



CITY COUNCIL AGENDA
October 10, 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

- Update From PPIR And Donation To Shield 616 (M Racine Est. 15 Min)
- Proclamation Recognizing October As Code Enforcement Month (Councilmember Estes)
- Update on the Environmental Services Agreement (ESA) with the US Air Force for Mitigation of PFAS-Contaminated Groundwater (T Murphy, Est. 5 min)

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)

- A.** Approval Of The September 26, 2023 City Council Meeting Minutes (S. Huffman)
- B.** Resolution 23-045, A Resolution Authorizing And Approving The Exclusive Permanent Easement And Temporary Construction Easement Agreement Between The City Of Fountain And Copart, Inc. For Waterline Easements To Support The Sw/Link Water Transmission Main Project (T. Murphy)

8) Old Business

- A.** Discussion on time for public comment for items on the agenda.

9) New Business

- A.** Consideration Of Items Removed From The Consent Agenda
- B.** Resolution 23-046, A Resolution Setting Forth Findings Of Fact And Conclusions Based Thereon Regarding The Eligibility For Annexation To The City Of Fountain Of Territory Known As School District No. 8 Arena Access Annexation, Located At 10535 Jimmy Camp Road, And Hereinafter More Specifically Described In Exhibit "A" (K. Martinez est. 5 min.)
- C. Public Hearing** And First Reading Of Ordinance 1792, An Ordinance Annexing To The City Of Fountain That Area To Be Known As School District No. 8 Arena Access Annexation, Located At 10535 Jimmy Camp Road, And Hereinafter More Specifically Described In Exhibit A (K. Martinez est. 5 min.)
- D. Public Hearing** And First Reading Of Ordinance 1793, An Ordinance Amending The Official Zoning Map Of The City Of Fountain, Colorado To Parks And Open Space (Pos) District Related To That Area To Be Known As School District No. 8 Arena Access Annexation, Generally Located At 10535 Jimmy Camp Road, And Hereinafter More Specifically Described In Exhibit A And Exhibit B (K. Martinez est. 5 min.)
- E. Public Hearing** And First Reading Of Ordinance 1794, An Ordinance Amending The Official Zoning Map Of The City Of Fountain, Colorado From Planned Unit Development (PUD) To Parks And Open Space (Pos) District For Property Located At 10515-10525 Jimmy Camp Road, And Hereinafter More Specifically Described In Exhibit A And Exhibit B (K. Martinez 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)(f) for the purpose of discussing a personnel matter and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. For the annual review of the City Manager.

12) Adjourn

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

**NEXT REGULAR COUNCIL MEETING
October 24, 2023**



PROCLAMATION

A PROCLAMATION DECLARING HENCEWORTH. THE MONTH OF OCTOBER WILL BE RECOGNIZED AS CODE ENFORCEMENT MONTH

WHEREAS, Colorado Code Enforcement Officials are dedicated, well trained and highly responsible individuals who are committed to improving neighborhoods in the course of their daily duties; and

WHEREAS, many dedicated officials provide for the safety, health and welfare of our citizens through the enforcement of codes and ordinances in the areas of building, zoning, housing and fire safety, among others; and

WHEREAS, the Colorado Association of Code Enforcement Officials (CACEO) provides valuable training to enhance the professionalism and consistency of Colorado's Code Enforcement efforts ; and

WHEREAS, for three decades, the members of the CACEO have been dedicated to working closely with the State of Colorado to serve the people of Colorado; and

WHEREAS, officers work together to improve the quality of life in communities across Colorado.

NOW THEREFORE, BE IT PROCLAIMED, that the City Council of the City of Fountain, Colorado, does hereby proclaim October, Code Enforcement Month.

Done this 10th day of October 2023.

ATTEST:

Sharon Thompson, Mayor

Silvia Huffman, City Clerk



Regular City Council Meeting

Consent –7A
Council Meeting Minutes

October 10, 2023

Summary Information

Title:

APPROVAL OF THE SEPTEMBER 26, 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 September 26, 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
September 26, 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
Council Member Rick
Council Member Applegate
Council Member Hinton
Council Member Duncan
Council Member Cory

4 (1) Presentations

- **Black Hills Sustainability Report**

Tom Henley, Black Hills reviewed their accomplishments and goals, statistics, and sustainability reports. He reported that in October, customers should see a reduction in their bill, and this is reviewed quarterly.

Council Member Hinton asked Mr. Henly to report on attaining employment with Black Hills.

Mr. Henly reported that there are many positions listing on their website and they have an apprenticeship program also.

- **Creek Week Presentation**

Alli Schuch, Fountain Creek Watershed District announced the upcoming Creek Week volunteer clean-up event that begins this Saturday at Fountain Creek Nature Center and Cross Creek Park.

4 (2) Board/Commission/Committee Appointments

There were no appointments.

5) Correspondence, Comments and Ex-Officio Reports

Fire Chief Graham reported on the recent audit for the ISO and is hoping to have results soon.

Police Chief Cristiani stated that the Police Department has acquired a physiotherapist to help both the Police and Fire Departments with physical health.

Deputy Finance Director Dail reported that the budget books will be available and the upcoming budget worksession will be on October 5th at 6:00 and the public is invited to attend.

Administrative Services Director Trylch introduced the new Human Resources Director John Garrett.

Council Member Duncan stated that it is Hispanic Heritage month and encouraged the public to attend events in honor of the Hispanic heritage. She reported that fentanyl is still a concern in our nation and is hoping that legislation will be stricter on enforcement, she then gave information on Peak alerts notifications and how to get this information on cell phones.

Mayor Thompson reported that in 2020, voters voted against the repeal of the Gallagher amendment, due to this, property valuation and taxes have increased. HB 23-1054 which would have provided tax relief was killed in committee, but SB 23-108 was passed through committee and this would allow for a temporary mil levy reduction one year at a time. She is asking Council to consider reducing the mil levy for Fountain residents for one year to allow the legislature to review and finalize this bill and if Council is in favor, this will be a discussion item during the budget worksession.

6) Public to be Heard

Penny Cimino, resident, reviewed 2023 budget numbers stating she believes that Fountain is not utilizing funding appropriately. She asked Council to consider reducing the sales tax by .5% in order to ask to join PPRTA.

Deputy City Manager Evans noted that the amount that Mrs. Cimino quoted was including the Water and Electric budgets and those funds can not be used for general fund costs to include street maintenance.

John Langley, VFW post 38 reviewed upcoming events at the VFW.

Fran Carrick, resident, stated she held a community meeting and the consensus was they believe there is a problem with the budget and the road maintenance and the citizens would like something done. Darrel Couch sent a letter to Council requesting a sales tax decrease.

7) Consent Agenda

- A. Approval Of The August 22, 2023, City Council Meeting Minutes**
- B. Approval Of The September 12, 2023, City Council Meeting Minutes**
- C. Resolution 23-044, A Resolution Approving Amendments To The School Resource Officer (SRO) Intergovernmental Agreement With School District**

Council Member Hinton made a motion to approve the consent agenda, seconded by Council Member Rick. All members 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.

B. Public Hearing And Resolution 23-039, A Resolution Approving A Service Plan For The Mesa Ridge Metropolitan District Nos. 3-5.

Mayor Thompson opened the public hearing.

Planning Supervisor Martinez reported all mill levies from the creation of the new Districts will be from future residential and commercial development. The formation of these Districts will not impact the existing residential units which are within the boundaries of the Mesa Ridge Metropolitan District No. 2. However, a significant portion of the District Boundaries is within the Mesa Ridge Metropolitan District No. 1 and subject to contractual obligations to fund the design, construction, operation, and maintenance of the Cross Creek Regional Park and the Hale Reservoir. Before the Districts collectively or separately impose a property tax mill levy, issue debt, establish rates, fees, tolls, or charges or commence any activity with respect to the construction of Public Improvements, the Districts shall enter into an intergovernmental agreement that allocates an appropriate share of the cost for the design, construction, operation and maintenance of the Hall Reservoir and the Cross Creek Regional Park to the Districts and provide a mechanism for funding said costs.

Ms. Martinez recommended conditional approval of Resolution 23-039, conditionally approving the Mesa Ridge Metropolitan District Nos. 3-5 service plan subject to the condition that any resolution or order adopted by the Mesa Ridge Metropolitan Districts Nos. 1 and 2 excluding territory that will become part of Mesa Ridge metropolitan Districts Nos. 3-5 include a provision that the exclusion will not become effective until such time as Mesa Ridge Metropolitan Districts Nos. 1 and 2, Cross Creek Metropolitan District, and the City have entered into one or more intergovernmental agreements that are acceptable to the City and that allocate an appropriate share of the cost for the design, construction, operation and maintenance of the Hale Reservoir and the Cross Creek Regional Park to Mesa Ridge Metropolitan District Nos. 3-5 and provide a mechanism for funding said costs.

Council Member Duncan asked about the cost per home from the mil levy for this subdivision.

Russ Dykstra, Spencer Fane, reported on estimates for each home based on valuation.

Elise Bergstrom, Cross Creek Metro District, thanked Council and staff for recommending the conditions of this agreement and gave the history on the Hale Reservoir and its current situation.

Connie Whisenhunt, resident, asked of the proposed costs of the homes and if there will be multi-family homes.

Planning Supervisor Martinez stated the Overall Development plan shows single and multi-family proposals.

Mayor Thompson reported that she believes there will not be condominiums built until the legislature addresses to condominium defect law.

Mayor Thompson closed the public hearing.

Council Member Applegate made a motion to approve Resolution 23-039 with conditions suggested by staff, seconded by Council Member Hinton. Mayor Thompson read the conditions into record as part of the motion. All members voted yes (7-0); the motion carried.

C. Public Hearing And Resolution 23-040, A Resolution Approving A Service Plan For The Corvallis Metropolitan District Nos. 1-4.

Mayor Thompson opened the public hearing.

Planning Supervisor Martinez reported Corvallis Metropolitan District Nos. 1-4 (the “Districts”) would be used to finance local public improvements and provide ongoing operations and maintenance functions for what is planned to be a residential and commercial development. The Districts intends to be organized for the purpose of financing certain public improvements and amenities needed for the Development such as water, wastewater, street improvements, park and recreation, drainage and landscaping. This area is serviced by the Widefield Water and Sanitation District and no City funds are used towards the district improvements.

Penny Cimino, resident, asked if the city would be responsible for additional roads.

Mayor Pro Tem Estes stated that the property tax from these homes can be used for road maintenance.

Deputy City Manager Evans also noted that the city has implemented an impact fee for road maintenance and this fee was effective 2 years ago.

Connie Whisenhunt, resident, asked if there will be public safety and schools in this new subdivision.

Planning Director Martinez reported that the developer has dedicated land for both public safety and school.

Mayor Thompson closed the public hearing.

