



HYBRID CITY COUNCIL AGENDA
January 24, 2023 6:00 P.M.
116 Main St., Fountain
Register to attend virtually @
www.fountaincolorado.org

- 1) Call to Order**
- 2) Pledge of Allegiance**
- 3) Roll Call**
- 4.1) Presentations**
 - South Powers Boulevard Presentation – Scott Asher, Wilson & Company – 15 minutes (T. Evans)
- 4.2) Board/Commission/Committee**
- 5) City Council Agenda Requests**

City Council shall use this time to request any items for future consideration
- 6) Public to be Heard**

Citizens may address the Council on items that are not on the agenda. Council may not be able to provide an immediate answer, but will direct staff to follow-up. Out of respect for the Council and others in attendance, please limit your comments to three (3) minutes or less.
- 7) Consent Agenda**

All items listed under the Consent Agenda are considered to be routine and will be approved with one motion. There will be no separate discussion of these items unless a Council Member or citizen so requests, in which case the item may be removed from the Consent Agenda and considered separately, at the discretion of Council. (Est. time-3 min)

 - A.** Approval Of The January 10, 2023 City Council Meeting Minutes (S. Huffman)
 - B.** Request Of Corporate Report Of Changes For A Club Liquor License For American Legion Post 38, DBA Security Post. (S. Huffman)
- 8) Old Business**
- 9) New Business**
 - A.** Consideration Of Items Removed From The Consent Agenda
 - B.** Resolution 23-003, A Resolution Of The City Council Of The City Of Fountain, Colorado Authorizing The Infill #2 Infrastructure Tax Sharing Agreement For Commercial 21AC SEC (K. Bailey, 20 min)

- C.** Resolution 23-004, a Resolution to Amend the Fountain Youth Council Charter (S. Trainor, 10 minutes)
- D.** Resolution 23-005, A Resolution Of The City Of Fountain Establishing The City's Position Not To Collect Or Enforce Retail Bag Fees Created By Colorado House Bill 21-1162 (T. Johnson, 20 min)
- E.** Resolution 23-006, A Resolution Affirming And Approving The Public Safety Mil Levy For Fiscal Year (FY) 2023 (J. Lewis, 5 min)
- F.** Resolution No. 23-007 A Resolution Of The City Council Of The City Of Fountain, Colorado Authorizing The Leasing Of Two Mack Trucks Through Holman Capital And Acquired With Fiscal Year (FY) 2023 Budgeted Funds (J. Lewis, 5 min)
- G.** Resolution No. 23-008 A Resolution Of The City Council Of The City Of Fountain, Colorado Authorizing The Reimbursement Of A Portion Of The December 2022 Pierce Ladder Truck Purchase Through A Lease Through Holman Capital (J. Lewis 5 min)

10) Correspondence, Comments and Ex-Officio Reports

11) Announcement of Executive Sessions

12) Adjourn

A (Administrative Action) QJ (Quasi-Judicial Action) L (Legislative Action)

**NEXT REGULAR COUNCIL MEETING
February 14, 2023**



Regular City Council Meeting

Consent –7A
Council Meeting Minutes

January 24, 2023

Summary Information

Title:

APPROVAL OF THE JANUARY 10, 2023 CITY COUNCIL MEETING MINUTES

Initiator : City Clerk Huffman

Presenter: City Clerk Huffman

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

The attached minutes were compiled as the result of the January 10, 2023 City Council Meeting Minutes

Attachments: Above Referenced Meeting Minutes

Background Information

Strategic Plan Priority (if applicable):

- Facilitate responsible development, building reasonable capacity to meet future community needs.**
- Diversify city financial resources and invest.**
- Provide reliable access to public safety services.**
- Improve the quality and availability of parks and recreation opportunities**

Recommendation

Staff recommends approval.

Proposed Motion

Motion to approve shall be included under the consent agenda.

CITY COUNCIL MEETING
January 10, 2023

1) Call to Order

Mayor Thompson called the meeting to order at 6:00P.M.

2) Pledge of Allegiance

The pledge of Allegiance was recited

3) Roll Call

Roll call found the following members present

Mayor Thompson

Mayor Pro Tem Estes-virtually

Council Member Hinton

Council Member Rick

Council Member Applegate

Council Member Cory Applegate

Council Member Duncan

4 (1) Presentations

- **Introduction of Chris Sterling Recreation Assistant.**

Recreation Manager McCormick introduced Chris Sterling as the new Recreation Assistant and gave a brief bio. Mr. Sterling thanked Council for their support of his position.

- **Introduction of Kate Parker Assistant City Attorney**

City Attorney Johnson introduced Assistant City Attorney Parker and gave a brief bio.

- **Presentation of the Fountain Transit Driver of the Year Award**

Dispatch Lead Covarrubias praised Ray Ochoa for his dedication and service to the Transit Department. Noting that he has been an invaluable employee but consistently going above and beyond and is highly valued by Fountain's transit customers and his coworkers.

Mr. Ochoa thanked Council and his coworkers for all of their support. He stated he is honored and will continue to serve this community in high regard.

- **A Proclamation Recognizing Martin Luther King, Jr. Day, January 16, 2023**

Council Member Hinton read the proclamation into record in honor of Dr. Martin Luther King.

4 (2) Board/Commission/Committee Appointments

There were no appointments.

5) City Council Agenda Requests

There were no requests.

6) Public to be Heard

Connie Wisenhoff, resident asked where the warming shelters in Fountain are for the homeless population.

Public Safety Director Heberer stated there are warming shelters in Widefield and Colorado Springs but there is not a dedicated shelter in Fountain.

Mayor Thompson stated that at one point, there was a temporary warming shelter set up in preparation for cold weather. It was expensive and took a lot of work and was not utilized as anticipated.

Ms. Wisenhoff asked what she needs to do to transform her building into a warming shelter.

Public Safety Director Heberer stated he will work with Ms. Wisenhoff to see what can be done.

Mayor Thompson also suggested reaching out to the Salvation Army for help.

7) Consent Agenda

- A. Approval Of The December 13, 2022 City Council Meeting Minutes**
- B. Resolution 23-001, A Resolution To Authorize The City To Renew A Lease Agreement For An Annual Lease Of Space Within The El Paso County Health Department South Building.**
- C. Resolution No. 23-002, A Resolution Approving The 2021 Financial Statement Audit For The El Paso County Emergency Services Authority**
- D. Designation Of The Official Posting Locations For Notice Of Public Meetings 2023**

Council Member Hinton made a motion to approve the consent agenda, seconded by Council Member Rick. All member voted yes (7-0); the motion carried.

