



NEWSLETTER

Vol. 49, No. 19, September 22, 2023



A PLACE CALLED HOME

This year, CML celebrates the 25th anniversary of its office in Denver

For 75 years, the League lived as a nomad, calling several buildings home as it moved from Boulder to Wheat Ridge to various sites in Denver. A permanent location was long overdue by the time the League found a plot of land in the Capitol Hill neighborhood.

The League purchased the land in 1981 and spent years designing and constructing the building that would become its

new home. In 1998, the League made its final move into a red stone structure in the heart of Capitol Hill's Sherman-Grant Historic District at 1144 Sherman Street.

Beyond becoming a permanent home for League staff and functions, the building served as a testament to the League's commitment to Colorado's cities and towns and its members' belief in the functions of the Colorado Municipal League.

As it turns 25, we celebrate our home and are grateful for the many people who made it possible. In the sixth story of our anniversary series, we dive into how CML's home came to be, who made it happen, and how it was built to serve our members. Read more about how the CML building came to be: <https://tinyurl.com/46psc6de>.

Empowered cities and towns, united for a strong Colorado

EMPOWERED CITIES AND TOWNS, UNITED FOR A STRONG COLORADO



COLORADO MUNICIPAL LEAGUE **NEWSLETTER**

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CML UPDATE

Two new staff members have joined the CML team. Kharyl Jackson is our new marketing & communication specialist, and Rachel Woolworth is our research analyst. We're excited to have them on board!

KHARYL JACKSON

Marketing & Communications Specialist



With over a decade of experience and a passion for community involvement, Kharyl Jackson is a valuable addition to the CML team as our new marketing and communications specialist. Kharyl's extensive marketing background includes roles with Comcast, Marca Global, MCA, and Mountain States Employers Council. Armed with a master's in marketing and communications from the University of Denver, Kharyl combines education with extensive experience. This unique blend fosters strong working relationships and strategic thinking, ultimately driving results that benefit both members and revenue growth. Her impact extends beyond her professional endeavors, as she actively contributes to community causes. Kharyl previously served as a board member for Friends First and marketing committee chair and mentor leader for City Year, and she's looking forward to serving as a mentor with Big Brothers Big Sisters.

RACHEL WOOLWORTH

Research Analyst



Rachel Woolworth, a Leadville local, joins the CML team this month as our municipal research analyst. Rachel recently finished her master of public administration degree at University of Colorado Denver and is looking forward to applying an academic lens to her work at CML. Originally from Charlottesville, Virginia, Rachel spent the past decade researching and writing about the rural West through AmeriCorps terms in Alamosa and Santa Fe and five years working as a reporter and then editor-in-chief of the Herald Democrat in Leadville. Rachel is inspired by the vibrant towns and majestic open spaces scattered across Colorado and looks forward to bringing a rural perspective to CML. When she's not holed up in a coffee shop working, Rachel can be found exploring the mountains via splitboard or running shoes, baking bread, or growing veggies (a tough feat at 10,200 feet!).

CALL FOR 2024 CML ANNUAL CONFERENCE SESSIONS

The Colorado Municipal League is accepting session proposals for the 2024 Annual Conference, which will take place in Loveland on June 18-21, 2024. Sessions will be determined through a conference planning process that will take place later this year. CML will notify individuals whose proposals are selected in December 2023.

Session proposals can be submitted through an online application form, <https://tinyurl.com/2jh3v9pb>. The deadline is **Nov. 3**.

The CML annual conference is the premier meeting for municipal officials in Colorado. The conference brings together elected officials and staff from cities and towns across the state to tackle the urgent issues facing our communities. Every year, more than 1,000 leaders attend this four-day series of educational events to learn, collaborate, and network. Educational sessions at the annual conference are learning experiences and are noncommercial. Under no circumstances should a presentation be used for direct promotion of a speaker's product, service, or other self-interest. Questions? Contact CML Engagement & Communications Manager Denise White, dwhite@cmlorg.

SOOCAT 2024: Shining a spotlight on unforeseen consequences

CML is gearing up to launch its 2024 State of Our Cities and Towns Survey. This annual initiative is a critical tool for understanding the challenges and opportunities facing our local communities.

