carried unanimously.

C.7.a. Approve Minutes of Meeting October 5, 2016

C.8.a. Receive September 2016 Monthly Reports

C.2.a. Receive August and September 2016 Expenditure Report

C.1.a. Award of Bid, 2016 Golf Course Water Supply Project

VII. REGULAR BUSINESS

A. Presentations from Outside Agencies

1. Disability Employment Awareness Month

David Atkinson presented information on disability employment awareness month and the services that are offered by the Division of Vocational Rehabilitation.

Council thanked Mr. Atkinson for coming and providing information on the services that the Division of Vocational Rehabilitation provides.

2. ASU ASF Homecoming Presentation

Lori Laske, John Owsley, and Brooke Stokel presented information to Council on Adam State University's upcoming homecoming festivities, inviting Council to join in the activities that are planned for the week. Ms. Stokel offered the opportunity for Council and Community Members to volunteer to be a judge for their parade as they are trying to get the community more involved.

Mr. Owsley presented to Council AS&F's strategic plan for the 2016-2017 school year, which includes the initiative five which facilitates student and community development. In this five, it includes building a relationship with City Council and local governments.

Council thanked them for coming out and the invitation to participate in the homecoming activities and developing the relationship between Council and students.

B. Business Brought Forward by City Staff

1. Finance

- a. Public Hearing and Second Reading of Ordinance No. 17-2016, An Ordinance making the annual appropriations for fiscal year 2017.

Heather Brooks reviewed this ordinance with Council. This ordinance sets forth the 2017 annual budget. This ordinance was presented at first reading at the Regular Council meeting on Wednesday, October 5, 2016.

Mayor Lucero opened the public hearing at 7:33 p.m. and asked for those wishing to speak on this ordinance.

Dan McCann spoke in regards to overhead costs.

There being no one else wishing to speak, the hearing closed at 7:36 p.m.

Councilor Stefano moved, seconded by Councilor Daniel, to finally adopt Ordinance No. 17-2016. The motion carried unanimously.

- b. Public Hearing and Second Reading, Ordinance No. 18-2016 an Ordinance establishing the employee pay plan for fiscal year 2017

Heather Brooks reviewed this ordinance with Council. This ordinance establishes the pay range for all City job classifications and is adopted

every year, through ordinance, by Council.

Mayor Lucero opened the public hearing at 7:38 p.m. and asked for those wishing to speak on this ordinance.

There being no one wishing to speak, the hearing closed at 7:38 p.m.

Councilor Vigil moved, seconded by Councilor Daniel to finally adopt Ordinance No. 18-2016. The motion carried unanimously.

C. Committee Reports

Councilor Hensley reported on the airport board and marketing board meetings she attended.

Councilor Coleman reported on the San Luis Valley Development Resource Group meeting that he attended.

Councilor Vigil reported on the Rio Grande Farm Park meeting he attended.

Mayor Lucero reported on the CML Policy committee that he attended.

Councilor Hensley also reported on the executive board meeting she attended.

D. Staff Announcements

Holly Martinez asked Council for direction on a vacant seat on the Historic Preservation Advisory Committee. Council conducted interviews at the annual board recruitment where there were more interested parties wanting to serve on this board than there were vacant seats. The applicant that was not appointed at the regular recruitment has been contacted and did indicate desire to still participate on this board.

Council does not have a specific policy when it comes to a situation of this sort. Ms. Martinez asked Council for guidance on if they want to treat it as a new applicant interested and re-interview or if they desire to appoint the interested party without an interview as they recently interviewed the applicant in June of this year. Council gave direction to have the applicant appointed at a regular meeting without the need to re-interview.

Heather Brooks informed Council of the following:

- The upcoming City Employee Health Fair.
- Ice rink/multi-purpose facility kick-off meeting with the consultant that was last week.
- Work session scheduled following regularly scheduled meeting on November 16th.
- The Recycling Center ribbon-cutting ceremony is this upcoming Saturday at

9 a.m.

Halloween Fright Fest, hosted by the Alamosa Police Department, is at Cole Park on October 31 from 4 p.m. to dark..