8) Old Business

There was no old business to be heard.

9) New Business

A. Consideration Of Items Removed From The Consent Agenda

There were no items removed.

10) Correspondence, Comments and Ex-Officio Reports

City Manager Trainor reminded Council of the upcoming Council retreat date of January 21, 2023. He also asked if Council would be amenable to coming early at 5:30 P.M. to the next regular meeting to allow for set up and training for multi-factor authentication.

All Council Members concerned they would attend.

Public Safety Director Heberer reported on an upcoming meeting regarding mental health at the Fountain Library.

Administrative Services Director Trylch advised Council that the IGSA is complete for animal control services. He also reported that Fountain will be participating in a basketball tournament with Fort Carson, Peterson, and Air Force Academy with kids ages 10-12. The Army announced today that Fountain will be receiving a Partnership award for its work with Fort Carson on the IGSA's.

Recreation Manager McCormick reported that the basketball programs should be extremely successful. He also noted that Adams Open Space project is still moving forward.

Mayor Thompson asked if the ongoing problems with the splash pad are being mitigated.

Recreation Manager McCormick stated the Park's Department will always have a spare pump for repairs and Vortex is slated to come out to do a total inspection.

Mayor Thompson asked about issues concerning applying for a business license online.

City Clerk Huffman stated that a new vendor has been chosen that would allow for Java Script to connect the pay portal with the application portal to eliminate confusion with this process. She noted the new vendor should be able to migrate all information and be complete by the end of February.

Mayor Pro Tem Estes stated she attended the Fountain Creek Water Shed strategic planning meeting and there are a lot of exciting things happening with this district.

Council Member Duncan thanked the first responders for all their work during the holidays. She asked if there have been complaints on fireworks.

Public Safety Director stated he will be hosting a meeting on firework solutions and will invite Council to attend.

City Manager Trainor also noted that Deputy City Manager Evans may have identified a home that may be the issue with fireworks and is currently working on a resolution.

Council Member Duncan the congratulated those officers that were in the change of command and retirement for Sheriff Elder. She also reported that the Christmas tree drop off in Metcalfe Park will be open throughout January. She asked about complaints on the new bag fee.

11) Announcement of Executive Sessions

City Clerk Huffman requested the following executive sessions:

Pursuant to C.R.S. Section 24-6-402(4) for the Purpose of Review, Approval, and Amendment of Executive Session Minutes

Pursuant to C.R.S. Section 24-6-402(4)(b) for the purpose of receiving legal advice on specific legal questions.

Council Member Hinton made a motion to hold executive sessions as requested, seconded by Council Member Rick. All members voted yes 97-0); the motion carried.

12) Adjourn

There being no further business, Mayor Thompson declared the meeting adjourned at 6:50 P.M.

City Clerk

Mayor



Regular City Council Meeting

Consent –7B

Corporate Report of Changes

January 24, 2023

Summary Information

Title:

REQUEST OF CORPORATE REPORT OF CHANGES FOR A CLUB LIQUOR LICENSE FOR AMERICAN LEGION POST 38, DBA SECURITY POST.

Initiator : Deputy City Clerk Carneal

Presenter: City Clerk Huffman

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

American Legion Post 38 has submitted a report of changes for a change of Manager. All required forms were submitted and a background check is not required for this license type.

Attachment: Corporate Report of Changes

Background Information

- Facilitate responsible development, building reasonable capacity to meet future community needs.
- Diversify city financial resources and invest.
- Provide reliable access to public safety services.
- Improve the quality and availability of parks and recreation opportunities

Recommendation

Staff recommendations

Proposed Motion

Motion to approve shall be included under the consent agenda.

Permit Application and Report of Changes

All Answers Must Be Printed in Black Ink or Typewritten

1. Applicant is a <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company		License Number 08-16571-0000
2. Name of Licensee AMERICAN LEGION POST 38		3. Trade Name of Establishment (DBA) FOUNTAIN POST
4. Address of Premises (specify exact location of premises) 6685 SOUTH MOOR DR		5. Business Email Address
City FOUNTAIN	County EL PASO	State ZIP CO 80817
Business Phone Number 719-392-9901		

SELECT THE APPROPRIATE SECTION BELOW AND PROCEED TO THE INSTRUCTIONS ON PAGE 2.

Section A – Manager Reg/Change	Section C						
<input type="checkbox"/> Manager's Registration (Hotel & Restr.) \$30.00 <input type="checkbox"/> Manager's Registration (Tavern) \$30.00 <input type="checkbox"/> Manager's Registration (Lodging & Entertainment) \$30.00 <input checked="" type="checkbox"/> Change of Manager (Other Licenses pursuant to section 44-3-301(8), C.R.S.) NO FEE <i>Please note that Manager's Registration for Hotel & Restaurant, Lodging & Entertainment, and Tavern licenses requires a local fee with submission to the local licensing authorities directly regarding local processing and fees.</i>	<input type="checkbox"/> Retail Warehouse Storage Permit (ea) \$100.00 <input type="checkbox"/> Wholesale Branch House Permit (ea) \$100.00 <input checked="" type="checkbox"/> Change Corp. or Trade Name Permit (ea) \$50.00 <input type="checkbox"/> Change Location Permit (ea) \$150.00 <input type="checkbox"/> Winery/Limited Winery Noncontiguous or Primary Manufacturing Location Change \$150.00 <input type="checkbox"/> Change, Alter or Modify Premises <table border="1" style="width: 100%; border-collapse: collapse; margin-left: 20px;"> <tr> <td style="width: 60%; padding: 2px;">\$150.00 x</td> <td style="padding: 2px;">Total Fee:</td> </tr> </table> <input type="checkbox"/> Addition of Optional Premises to Existing H/R <table border="1" style="width: 100%; border-collapse: collapse; margin-left: 20px;"> <tr> <td style="width: 60%; padding: 2px;">\$100.00 x</td> <td style="padding: 2px;">Total Fee:</td> </tr> </table> <input type="checkbox"/> Addition of Related Facility to an Existing Resort or Campus Liquor Complex <table border="1" style="width: 100%; border-collapse: collapse; margin-left: 20px;"> <tr> <td style="width: 60%; padding: 2px;">\$160.00 x</td> <td style="padding: 2px;">Total Fee:</td> </tr> </table> <input type="checkbox"/> Campus Liquor Complex Designation No Fee <input type="checkbox"/> Sidewalk Service Area \$75.00	\$150.00 x	Total Fee:	\$100.00 x	Total Fee:	\$160.00 x	Total Fee:
\$150.00 x	Total Fee:						
\$100.00 x	Total Fee:						
\$160.00 x	Total Fee:						
Section B – Duplicate License <input type="checkbox"/> Duplicate License \$50.00							