Council Member Rick made a motion to approve Resolution 23-040, seconded by Council Member Cory. All members voted yes (7-0); the motion carried.

The following item was inadvertently read out of order and heard.

E. Resolution No. 23-042, A Resolution Of The City Council Of The City Of Fountain, Colorado Authorizing The Ordering In 2023 Of New Fire Department Vehicles To Be Delivered In 2024

Fire Chief Graham reported that the fire department has one staff vehicle and one command vehicle with leases expiring in 2024. We are requesting approval to lease one new command vehicle and one new staff vehicle and the purchase of the two existing leased vehicles. To get the best purchase prices for the new vehicles, they must be ordered now to receive them by mid-year 2024. The purchase price for these two new vehicles will be approximately \$140,000.00. The purchase price for the existing vehicles is estimated to be approximately \$10,000.00 each. One of these vehicles would be utilized by the EMS Division Chief and the other would provide an outfitted command vehicle to be utilized as a reserve/back-up by 6 different command staff members.

Council Member Rick made a motion to approve Resolution 23-042, seconded by Mayor Pro Tem Estes. All members voted yes (7-0); the motion carried.

D. Resolution No. 23-041 A Resolution Authorizing The Creation Of An Emergency Medical Services Supervisor, Titled Ems Division Chief, Utilizing Medicaid Reimbursement Without Increasing Costs To The General Fund And A Reassignment Of Rank Initiative.

Fire Chief Graham stated that the Fire Department operates an EMS ambulance transport division. Historically, there has been an EMS supervisor (EMS Captain) who works a shift schedule. Due to the workload involved in adequately managing the EMS division, it is necessary for this supervisor position to be moved to a 40-hour work week. Subsequently, a promotional process, at the rank of lieutenant, is necessary to fill the shift position vacated by the EMS Captain. This is one piece, a slight restructuring/retitling initiative that will bring our organizational structure more in line with current fire service practices. This includes eliminating the title of Captain completely from the department and retitling to the rank of Division Chief. Additionally, the Fire Marshal will be assigned the rank of Division Chief. Ultimately the department will have three Division Chiefs: Division Chief - EMS, Division Chief – Training/Professional Development and Safety, and Division Chief – Fire Prevention,

Inspections, and Investigations. He reported the cost for this restructuring will be funded with the ambulance fund utilizing Medicaid reimbursement without increasing costs from the general fund.

Discussion was held regarding the staff positions and use and cost of vehicles being requested as well as the lease program.

Mayor Pro Tem Estes made a motion to approve Resolution 23-041, seconded by Council Member Rick. All members voted yes (7-0); the motion carried.

E. Resolution No. 23-043 A Resolution Amending The Appropriation Of Fiscal Year (FY) 2023 Budgeted Funds.

Deputy Finance Director Dail reviewed the proposed supplemental requests to include receiving and expending grant and ARPA funds as well as an increase to the electric fund associated with the solar array project.

Council Member Rick asked staff to prepare a cost break down for the renovation of the old newspaper building.

Council Member Hinton asked how much funding has the city received from grants over the last several years.

Deputy City Manager Evans stated that there was a \$10 million dollar grant for Link Road alone and would estimate about \$30 million in grant funding over the last several years.

Mayor Pro Tem Estes made a motion to approve Resolution 23-043, seconded by Council Member Hinton. All members voted yes (7-0); the motion carried.

F. 2024 Public Works Project Overview

Deputy City Manager Evans reviewed project costs and grant funding for several street and new construction projects.

10) City Council Agenda Requests

Council Member Rick requested a discussion item to change the Code of Conduct that allows for 3 minutes for public comment on agenda items and would like to change it to 5 minutes.

It was the consensus of Council to bring this back for consideration.

Mayor Thompson asked if Council would like to consider a Resolution in opposition of Proposition HH.

It was the consensus of Council to bring this back for consideration.

11) Announcement of Executive Sessions

12) Adjourn

There being no further business, Mayor Thompson declared the meeting adjourned at 8:31 P.M.

City Clerk

Mayor



Regular City Council Meeting

Consent – 7B
Copart Waterline Easement

October 10, 2023

Summary Information

Title:

RESOLUTION 23-045, A RESOLUTION AUTHORIZING AND APPROVING THE EXCLUSIVE PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT AGREEMENT BETWEEN THE CITY OF FOUNTAIN AND COPART, INC. FOR WATERLINE EASEMENTS TO SUPPORT THE SW/LINK WATER TRANSMISSION MAIN PROJECT

Initiator: Taylor Murphy, Water Resources & Engineering Manager

Council Action

Presenter: Taylor Murphy, Water Resources & Engineering Manager

Council Information

Legal Review: Yes No

Report to Council

Summary Overview and List of Attachments:

The SW/Link Transmission Main project has been in design since 2021, with construction planned to commence in the fourth quarter of 2023 or the first quarter of 2024. The project requires 5 separate easements for the selected alignment, and Utilities Department staff has been negotiating with the property owners for 18+ months to acquire the easements. Three easements were recently secured by Council action in Res 23-024, and staff has now reached an agreement with the property owner for the fourth project easement.

Attachments:

Waterline Easement Map (1 page)

Exclusive Permanent Easement and Temporary Construction Easement Agreement (6 pages)

Background Information

The SW/Link Transmission Main project will connect Fountain’s Southwest water tank to the existing transmission pipeline that crosses Fountain Creek and connects to Link Road near Old Pueblo Road. Once finished, this pipeline will boost the flows and provide redundancy to the southern half of the city’s water system. This pipeline also integrates heavily into the contemplated Fountain Reservoir Project and is sized to convey the treated water flows from that facility when it is completed.

The selected pipe alignment requires 5 separate easements from 4 different property owners to connect the storage tank west of I-25 to the existing transmission pipe east of the BNSF Railroad. Staff has been negotiating with the various property owners for 18+ months to acquire these easements.

Three of the five needed easements have been secured through previous Council action, and staff has now reached agreeable terms with the property owner to acquire the fourth easement. A tentative agreement, subject to Council approval, includes a negotiated price of \$25,000 with Copart, Inc. for acquisition of the easement on the property that lies immediately north and east of the southwest water tank. This easement purchase will be funded by the City’s ARPA allocation that has been earmarked for the SW/Link Transmission Main project.

Acquisition of the final remaining easement across Fountain Sanitation District property is in process and will be presented to Council soon.

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 the Council approve Resolution 23-045, authorizing the purchase of an exclusive permanent easement and temporary construction easement across the Copart, Inc property.

Proposed Motion

“I move to approve Resolution 23-045 authorizing and approving the Easement Agreement with Copart, Inc.”



RESOLUTION 23-045

A RESOLUTION AUTHORIZING AND APPROVING THE EXCLUSIVE PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT AGREEMENT BETWEEN THE CITY OF FOUNTAIN AND COPART, INC. FOR WATERLINE EASEMENTS TO SUPPORT THE SW/LINK WATER TRANSMISSION MAIN PROJECT.

WHEREAS, The City of Fountain is designing the SW/Link Transmission Main project to install a large diameter water pipeline that will greatly benefit the southern half of the City's water system; and

WHEREAS, the SW/Link project requires numerous easements across private properties to connect the southwest storage tank to the existing water system; and

WHEREAS, Utilities Department staff has negotiated with Copart, Inc. to acquire the necessary waterline easement across their property in the amount of \$25,000; and

WHEREAS, the City Council of the City of Fountain desires to approve the Easement Agreement and accept the easement from Copart, Inc. for the SW/Link Transmission Main project.

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

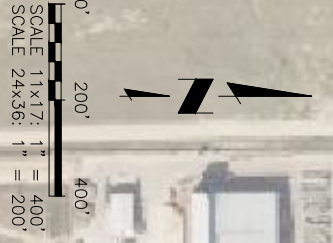
- 1. The Mayor, City Manager or other representative delegated by the Mayor or City Manager of the City of Fountain is hereby authorized to execute the Exclusive Permanent Easement and Temporary Construction Easement Agreement with Copart, Inc. to complete and close upon purchase of the Easement.**
- 2. The above authorization extends to the related documents necessary to achieve the identified and approved actions for acquisition of the Easements.**

Done this 10th day of October 2023.

Sharon Thompson, Mayor

ATTEST:

Silvia Huffman, City Clerk



CITY OF FOUNTAIN
 SW-LINK TRANSMISSION MAIN
 OVERALL SITE PLAN

JDS-HYDRO a Division of **RESPEC**
 5540 TECH CENTER DR., SUITE 100
 COLORADO SPRINGS, COLORADO 80919
 (719) 227-0072

DISCLAIMER: THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS. ANY ERRORS OR OMISSIONS SHALL BE REPORTED TO JDS-HYDRO, A DIVISION OF RESPEC. JDS-HYDRO ASSUMES NO LIABILITY FOR UNAUTHORIZED CHANGES AND/OR REVISIONS MADE TO PLANS.

REVISIONS				
NO.	DESCRIPTION	BY	APP.	DATE
1				
2				
3				
4				
5				
6				
7				

PRELIMINARY

Project No.: 152.11
 Date: 12/05/22
 Design: REN
 Drawn: SNW
 Check: DES

C1

SHEET ---OF

EXCLUSIVE PERMANENT EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT AGREEMENT

COPART, Inc., a Delaware limited liability company (the “Grantor”), and the CITY OF FOUNTAIN, Colorado, a Colorado home rule city and municipal corporation (the “Grantee”), hereby agree as follows:

Grantor and Grantee are referred to herein individually as a “Party” and collectively as the “Parties.” Pursuant to the terms set forth in this Exclusive Permanent Easement and Temporary Construction Easement Agreement (“Easement Agreement”), Grantor, being the owner of the real properties identified by El Paso County Assessors Schedule Numbers 5607000041 and 5600000146 (the "Properties") located in the County of El Paso and the State of Colorado, for and in consideration of Twenty Five Thousand Dollars (\$25,000.00) and other good and valuable consideration, the sufficiency of which is hereby acknowledged, does hereby grant to the Grantee the following easements:

- A. An exclusive permanent easement for the installation and maintenance of City of Fountain Public Utility facilities, including but not limited to a 30” potable water transmission pipeline and all other related attachments and appurtenant facilities (collectively the “Water Facilities”) over, under and across the real properties as depicted in **Exhibit A** (the "Waterline Easements"), together with rights of ingress and egress across the Properties of the Grantor for the installation, maintenance, repair, and replacement of the Water Facilities within the Waterline Easements; and
- B. During the period of construction of the Water Facilities, the Waterline Easements shall include twenty-five (25) feet on either side of the edge of the permanent easements where such land is owned by the Grantor, thus constituting a temporary construction easement totaling fifty (50) feet in width (the “Construction Easement”).
- C. The Waterline Easements and the Construction Easement are collectively referred to herein as the "Easements.” The Construction Easement shall expire upon completion of construction of the Water Facilities as reasonably determined by mutual agreement between the Parties' representatives.
- D. Except as provided herein, Grantor shall retain the right to make full use of the Properties, except for such use as might endanger or interfere with the rights of Grantee in its construction, operation or maintenance of the Water Facilities and use of the Easements. Grantor reserves use of the Easements, whether longitudinal or otherwise, for installing public improvements including but not limited to pavement, curbs, gutters, sidewalks, paved parking areas and associated curb cuts, paved driveways, fences (except fences which cannot be reasonably removed and erected again such as stone, brick, or other masonry type fences or walls), that do not interfere with Grantee's use of the Easements, low-height landscaping, and sprinkler systems which are capable of being reasonably located by Grantee and Grantor (the "Grantor's Improvements"); provided, however, that the exercise of such rights, in the mutual agreement of the Parties, does not injure or interfere with, now or in the future, any of

the rights provided to Grantee under this Easement Agreement, including, but not limited to, Grantee's rights of maintenance and reasonable access.

