



**CITY COUNCIL AGENDA**  
**September 12, 2023, 6:00 P.M.**  
**116 Main St., Fountain**  
**Register to attend virtually @**  
**[www.fountaincolorado.org](http://www.fountaincolorado.org)**

- 1) **Call to Order**
- 2) **Pledge of Allegiance**
- 3) **Roll Call**
- 4.1) **Presentations**
  - D8 Safety Overview (D8 Assistant Superintendent, Dr. Romero)
  - Creek Week presentation (Alli Schuch)
- 4.2) **Board/Commission/Committee**
- 5) **Correspondence, Comments and Ex-Officio Reports**
- 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)*
- 8) **Old Business**
  - A. Discussion On The History Of Annexation Of Enclaves Within The City Limits. (K. Martinez est. 10 min.)
- 9) **New Business**
  - A. Consideration Of Items Removed From The Consent Agenda

- B. Proposed Change To 2022-2024 Strategic Plan Objectives (J. Trylch est. 5 min.)
- C. Resolution 23-038 A Resolution Of The City Council Of The City Of Fountain, Colorado Authorizing The Ordering In 2023 Of New Police Department Vehicles To Be Delivered In 2024 (J. Lewis est. 5 min.)

**10) City Council Agenda Requests**

*City Council shall use this time to request any items for future consideration.*

**11) Announcement of Executive Sessions**

In accordance with the City Charter and the Colorado Open Meetings Act, the City Council open session is to determine whether it will hold a Closed Executive Session. A Closed Executive Session may be held upon an affirmative vote of two-thirds of the quorum present. If consent to the closed Executive Session is not given, the items may be discussed in open session or withdrawn from consideration.

**PURPOSE OF THE EXECUTIVE SESSION:**

- 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)(3) For the purpose of determining positions relative to matters that may be subject to negotiations, development strategy for negotiations, and/or instructing negotiators.
- Pursuant to C.R.S. Section 24-6-402(4)(b) for the purpose of receiving legal advice on specific legal questions.

**12) Adjourn**

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

**NEXT REGULAR COUNCIL MEETING  
September 26, 2023**



# Regular City Council Meeting

## Old Business – 8A

History of Enclave Annexation

### September 12, 2023

#### Summary Information

Title:

**DISCUSSION ON THE HISTORY OF ANNEXATION OF ENCLAVES WITHIN THE CITY LIMITS.**

Initiator : Councilmember Richard Applegate

Council Action

Presenter: Kristy Martinez, Planning Manager

Council Information

Legal Review:  Yes  No

Report to Council

Summary Overview and List of Attachments:

N/A

#### Background Information

At a previous City Council meeting, Councilmember Applegate had requested a discussion on the history of City initiated annexation of enclaves. This discussion will provide the history and background and the process that commenced in the early 2000's.

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

Discussion only.

#### Proposed Motion

Discussion only.



# Regular City Council Meeting

## New Business –9A

Items removed from Consent Agenda

*August 22, 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

Amendment to 2022-2024 Strategic Plan

September 12, 2023

### Summary Information

Title:

**PROPOSED CHANGE TO 2022-2024 STRATEGIC PLAN OBJECTIVES**

Initiator : John Trylch and Kimberly Bailey

Presenter: John Trylch and Kimberly Bailey

Legal Review:  Yes  No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments: As a result of a review of options available to complete Strategic Objective D13 (Complete an update to the city Economic Development Strategic Plan), Staff have concluded that the Objective cannot be accomplished as directed, due primarily to continued staffing shortages and postponement of completing an updated Comprehensive Development Plan, which was briefed to Council during the July Strategic Plan Update. In order to re-allocate and most efficiently utilize resources focused on the Strategic Priority to set conditions and facilitate responsible development, it is recommended that City Council RESCIND Strategic Objective D13, and replace it with a new Strategic Objective: **Strategic Objective D15: Develop and Publish an updated directional signage plan along the Highway 85/87 Urban Renewal Area (URA) Business Corridor.**

**No later than December 2024, the Economic Development Director will complete a study and publish a plan to update directional signage along the Highway 85/87 corridor, in order to increase awareness of community points of interest and business corridors in Fountain and improve city infrastructure to meet future community needs.**

### 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 of the new Strategic Objective D15 and that Council rescind Strategic Objective D13.