Do Not Write in This Space – For Department of Revenue Use Only

Date License Issued	License Account Number	Period
The State may convert your check to a one time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department of Revenue may collect the payment amount directly from your bank account electronically.		TOTAL AMOUNT DUE \$00

Storage Permit	<p>5. Retail Warehouse Storage Permit or a Wholesalers Branch House Permit</p> <p><input type="checkbox"/> Retail Warehouse Permit for:</p> <p style="padding-left: 20px;"><input type="checkbox"/> On-Premises Licensee (Taverns, Restaurants etc.)</p> <p style="padding-left: 20px;"><input type="checkbox"/> Off-Premises Licensee (Liquor stores)</p> <p><input type="checkbox"/> Wholesalers Branch House Permit</p> <p>Address of storage premise: _____</p> <p>City _____, County _____ ZIP _____</p> <p>Attach a deed/lease or rental agreement for the storage premises.</p> <p>Attach a detailed diagram of the storage premises.</p>				
Change Trade Name or Corporate Name	<p>6. Change of Trade Name or Corporation Name</p> <p><input checked="" type="checkbox"/> Change of Trade name/DBA only</p> <p><input type="checkbox"/> Corporate Name Change (Attach the following supporting documents)</p> <p style="padding-left: 20px;">1. Certificate of Amendment filed with the Secretary of State, or</p> <p style="padding-left: 20px;">2. Statement of Change filed with the Secretary of State, <u>and</u></p> <p style="padding-left: 20px;">3. Minutes of Corporate meeting, Limited Liability Members meeting, Partnership agreement.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Old Trade Name SECURITY POST</td> <td style="width: 50%;">New Trade Name FOUNTAIN POST</td> </tr> <tr> <td>Old Corporate Name</td> <td>New Corporate Name</td> </tr> </table>	Old Trade Name SECURITY POST	New Trade Name FOUNTAIN POST	Old Corporate Name	New Corporate Name
Old Trade Name SECURITY POST	New Trade Name FOUNTAIN POST				
Old Corporate Name	New Corporate Name				
Change of Location	<p>7. Change of Location</p> <p>NOTE TO RETAIL LICENSEES: An application to change location has a local application fee of \$750 payable to your local licensing authority. You may only change location within the same jurisdiction as the original license that was issued. Pursuant to 44-3-311(1) C.R.S. Your application must be on file with the local authority thirty (30) days before a public hearing can be held.</p> <p>Date filed with Local Authority _____ Date of Hearing _____</p> <p>(a) Address of current premises _____</p> <p style="padding-left: 20px;">City _____ County _____ ZIP _____</p> <p>(b) Address of proposed New Premises (Attach copy of the deed or lease that establishes possession of the premises by the licensee)</p> <p style="padding-left: 20px;">Address _____</p> <p style="padding-left: 20px;">City _____ County _____ ZIP _____</p> <p>(c) New mailing address if applicable.</p> <p style="padding-left: 20px;">Address _____</p> <p style="padding-left: 20px;">City _____ County _____ State _____ ZIP _____</p> <p>(d) Attach detailed diagram of the premises showing where the alcohol beverages will be stored, served, possessed or consumed. Include kitchen area(s) for hotel and restaurants.</p>				

Winery/Limited Winery/Noncontiguous or Primary Manufacturing Location Change	<p>8. Winery/Limited Winery Noncontiguous or Primary Manufacturing Location Change</p> <p>Select the option that applies to your situation:</p> <p><input type="checkbox"/> Make a current Primary Manufacturing Location (Location 1) into a Noncontiguous Location (Location 2); or</p> <p><input type="checkbox"/> Make a current Noncontiguous Manufacturing Location (Location 1) into a Primary Manufacturing Location (Location 2).</p> <p>(a) Address of Location 1: _____ City _____ County _____ ZIP _____</p> <p>(b) Address of Location 2: _____ City _____ County _____ ZIP _____</p>
Change of Manager	<p>9. Change of Manager or to Register the Manager of a Tavern, Hotel and Restaurant, Lodging & Entertainment liquor license or licenses pursuant to section 44-3-301(8), C.R.S.</p> <p>(a) Change of Manager</p> <p>Former manager's name <u>ANDREW COLBY</u></p> <p>New manager's name <u>SCOTT BRANHAM</u></p> <p>(b) Date of Employment <u>9-28-2022</u></p> <p>Has manager ever managed a liquor licensed establishment? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Does manager have a financial interest in any other liquor licensed establishment? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give name and location of establishment _____</p>
Modify Premises or Addition of Optional Premises, Related Facility, or Sidewalk Service Area	<p>10. Modification of Premises, Addition of an Optional Premises, Addition of Related Facility, or Addition of a Sidewalk Service Area</p> <p>NOTE: Licensees may not modify or add to their licensed premises until approved by state and local authorities.</p> <p>(a) Describe change proposed _____ _____ _____</p> <p>(b) If the modification is temporary, when will the proposed change: Start _____ (mo/day/year) End _____ (mo/day/year)</p> <p>NOTE: THE TOTAL STATE FEE FOR TEMPORARY MODIFICATION IS \$300.00</p> <p>(c) Will the proposed change result in the licensed premises now being located within 500 feet of any public or private school that meets compulsory education requirements of Colorado law, or the principal campus of any college, university or seminary? (If yes, explain in detail and describe any exemptions that apply) <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(d) Is the proposed change in compliance with local building and zoning laws? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(e) If this modification is for an additional Hotel and Restaurant Optional Premises has the local authority authorized by resolution or ordinance the issuance of optional premises? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>(f) Attach a diagram of the current licensed premises and a diagram of the proposed changes for the licensed premises.</p> <p>(g) Attach any existing lease that is revised due to the modification.</p> <p>(h) For the addition of a Sidewalk Service Area per Regulation 47-302(A)(4), 1 C.C.R. 203-2, include documentation received from the local governing body authorizing use of the sidewalk. Documentation may include but is not limited to a statement of use, permit, easement, or other legal permissions.</p>