- E. Grantor shall notify Grantee in writing of any of Grantor's Improvements that Grantor desires to construct or place on any part of the Easements. Such notice shall include all engineering and construction plans and any other information necessary for Grantee to evaluate the impact of such Grantor Improvements on the Water Facilities and the Easements. Grantor shall work with Grantee to ensure that any such Grantor Improvements do not negatively impact the Water Facilities and or Grantor's use of and rights associated with the Easements. No Grantor Improvements may be erected on any part of the Easements without the mutual written agreement of the Parties. Any Grantor Improvements constructed or placed on, in, above, or under the Easements without the mutual written consent of the Parties as detailed above, may be removed by Grantee without liability for any damages or claims arising therefrom, and Grantor shall reimburse Grantee for all expenses associated with removing such violating Grantor Improvements.
- F. The Grantor shall not undertake to construct or place Grantor Improvements on, in, above, under, or otherwise within the Easements that necessitate the relocation, reconstruction, removal, or abandonment of any of the Water Facilities that are located within the Easements.
- G. The foregoing notwithstanding, in no event shall Grantor:
 - a) construct or place, longitudinally along or otherwise within the Easements, any tree, underground pipeline, cable, wire, conduit, valve, stub, or other utility or appurtenance without the prior written consent of Grantee; or
 - b) change, by excavation or filling, the present grade or ground level of the Easements, by more than one foot without the prior written consent of Grantee; or
 - c) drill or operate any well within the Easements; or
 - d) erect or construct any building or other permanent structure on, in, above, under, or otherwise within the Easements without the prior written consent of the Grantee.

Grantor shall control and, to the extent reasonably necessary, prevent the construction or alteration of landfills, land excavations, water impoundments, and other land uses within the Easements or within the Properties, which might, in Grantee's discretion, endanger or interfere with the Water Facilities and or Grantee's use of and rights associated with the Easements, including, but not limited to, Grantee's rights of maintenance and reasonable access.

- H. Grantor shall replace, repair, or reimburse Grantee for the reasonable cost of replacement or repair of physical damage to Grantee's Water Facilities if such damage is caused by the construction or placement of Grantor Improvements.
- I. Grantee shall replace, repair, or reimburse Grantor for the reasonable cost of replacement or repair of physical damage to Grantor's Improvements on the Properties, whether or not within the Easements, but only if such damage is caused by Grantee's construction,

reconstruction, use, operation, maintenance, repair, patrol, replacement, upgrading, or removal of its Water Facilities.

- J. The Grantee shall have the right to trim or remove any vegetation that may interfere with the rights granted to the Grantee in association with these Easements, without being required to replace or reimburse Grantor for said vegetation.
- K. The provisions herein shall inure to the benefit of and bind the heirs, successors and assigns of the respective Parties hereto.
- L. The provisions herein shall be a covenant running with the land.
- M. The Grantor covenants that it has the authority to grant the Easements as set forth herein. Grantee agrees and understands that it commences its use of the Properties –“AS IS” and without any warranties of any kind or nature.
- N. In no event shall Grantee allow any mechanics' or materialmen's liens to attach against the Properties for materials supplied or work performed at the request of, or for the benefit of, Grantee, and Grantee, to the extent expressly permitted by law, shall indemnify and hold Grantor harmless from any cost or expense, incurred by Grantor to release any such mechanic's or materialmen's liens against the Properties.
- O. The Grantor shall hold Grantee and its heirs, successors and/or assigns harmless from and against any and all damages, loss, cost, expense, and liabilities of any kind or nature as a result of or in connection with Grantor's, its contractors', agents', or employees' use of the Easements, but only to the extent such damages, loss, cost, expense, and liabilities are due to or arising from Grantor's, its contractors', agents', or employees' negligence or willful misconduct. In addition, to the extent expressly permitted by law, the Grantee shall hold Grantor and its heirs, successors and/or assigns harmless from and against any and all damages, loss, cost, expense, liabilities of any kind or nature as a result of, or in connection with Grantee's, its contractors', agents', or employees' use of the Easement, but only to the extent such damages, loss, cost, expense, and liabilities are due to or arising from Grantee's negligence or willful misconduct, but not as to the use by the general public. Nothing in this section shall be deemed to waive or otherwise limit any defenses, rights, or immunities available to the Grantee pursuant to the Colorado Governmental Immunity Act or as otherwise provided by law.
- P. The failure of either Party to insist, in any one or more instances, upon a strict performance of any of the obligations, covenants, or agreements herein contained, or the failure of either Party in any one or more instances to exercise any option, privilege, or right herein contained, shall in no way be construed to constitute a waiver, relinquishment or release of such obligations, covenants, or agreements, and no forbearance by either Party of any default hereunder shall in any manner be construed as constituting a waiver of such default.
- Q. This Agreement, together with **Exhibit A**, supersedes all prior negotiations, representations, and agreements, whether oral or in writing, between the Parties with respect to the subject matter herein. Each Party to this Agreement acknowledges that no representation by any

party which is not embodied herein, nor any other agreement, statement, or promise not contained in this Agreement, shall be valid and binding. Any modification of this Agreement shall be effective only if it is in writing and signed by all Parties.

- R. Each Party acknowledges that it has carefully read and reviewed the terms of this Agreement. Each Party acknowledges that the entry into and execution of this Agreement is of its own free and voluntary act and deed, without compulsion. Each Party acknowledges that it has obtained, or has had the opportunity to obtain, the advice of legal counsel of its own choosing in connection with the negotiation and execution of this Agreement and with respect to all matters set forth herein. The Parties agree that this Agreement reflects the joint drafting efforts of all Parties and in the event of any dispute, disagreement or controversy arising from this agreement, the Parties shall be considered joint authors and no provision shall be interpreted against any Party because of authorship.
- S. The provisions of this Agreement are severable. Illegality or unenforceability of any provision herein shall not affect the validity or enforceability of the remaining provisions in this Agreement.
- T. This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado. In the event of litigation between the Parties, venue in state trial courts shall lie exclusively in the County of El Paso. In the event of litigation in a U.S. District Court, exclusive venue shall lie in the District of Colorado.

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Grantor:

**COPART, Inc.
a Delaware corporation**

By: _____
Stephen Powers, as Treasurer

STATE OF TEXAS)
) ss.
COUNTY OF DALLAS)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by _____.

WITNESS my hand and official seal.

My Commission expires: _____

(S E A L)

Notary Public

The above Easement Agreement is hereby approved and accepted by the City of Fountain, Colorado.

Grantee:

**CITY OF FOUNTAIN,
a Colorado home rule city**

By: _____
Sharon Thompson, as Mayor

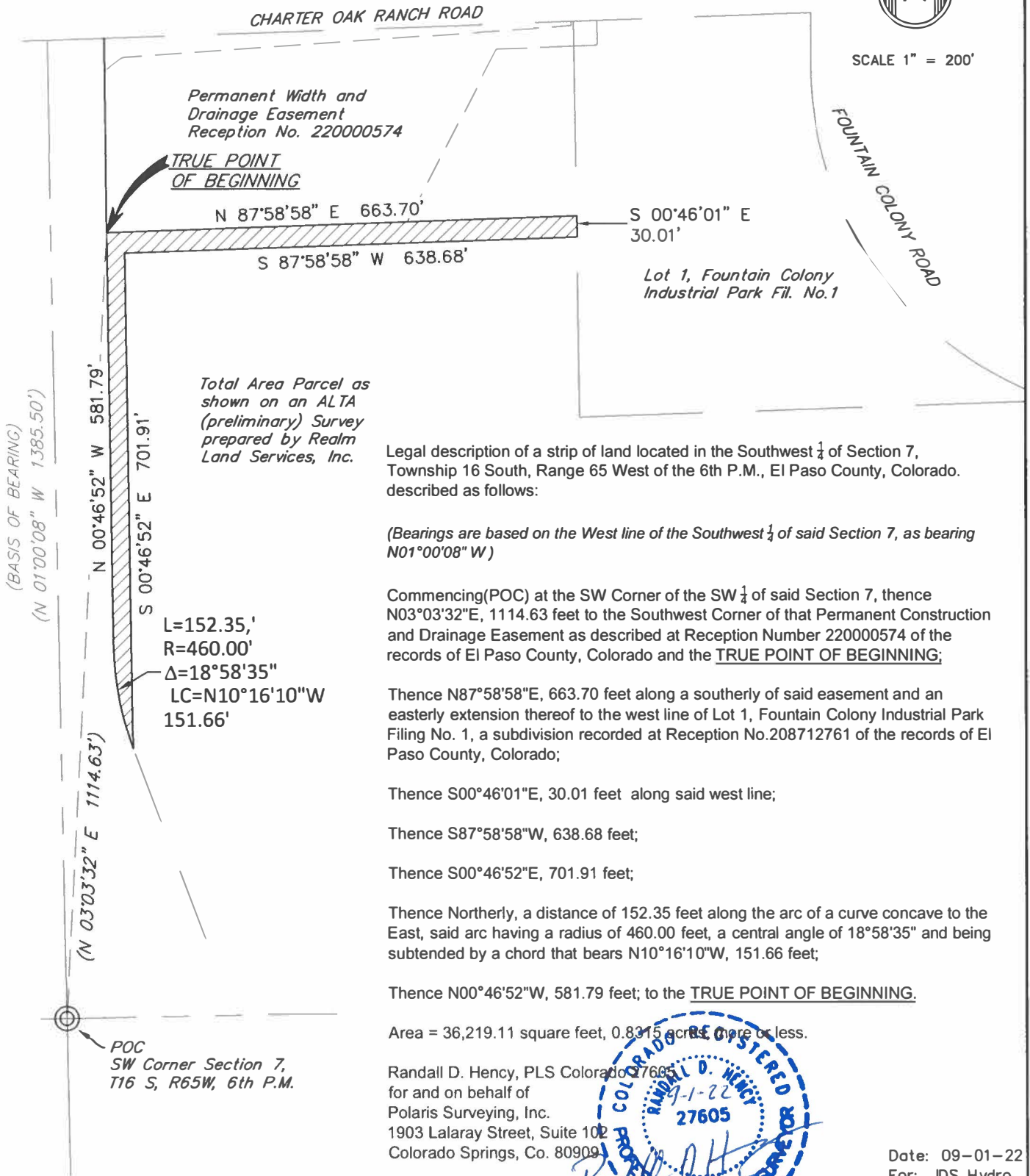
ATTEST

City Clerk

LEGAL DESCRIPTION / EXHIBIT MAP



SCALE 1" = 200'