- Utility rate work session is next week on the 26th.

COUNCIL COMMENT

Councilor Daniel stated she will be on vacation next week and requested if it would be okay by Council for her to call in to the work session. Council discussed this matter on whether it would be okay for Councilors to call in for work session if they are unavailable in person.

Councilor Daniel also commented on the opioid roundtable discussion with Congressman Tipton she attended yesterday.

Councilor Hensley commented on the police informational she attended on October 11th. She also mentioned that there is a Hemp Symposium scheduled on November 5th at Adams State University.

Ms. Brooks asked for direction and a conclusion on the conference call in for the work session next week. Council discussed if the thought or information from a Councilor who is unavailable would be able to shared prior to the meeting or not. Ms. Brooks stated that she didn't think Councilors unavailable would be able to provide information or feedback ahead of time regarding what will be presented at the work session. Council further discussed the issue and came to the conclusion that it would be okay for those Councilors who are unavailable to be at work session in person to be allowed to call in. Council will consider a policy on this issue.

EXECUTIVE SESSIONS

Councilor Daniel moved, seconded by Councilor Vigil, to enter into Executive Session (7:58 p.m.) pursuant to C.R.S. §24-6-402(4)(f) to discuss personnel matters relating to the finance director. The motion carried unanimously.

After the executive session, Council will move back in to regular session and no further business will be discussed.

1. Executive Session pursuant to C.R.S. § 24-6-402(4)(f) to discuss personnel matters relating to the finance director

ADJOURNMENT

The meeting adjourned immediately following the Executive Session.

Holly C. Martinez, City Clerk

Josef P. Lucero, Mayor

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Appoint Rob Mabry to the Historic Preservation Advisory Committee

Recommended Action:

Appoint Rob Mabry to the Historic Preservation Advisory Committee

Background:

Rob Mabry applied to serve on this board at the annual recruitment and Council interviewed Mr. Mabry in June of this year. Due to not enough vacant seats, Mr. Mabry was not appointed at the time of annual recruitment. The Historic Preservation Advisory Committee has a recent vacancy available on the board. Mr. Mabry has been contacted in regards to the recent vacant seat and is still interested in serving on the board.

Issue Before the Council:

Does Council wish to make this appointment?

Alternatives:

1. Make the appointment.
2. Do not make the appointment and continue recruiting.

Fiscal Impact:

N/A

Legal Opinion:

The City Attorney will be present at the meeting for questions or comments.

Conclusion:

This action helps to fill the recent vacancy on the Historic Preservation Advisory Committee and furthers Council's goal of community through citizen involvement.

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Dustin Allinger, Alamosa County Regional Airport Manager

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

Resolution 15-2016; A Resolution to act as the fiscal agent for the grant application for the Alamosa Ballfields Improvement Project Grant from the State Board of the Great Outdoors Colorado Trust Fund.

Recommended Action:

Staff recommends that Council adopt Resolution 15-2016 to act as the fiscal agent for the grant application for the Alamosa Ballfields Improvement Project grant from the State Board of the Great Outdoors Colorado Trust Fund.

Background:

This past spring, the Alamosa School District retained the services of an Architectural/Engineering (A/E) firm to evaluate current field conditions, present options for improvements, prepare costs estimates and provide graphic representation of the project for public presentation and commentary.

As part of those services, other potential “greenfield” sites within close proximity to the current site were evaluated by the design team. A total of 6 properties (some privately held, some publicly held) were evaluated. Evaluation included design and compatibility of new field layouts, determination of available utility resources, proximity to public spaces as well as costs for land procurement and development. Following that review, the current ballfields at Ortega Middle School were the most economical for redevelopment.

The Alamosa School District has limited funds available to renovate ballfields. These funds are always in demand by academic needs with a student population of over 2,200. The Alamosa School District shows that students involved in extracurricular activities such as softball and baseball achieve grade point averages significantly above those of those of students not involved in activities. Students involved in extracurricular activities also score higher on standardized tests. Upgrading the ballfield infield surface to synthetic will result in reduced maintenance costs by the school district which will not need to drag the infield, line the bases, water, fertilize, mow or plow snow from the infield as with the current field. The reduced maintenance costs can be redirected towards academic or other capital projects within the school district. Neither the Alamosa School District nor the City of Alamosa can afford the full price of these upgrades without help from grants such as this one provided by GOCO.