Campus Liquor Complex Designation	<p>11. Campus Liquor Complex Designation</p> <p>An institution of higher education or a person who contracts with the institution to provide food services</p> <p>(a) I wish to designate my existing _____ Liquor License # _____ to a Campus Liquor Complex <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
Additional Related Facility	<p>12. Additional Related Facility</p> <p>To add a Related Facility to an existing Resort or Campus Liquor Complex, include the name of the Related Facility and include the address and an outlined drawing of the Related Facility Premises.</p> <p>(a) Address of Related Facility _____</p> <p>(b) Outlined diagram provided <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

Oath of Applicant		
I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge		
Signature <i>Scott A Branham</i>	Print name and Title <i>Scott A Branham</i>	Date <i>1-4-23</i>
Report and Approval of LOCAL Licensing Authority (CITY / COUNTY)		
The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the applicable provisions of Title 44, Articles 4 and 3, C.R.S., as amended. Therefore, This Application is Approved.		
Local Licensing Authority (City or County)		Date filed with Local Authority <i>1/3/2023</i>
Signature	Title	Date
Report of STATE Licensing Authority		
The foregoing has been examined and complies with the filing requirements of Title 44, Article 3, C.R.S., as amended.		
Signature	Title	Date



Regular City Council Meeting

New Business –9A

Items removed from Consent Agenda

January 24, 2023

Summary Information

Title:

CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA

Initiator: City Clerk

Presenter: City Clerk

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

Any Items removed from the Consent agenda for further discussion shall be heard under this item

Previous Action by City Council:

Attachment:

Background Information

Strategic Plan Priority (if applicable):

- Facilitate responsible development, building reasonable capacity to meet future community needs.
- Diversify city financial resources and invest.
- Provide reliable access to public safety services.
- Improve the quality and availability of parks and recreation opportunities

Recommendation

Staff recommendations

Proposed Motion

"I move to approve"



Regular City Council Meeting

New Business –9B

INFILL #2 Tax Sharing Agreement

January 24, 2023

Summary Information

Title:

RESOLUTION 23-003, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN, COLORADO AUTHORIZING THE INFILL #2 INFRASTRUCTURE TAX SHARING AGREEMENT FOR COMMERCIAL 21 AC SEC

Initiator : Kimberly Bailey, Economic Development Director

Council Action

Presenter: Kimberly Bailey, Economic Development Director

Council Information

Legal Review: Yes No

Report to Council

Summary Overview and List of Attachments:

The City seeks to continue support of the INFILL commercial development area of the community. Whereby, a 21 acre commercial development within the southeast corner (SEC) intends to build an approximate 125,000 square foot grocer anchor with annual sales of approximately \$60 million annually; along with inline and outparcels retail development. The INFILL #2 Tax Sharing Agreement consists of a 1.35% rebate of onsite Sales Tax and Property Tax increment generation over the course of a 10 year term, as well as, a city Land Use Application Fees Waiver.

ATTACHMENTS: City Economic Development Commission, Letter of Support

Previous Action by City Council:

August 25, 2020 City Council adopted INFILL #1 Tax Sharing Agreement to support new commercial development and services entry; on behalf of addressing the City Comprehensive Plan which specifically cites minimizing the “leakage” of consumer dollars and establishments; that serves to stem the outflow of discretionary dollars.

Background Information

The City realizes that in order to optimize the INFILL area towards the attraction of qualified businesses to this area, there must be cooperation with the private sector to establish costly primary utility and/or loop extension connectivity infrastructure to ensure sustainable utility capacities to meet demand over the course of achieving full build-out of the 367 land acres. In addition, the City recognizes private development will bear the brunt of extensive off-site public improvements at the intersection of Mesa Ridge Parkway and Syracuse Street.

Strategic Plan Priority (if applicable):

- Facilitate responsible development, building reasonable capacity to meet future community needs.**
- Diversify city financial resources and invest.**
- Provide reliable access to public safety services.**
- Improve the quality and availability of parks and recreation opportunities**

Recommendation

Staff recommends approval of RESOLUTION 23-003 INFILL Infrastructure #2 Tax Sharing Agreement SEC on behalf of Strategic Objective D12 as a means to encourage Retail Expansion in the City

Proposed Motion

Staff recommends approval of RESOLUTION 23-003 INFILL Infrastructure Tax Sharing Agreement SEC



RESOLUTION 23-003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN, COLORADO AUTHORIZING THE INFILL #2 INFRASTRUCTURE TAX SHARING AGREEMENT FOR COMMERCIAL 21AC SEC

WHEREAS, the City has found and determined that the proliferation of economic development its employment opportunities and the establishment of a sound tax base serve the general welfare of the citizens of Fountain; and

WHEREAS, in 2013, voters approved a referred measure, authorizing tax revenues received by the City from or with respect to economic development project(s) and spent by the City on economic development project(s) in 2013, and each subsequent year thereafter, are exempt from TABOR under the State of Colorado; and

WHEREAS, the City desires to stem “leakage” within its commercial retail service offerings contribute to the overall community development and employment growth of the City and Fort Carson Military base; and

WHEREAS; the City Comprehensive Plan specifically cites minimizing the “leakage” of consumer dollars and establishments; that serves to stem the outflow of discretionary dollars; and

WHEREAS, the City desires to offer certain reimbursements in the form of real and personal property tax reimbursement as an incentive for EVERGREEN-MESA RIDGE & SYRACUSE SEC, L.L.C., to construct, at full build-out, subject to market conditions and absorption, approximately 125,000 square feet of new commercial development with annual sales projections of approximately \$60 million; and

WHEREAS the City’s “INFILL area” (as described on Exhibit A) is known to lack adequate water and electric infrastructure within the City of Fountain, specifically defined as the areas of Mesa Ridge Parkway to Duckwood Road between Highway 85/87 and Fountain Mesa Road; and

WHEREAS, the City will derive estimated increases in taxable sales of approximately \$12 million annually and increases in Property Tax Revenues of approximately \$50,000 annually from development specific to this Agreement, to be used for utility infrastructure within the INFILL area; and

WHEREAS, the City realizes that in order to optimize the INFILL area towards the attraction of qualified businesses to this area, there must be cooperation with the private sector to establish costly primary utility and/or loop extension connectivity infrastructure; and

WHEREAS, the City recognizes the development will bear the brunt of extensive off-site public improvements at the intersection of Mesa Ridge Parkway and Syracuse Street; and

NOW, THEREFORE, BE IT RESOLVED by the City Council:

Section 1. The Infill #2 Infrastructure Tax Sharing Agreement 21AC SEC is hereby authorized.