Legal description of a strip of land located in the Southwest $\frac{1}{4}$ of Section 7, Township 16 South, Range 65 West of the 6th P.M., El Paso County, Colorado, described as follows:

(Bearings are based on the West line of the Southwest $\frac{1}{4}$ of said Section 7, as bearing N01°00'08" W)

Commencing (POC) at the SW Corner of the SW $\frac{1}{4}$ of said Section 7, thence N03°03'32"E, 1114.63 feet to the Southwest Corner of that Permanent Construction and Drainage Easement as described at Reception Number 220000574 of the records of El Paso County, Colorado and the **TRUE POINT OF BEGINNING**;

Thence N87°58'58"E, 663.70 feet along a southerly of said easement and an easterly extension thereof to the west line of Lot 1, Fountain Colony Industrial Park Filing No. 1, a subdivision recorded at Reception No. 208712761 of the records of El Paso County, Colorado;

Thence S00°46'01"E, 30.01 feet along said west line;

Thence S87°58'58"W, 638.68 feet;

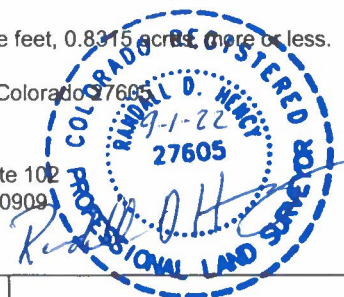
Thence S00°46'52"E, 701.91 feet;

Thence Northerly, a distance of 152.35 feet along the arc of a curve concave to the East, said arc having a radius of 460.00 feet, a central angle of 18°58'35" and being subtended by a chord that bears N10°16'10"W, 151.66 feet;

Thence N00°46'52"W, 581.79 feet; to the **TRUE POINT OF BEGINNING**.

Area = 36,219.11 square feet, 0.8315 acres, more or less.

Randall D. Hency, PLS Colorado 27605
for and on behalf of
Polaris Surveying, Inc.
1903 Lalaray Street, Suite 102
Colorado Springs, Co. 80909



Date: 09-01-22
For: JDS Hydro
JOB No. 210909

Exhibit A
Waterline Easement

POLARIS SURVEYING, INC.
1903 Lalaray Street, Suite 102
COLORADO SPRINGS, CO 80909
(719)448-0844 FAX (719)448-9225



Regular City Council Meeting

Old Business –8A

Council Member Request

October 10, 2023

Summary Information

Title:

DISCUSSION ON TIME FOR PUBLIC COMMENT FOR ITEMS ON THE AGENDA.

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:

Background Information

Council Member Rick asked for this item to be brought before City Council.

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.



Regular City Council Meeting

New Business –9A

Items removed from Consent Agenda

October 10, 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

School District No. 8 Arena Access
Annexation Findings of Fact

October 10, 2023

Summary Information

Title:

RESOLUTION 23-046, A RESOLUTION SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS BASED THEREON REGARDING THE ELIGIBILITY FOR ANNEXATION TO THE CITY OF FOUNTAIN OF TERRITORY KNOWN AS SCHOOL DISTRICT NO. 8 ARENA ACCESS ANNEXATION, LOCATED AT 10535 JIMMY CAMP ROAD, AND HEREINAFTER MORE SPECIFICALLY DESCRIBED IN EXHIBIT “A”

Initiator: Kristy Martinez, Planning Manager

Presenter: Kristy Martinez, Planning Manager

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

State law requires verification that the proposed annexation meets all applicable requirements of the Municipal Annexation Act of 1965. This Resolution satisfies this requirement.

Previous Action by City Council: N/A

Attachment A: Resolution 23-046

Attachment B: Affidavits

Attachment C: Vicinity Map

Background Information

State law requires this resolution, which purpose is to determine and find whether the area requested for annexation meets the applicable requirements of sections 31-12-104 and 31-12-105, C.R.S. as amended and is therefore considered eligible for annexation. The eligibility requirements are set forth in the resolution, which is attached.

Notification of tonight’s public hearing was published in the *Gazette* on August 30, 2023; September 6, 2023; September 13, 2023 and September 20, 2023.

City staff has evaluated the annexation request considering its conformity to state law requirements and determines that the property is eligible to be annexed. Affidavits are set forth in Attachment B, and a vicinity map of the area is provided in Attachment C.

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 23-046.

Proposed Motion

I Motion to Approve Resolution 23-046.



RESOLUTION 23-046

A RESOLUTION SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS BASED THEREON REGARDING THE ELIGIBILITY FOR ANNEXATION TO THE CITY OF FOUNTAIN OF TERRITORY KNOWN AS SCHOOL DISTRICT NO. 8 ARENA ACCESS ANNEXATION, LOCATED AT 10535 JIMMY CAMP ROAD, AND HEREINAFTER MORE SPECIFICALLY DESCRIBED IN EXHIBIT “A”

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FOUNTAIN:

This matter comes for hearing before the City Council of the City of Fountain on October 10, 2023, pursuant to Sections 31-12-108 and 31-12-109, C.R.S., provisions of the Municipal Annexation Act of 1965 as amended, Part 1 of Article 12 of Title 31 C.R.S. (hereinafter referred to as the “Annexation Act”), to consider the eligibility for annexation to the City of Fountain of that certain territory known as School District No. 8 Arena Access Annexation, as more specifically described in Exhibit A as attached hereto and incorporated herein by reference (hereinafter referred to as the “Territory”), and the City Council having examined all of the evidence presented at said hearing and being fully advised of the premises, now sets forth findings of fact and conclusions based thereon as provided for in Section 31-12-110 of the Annexation Act as follows:

1. The City Clerk of the City of Fountain has received a “Petition for Annexation,” signed by persons comprising more than fifty percent (50%) of the landowners in the area proposed to be annexed owning more than fifty percent (50%) of the area, excluding public streets and alleys, in compliance with the provisions of Article II, Section 30 of the Colorado Constitution and Section 31-12-107(1) of the Annexation Act.
2. On August 22, 2023, the City Council by Resolution 23-034 accepted the Petition for Annexation, found that the Petition substantially complies with the requirements set forth in Section 31-12-107(1) of the Annexation Act and set a public hearing to consider the eligibility of the Territory for annexation to the City of Fountain.
3. The City Clerk, pursuant to Resolution 23-034, has caused to have published in the Gazette, a newspaper of general circulation in the City of Fountain and the Territory, a notice of the public hearing to consider the eligibility of the Territory for annexation to the City of Fountain (along with a copy of Resolution 23-034 including Exhibit A thereto describing the Territory) on the following dates: August 30, 2023; September 6, 2023; September 13, 2023 and September 20, 2023.
4. Resolution 23-034 and the notice of public hearing complies with the requirements of Section 31-12-107(1) (g) and Section 31-12-108 of the Annexation Act.

5. Copies of the published notice and Resolution 23-034 have been mailed to: (1) El Paso County Board of County Commissioners; (2) El Paso County Attorney; (3) Fountain Fort Carson School District No. 8; (4) El Paso County Soil Conservation District; (5) Southeastern Colorado Water Conservancy District; and (6) Pikes Peak Library District which are located within the Territory in accordance with Section 31-12-108 of the Annexation Act.

6. An Annexation Impact Report for the Territory was not required in accordance with Section 31-12-108.5 of the Annexation Act.

7. The Territory is unincorporated.

8. The Territory is the same as the area described in Exhibit A to the Petition for Annexation and the accompanying annexation map.

9. No annexation of all or any part of the Territory has been commenced by any other municipality.

10. The City of Fountain did not provided notice as required under Section 31-12-105(e.3) of the Annexation Act as contiguity is not achieved with annexation of a platted street or public or private right of way.

11. The City of Fountain City Clerk's Office has received no petition for annexation for any parcel eligible for annexation under Section 31-12-105(e)(II) of the Annexation Act.

12. The annexation of the Territory to the City of Fountain will not result in the detachment of an area from any school district and attachment of the same area to another school district.

13. The annexation of the Territory to the City of Fountain will not result in the change of any county boundaries.

14. At least one-sixth (1/6th) of the boundary of the perimeter of the Territory is contiguous with the boundary of the City of Fountain.

15. No land held in identical ownership within the area proposed to be annexed, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels by the boundaries of such annexation without the written consent of the landowner except as such tracts or parcels are separated by a dedicated street, road or other public way.

16. No land held in identical ownership within the area proposed to be annexed, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of \$200,000 for ad

valorem tax purposes for the next year preceding the annexation), is included within the boundary of the area proposed to be annexed without the written consent of the landowners.

17. The annexation of the Territory to the City of Fountain will not extend boundaries of the city limits of the City of Fountain more than three miles in any direction from the municipal boundary.

18. In establishing the boundaries of the Territory, if a portion of a platted street or alley is annexed, the entire width of said street or alley is included within the Territory.

19. The requirements of the applicable parts of Sections 31-12-104 and 31-12-105 of the Annexation Act have been met.

20. The provisions of Section 31-12-104(b) requiring a finding "that a community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality..." are met by virtue of a finding of at least one-sixth (1/6th) boundary contiguity of the Territory with the City of Fountain as provided for in said section.

21. No petition for election has been received nor is an election otherwise required with respect to the Territory under the provisions of Section 31-12-107(2) of the Annexation Act.

22. No additional terms and conditions are to be imposed.

23. The annexation of the Territory meets the requirements of and fully complies with the applicable requirements of the Annexation Act and Section 30 of Article II of the Colorado Constitution.

24. The City Council finds and concludes that the Territory as set forth in the Petition for Annexation and Exhibit A attached hereto is eligible for annexation to the City of Fountain.

Dated at Fountain, Colorado, this 10th day of October 2023.