Based on GOCO eligibility rules, the Alamosa School District is not able to apply for a \$350,000 grant to be used towards this estimated \$1.3 million project. Therefore, the Alamosa School District wishes to partner with the City of Alamosa as the grant’s fiscal agent in order to be able to upgrade two existing ballfields on the campus of Ortega Middle School. The upgrades will allow for increased usage (as well as a larger outdoor recreation area) without impact to current site conditions. The fields will also offer a larger variety of sport boundaries (allowing for softball/Little League/Hardball type activities), thus enhancing greater year-round outdoor recreation opportunities. The improved facility will expand the potential user base beyond local residents and provide a positive economic impact for the City of Alamosa.

Issue Before the Council:

Does Council wish to adopt Resolution 15-2016?

Alternatives:

While Council is free to select or develop any number of alternatives, those listed below are examples.

- Adopt the resolution as presented, allowing the City to serve as the fiscal agent for the grant.
- Amend the resolution and provide further direction to staff.
- Decline to adopt the resolution in any form and give staff further direction.

Fiscal Impact:

Staff does not anticipate a financial impact from serving as the fiscal agent. Parks and Recreation staff have already been involved and would continue to be involved regardless if the City serves as the fiscal agent.

Legal Opinion:

The City Attorney will be present for questions.

Conclusion:

The opportunity for increased occupancy and usage of improved fields offers an important benefit to the communities of Alamosa and the San Luis Valley. High quality, competitive ballfields attract tournaments, clinics, and the like. This brings a community together and increases tourism dollars when out-of-town teams and their families come to participate.

ATTACHMENTS:

Description	Type
▢ Resolution 15-2016	Cover Memo

Resolution No. 15-2016

**A RESOLUTION TO ACT AS FISCAL AGENT FOR THE GRANT
APPLICATION FOR THE ALAMOSA BALLFIELDS IMPROVEMENT
PROJECT GRANT FROM THE STATE BOARD OF THE GREAT
OUTDOORS COLORADO TRUST FUND**

WHEREAS, the City of Alamosa supports the Alamosa School District's Great Outdoors Colorado grant application for the Alamosa Ballfields Improvement Project; and

WHEREAS, if the grant is awarded, the City of Alamosa supports the completion of the project;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Alamosa, Colorado that:

- Section 1: The City Council of the City of Alamosa strongly supports the application.
- Section 2: If the grant is awarded, the City Council of the City of Alamosa strongly supports the completion of the project.
- Section 3: The City Council of the City of Alamosa authorizes the City of Alamosa to serve as the fiscal agent for the grant if the grant is awarded.
- Section 4: If the grant is awarded, City Council hereby authorizes the City Manager to sign the grant agreement as the fiscal agent with Great Outdoors Colorado.
- Section 5: This resolution to be in full force and effect from and after its passage and approval.

APPROVED AND ADOPTED, this 2ND day of November 2016.

CITY OF ALAMOSA, COLORADO

By: _____
Josef P. Lucero, Mayor

ATTEST:

Holly Martinez, City Clerk

ALAMOSA CITY COUNCIL COUNCIL COMMUNICATION

Subject/Title:

First Reading, Ordinance No. 19-2016, An Ordinance Approving An Intergovernmental Agreement with the Alamosa School District to Apportion Responsibilities with Respect to a GOCO Grant for the Alamosa Ballfields.

Recommended Action:

Staff recommends that Council adopt Alternative 1, Approving on first reading the ordinance authorizing the Mayor to sign the Memorandum of Understanding (MOU) for the GOCO grant between the City of Alamosa and the Alamosa School District for their Alamosa Ballfields Improvement Project, and setting the matter for public hearing on November 16, 2016 at 7 pm or as soon thereafter as the matter may be heard.