### Proposed Motion



# Regular City Council Meeting

## New Business –9C

2024 PD Vehicle purchase

## September 12, 2023

### Summary Information

Title:

**RESOLUTION NO. 23-038 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN, COLORADO AUTHORIZING THE ORDERING IN 2023 OF NEW POLICE DEPARTMENT VEHICLES TO BE DELIVERED IN 2024.**

Initiator: Mark Cristiani, Police Chief

Presenter: Thomas Pullara, Fleet Manager and John Lewis, Finance Director

Legal Review:  Yes  No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

Due to the additional Police Officers hired and to be hired with 2B ballot funds, we will need to purchase or lease additional police vehicles. In addition, some of the older police vehicles are at the end of life and need to be replaced.

To get the best purchase prices for these vehicles, we must order them now in order to receive them by mid-year, 2024. The purchase price for all of these vehicles will be approximately \$700,000. With Council approval of the order, we will include the dollar amount of the purchase in the 2024 proposed budget.

It is our current estimate that 6 of the 12 vehicles ordered will be purchased for additional police officers and therefore be paid for from 2B restricted funds. The remaining 6 vehicles will be replacements for current vehicles and therefore purchased with General Fund revenues. We will continue to research the financial viability of purchasing the vehicles in 2024 versus the option of leasing them. We will update you as to our recommendation on that at a later date.

This is a request for your approval to order the equipment and to include the purchase as an adjustment to the 2024 proposed budget that was included in the 2023-2024 biennial budget.

Previous Action by City Council:

None

Attachment: Resolution 23-038

### Background Information

New vehicles required for new police officers and replacements required for older vehicles.

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. 23-038

### Proposed Motion

“I move to approve Resolution No. 23-038”



**RESOLUTON 23-038**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN, COLORADO AUTHORIZING THE ORDERING IN 2023 OF NEW POLICE DEPARTMENT VEHICLES TO BE DELIVERED IN 2024**

**WHEREAS**, The City of Fountain has determined that it is more efficient and provides better constituent services to purchase police vehicles now for delivery in 2024; and

**WHEREAS**, the City would like to receive Council approval to order the vehicles and

**WHEREAS**, the cost of the vehicles will be approximately \$700,000; and

**WHEREAS**, 6 of the vehicles are for new police officers and 6 are replacement vehicles; and

**WHEREAS**, 6 of the vehicles for new police officers will be paid from 2B revenues in 2024 and the other 6 are to be paid from General Fund revenues in 2024; and

**WHEREAS**, the initial 2024 budget as proposed in the 2023-2024 biennial budget will be adjusted to include the 2024 delivery and purchase of the vehicles;

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

- 1. Authorize the ordering now of 12 police vehicles in the approximate amount of \$700,000 to be delivered and paid for in 2024 by either a purchase or a lease and only out of the appropriate public safety and general fund revenues.**

Done this 12<sup>th</sup> day of September 2023

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Sharon Thompson, Mayor

ATTEST:

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Silvia Huffman, City Clerk

## **FOUNTAIN URBAN RENEWAL AUTHORITY**

**June 20, 2023**

*(COVID-19 Social Distancing and Unvaccinated Masks in effect)*

### **General Board Meeting Minutes**

Chair Aragon called a regular monthly meeting of the Fountain Urban Renewal Authority to order at 6:07pm. Commissioners present included Vice Chair (VC) McMaster with phone-in representation by Dixie Snyder, and Leslie Louzon-Keller. Guest attendees included WPS Real Estate Brokers Weston and Colin Thomas. Additional attendees include: Carrie Bartow and Mallorie Hansen of CliftonLarsonAllen (CLA). FURA staff included Executive Director (ED) Kimberly Bailey and Administrative Associate (AA) Nate Shull.