Section 2. The Mayor, City Manager, or their designee are authorized to sign and execute the Agreement.

This Resolution shall be in full force and effect upon approval by the City Council.

Done this 24th day of January, 2023.

Sharon Thompson, Mayor

ATTEST:

Silvia Huffman, City Clerk



City of Fountain
Economic Development Commission
116 South Main Street
Fountain, CO 80817

January 9, 2023

Re: Grocer Retail Leakage

Dear Mayor Thompson and City Council,

On behalf of the City of Fountain's Economic Development Commission, I wish to express our support of the proposed anchor grocer project to be located within the Mesa Ridge business corridor of the city.

This project will directly benefit residents in broadening access to fresh grocer products, a pharmacy, and lifestyle goods. In addition, the project will enhance infrastructure which will allow for additional outparcels in future retail services development for the community.

As referenced in the City Comprehensive Plan, a goal to specifically minimize leakage of consumer dollars and establishments, the anchor grocer project will close the gap in \$42M in consumer leakage spending; as documented by our Retail Strategies consultant.

In March 2022, the Economic Development Commission (EDC) hosted an organic citizens group of 32 and the Colorado Trust Regional Representative which messaged a concern/need for additional grocer access in the city. The EDC worked with the group to develop a Citizen Grocer Petition; whereby approximately 610 signatures were obtained by the group and presented to City Council in June 2022.

Therefore, we request your pledge of support to the forthcoming recommendation of an INFILL Tax Sharing Agreement on behalf of the proposed anchor grocer project which will directly serve all residents of the City of Fountain and the Greater Fountain Valley community.

Thank you for your consideration.

Sincerely,

Harville Small, Chairman

cc: Scott Trainor, City Manager



Regular City Council Meeting

New Business –9C

Resolution to Amend Fountain Youth
Council Charter

January 24, 2023

Summary Information

Title:

RESOLUTION #23-004, A RESOLUTION TO AMEND THE FOUNTAIN YOUTH COUNCIL CHARTER

Initiator: Detra Duncan, City Councilmember

Council Action

Presenter: Scott Trainor, City Manager

Council Information

Legal Review: Yes No

Report to Council

Summary Overview and List of Attachments:

This resolution is to update the original Fountain Youth Council (FYC) Charter that was originally adopted by the City Council by Resolution #20-027 in 2020.

Attachment: Resolution #23-004

Background Information

The attached redlined Resolution indicates a number of proposed modifications to the existing FYC Charter. Primarily, those changes are as follows:

- Modifications to the eligibility requirements to reduce the age from 14 to 13 and adds an additional year of eligibility.
- It clarifies the role of the City Councilmember who is appointed as the FYC Advisor.
- It expands the ability of the FYC to create additional officer positions, as needed.
- It memorializes a basic communications policy in order to protect members and adults involved with the FYC.
- It creates a basic Code of Conduct relative to how members are expected to treat each other and members of the public.

Strategic Plan Priority (if applicable):

- Facilitate responsible development, building reasonable capacity to meet future community needs.**
- Diversify city financial resources and invest.**
- Provide reliable access to public safety services.**
- Improve the quality and availability of parks and recreation opportunities**

Recommendation

Staff recommendations adoption of the attached Resolution.

Proposed Motion

"I Move To Approve Resolution #23-004 A Resolution To Amend The Fountain Youth Council Charter"



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RESOLUTION ~~23-004XXX~~0-027

A RESOLUTION TO ~~CREATE~~ **AMEND** THE FOUNTAIN YOUTH COUNCIL **CHARTER**.

WHEREAS, The City of Fountain values the youth of our community and the vitality and energy that they bring to our hometown; and,

WHEREAS, The City Council desires to create a youth-centered Advisory Council to educate the youth on local government issues in the City and to seek input and feedback from youth on issues of importance to them; and,

WHEREAS, The City Council desires to update the existing Fountain Youth Council Charter that was adopted by Resolution 20-027 in 2020.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fountain, Colorado, as follows:

The Charter adopted by Resolution 20-027 is hereby amended as follows (Amendments in Red):

Fountain Youth Council

1. **Fountain Youth Council established.** The Fountain Youth Council ("FYC") is hereby established to be composed of student members, from diverse backgrounds and experiences, appointed by the City Council.
2. **Purpose.** Primarily as an educational opportunity to help develop and foster a self-directed group of youth leaders, with the time, energy, and passion for change, who are educated and informed of the functioning of local government and that represent and advocate for youth throughout the community.
3. **Activities.** The types of activities the FYC will be involved with are subject to the discussions and decisions of the group, but typical activities might include: Attending City Council or City Board/Commission meetings; debating a current issue; leadership coaching/training; developing a budget; community service; planning and implementation of youth-oriented events; researching/presenting on youth issues; visiting State Capitol and/or State Representatives; Learning about government processes and operations; meeting with the Mayor and/or Councilmembers, and other similar types of activities as the group deems valuable.
4. **Youth Council Member Appointment.** To be eligible to serve on the FYC students must have been a resident of the City of Fountain; and be at least 134 years of age and no older than 18 years of age as of July 1 for the year for which they will serve. Interested students should submit an application, together with a letter of interest and a list of references to the ~~City Manager~~FYC Advisor no later than May 1 of each year. The Council shall review, or cause to be reviewed, all applications received. The Council may choose to conduct interviews of applicants, or direct interviews to be conducted, to determine appointments or may make appointments based solely upon the completed applications. Appointments shall be made no later than July 1 for terms to begin July-September 1 of each year.

Attempts shall be made to include students from private schools and home school families in addition to students from the Fountain-Fort Carson and Widefield School Districts.

4.5. Fountain Youth Council Advisor. A City Council member, appointed by the City Council, shall serve as the Advisor to the Fountain Youth Council. The role of the Advisor shall be to direct and coordinate the efforts of the FYC through mentoring and leadership. All activities of the FYC shall go through the FYC Advisor and be subject to their approval.

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5.6. Term of office. FYC members shall be appointed for one-year terms. Terms shall be from September 1 through ~~August~~ May 31. No member may serve more than ~~four-five~~ (54) consecutive terms. A member desiring to renew their term shall submit their request to renew for an additional term to the FYC Advisor no later than May 1st. the Advisor shall determine whether or not to renew the term.