Having listened attentively to your feedback during Spring Outreach meetings and our Annual Conference, a prominent theme emerged — the unforeseen impacts of state legislation, particularly concerning liability and compliance-

related funding. In response to these concerns, the upcoming CML survey will delve deep into this issue.

In partnership with our trusted research partner, Corona Insights, we are committed to delivering a comprehensive and insightful survey. Scheduled for distribution in late-September, we encourage our municipal members to participate and share their experiences and insights. A link (or paper copy upon request) will be sent

to the designated respondent for each city and town.

Your responses are crucial in helping us shape informed policies, advocate effectively, and work towards solutions that benefit all Colorado municipalities. The deadline for survey responses is set for October, so mark your calendars and make sure CML hears how these issues are affecting your community.

Grants support conservation, recreation

Colorado Parks and Wildlife is accepting applications for grants to support coalitions working to ensure Colorado's land, water, and wildlife thrive while also providing for equitable and quality outdoor recreation experiences.

- **Partnership capacity grants** for up to \$150,000 support coalitions dedicated to Colorado's land, water, wildlife, and equitable access to outdoor recreation. Colorado's eastern plains and other areas without established regional partnerships

are a priority for capacity funding.

- **Planning grants** for up to \$250,000 support the work of regional partnerships to complete conservation and recreation plans that complement Colorado's Outdoors Strategy. These grants can also include funding for capacity.

Letters of interest are due **Oct. 13** and final proposals are due **Nov. 1**. More information is available online at <https://tinyurl.com/nhhau6v2>.

Infrastructure Hub helps municipalities apply for funding

The National League of Cities is launching its fourth set of free grant-writing "bootcamps" this fall to keep pace with new federal grant opportunities. The bootcamps have already helped more than 600 small and mid-sized municipalities develop competitive federal grant applications, offering peer counseling, office hours, and technical support. They may also be an excellent complement to support from the state being offered through the Regional Grant Navigator program led by councils of governments.

The upcoming bootcamps will focus on several grant opportunities available through the Bipartisan Infrastructure Law, including the Rebuilding Infrastructure with Sustainability and Equity grant program, climate action planning, and digital equity. Registration for these bootcamps closes **Sept. 29**.

In addition, a special bootcamp series will be offered for municipalities needing help with the finishing touches of grant applications, specifically for the Building Resilient Infrastructure and Communities, Strengthening Mobility and Revolutionizing Transportation, and Flood Mitigation Assistance programs. Registration for these bootcamps will be on a rolling basis in September.

Registration is available online at <https://tinyurl.com/bd5pr8mw>.

UPCOMING WEBINARS

Unlock a world of knowledge through an upcoming CML webinar. Dive into essential topics that directly address the challenges and conversations Colorado's cities and towns are facing.

CUSTOMS AND BORDER PROTECTION — A LOOK AT LOCAL RESOURCES AND EFFORTS TO INTERRUPT DRUG FLOWS

Tuesday, Sept. 26, 12-1 p.m.

This session, featuring Tiffany Olizarowicz and Montana Whitehead, delves into Customs and Border Protection's efforts to combat drug flows. CBP's Office of Field Operations Denver showcases their operational presence in Colorado, emphasizing preparedness and modernization. The Office of Intelligence provides insights into drug smuggling tactics post-COVID, including illicit e-commerce. (Rescheduled from April 11). Register at <https://bit.ly/3sYP0di>.

CIVILIAN CYBER RESERVES AND CYBERSECURITY

Wednesday, Oct. 11, 12-1 p.m.

A civilian cyber reserve is a group of public and private cybersecurity professionals who are vetted, trained, and organized to proactively assist communities by improving their cyber defense and respond to cybersecurity incidents, like ransomware. This webinar focuses on understanding how a civilian cyber reserve could bolster Colorado local governments' cybersecurity. The National Cybersecurity Center is developing a cyber reserve model from cities, counties, municipalities, special districts and potential volunteers among the skilled cyber workforce in Colorado. Jaime Clintzman, outreach coordinator at NCC, shares information on the model while also soliciting interactive feedback to explore how Colorado cities and towns can participate. Register at <https://bit.ly/46cWgk8>.