Background:

The Alamosa School District has limited funds available to renovate ballfields. These funds are always in demand by academic needs with a student population of over 2,200. Based on GOCO eligibility rules, the Alamosa School District is not able to directly apply for a \$350,000 grant, but a sponsorship scenario is possible. In this instance, an eligible local government, such as the City, may partner with them to pursue the project. Therefore, the Alamosa School District wishes to partner with the City of Alamosa in order to be able to upgrade two existing ballfields on the campus of Ortega Middle School.

In addition to the resolution previously passed by Council, GOCO requires that the City enter into a MOU with the Alamosa School District. This MOU addresses the responsibilities of both entities covering the planning, development, and construction of the project, the receipt and expenditure of grant funds, and compliance with grant requirements.

Issue Before the Council:

Does Council wish to sign and enter into the MOU with the Alamosa School District and continue the application process for the GOCO grant?

Alternatives:

While Council is free to select or develop any number of alternatives, those listed below are examples.

1. Approve the Ordinance authorizing the Mayor to sign the Memorandum of Understanding for the GOCO grant between the City of Alamosa and the Alamosa School District on first reading and set for a public hearing on November 16, 2016 at 7 pm or as soon thereafter as the matter may be heard.
2. Deny the request and provide staff with further direction.

Fiscal Impact:

Staff does not anticipate a financial impact. The Alamosa School District is committed to funding the improvement project above and beyond any amount awarded by GOCO.

Legal Opinion:

The City Attorney has reviewed the MOU and will be present for questions.

Conclusion:

The Alamosa School District is working to improve their athletic fields as a benefit to the communities of Alamosa and the San Luis Valley. The GOCO grant will help provide needed funding for those improvements.

ATTACHMENTS:

Description		Type
▣	Ordinance 19-2016 GOCO School District Ballfield MOU	Ordinance
▣	ASD-City GOCO MOU	Backup Material

ORDINANCE NO. 19 - 2016

AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE ALAMOSA SCHOOL DISTRICT TO APPORTION RESPONSIBILITIES WITH RESPECT TO A GOCO GRANT FOR THE ALAMOSA BALLFIELDS

WHEREAS, the City of Alamosa and the Alamosa School District desire to cooperate through an intergovernmental agreement receive and administer a grant from Great Outdoors Colorado to pursue improvement of the ballfields at the Ortega Middle School campus of the Alamosa School District as a benefit to the communities of Alamosa and the San Luis Valley; and

WHEREAS, the School District is not able to directly apply for the GOCO grant, but may do so with a local government entity such as the City for a partner; and

WHEREAS the City of Alamosa has or will enact a resolution agreeing to serve as the fiscal agent for the GOCO grant, and in doing so intends that a memorandum of understanding be in place to address the responsibilities of the City and the District with respect to the planning, development and construction of the project, the receipt and expenditure of grant funds, and the compliance with grant requirements; and

WHEREAS: Article XIV, Section 18 of the Colorado Constitution and C.R.S. Section 29-1-201, *et seq.*, encourages, permits and authorizes intergovernmental agreements to accomplish mutually beneficial objectives such as the improvements to the ballfields contemplated as part of the GOCO project;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Alamosa as follows:

Section 1. Approval of Intergovernmental Agreement. The Intergovernmental Agreement between the Alamosa School District and the City of Alamosa attached to this Ordinance is hereby adopted and approved, and the Mayor is directed to execute Agreement on behalf of the City of Alamosa;

Section 2. General Repealer. All other acts, orders, ordinances, resolutions, or portions thereof in conflict with the sections adopted in this Ordinance, are hereby repealed to the extent of such conflict.

Section 3. Recording and Authentication. This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and City Clerk, recorded in the City book of Ordinances kept for that purposes, and published according to law.

Section 4. Publication and Effective Date. This ordinance shall take effect ten (10) days after publication following final passage. Publication both before and after final passage shall be by the title of this ordinance, which Council determines constitutes a sufficient summary

of the ordinance, together with the statement that the full text of the ordinance is available for public inspection and acquisition on the City's website and in the office of the City Clerk.