#### **CONSENT AGENDA**

The following Consent Agenda items were presented for approval:

- Approval of March 21, 2023 General Meeting Minutes
- No April 11, 2023 General Meeting Minutes due to lack of quorum
- No May 16, 2023 General Meeting Minutes due to lack of quorum
- Ratify the April 11, 2023 Accounts Payable
- Ratify the May 16, 2023 Accounts Payable
- Ratify the April 11, 2023 Monthly Financials Report
- Ratify the May 16, 2023 Monthly Financials Report
- Ratify SAH Venetucci Road Chip Seal Maintenance Appropriations
- Approval of June 20, 2023 Accounts Payable
- Approval of June 20, 2023 Monthly Financials Report

VC McMaster motioned for Consent approval as denoted, second by Louzon-Keller, and the motion passed unanimously by the Board.

#### **UPDATES**

##### Real Estate

##### US85 Pad Site Update

ED Bailey welcomed and introduced the WPS Real Estate Brokers, Weston and Colin Thomas, to speak about three prospect inquires on behalf of the US85 Pad Site. WPS discussed the differences in development style and focus among the listed developers' project overview. The board discussed generalities of the projects and the pertinence of a timeline of contract and timeline of progress site development forecasts. The board reviewed the type of tenants and services for the district and its mission statement "Revitalize, Partner, and Fund with a Sense of Place for Development"; strong interest was to not see the property fenced with weeds under a separate ownership.

WPS team asked approval to move into 60-90 due diligence negotiations with the two preferred prospects and to work with ED Bailey on behalf of the Authority's preferred interests of development. The board expressed support for next steps among the parties with a contract(s) disclosure for future review and discussion.



## Woodman Hall

### PH III Cost Budget, Ground Floor

ED Bailey referred to the Nunn G.C. re-estimate of Cost Budget per the TDG finalized Design Set CDs for the PH III Ground Floor improvements of the property. The next phase will also include a three floor fire suppression system, a fire hydrant connection, and a north exterior restroom facility addition to the property. With these inclusive features and right-sizing the new storefront window encasement, the budget has reduced to the original earmarked budget valuation for property improvements. The board was requested to provide its commentary or questions for further discussion. The board expressed excitement about the design upgrades and renovations towards its means to procure a quality small business partner tenant; with a design emphasis more on infrastructure, drainage, site security and ADA access and less on aesthetic finishes at this point in time. Bailey mentioned there are two outside the primary contract costs which also need to be considered, to include a soil engineer foundation inspection and additional environmental hazardous testing. The board expressed support to complete these additional service contracts in a timely fashion with the technical team to maintain the PH III project construction timeline of September 2023- February 2024. After a closing discussion, ED Bailey requested an Authorization to Proceed and execute the Nunn G.C. contract based on the scope of work and project terms as disclosed. Louzon-Keller motioned for approval as denoted, second by Snyder, and the motion passed unanimously by the Board.

### Open House and Community Update

ED Bailey provided a courtesy notification reminder that staff has identified the dates of July 12<sup>th</sup> and 13<sup>th</sup> for the two Open House Tours to strengthen community awareness for business engagement opportunities with the recent/future property renovations; with a welcome for the board to join in. In addition, ED Bailey mentioned a presentation by FURA on the Woodman Hall progress and vision will transpire August 2023 timeframe. She welcomed the Chair and V.Chair to provide feedback and a welcome of co-representation with City Council.