First came the floods. Then came a wave of resilience and unity

A decade ago, in September 2013, Colorado faced a catastrophe of monumental proportions as torrential rains and flooding wreaked havoc across the state. In the aftermath, CML offered support for its members and the entire affected community.

During those trying times, several CML members, including but not limited to Estes Park, Sterling, Louisville, Loveland, Milliken, Fort Morgan, Boulder, Jamestown, Longmont, Evans, and Lyons, were thrust into unprecedented change within hours.

“The destruction was palpable,” recalls Sam Mamet, CML’s executive director at the time, “and so was the resilience and courage of myriad municipal and other local leaders.”

In the face of such adversity, CML demonstrated its core strengths, refined over a century of existence: fostering coordination, communication, and collaboration. Gov. John Hickenlooper’s steadfast leadership found a dedicated partner in CML as the state and its Colorado municipalities navigated the path to recovery. Mamet remembers the weekly phone-in sessions in Hickenlooper’s office, where local officials could voice their concerns and ideas, reflecting their strong partnership in the response and recovery efforts.

In particular, Mamet and CML spent time in Jamestown with then Mayor Tara



PHOTO BY CML STAFF

Lyons Town Administrator Victoria Simonsen speaks at “10 Years of Grit, Grace & Gratitude,” a remembrance of the 2013 flood.

Schoedinger, Longmont with City Manager Harold Dominguez, retired Public Works Director Dale Rademacher and current Assistant City Manager Sandi Seader, Evans with retired City Manager Aden Hogan and former Mayor Lyle Achziger, and Lyons with Town Administrator Victoria Simonsen.

“Leadership and vision were common denominators for these individuals,” Mamet said. “Along with all of the other

officials — local, state, and federal — with whom I had the privilege of interacting.”

As Colorado communities commemorate a decade since those fateful floods, CML’s enduring commitment to supporting local municipalities remains an enduring testament to the resilience and unity that define the Centennial State.

DOLA awards over \$47M in grants to reduce homelessness

In the final round of the Transformational Homelessness Response Grant Program, the Colorado Department of Local Affairs, through the Division of Housing, recently awarded \$39,376,809 across multiple counties in Colorado. Additionally, five Transformational Affordable Housing Grant Program applicants received grants totaling \$8,225,249.

Several municipalities were among the grant recipients. Arvada received \$1,914,000; Greeley received \$3,421,400;

Loveland received \$595,000; and Delta received \$1,428,912. The grant money will pay for a variety of programs including outreach, emergency sheltering, bridge housing, and resheltering services.

Informed by HB22-1304 and HB22-1377, the Transformational Homelessness Response Grant Program aims to ensure everyone has a safe and stable place to live and thrive.

The awards are meant to fund transformational programs that will fundamental-

ly shift the landscape of homelessness within the community, region, and state by improving systems, programs, and outcomes while being responsive to the one-time nature of the funding provided.

The objective of all programs that have been awarded funding is to prevent or end participants’ homelessness as efficiently and effectively as possible.

Fall District Meetings



PHOTOS BY CML STAFF

The CML Fall District Meeting in Alamosa.

CML has been traveling across the state this month to meet our members at our annual Fall District Meetings. These are excellent opportunities to meet CML staff face-to-face, network with colleagues from neighboring communities, and learn about the upcoming legislative session. The meetings are educational and also a lot of fun! Above all, CML is there to listen. We want to know all about the unique needs of your municipality and how CML can help.

CML will be in Pueblo on **Sept. 22** for the Fall District Meeting for Districts 7 and 14. We will be in Fountain for the District 4 meeting and Loveland for the District 2 meeting on **Sept. 27**. The fall meetings will wrap up **Sept. 28**, at the District 5 meeting in Hugo.

More information is available on the CML website, <https://tinyurl.com/2rzjd63e>. For questions about the meetings, contact CML Meeting and Events Planner Karen Rosen, krosen@cml.org.



The CML Fall District Meeting in Craig.