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6.7. Ex-officio members. A representative of the ~~City Council, a School District employee,~~ or the City Manager or his/her designee may serve as ex-officio members. ~~The Council member shall be appointed by the Mayor.~~ Ex-officio members may participate in FYC Meetings.

7.8. Meetings. The FYC shall generally meet at least monthly, from September through May, on a specific schedule adopted for the year by the FYC members. Special meetings of the FYC may be called by the ~~Council Chairman~~ FYC Advisor, by and upon the concurrence of three members, or by the City Manager.

9. Officers. At the first meeting of the FYC in September of each year, the FYC shall elect from among its members a chairperson, a vice chairperson, secretary, and a communications officer to serve for a one-year term. The chairperson or vice chairperson, in the event of the absence of the chairperson, shall conduct the meeting. The secretary shall be responsible for taking minutes of the meetings. The communications officer shall help coordinate communication of FYC activities and events. Other officer positions may be created, as deemed necessary, by the FYC Advisor. In order to provide leadership opportunities for all members, officer positions shall rotate. Officers may serve not more than one term in the same position, at the discretion of the FYC.

8.10. FYC Communications. While the communications officer shall coordinate communications of FYC activities and events, all communications shall be subject to approval by the FYC Advisor. All meetings and communications shall be subject to Colorado open meetings and open records laws. For the safety of all participants, e-mail shall be the only approved communication tool between the FYC Advisor and members and all communications shall cc members parents or guardians.

9.11. Advisory Capacity. The Fountain Youth Council shall be an advisory Committee to the City Council and shall make recommendations and reports to the City Council regarding issues of concern to youth in schools and neighborhoods. Final determination for all matters pertaining to recommendations from the FYC shall remain the responsibility of the City Council.

10.12. Recommendations and Reports. Each recommendation and/or report made by the Fountain Youth Council shall be presented to the City Council orally by a member of the FYC, to be selected by the FYC at the time they vote on the recommendation or report. The FYC shall also select an alternate member to make the recommendation or report in the event the initial person selected by the FYC cannot, for any ~~reason,~~ reason, personally make the recommendation or report.

41.13. Duties and responsibilities. The Fountain Youth Council shall have the following duties and responsibilities:

- (A) Advise the City Council regarding issues of concern to youth in the community.
- (B) Assist in planning and implementing social, educational, cultural and recreational activities for youth.
- (C) Work with the ~~Mayor, City Council, City Department Heads~~City, Schools, Chamber of Commerce, Civic Clubs and Service Organizations to provide service and leadership opportunities for the youth of the City.
- (D) Inform and educate other youth of issues facing the City and opportunities for youth involvement in City and community affairs.
- (E) Help establish and implement educational programs to teach respect for yourself and the rights and property of others.
- (F) Promote community pride.
- (G) Assist in developing and implementing ways to eliminate negative influences among our future community leaders.
- (H) To support and build up the City diversity.
- (I) Participate in mandatory training and team-building activities.
- ~~(J)~~(J) Learn about City operations through interactions with City Departments, as requested of and coordinated with the City Manager.

42.14. Compensation of members. Members of the FYC shall receive no compensation, but shall be reimbursed for authorized and necessary expenditures. The FYC shall have no authority to make any expenditure on behalf of the City, nor to obligate the City for payment of any sums of money.

43.15. Quorum; rules and regulations; meetings. A majority of the Fountain Youth Council members shall constitute a quorum. The FYC shall adopt rules and regulations which shall be consistent with the laws of the State of Colorado, the Fountain City Charter and City of Fountain Ordinances.

44.16. Scholarship Program. The City Council hereby creates a Youth Leadership Scholarship as follows:

- a. Two (2) \$1,000 scholarships will be provided annually, subject to budget appropriation by the City Council.
- b. Eligibility: To be eligible for a scholarship, a youth must be graduating with at least a 3.0 GPA; have spent a minimum of 3 years on the FYC; attended 75% of FYC meetings; and participated in 75% of FYC activities/events.
 - i. For the school year ending 2021, a minimum of 1 year of service on FYC is required.
 - ii. For the school year ending 2022, a minimum of 2 years of service on FYC is required.
- c. The City Manager and ~~City Council Ex-officio member~~FYC Advisor will be responsible for developing an application process.
- d. Scholarships will be rewarded by the City Council prior to the end of the school year.

17. Members, prohibited acts. A member of the Fountain Youth Council shall not participate in any proceeding or action in which any of the following has a direct or substantial financial interest. A member or his/her spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which (s)he has been serving or has served within the previous two (2) years, or any business with which (s)he is negotiating for or has an arrangement or understanding concerning a prospective partnership or employment. An actual or potential conflict of interest shall be disclosed at the meeting of the FYC in which the action is being taken.

45:18. Code of Conduct. All members are expected to be respectful and kind to other members, members of the public, the Advisor, or anyone they come into contact with in their role with the FYC. Members shall conduct themselves at all times in alignment with the City's values and policies. Failure to do so may result in removal from the FYC at the discretion of the FYC Advisor or City Council.

Done this 24th day of _____, January, 2023.

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Sharon Thompson, Mayor

ATTEST:

Silvia Huffman, City Clerk



Regular City Council Meeting

New Business-9D

Retail Bag Fee

January 24, 2023

Summary Information

Title:

RESOLUTION 23-005, A RESOLUTION OF THE CITY OF FOUNTAIN ESTABLISHING THE CITY'S POSITION NOT TO COLLECT OR ENFORCE RETAIL BAG FEES CREATED BY COLORADO HOUSE BILL 21-1162

Initiator: City Council

Presenter: Troy Johnson, City Attorney

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

The Colorado State legislature passed House Bill 21-1162, requiring Colorado municipalities to collect and enforce a bag fee of ten cents per plastic bag, 60% of which would be remitted to the municipality, sold by large retailers within its boundaries. This resolution clarifies the City's position not to create a program or enforcement mechanism of this state fee.

Background Information

Governor Jared Polis signed HB 21-1162 into law on July 6, 2021. This bill requires large retailers to collect a fee of ten cents per plastic bag and remit sixty percent of such fee directly to local municipalities. The state has allocated no funds to municipalities to assist in collection or enforcement of the fee. The vision of the bill was for municipalities to pay for these costs from collection of the fee itself. The fee is difficult, nearly impossible, to estimate, especially given the size of the City of Fountain and the businesses to which this bill applies. Also, the fee amounts are not required to be remitted until April of 2024. This presents unique challenges of spending taxpayer funds to accept the fees without knowing if the City will be receiving less than or equal amounts until April of next year.