Section 5. Declaration of Public Interest. This ordinance is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the City of Alamosa, Colorado.

INTRODUCED, READ AND APPROVED on first reading the 2nd day of November, 2016, and ordered published by title and reference as provided by law with notice of a public hearing to be held for consideration of the adoption of said ordinance on the 16th day of November, 2016, at 7:00 p.m., or as soon thereafter as the matter may be heard, or on such subsequent date to which the public hearing or Council consideration may be continued.

APPROVED, AND ADOPTED after public hearing the 16th day of November, 2016.

CITY OF ALAMOSA

By _____
Josef P. Lucero, Mayor

ATTEST:

Holly C. Martinez, City Clerk

MEMORANDUM OF UNDERSTANDING

City of Alamosa

AND

Alamosa School District

GREAT OUTDOOR COLORADO GRANT (GOCO) AGREEMENT

THIS AGREEMENT is made and entered into this 12th day of October, 2016, by and between: the City of Alamosa, Alamosa, Colorado, a Colorado home rule city, 300 Hunt Ave., Alamosa, CO 81101 (hereinafter referred to as the "City"), and Alamosa School District, a public school district and political subdivision of the State of Colorado, 209 Victoria Avenue, Alamosa, CO 81101 (hereinafter referred to as the "District");

WHEREAS, District is interested in the Alamosa Ballfield Improvement Project (the "Project"); and

WHEREAS, in conjunction with the Project, the City is willing to submit a grant application and agree to act as a sponsor of a Great Outdoors Colorado ("GOCO") Grant in the amount of \$350,000 (the "Grant") since the District is an ineligible Grant recipient; and

WHEREAS, the parties intend by this agreement for the City to be the conduit through which the District will receive the benefit of the grant; and

WHEREAS, the District intends to bind itself to the City for all of the City's obligations outlined in the Grant Agreement when awarded; and

WHEREAS, it is both necessary and desirable to enter into this Agreement for purposes of setting forth the relative responsibilities of the parties with respect to the planning, development and construction of the Project, the expenditure of Grant funds in conjunction therewith, and compliance with all Grant requirements; and

WHEREAS, it is the mutual desire of the parties to set forth their understanding and agreement, in writing, with respect to said obligations:

NOW, THEREFORE, in consideration of the mutual covenants, conditions and obligations herein set forth, the parties agree:

1. In consideration of the City's willingness to act as the sponsor of the GOCO Grant and to enable Grant funding of the Project, District agrees as follows:
 - (a) District agrees that it shall manage, develop and carry out construction of the project in conformity with all applicable zoning and development regulations. The Project will be owned by District.
 - (b) District agrees to maintain and keep the property in a good and orderly condition and utilize it as a ballfield within District within the City, in the San Luis Valley region of Colorado for at least so long as required under the terms of the Grant (see subsection (g), below).
 - (c) Should any claim for personal injuries, property damage or wrongful death be asserted as a result of the construction, operation, maintenance, or use of the improvements contemplated by the Project, the parties shall be responsible for such claim in the manner provided by the Colorado Governmental Immunity Act and the Colorado law concerning pro-rata liability. The parties shall not be jointly and severally liable for such claims.