The CML Fall District Meeting in Lone Tree.

Greeley receives \$13.8 million to fund Gold Hill Pipeline project

Greeley is receiving \$13.8 million in grant funding from FEMA to help fund the Gold Hill Pipeline project west of the city. Completion of the pipeline will help address potential water disruptions from wildfires, floods, and other hazards.

This funding is made available through the Building Resilient Infrastructure and Communities national competition. It is funded through the Bipartisan Infrastructure Law, which will distribute \$1.8 billion for resilience projects nationwide.

Greeley relies on two treatment plants to supply water to over 150,000 residents. The system, however, is still vulnerable to water shortages and natural disasters.

The Gold Hill Transmission Pipeline project enables the flow of treated water

in two directions. It closes the gap in the transmission network. This connection increases flexibility in water management and reduces pumping costs in the fall and winter. It allows the city to benefit by further diversifying its water supplies. The project addresses a Weld County Hazard Mitigation Action Guide.

“While this project is critical to Greeley, it will further Northern Colorado regional water resiliency tested by recent wildfire events such as the Cameron Peak Fire, and it will protect Greeley and its connected systems from unforeseen future disasters,” Greeley Mayor John Gates said. “Further, the new transmission line project will reduce costs of daily operations for the city by reducing reliance on pumping to supply water to customers.”

U.S. Sen. Michael Bennet of Colorado welcomed the announcement.

“From longer and more extreme wildfire seasons to intensifying drought, climate change is affecting Coloradans in every corner of our state,” Bennet said. “This funding from the Bipartisan Infrastructure Law will allow Greeley to ensure its water infrastructure can continue serving its residents into the future.”

“The City of Greeley is very pleased to hear that our community will receive financial assistance for the Gold Hill Treated Water Transmission Pipeline project,” said Sean Chamber, Greeley’s Water and Sewer director. “This project adds further resiliency to our water system and helps us ensure safe and reliable water for generations in Greeley.”

DOLA executive director to retire

Gov. Jared Polis announced on Sept. 11 that Department of Local Affairs Executive Director Rick Garcia will retire from his position at the end of this year.

“DOLA’s partnership with Colorado municipalities cannot be understated, and Rick’s leadership has certainly strengthened those bonds,” said Kevin Bommer, CML executive director. “Rick stepped up during the pandemic to ensure that DOLA provided even more support for local governments, especially with administration of CARES Act reimbursements and ongoing support after ARPA grants were distributed.”

“I want to thank Rick for his commitment to the people of Colorado and for his service to our great state,” Polis said.

“It’s been an honor and privilege to serve Gov. Polis during my DOLA tenure. It’s been a remarkable period of policy accomplishments, and I am proud to add



this time to my long public service track record,” Garcia said.

Previous to being appointed DOLA executive director, Garcia served as President Barack Obama’s appointee as U.S. HUD regional administrator, was a two-term elected City and County of Denver councilmember, and served as Colorado Small Business Development Center state director in Gov. Roy Romer’s administration.

Small Communities Workshop open for registration

The Colorado Department of Local Affairs is hosting the 2023 Small Communities Workshop in Johnstown. The workshop is an opportunity to discuss critical issues, including affordable housing strategies, water efficiency and conservation, disaster recovery, and construction of sustainable public facilities. The Small Communities Workshop will take place Oct. 10-11 at the Larimer County Emergency Operations Center in Johnstown. A networking event will be held on the 10th, followed by a full day of programming on the 11th. DOLA is hosting the event with the support of the Special District Association of Colorado, Colorado Counties, Inc., and the Colorado Municipal League. Register online at <https://tinyurl.com/bdeveemc>.

Pending PFAS/AFFF settlements will affect public water utilities

Public water providers should receive notice in the coming weeks of two nationwide class settlements of lawsuits regarding per- and polyfluoroalkyl substances (PFAS). A provider does not need to have

filed a lawsuit or retained an attorney to be considered part of the settlements. The settlement amount will vary according to a complex allocation system. There are strict deadlines this fall to object to

the settlements or to file to be removed from the class. More information is at <http://www.pfaswatersettlement.com>.