These complications are created by the state overreaching their authority by creating a state fee, and then attempting to require municipalities to enforce it for them. The City embraces its home rule authority and is choosing not to enforce this fee on the state's behalf.

Strategic Plan Priority (if applicable):

- Facilitate responsible development, building reasonable capacity to meet future community needs.
- Diversify city financial resources and invest.
- Provide reliable access to public safety services.
- Improve the quality and availability of parks and recreation opportunities

Recommendation

Staff makes no recommendation.

Proposed Motion

"I move to approve Resolution 23-005."



RESOLUTION 23-005

A RESOLUTION OF THE CITY OF FOUNTAIN ESTABLISHING THE CITY'S POSITION NOT TO COLLECT OR ENFORCE RETAIL BAG FEES CREATED BY COLORADO HOUSE BILL 21-1162

WHEREAS, in 2021, the Colorado State legislature passed House Bill 21-1162 (the “Bill”), a bill “Concerning the Management of Plastic Products” which was signed into law by Governor Jared Polis on July 6, 2021;

WHEREAS, the Bill requires large retailers to collect a fee of ten cents per plastic bag and remit sixty percent of such fee directly to local municipalities; and

WHEREAS, the state has allocated no funds to municipalities to assist in collection or enforcement of the fee, other than the proceeds of the remitted fees which are unknown, difficult to estimate, and not required to be remitted until April of 2024; and

WHEREAS, the Bill requires municipalities to create and administer a program for collection of this fee and obligates the municipality to enforce the fee; and

WHEREAS, the City of Fountain believes the Bill is an overreach of the state’s constitutional authority, not only forcing Fountain businesses to collect a fee not approved by the City, but to then force a home rule municipality to collect and enforce a fee created solely by the state.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Fountain:

1. The City of Fountain’s position is that HB 21-1162 is not constitutional as applied to local municipalities in Colorado.
2. The City of Fountain, as a home rule municipality, has the distinct responsibility of allocation and appropriation of City of Fountain funds, including funds used to create, administer, and enforce the bag fee required by HB 21-1162.
3. The City of Fountain will not spend any taxpayer dollars to receive, collect, account for, or enforce a bag fee as defined in HB 21-1162.
4. Any business in the City attempting to remit bag fees will be refunded the same amount.
5. This Resolution shall be effective upon its approval by the City Council.

Dated at the City of Fountain, Colorado this 23rd day of January 2023.

Mayor

ATTEST:

City Clerk



Regular City Council Meeting

New Business –9E

Fiscal Year 2023 Revenue

January 24, 2023

Summary Information

Title:

RESOLUTION NO. 23-006 A RESOLUTION AFFIRMING AND APPROVING THE PUBLIC SAFETY MIL LEVY FOR FISCAL YEAR (FY) 2023

Initiator : John Lewis, Finance Director, Shawna Dail, Deputy Finance Director

Council Action

Presenter: John Lewis, Finance Director

Council Information

Legal Review: Yes No

Report to Council

Summary Overview and List of Attachments:

The City Council approved Ordinance No. 1780, adopting a budget for the FY 2023, on November 15, 2022.

Included in that Ordinance was City Council’s affirmation and approval of the mil levies for the General Fund and the Heritage Special Improvement District.

Due to the timing of the certification of the elections on November 29th, the voter approved Public Safety mil levy was not included in Ordinance No. 1780.

City Staff is therefore recommending formal affirmation and approval of the Public Safety 6.100 mil levy by City Council.

Previous Action by City Council:

The City Council adopted a budget for the FY 2023 on November 15, 2022 and affirmed and approved the General Fund and Heritage Special Improvement District mil levies at that time.

Background Information

This Resolution amends the FY 2023 budget per City Financial Policies. This amendment will be included with the original 2023 budget to comply with State of Colorado requirements.

Strategic Plan Priority (if applicable):

- Facilitate responsible development, building reasonable capacity to meet future community needs.
- Diversify city financial resources and invest.
- Provide reliable access to public safety services.
- Improve the quality and availability of parks and recreation opportunities

Recommendation

Staff recommends that City Council approve Resolution No. 23-006

Proposed Motion

“I move to approve Resolution No. 23-006”



RESOLUTION NO. 23-006

A RESOLUTION AFFIRMING AND APPROVING THE PUBLIC SAFETY MIL LEVY FOR FISCAL YEAR 2023

WHEREAS, the City Council approved Ordinance No. 1780, adopting a budget for the fiscal year (FY) 2023 on November 15, 2022 and;

WHEREAS, the City Council included the affirmations and approvals of the General Fund and Heritage Special Improvement Fund mil levies in the Ordinance and;

WHEREAS, due to timing of the certifications of the election on November 29th, 2022, the City Council did not include the affirmations and approvals of the voter approved Public Safety mil levy in Ordinance No. 1780 and;

WHEREAS, due to the voter approval of the 6.100 mil levy for Public Safety, the City Council must now affirm and approve that mil levy;

And WHEREAS, the City Council wishes to affirm and approve the voter approved Public Safety mil levy pursuant to Section 9.11(a) of the City Charter, for the FY 2023 budget year and to direct the Finance Department to amend the FY 2023 budget accordingly;

NOW, THEREFORE, BE IT RESOLVED by the City Council:

Section 1. A public safety mil levy of 6.100 on all taxable property in the City of Fountain, Colorado, in 2022 for collection in FY 2023 is affirmed and approved.

Section 2. That the Finance Department make the appropriate adjustments to the 2023 budget in the City's books and records.

Section 3. That a certified copy of this Resolution be filed with the Division of Local Government of the State of Colorado.

Section 4. This Resolution shall be in full force and effect after its approval by the City Council.

Done this 24th day of January, 2023.

Sharon Thompson, Mayor

ATTEST:

Silvia Huffman, City Clerk



Regular City Council Meeting

New Business –9F

2023 Holman Capital Truck Lease

January 24, 2023

Summary Information

Title:

RESOLUTION NO. 23-007 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN, COLORADO AUTHORIZING THE LEASING OF TWO MACK TRUCKS THROUGH HOLMAN CAPITAL AND ACQUIRED WITH FISCAL YEAR (FY) 2023 BUDGETED FUNDS

Initiator : John Lewis, Finance Director

Presenter: John Lewis, Finance Director and Robert McDonald, Transportation Director

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

The City Council adopted a budget for the FY 2023 on November 15, 2022. The 2023 budget included approximately \$83,000 for snow plows and sanders and the 2023 required lease payment for 2 trucks for the Streets Department that were to be purchase partially through a lease in 2023.