Sharon Thompson, Mayor

ATTEST:

Silvia Huffman, City Clerk

PROJECT 20416-20
JUNE 28, 2023

LEGAL DESCRIPTION – SCHOOL DISTRICT 8 ARENA ACCESS ANNEXATION

A TRACT OF LAND BEING LOCATED IN SECTION 8, TOWNSHIP 16 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, SAID TRACT BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NE 1/4 OF THE NE 1/4 OF SAID SECTION 8, FROM WHENCE THE NORTH LINE OF SECTION 8 BEARS N88°36'39"E, 1320.88 FEET, TO THE NORTHEAST CORNER THEREOF, SAID NORTH LINE MONUMENTED AT THE WEST TERMINUS BY A FOUND 3.25" ALUMINUM CAP STAMPED "DREXEL BARRELL & CO. T16S R65W E 1/16 S5 S8 1985 LS 17664" AND MONUMENTED AT THE EAST TERMINUS BY A FOUND #6 REBAR WITH A 3.25" ALUMINUM CAP STAMPED "DREXEL BARRELL & CO. T16S R65W S5 S4 S8 S9 2007 PLS 29413", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE WEST LINE OF SAID NE 1/4 OF THE NE 1/4 AND THE EASTERLY LINE OF THE JIMMY CAMP ROAD ANNEXATION, THE PLAT THEREOF RECORDED UNDER RECEPTION NO. 205167019 OF THE RECORDS OF EL PASO COUNTY COLORADO, S01°08'40"E, 238.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID WEST AND EASTERLY LINES, S01°08'40"E, 235.00 FEET; THENCE ALONG THE NORTH LINE OF THE HIGH SCHOOL NORTH PROPERTY ADDITION ANNEXATION, THE PLAT THEREOF RECORDED UNDER RECEPTION NO. 206712392 OF THE RECORDS OF EL PASO COUNTY, AND THE NORTH LINE OF SCHOOL DISTRICT 8 FILING NO. 3, THE PLAT THEREOF RECORDED UNDER RECEPTION NO. 207712679 OF THE RECORDS OF EL PASO COUNTY, N88°36'26"E, 257.85 FEET TO THE WESTERLY LINE OF SONADOR RANCH TOWNHOMES ANNEXATION, THE PLAT THEREOF RECORDED UNDER RECEPTION NO. 207712680 OF THE RECORDS OF EL PASO COUNTY;

THENCE NORTHERLY AND WESTERLY ALONG SAID SONADOR RANCH TOWNHOMES ANNEXATION THE FOLLOWING TWO (2) COURSES:

1. N01°23'34"W, 235.00 FEET;
2. S88°36'26"W, 256.83 FEET TO THE WEST LINE OF THE NE 1/4 OF THE NE 1/4 OF SECTION 8 AND THE AND THE EASTERLY LINE OF SAID JIMMY CAMP ROAD ANNEXATION AND THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED TRACT CONTAINS 60,475 SQUARE FEET, MORE OR LESS.

I, JOHN C. DAY, A PROFESSIONAL LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.

JOHN C. DAY PLS 29413
FOR AND ON BEHALF OF
DREXEL, BARRELL & CO.
3 SOUTH 7TH STREET
COLORADO SPRINGS, COLORADO 80905
719-260-0887



AFFIDAVIT

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

John C. Day, the affiant, first being duly sworn, deposes and says as follows:

1. He is a registered professional land surveyor in the State of Colorado, Registration No. 29413.
2. He is employed by Drexel, Barrell & Co.
3. The annexation plat of School District 8 Arena Access was prepared under his supervision.
4. He has examined this annexation plat and the legal description therein.
5. The legal description set forth on the plat accurately describes the property that is subject to annexation to the City of Fountain.
6. The annexation plat accurately sets forth the boundary of the property that is subject to annexation to the City of Fountain.
7. As shown on the plat, at least one-sixth (1/6th) of the boundary of the property to be annexed is contiguous with the boundary of the city limits of the City of Fountain.
8. In establishing the boundaries of the area proposed to be annexed, if a portion of a platted street or alley is annexed, the entire width of said street or alley is included within the area proposed to be annexed.

FURTHER AFFIANT SAYETH NOT.

John C Day 3/23/23

SUBSCRIBED AND SWORN TO before me this 23 day of March, 2023.

Witness my hand and official seal.

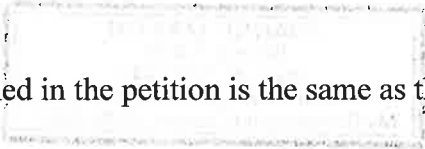
CRISTIAN RAMIREZ
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20214027436
MY COMMISSION EXPIRES JULY 08, 2025

[Signature]
NOTARY PUBLIC
My Commission expires: July 08


AFFIDAVIT

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

Kristy Martinez, the affiant, first being duly sworn, deposes and says as follows:

1. She is employed as the Planning Manager for the City of Fountain, Colorado.
2. She has reviewed the Annexation Plat for School District No. 8 Arena Access Annexation and the accompanying petition and is familiar with such plat and the location of the property described therein.
3. The legal description of the property contained in the petition is the same as that of the plat. 
4. There has been adopted by the City Council of the City of Fountain, as provided for in Section 31-12-105 C.R.S., a "three-mile-plan" which includes the area described in the petition for annexation and the annexation plat.
5. This annexation will not extend the boundaries of the city limits of the City of Fountain beyond three miles in any direction from the municipal boundary.
6. An Annexation Impact Report as was not required under Section 31-12-108.5 C.R.S.
7. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, unless its tracts or parcels are separated by dedicated street, road or other public way.
8. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the next year preceding the annexation), is included within the boundary of the area proposed to be annexed without the written consent of the landowners.
9. The property subject to annexation is within the unincorporated area of El Paso County, Colorado.

FURTHER AFFIANT SAYETH NOT.



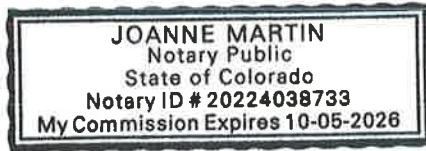
Kristy Martinez, AICP, Planning Manager

SUBSCRIBED AND SWORN TO before me this 3rd day of October,
2023.

Witness my hand and official seal.

 Joanne Martin

NOTARY PUBLIC



My Commission expires: 10/5/2026

AFFIDAVIT

STATE OF COLORADO)
) ss.
COUNTY OF EL PASO)

Silvia Huffman, the affiant, first being duly sworn, deposes and says as follows:

1. She is the City Clerk for the City of Fountain.
2. There has been filed with the City Clerk of the City of Fountain a petition for annexation of the area sometimes known as School District No. 8 Arena Access Annexation. The petition indicates that it is signed by persons comprising more than fifty percent (50%) of the landowners in the area proposed to be annexed who own more than fifty percent (50%) of said area, excluding public streets and alleys.
3. On August 22, 2023, the City Council approved a resolution entitled Resolution Finding the Petition for Annexation of a Parcel of Land Sometimes Known as School District No. 8 Arena Access Annexation, Generally Located at 10535 Jimmy Camp Road, to be in Substantial Compliance with Section 31-12-107(1) C.R.S. and Setting a Public Hearing Date on the Proposed Annexation.” Pursuant to this resolution, a hearing was set to consider the petition for annexation of said area for October 10, 2023 at 6:00 p.m., or as soon thereafter as the matter is scheduled on the Council agenda at the Council Chambers, City Hall, 116 South Main Street, Fountain, Colorado, for the purpose of determining and finding whether the area proposed to be annexed is eligible for annexation, and determining whether the area should be annexed to the City of Fountain, Colorado. The City Clerk, pursuant to said resolution, was directed to give notice of the hearing as set forth in section 31-12-108(2) C.R.S.
4. The City Clerk, pursuant to said resolution, has caused to have published in the Gazette a document entitled "Notice of Public Hearing” of a Petition for Annexation of School District No. 8 Arena Access Annexation, along with a copy of the resolution with Exhibit A to the resolution describing the area proposed to be annexed with four (4) publications as follows: August 30, 2023, September 6, 2023, September 13, 2023 and September 20, 2023. The Gazette is a newspaper of general circulation throughout the City of Fountain, Colorado and general circulation throughout the area proposed to be annexed.
5. The City Clerk's Office has received no Petition for Annexation Election for the area proposed to be annexed.
6. The City Clerk's Office has received no notification that annexation of all or part of said area has been commenced by any other municipality.

7. Copies of the public notice and the resolution have been sent to the following parties:
(1) Clerk of the Board of Commissioners of El Paso County; (2) El Paso County Attorney; (3) Fountain Fort Carson School District No. 8; (4) Southeastern Colorado Water Conservancy District; (5) El Paso County Conservation District; and (6) Pikes Peak Library District.

FURTHER AFFIANT SAYETH NOT.





Silvia Huffman, City Clerk

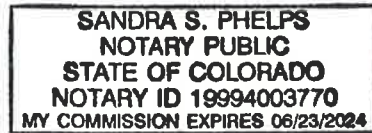
SUBSCRIBED AND SWORN TO before me this 3 day of October, 2023.

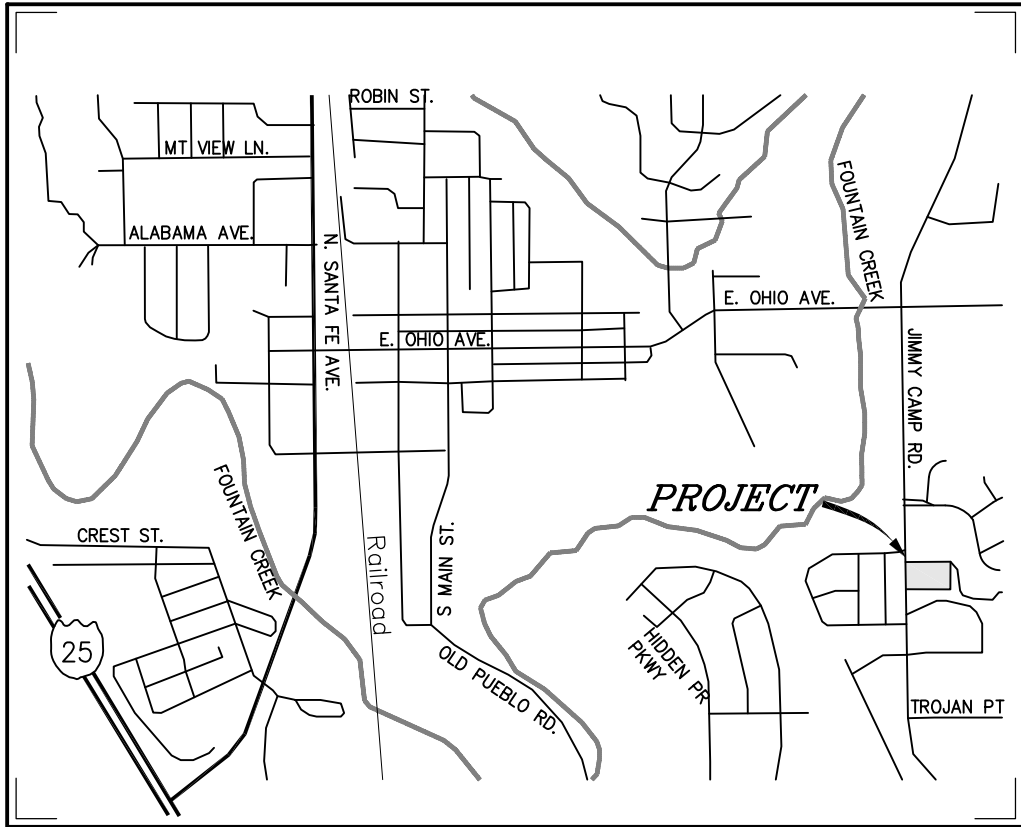
Witness my hand and official seal.