MEMORANDUM OF UNDERSTANDING

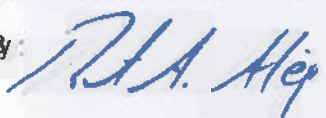
- (d) District shall provide to the City copies of all correspondence received from or sent to GOCO related to the utilization or expenditure of Grant funds as referenced in this contract, within the Grant application, or within any agreements with GOCO.
 - (e) District shall maintain standard financial accounts, documents, and records relating to the use, management, and operation of the Project. The accounts, documents, and records related to the Project shall be retained by District for not less than five (5) years following the date of disbursement of Project funds. While District is not required to use GAAP (Generally Accepted Accounting Principles), District shall use reasonable and appropriate accounting systems in maintaining the required records hereunder. District hereby assumes responsibility for compliance with all regulatory requirements in all applicable areas, including but not limited to nondiscrimination, worker safety, local labor preferences, preferred vendor programs, equal employment opportunity, use of competitive bidding, permits, approvals, and other similar requirements. To the extent permitted by law, District will indemnify and hold the City harmless from any liability for any failure to comply with any such applicable requirements.
 - (f) District agrees that it will carry out all of the work elements in a satisfactory and proper manner, assure that the Grant funds are expended solely for Project activities and in the amounts budgeted under the Project responsibilities required by and set forth within the City's contract with GOCO. The contents of all documents pertinent to the City's contract with GOCO shall be specifically incorporated into this Agreement, and any requirements in such documents applicable to performance of the work elements shall be the obligation of District. District shall be responsible for the same audit requirements as specified in the City's contract with GOCO.
 - (g) District agrees to provide reasonable public access to the Project area for twenty-five (25) years following the completion of the Project per GOCO grant requirements.
 - (h) In consideration of the long-standing storm water drainage issues in the area in which the Project is located, District agrees to deed to the City in fee simple property located at the corner of Market Street and Thomas Avenue sufficient to allow for the City to make improvements to handle drainage for the area and the improvements from the Project. City agrees to maintain the property for such purpose and keep the property visually appealing.
- 2. District agrees to prepare all quarterly financial and performance reports, as required under the GOCO Guidelines and shall provide copies of such reports to GOCO and the City in a timely manner.
 - 3. District shall prepare all requests for payment, which requests shall then be forwarded to the City along with supporting documentation (invoices, check copies, purchase orders, etc.) to substantiate the request for a draw down of funds. After review, the City shall forward the request to GOCO for payment. Upon receipt of payment, the parties expect that GOCO will forward the funds to the City. The parties expect that GOCO will require documentation evidencing that such funds were appropriately expended on the Project, and District shall provide the City copies of checks and payment of bills for its permanent records. If the City receives an advance of GOCO funds from the State, District shall be required to submit copies of invoices, check copies, purchase orders or similar evidence of indebtedness to substantiate any draw down of GOCO funds.
 - 4. Prior to any request for reimbursement for authorized activities to be funded under the GOCO Grant, District shall have in place all financing for the Project inclusive of construction financing, permanent financing, and any bridge loans, as required.

MEMORANDUM OF UNDERSTANDING

5. District's request for final payment shall be submitted in accordance with the provisions set forth in the contract between the City and GOCO.
6. District agrees to comply with all other terms, conditions and obligations pertaining to the ownership, development, construction and management of the Project as required under any contractual documents executed by the City or District with GOCO or the State of Colorado. In the event there is any liability accruing from inappropriate expenditure of Grant funds by the City, other than as a result of the negligence of the City, District agrees to be responsible and to hold the City harmless therefore.
7. It is the intent of this Agreement to assure that all contractual obligations concerning the ownership, development, construction, and management of the Project shall be accomplished by District, and that the role of the City in conjunction with said Project, other than planning and development approval, shall be limited to making application for the GOCO Grant funds and acting as a conduit for the authorized expenditure of such funds in accordance with the contractual documents.
8. By executing this agreement the parties do not waive any immunity or limit liability contained in the Colorado Governmental Immunity Act; do not create a multi-year fiscal obligation; and do not create any other financial obligation not supported by a current appropriation.
9. The District hereby grants to the City a limited license in, and right of entry to, the Project property for the purposes stated in the Project and for no other purpose. Such license and right of entry shall be exercised only in the event the District has failed to comply with the requirements of the Grant Agreement and shall include all rights reasonably necessary, as determined by the City, for the City to enter upon the property and perform its obligations to GOCO under the Grant Agreement. This right includes the ability of the City to use its employees, agents or outside contractors. This license and right of entry further includes the right to enter upon the property with any equipment or vehicles.
10. The terms of this Agreement shall be binding upon the representative parties, their successors and assigns and shall terminate simultaneously with the termination of all City obligations under the Grant Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

ALAMOSA SCHOOL DISTRICT

By:  10-12-16
Superintendent of Schools

CITY OF ALAMOSA

By: _____
José P. Lucero, Mayor

Attest: _____