Due to the recent increases in interest rates, the initial leasing agreement was changed by the lessor. City staff therefore went out to bid for better lease terms and have found a company that will provide a 5 year reimbursement lease with a 4% rate. Lease payments of approximately \$44,500 will be due semi-annually beginning in August of 2023. This year’s lease payment is already budgeted.

This is a request for your approval of our contract signing and for the initial purchase of the two trucks for \$390,000 to be reimbursed through the lease. Staff is therefore recommending that the leases for the two trucks be approved and that the budget be amended to include the actual truck purchase and lease proceeds as reimbursement for that purchase.

Previous Action by City Council:

The City Council adopted a budget for the FY 2023, on November 15, 2022 and included the 2023 anticipated lease payments and the costs of the sanders and plows in the budget.

Attachment: Obligor resolution to be signed

Background Information

The new trucks are replacing two trucks that are over 15-20 years old and are currently costing the City large amounts of money to maintain and keep serviceable. The new trucks should assist with better and more efficient snow plowing and critical infrastructure maintenance throughout the City due to less truck down time.

Strategic Plan Priority (if applicable):

- Facilitate responsible development, building reasonable capacity to meet future community needs.
- Diversify city financial resources and invest.
- Provide reliable access to public safety services.
- Improve the quality and availability of parks and recreation opportunities

Recommendation

Staff recommends that City Council approve Resolution No. 23-007

Proposed Motion

“I move to approve Resolution No. 23-007“



RESOLUTON 23-007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN, COLORADO AUTHORIZING THE PURCHASE AND REIMBURSEMENT THROUGH THE LEASE OF TWO MACK TRUCKS THROUGH HOLMAN CAPITAL AND ACQUIRED WITH FISCAL YEAR (FY) 2023 BUDGETED FUNDS

WHEREAS, The City of Fountain has determined that its more efficient and provides better constituent services to lease two new trucks for the Streets Department; and

WHEREAS, the current trucks have substantial down-time due to their age; and

WHEREAS, the lease carries the interest rate of 4.0% over a five year period; and

WHEREAS, the City Council of the City of Fountain desires to continually analyze and utilize available budgets in the best way possible.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fountain, Colorado, as follows:

- 1. Authorize the purchase of two Mack Trucks for \$390,000 to be reimbursed through a lease with Holman Capital**
- 2. Authorize the execution of a 5 year lease for the trucks with Holman Capital, pending legal review**
- 3. Authorize amending the 2023 budget to reflect the initial purchase and subsequent lease proceeds of \$390,000 reflecting the lease transaction.**

Done this 24th day of January, 2023

Sharon Thompson, Mayor

ATTEST:

Silvia Huffman, City Clerk



Regular City Council Meeting

New Business –9G

2023 Holman Capital Ladder Truck Lease

January 24, 2023

Summary Information

Title:

RESOLUTION NO. 23-008 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN, COLORADO AUTHORIZING THE REIMBURSEMENT OF A PORTION OF THE DECEMBER 2022 PIERCE LADDER TRUCK PURCHASE THROUGH A LEASE THROUGH HOLMAN CAPITAL

Initiator : John Lewis, Finance Director

Council Action

Presenter: John Lewis, Finance Director

Council Information

Legal Review: Yes No

Report to Council

Summary Overview and List of Attachments:

The City Council adopted a budget for the FY 2023 on November 15, 2022. The 2023 budget did not include the lease cost for the new ladder truck due to the change in need from a 75 foot to a 100 foot ladder truck, and as discussed in the December 13 council meeting.

The long-term plan, which was reiterated at that December meeting, was to sign a lease for \$1 million of the cost of the ladder truck, and therefore reimburse the City for that portion of the purchase. City staff has requested bids from various leasing companies and has found the best rate on a 10 year lease was from Holman Capital and at 4.07%.

This is a request for your approval to sign a lease contract with Holman Capital and thereby be reimbursed for \$1 million of the cost of the ladder truck. The lease will be paid over a period of 10 years and carry a 4.07% interest rate. Staff is therefore recommending that the lease for the ladder truck be approved and that the 2023 budget be amended to include the lease payment of approximately \$65,000 that will be due later in 2023.

Previous Action by City Council:

The City Council adopted a budget for the FY 2023, on November 15, 2022. Approval to purchase the ladder truck was given by Council on December 13 of 2022.

Attachment: Obligor resolution to be signed

Background Information

The new ladder truck carries a 100 foot ladder that will be sufficient for any and all of the buildings within Fountain. Approval to purchase

Strategic Plan Priority (if applicable):

- Facilitate responsible development, building reasonable capacity to meet future community needs.
- Diversify city financial resources and invest.
- Provide reliable access to public safety services.
- Improve the quality and availability of parks and recreation opportunities

Recommendation

Staff recommends that City Council approve Resolution No. 23-008

Proposed Motion

"I move to approve Resolution No. 23-008"



RESOLUTON 23-008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN, COLORADO AUTHORIZING THE REIMBURSEMENT LEASE FOR A PORTION OF THE PIERCE LADDER TRUCK THROUGH HOLMAN CAPITAL AND THE APPROPRIATION OF FUNDS TO MAKE THE 2023 LEASE PAYMENT

WHEREAS, The City of Fountain has determined that its more efficient and provides better constituent services to purchase and lease a portion of a 100 foot ladder truck for the Fire Department; and

WHEREAS, the City has purchased a 100 foot ladder truck; and

WHEREAS, a lease for \$1 million of the fire truck purchase carries the interest rate of 4.07% over a 10 year period from Holman Capital; and

WHEREAS, the City Council of the City of Fountain desires to continually analyze and utilize available budgets in the best way possible.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fountain, Colorado, as follows:

- 1. Authorize the signing of a \$1 million lease of the Pierce ladder truck through the Holman Capital lease program, pending legal review.**
- 2. Authorize amending the 2023 budget to reflect the initial lease payment of approximately \$65,000 and the reimbursed lease proceeds of \$1 million, reflecting the lease transaction.**

Done this 24th day of January, 2023

Sharon Thompson, Mayor

ATTEST:

Silvia Huffman, City Clerk