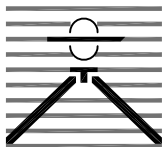
NOTARY PUBLIC

My Commission expires: 06/23/2024





N.T.S.



VICINITY MAP

Drexel, Barrell & Co.
Engineers • Surveyors

DATE:
1-04-23

DWG. NO.

JOB NO:
20416-20

VMAP

SHEET 1 OF 1



Regular City Council Meeting

New Business –9C

School District No. 8 Arena Access
Annexation

October 10, 2023

Summary Information

Title:

PUBLIC HEARING AND FIRST READING OF ORDINANCE 1792, AN ORDINANCE ANNEXING TO THE CITY OF FOUNTAIN THAT AREA TO BE KNOWN AS SCHOOL DISTRICT NO. 8 ARENA ACCESS ANNEXATION, LOCATED AT 10535 JIMMY CAMP ROAD, AND HEREINAFTER MORE SPECIFICALLY DESCRIBED IN EXHIBIT A

Initiator: Kristy Martinez, Planning Manager

Presenter: Kristy Martinez, Planning Manager

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

A request to consider annexation of 1.38 acres to the City of Fountain.

Previous Action by City Council: N/A

Attachment A: Ordinance 1792

Attachment B: Annexation Plat

Background Information

This is a request to annex approximately 1.38 acres generally located at 10535 Jimmy Camp Road. A petition for annexation has been submitted to the City by the property owner. The School District acquired this parcel of land in August 2022 and intends to incorporate it in the overall Fountain-Fort Carson District campus plan. Previous District plans had the internal private roadway known as Trojan Point intersecting with Jimmy Camp further north. With the acquisition of this parcel, the Trojan Point access point will be realigned and follow a perpendicular path to Jimmy Camp Road, generally parallel to the Conrad Early Education access road.

To be eligible for annexation, a petition must be signed by persons comprising more than fifty percent (50%) of the landowners in the area proposed to be annexed who own more than fifty percent (50%) of said area, excluding public streets and alley. The submitted petition complies with this minimum requirement with 100% of the landowners signing the annexation petition.

The annexation area has a total perimeter of approximately 985 lineal feet, of which 100% is contiguous to the existing city limits. State law requires no less than 1/6th or 16.6% of the perimeter to be contiguous with the city boundaries.

Comprehensive Development Plan: The request is generally consistent with the *Fountain Comprehensive Development Plan*, as amended. The property falls within the City's Urban Growth Area Boundary. Applicable goals, principals and policies set forth within the *Plan* regarding the annexation fall under the *Growth Management and Land Use* section:

Principle 1: Ensure the logical extension of the City boundaries so that Fountain will expand in a directed and fiscally sound manner, providing greater predictability in the rate, location, type and character of new growth.

GM Policy 1.2: Encourage strategic annexations if such annexations provide greater control to the City of Fountain and protect the City's growth options.

GM Policy 1.3: Evaluate annexations based on their impact on the local tax base and value to the residents of the community.

Public Notice: At least fifteen (15) days prior to the City Council public hearing, the property was posted, property owners of record within four hundred feet (400') were notified and a public notice was published in the Gazette.

Staff Findings: Staff finds that the area proposed for annexation is located within the City's Urban Services Area and Urban Growth Area and within the Three Mile Plan of the *Comprehensive Development Plan*, as amended. The City and petitioner believe that the annexation will accommodate orderly development of the City, and the petitioner believes that the availability of City services and other benefits through annexation to City will be of substantial benefit to them. Staff finds that the request is consistent with applicable State Statutes.

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

Planning Commission Recommendation: On July 6, 2023, the City Planning Commission voted 4 to 0 to recommend approval of the annexation request.

Staff does not oppose the approval of Ordinance 1792 on first reading.

Proposed Motion

I Motion to Approve Ordinance 1792 on first reading.

ORDINANCE NO. 1792

AN ORDINANCE ANNEXING TO THE CITY OF FOUNTAIN THAT AREA TO BE KNOWN AS SCHOOL DISTRICT NO. 8 ARENA ACCESS ANNEXATION, LOCATED AT 10535 JIMMY CAMP ROAD, AND HEREINAFTER MORE SPECIFICALLY DESCRIBED IN EXHIBIT A

WHEREAS, El Paso County School District No. 8 (Petitioner), comprising more than fifty percent (50%) of the landowners in the area described in Exhibit A attached hereto (Property) and described in the petition for annexation (Petition) owning more than fifty percent (50%) of the Property, excluding public streets and alleys, have petitioned for the annexation of the Property to the City of Fountain, Colorado; and

WHEREAS, on August 22, 2023, the City Council of the City of Fountain by Resolution 23-034 accepted the Petition, found that the Petition substantially complies with the requirements set forth in section 31-12-107(1), C.R.S. and set a public hearing to consider the eligibility of the Property for annexation to the City of Fountain; and

WHEREAS, on October 10, 2023, after the giving of notice as required under section 31-12-108(2), C.R.S., the City Council of the City of Fountain held a public hearing on the proposed annexation to determine if the annexation complies with sections 31-12-104 and 31-12-105, C.R.S. and section 30 of Article II of the Colorado Constitution; and

WHEREAS, the City Council of the City of Fountain by Resolution 23-046 determined that the requirements of sections 31-12-104 and 31-12-105, C.R.S. and section 30 of Article II of the Colorado Constitution have been met, that an election is not required under section 31-12-107(2), C.R.S, and that no additional terms or conditions are to be imposed on the Property; and

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

Section 1. The Property is hereby annexed to the City of Fountain.

Section 2. The annexation of the Property to the City of Fountain shall become legally effective in accordance with section 31-12-113, C.R.S., and such annexation shall be effective for general taxation purposes on and after January 1 next ensuing.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by the City Charter.

**PROJECT 20416-20
JUNE 28, 2023**

LEGAL DESCRIPTION – SCHOOL DISTRICT 8 ARENA ACCESS ANNEXATION

A TRACT OF LAND BEING LOCATED IN SECTION 8, TOWNSHIP 16 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, SAID TRACT BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NE 1/4 OF THE NE 1/4 OF SAID SECTION 8, FROM WHENCE THE NORTH LINE OF SECTION 8 BEARS N88°36'39"E, 1320.88 FEET, TO THE NORTHEAST CORNER THEREOF, SAID NORTH LINE MONUMENTED AT THE WEST TERMINUS BY A FOUND 3.25" ALUMINUM CAP STAMPED "DREXEL BARRELL & CO. T16S R65W E 1/16 S5 S8 1985 LS 17664" AND MONUMENTED AT THE EAST TERMINUS BY A FOUND #6 REBAR WITH A 3.25" ALUMINUM CAP STAMPED "DREXEL BARRELL & CO. T16S R65W S5 S4 S8 S9 2007 PLS 29413", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE WEST LINE OF SAID NE 1/4 OF THE NE 1/4 AND THE EASTERLY LINE OF THE JIMMY CAMP ROAD ANNEXATION, THE PLAT THEREOF RECORDED UNDER RECEPTION NO. 205167019 OF THE RECORDS OF EL PASO COUNTY COLORADO, S01°08'40"E, 238.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID WEST AND EASTERLY LINES, S01°08'40"E, 235.00 FEET; THENCE ALONG THE NORTH LINE OF THE HIGH SCHOOL NORTH PROPERTY ADDITION ANNEXATION, THE PLAT THEREOF RECORDED UNDER RECEPTION NO. 206712392 OF THE RECORDS OF EL PASO COUNTY, AND THE NORTH LINE OF SCHOOL DISTRICT 8 FILING NO. 3, THE PLAT THEREOF RECORDED UNDER RECEPTION NO. 207712679 OF THE RECORDS OF EL PASO COUNTY, N88°36'26"E, 257.85 FEET TO THE WESTERLY LINE OF SONADOR RANCH TOWNHOMES ANNEXATION, THE PLAT THEREOF RECORDED UNDER RECEPTION NO. 207712680 OF THE RECORDS OF EL PASO COUNTY;

THENCE NORTHERLY AND WESTERLY ALONG SAID SONADOR RANCH TOWNHOMES ANNEXATION THE FOLLOWING TWO (2) COURSES:

1. N01°23'34"W, 235.00 FEET;
2. S88°36'26"W, 256.83 FEET TO THE WEST LINE OF THE NE 1/4 OF THE NE 1/4 OF SECTION 8 AND THE AND THE EASTERLY LINE OF SAID JIMMY CAMP ROAD ANNEXATION AND THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED TRACT CONTAINS 60,475 SQUARE FEET, MORE OR LESS.

I, JOHN C. DAY, A PROFESSIONAL LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.

JOHN C. DAY PLS 29413
FOR AND ON BEHALF OF
DREXEL, BARRELL & CO.
3 SOUTH 7TH STREET
COLORADO SPRINGS, COLORADO 80905
719-260-0887



SCHOOL DISTRICT 8 ARENA ACCESS ANNEXATION

A TRACT OF LAND BEING LOCATED IN SECTION 8, TOWNSHIP 16 SOUTH, RANGE 65 WEST OF THE SIXTH P.M. EL PASO COUNTY, COLORADO

KNOW ALL MEN BY THESE PRESENTS:

THAT THE ATTACHED PLAT CORRECTLY SHOWS THE BOUNDARY LINES OF THE TRACT TO BE ANNEXED TO THE CITY OF FOUNTAIN, TOGETHER WITH THE ESTABLISHED CITY LIMITS, SAID TRACT DESCRIBED AS FOLLOWS:

A TRACT OF LAND BEING LOCATED IN SECTION 8, TOWNSHIP 16 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, SAID TRACT BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NE 1/4 OF THE NE 1/4 OF SAID SECTION 8, FROM WHENCE THE NORTH LINE OF SECTION 8 BEARS N88°36'39"E, 1320.88 FEET, TO THE NORTHEAST CORNER THEREOF, SAID NORTH LINE MONUMENTED AT THE WEST TERMINUS BY A FOUND 3.25" ALUMINUM CAP STAMPED "DREXEL BARRELL & CO. T165 R65W E 1/16 S8 1985 LS 17664 AND MONUMENTED AT THE EAST TERMINUS BY A FOUND #6 REBAR WITH A 3.25" ALUMINUM CAP STAMPED "DREXEL BARRELL & CO. T165 R65W S5 S4 S8 S9 2007 PLS 29413", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE HERETO;