CML LEGAL CORNER



Pickleball highlights the challenges of regulating noise

By Sarah Walker, CML law clerk

The pickleball craze continues to spread throughout Colorado. One unexpected consequence: a rise in noise complaints about the racquet sport. In turn, many municipalities are exploring how to address this issue that divides public opinion. Of course, municipalities are not new to regulating noise and responding to noise complaints. Noise regulation is one of the general police powers granted to municipalities in C.R.S. 31-15-401. Plenty of studies have found that human produced noise can be connected to a variety of environmental and health problems, including anxiety and stress. The noise control challenges that pickleball presents closely resemble the broader challenges that municipalities continue to wrestle with when deciding how to best regulate noise.

QUALITATIVE VS. QUANTITATIVE NOISE ORDINANCES

The first challenge municipalities face is deciding what kind of noise ordinance they want to adopt. There are two broad types of noise ordinances: quantitative and qualitative. The more traditional type is qualitative. These ordinances typically ban noise that is found to be “unreasonable,” “unusual,” or “unnecessary.” These ordinances give municipalities significant flexibility in enforcement. However, the vagueness and uncertainty of what level and type of noise is “unreasonable” poses problems given the amount of discretion it provides to enforcement officials and can lead to inconsistent enforcement.

Quantitative ordinances proscribe acceptable noise levels based on precise, scientific measurements of sound intensity and frequency. These are commonly referred to as decibel-based ordinances as noise levels are measured in decibels (dBA). This approach provides enforcement

officials with non-discretionary criteria, which can lead to more uniform and predictable enforcement. However, there are still difficulties with this approach. Specific equipment is required, and enforcement officials must be properly trained on how to use the equipment. Additionally, a sound meter cannot isolate noise based on source so it can be hard to attribute the noise to one individual source.

DETERMINING APPROPRIATE NOISE LEVELS

For municipalities that choose to adopt a quantitative noise ordinance, they must also determine maximum allowable noise levels. Traditionally, noise levels have been set based on land use zoning. Under this approach, areas zoned for residential use have a lower lawful noise limit than areas zoned for commercial and industrial uses.

While this traditional approach has and continues to work in some municipalities, the increase in zoning mixed-use districts means that this simpler approach may no longer be as effective. For example, in 2020, a Denver tenant complained about noise from the bar below his apartment. His apartment was zoned for mixed-use, a zoning category that Denver’s noise ordinance did not specifically address.

One way to find some middle-ground for mixed-use districts is to consider both the origin source of the noise and the receiving point when setting maximum noise levels. For example, a noise emitted from a residential source and received at a residential point might have a maximum allowed dBA of 55. However, a noise emitted from a commercial source and received at a residential point would have a maximum allowed dBA of 60. While commercial to residential may be higher than residential to residential, it would still be lower than commercial to commercial.

TAILORING NOISE CONTROL ORDINANCES

There are further ways that municipalities can customize quantitative noise ordinances. First, a noise ordinance can set noise limits that vary depending on time and day. For example, the Town of Morrison has one noise limit that applies between 10 p.m. to 7 a.m. and then a higher noise limit that applies 7 a.m. to 10 p.m. Doing this can help municipalities balance the need to promote the general welfare while also recognizing that most people are more tolerant of noise during the day as opposed to at night. The Town of Parker also varies noise limits based on whether it is a weekday or weekend. These two towns are good examples of how municipalities can tailor their noise ordinances to fit the needs of their communities.

SOUND REDUCTION MEASURES

Lastly, simply eliminating the source producing the unlawful noise is not always the best solution for municipalities. Whether it is a large industrial site that provides important jobs to the community or popular recreation facilities like pickleball courts, there are other avenues to address noise concerns. Some municipalities have found success in engaging the sound-producing entity to reach a satisfactory outcome without having to bring legal action. Solutions like sound barriers or fences can reduce noise for community members while not impairing the use of the source. Engaging directly with the source can lead to mutually agreeable solutions for noise issues and help the municipality avoid future legal troubles around noise ordinance enforcement.

This column is not intended and should not be taken as legal advice. Municipal officials are always encouraged to consult with their own attorneys.



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