### Tenant Expansion Space Notice

ED Bailey mentioned she has received notice from the Yoga Tenant on the recent Expansion Space of her lease; a formal request to exit the Space. The Tenant informed ED that the ongoing hard work over the last 5-MTHS to keep the massage wellness unit operational has had a series of drop out massage professionals which is letting her clients down and detrimental to the over business membership value. Bailey has consulted with BHFS legal on the Lease Terms and Conditions, which divulged the following: 1) No exit allowed in the lease which was just signed in 2023 and has a two-year shelf life remaining; 2) a Sub-Consultant Clause does allow her to back fill the unit to cover the rental rate; or 3) FURA could either reacquire the space to exit the Lease on tenant good faith as a means to prevent a default/breach of the lease or work with our WPS brokers to help back fill the unit on the tenant behalf. The board discussed a variety of options in generality and the true need of the tenant's struggle (lack of reliable workforce). In addition, the board also explored the impacts with the ongoing property improvements as with the PH III contract approval, the tiered rental rates of the Lease towards MFV in the near-term with all tenants, and the important of all tenants to have a growth business plan for success (as Yoga Tenant already demonstrates). The board expressed unanimous concern to limit the corrective means of a cost reduction only approach and to work with the tenant towards the back fill of the unit to ensure there isn't a default/breach occurrence of the lease. The board advised the Tenant is obligated to pay the monthly rent on all SF per the Lease and approved ED Bailey to work with the tenant as a partner in the course corrective action advisement and to report back with updates.

## NEW ITEMS

### 2022 Annual Report

ED Bailey referenced the *draft* annual report which is distributed online for public transparency as to the Authority's role, responsibilities, and initiatives it serves within the designated urban renewal areas. She mentioned it's a Spring edition but with two months of a lack of quorum the annual report is overdue for approval of publication. The board expressed no objection to the draft and requested to list the WPS brokers contact information under the US85 Pad Site section. ED Bailey will proceed accordingly to publish the edition.

### Olde Town District

ED Bailey referenced the two links for recent publications by the City of Fountain: as the Olde Town district lies within the US85 URA and is a primary focus of initiatives for the Authority.

- i. [2022 District Snapshot](#)
- ii. [District Activity Timeline](#) (2014-present)

## FINANCE

### 2022 Annual Audit

CLA Bartow presented an overview of the draft 2022 Annual Audit which was disclosed last month but the board lacked a quorum to officiate business. She mentioned there are no surprises or flag items in the auditor's discovery. She mentioned the SAH debt obligation vs. General Revenues of the Authority; as a government authority there is no asset holdings to offset the SAH bond issuance. She mentioned the Net Position, Line Item Tranches, and overall debt/equity position of the Authority. Bartow asked if there were any questions of the board, with no further discussion presented. VC McMaster motioned to approve the 2022 Audit as presented, second by Chair Aragon, passed unanimously by the board. Bartow thanked the board for their motion and the Option Letter will follow shortly by BiggsKofford to close out the reporting submittal with the State of Colorado and the City of Fountain.

### SAH PH I Retailer Audit Notification

CLA Bartow stated the Retailer Audit Notification letter for issuance to the SAH PH I URA has been approved for release by CLA Legal and Paul Benedetti Legal review team. Therefore, the Notification will be issued no later than end of June by CLA with continue monitoring with the retailers and follow up with the board.

**UPDATE:** The CLA email distribution notice was received by staff on June 25, 2023.

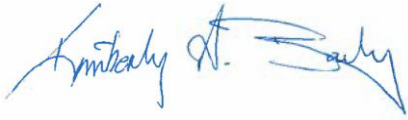
### Check Signing

As approved on consent, A/P checks were signed totaling \$20,568.14.

## ANNOUNCEMENTS

2. Dual-Served Industrial Rail Park, Q1 2023 Project Update (*Charter Oak URA*)
3. Board Quorums and Summer Availabilities
  - i. Chair Aragon mentioned the recent lack of quorums and with the seasonal summer hiatus on the horizon for folks. As the board has caught up on outstanding business and with actions in motion over the next 60-days among staff and partners; he polled the board for July meeting quorum. Noting a lack of availability, the board motioned to cancel the July general board meeting, unanimous approval by the board. Staff will handle public meeting cancellation notice with the City Clerk and reminded the next board meeting will transpire August 15<sup>th</sup>.

Chair Aragon asked if there was any further business. No further topics were brought forth by board members; therefore, VC McMaster motioned to adjourn, second by Louzon-Keller, passed unanimously by the board at 7:27pm.



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Kimberly Bailey, Executive Director

8.15.23

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Date