THENCE ALONG THE WEST LINE OF SAID NE 1/4 OF THE NE 1/4 AND THE EASTERLY LINE OF THE JIMMY CAMP ROAD ANNEXATION, THE PLAT THEREOF RECORDED UNDER RECEPTION NO. 205167019 OF THE RECORDS OF EL PASO COUNTY COLORADO, S07°08'40"E, 238.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID WEST AND EASTERLY LINES, S07°08'40"E, 235.00 FEET, THENCE ALONG THE NORTH LINE OF THE HIGH SCHOOL NORTH PROPERTY ADDITION ANNEXATION, THE PLAT THEREOF RECORDED UNDER RECEPTION NO. 206723292 OF THE RECORDS OF EL PASO COUNTY, AND THE NORTH LINE OF SCHOOL DISTRICT 8 FILING NO. 3, THE PLAT THEREOF RECORDED UNDER RECEPTION NO. 20712679 OF THE RECORDS OF EL PASO COUNTY, N88°36'26"E, 257.88 FEET TO THE WESTERLY LINE OF SONADOR RANCH TOWNHOMES ANNEXATION, THE PLAT THEREOF RECORDED UNDER RECEPTION NO. 20712680 OF THE RECORDS OF EL PASO COUNTY;

THENCE NORTHERLY AND WESTERLY ALONG SAID SONADOR RANCH TOWNHOMES ANNEXATION THE FOLLOWING TWO (2) COURSES:

1. N01°23'34"W, 235.00 FEET TO THE WEST LINE OF THE NE 1/4 OF THE NE 1/4 OF SECTION 8 AND THE EASTERLY LINE OF SAID JIMMY CAMP ROAD ANNEXATION AND THE POINT OF BEGINNING.
2. S88°36'26"W, 256.83 FEET TO THE WEST LINE OF THE NE 1/4 OF THE NE 1/4 OF SECTION 8 AND THE EASTERLY LINE OF SAID JIMMY CAMP ROAD ANNEXATION AND THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED TRACT CONTAINS 60,475 SQUARE FEET, MORE OR LESS.

SURVEY NOTES

1. THE BEARINGS AS SHOWN HEREON ARE GRID BEARINGS OF THE COLORADO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NORTH AMERICAN DATUM 1983, THE NORTH LINE OF NE 1/4 OF THE NE 1/4 OF SECTION 8, T165, R65W, 6TH P.M., BEARS N88°36'39"E, 1320.88 FEET, AND IS MONUMENTED AS SHOWN HEREON.
2. THE LINEAL UNIT OF MEASURE IS THE U.S. SURVEY FOOT.
3. BEARINGS INTO AND OUT OF THESE CORNERS, REPRESENT THE RECORD ANGLES PER SONADOR RANCH TOWNHOMES ANNEXATION.
4. THIS IS NOT A MONUMENTED LAND SURVEY PLAT.

PERIMETER CALCULATION

PERIMETER OF BOUNDARY: 985 FEET
 CONTIGUOUS BOUNDARY: 985 FEET
 RATIO OF CONTIGUITY: 100%
 AREA OF PARCEL: 1,388.3 ACRES +/-

SURVEYOR'S STATEMENT:

I, JOHN C. DAY, A PROFESSIONAL LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE MAP SHOWS HEREON CORRECTLY DELINEATES THE ABOVE DESCRIBED PARCEL OF LAND AND THAT AT LEAST ONE SHOWN (1/6) OF THE PERIPHERAL BOUNDARY OF SAID PARCEL OF LAND ACCORDS TO THE PRESENT BOUNDARY OF THE CITY OF FOUNTAIN, EL PASO COUNTY, COLORADO.

JOHN C. DAY
 PLS NUMBER 29413
 FOR AND BEHALF OF
 DREXEL BARRELL & CO.

DATE _____

IN WITNESS WHEREOF:

THE CITY OF FOUNTAIN, EL PASO COUNTY, STATE OF COLORADO BY THE ACTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN AT ITS MEETING ON THE _____ DAY OF _____, 2023.

BY: _____ MAYOR OF FOUNTAIN
 ATTEST: _____ CITY CLERK

CLERK AND RECORDER'S CERTIFICATE:

STATE OF COLORADO)
 COUNTY OF EL PASO)

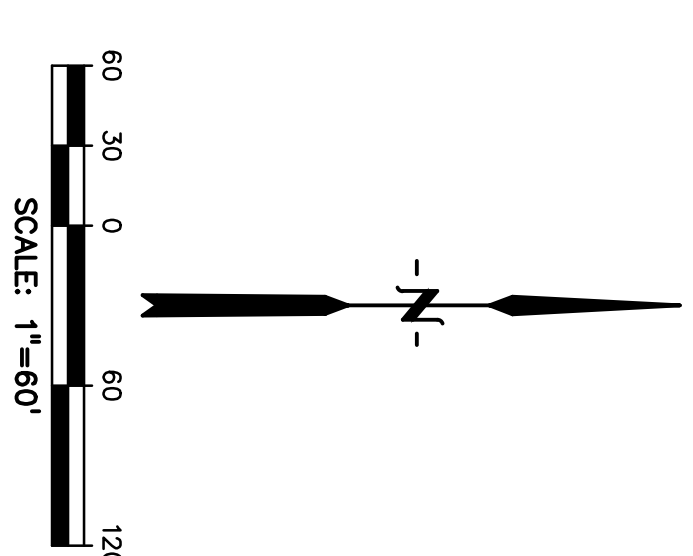
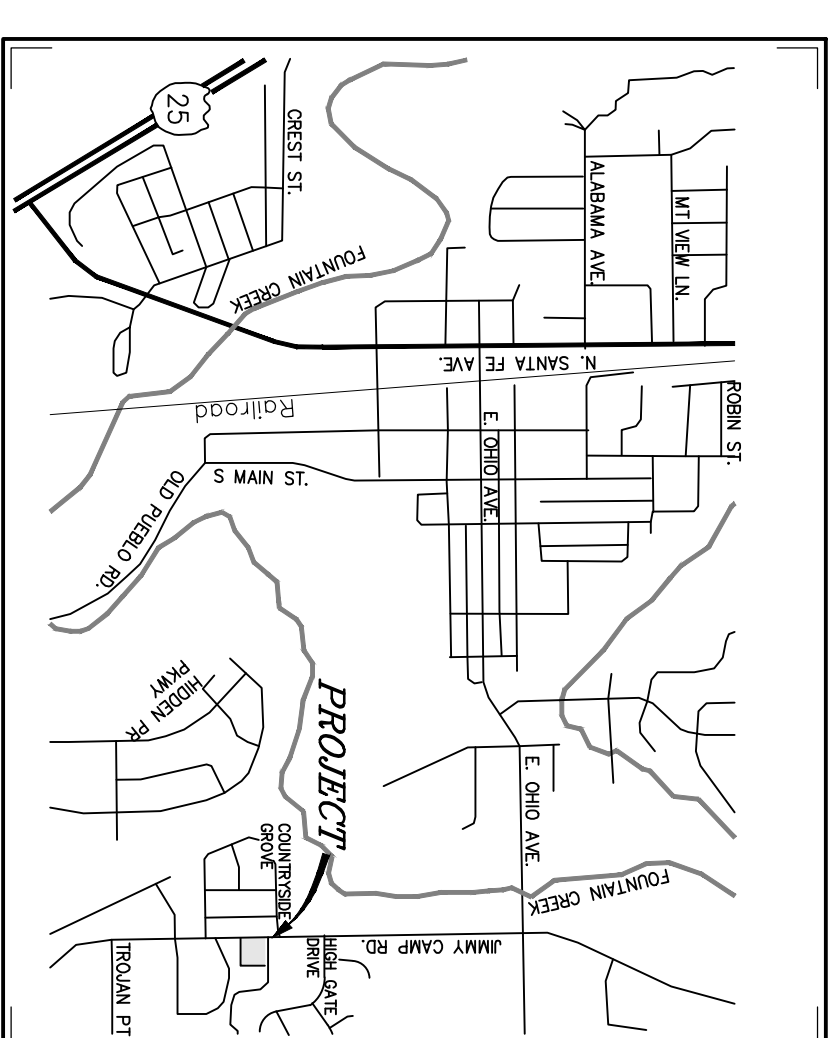
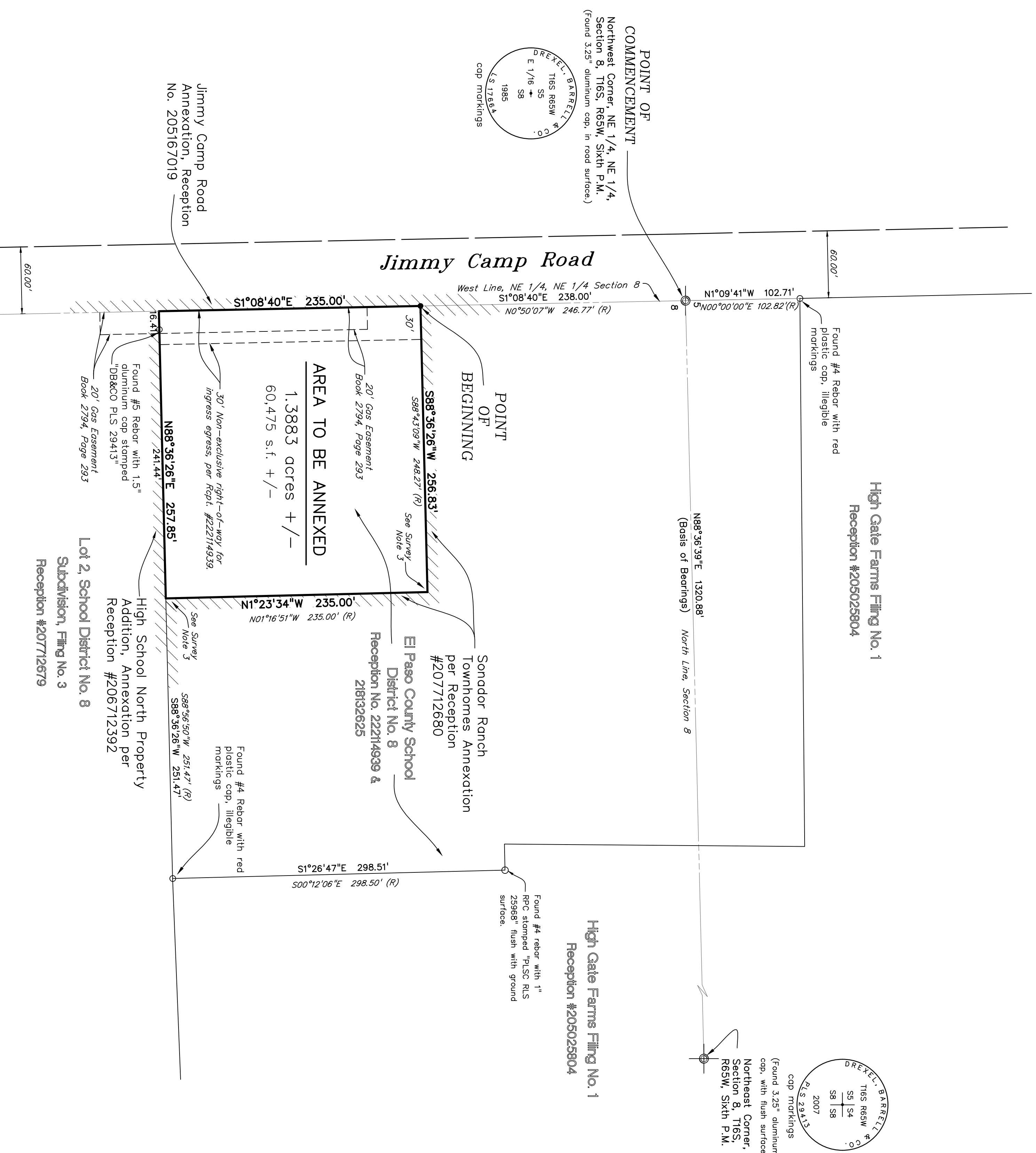
I HEREBY CERTIFY THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT _____ O'CLOCK _____ M., THIS _____ DAY OF _____, 2023 AND IS DULY RECORDED UNDER RECEPTION NUMBER _____ OF THE RECORDS OF EL PASO COUNTY, COLORADO.

STEVE SCHLEIKER, RECORDER

FEE: _____

BY: _____ SURCHARGE: _____

DEPUTY



Drexel, Barrell & Co. Engineers/Surveyors
 3 SOUTH 7TH STREET, COLORADO SPRINGS, CO 80905 (719) 260-0887
 1376 MINERS DRIVE, SUITE 107, LAVERGNE, CO 80806 (303) 442-4388

Revisions - Date	Date	Drawn By	Job No.
	6/28/2023	SC/AVC	20416-20
Scale	1" = 60'	Checked By	Drawing No.
		JCD	20416-20 ANNEX



Regular City Council Meeting

New Business –9D

School District No. 8 Arena Access
Initial POS Zoning

October 10, 2023

Summary Information

Title:

PUBLIC HEARING AND FIRST READING OF ORDINANCE 1793, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FOUNTAIN, COLORADO TO PARKS AND OPEN SPACE (POS) DISTRICT RELATED TO THAT AREA TO BE KNOWN AS SCHOOL DISTRICT NO. 8 ARENA ACCESS ANNEXATION, GENERALLY LOCATED AT 10535 JIMMY CAMP ROAD, AND HEREINAFTER MORE SPECIFICALLY DESCRIBED IN EXHIBIT A AND EXHIBIT B

Initiator: Kristy Martinez, Planning Manager

Council Action

Presenter: Kristy Martinez, Planning Manager

Council Information

Legal Review: Yes No

Report to Council

Summary Overview and List of Attachments:

A request to amend the official zoning map of the City of Fountain to the Parks and Open Space (POS) District.

Attachments:

- Vicinity Map
- Ordinance 1793

Background Information

This is a request to zone approximately 1.38 acres located at 10535 Jimmy Camp Road. The Fountain Fort Carson School District recently acquired this land which will be incorporated into the overall District campus. This land will be used for the realigned private roadway known as Trojan Point which provides access to several District facilities internal to the campus. The request to zone the parcel to the POS district is consistent with other land owned by the School District.

Surrounding Land Uses and Zoning:

North	Vacant School District land	PUD (Planned Unit Development) District*
South	Conrad Early Learning Center	Parks and Open Space (POS) District
East	Vacant School District land	PUD (Planned Unit Development) District*
West	Countryside Townhomes	PUD (Planned Unit Development) District

*The property owners (School District No. 8) have submitted a request to rezone this parcel to the POS District

Services: Water, Electric and Fire protection is provided by the City of Fountain. Natural gas is provided by Black Hills Energy and wastewater would be provided by the Fountain Sanitation District.

Comprehensive Development Plan: The Land Use Plan within the Fountain Comprehensive Development Plan recommends Single Family Residential for this property. The initial zoning request is not consistent with the Future Land Use Plan; however, staff is supportive of the deviation as public schools are permitted in all zone districts.

Public Notice: At least fifteen (15) days prior to the City Council public hearing, the property was posted and property owners of record within four hundred feet (400') were notified. A public notice published in the Gazette. Staff is not aware of any opposition.

Staff Findings: Pursuant to Section 17.24.050 of the Fountain Municipal Code, initial zoning requests are

processed in the same manner of a rezone and are subject to the following review criteria:

1. The request is consistent with the overall development plan of the property, if applicable, and the Fountain Comprehensive Development Plan.
2. The request is compatible with the surrounding zoning and land uses.
3. There has been a material change in the character or conditions of the neighborhood or in the city generally, such that the request would be in the public interest and consistent with the change.
4. The property was previously zoned in error.

After reviewing the application for initial zoning Staff concludes that the application meets the minimum development requirements of the PUD zone district and is consistent with criteria 2.

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

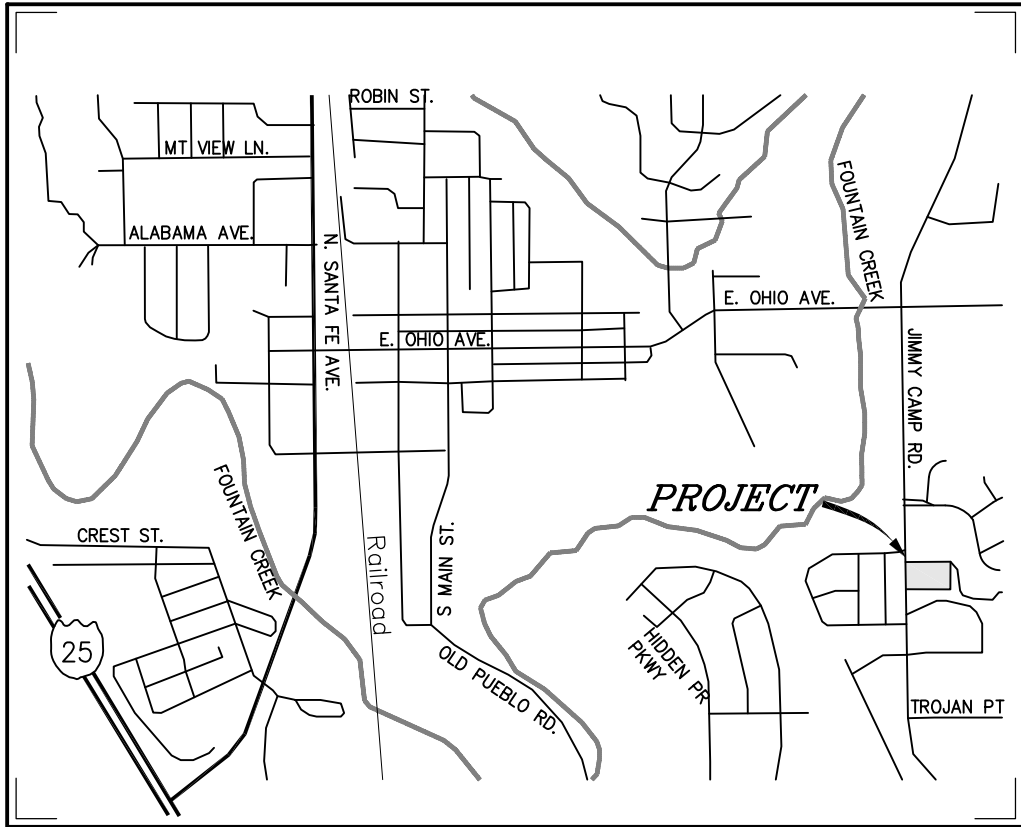
Planning Commission Recommendation: On July 6, 2023, the City of Fountain Planning Commission voted 4 to 0 to recommend approval of the POS initial zoning request.

Staff does not oppose the approval of the first reading of Ordinance 1793.

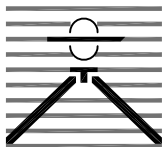
Proposed Motion

I Motion to Approve Ordinance 1793, on first reading.

CM Review



N.T.S.



VICINITY MAP

Drexel, Barrell & Co.
Engineers • Surveyors

DATE:
1-04-23

DWG. NO.

JOB NO:
20416-20

VMAP

SHEET 1 OF 1

ORDINANCE NO. 1793

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FOUNTAIN, COLORADO TO PARKS AND OPEN SPACE (POS) DISTRICT RELATED TO THAT AREA TO BE KNOWN AS SCHOOL DISTRICT NO. 8 ARENA ACCESS ANNEXATION, GENERALLY LOCATED AT 10535 JIMMY CAMP ROAD, AND HEREINAFTER MORE SPECIFICALLY DESCRIBED IN EXHIBIT A AND EXHIBIT B

WHEREAS, El Paso County School District No. 8, owner of the real property legally described in Exhibit A attached hereto (Property), also known as School District No. 8 Arena Access Annexation, has made application for the Property to be zoned Parks and Open Space (POS) District as described and provided for in the City of Fountain Municipal Code; and

WHEREAS, on July 6, 2023 the Planning Commission of the City of Fountain conducted a public hearing on, and considered all applicable evidence with respect to, the proposed POS zoning of the Property, and recommended to the City Council of the City of Fountain by a vote of 4 to 0 that the POS zoning be approved for the Property; and

WHEREAS, a public hearing by the City Council of the City of Fountain on the POS zoning request for the Property was duly noticed in accordance with section 17.20.080 of the Fountain Municipal Code; and

WHEREAS, after conducting a public hearing on, and considering all applicable evidence with respect to, the POS zoning request for the Property, the City Council of the City of Fountain finds that such POS zoning request meets the minimum development requirements and regulations and that the request is compatible with the zoning and land uses surrounding the Property, in accordance with the review criteria set forth in section 17.24.050 of the Fountain Municipal Code.

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

Section 1. The Official Zoning Map of the City of Fountain is hereby amended by zoning the Property described in Exhibit A and Exhibit B attached here to and incorporated by reference herein to POS pursuant to the Municipal Code of the City of Fountain.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by the City Charter.

PROJECT 20416-20
JUNE 28, 2023

LEGAL DESCRIPTION – ANNEXATION ZONING

A TRACT OF LAND BEING LOCATED IN SECTION 8, TOWNSHIP 16 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, SAID TRACT BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NE 1/4 OF THE NE 1/4 OF SAID SECTION 8, FROM WHENCE THE NORTH LINE OF SECTION 8 BEARS N88°36'39"E, 1320.88 FEET, TO THE NORTHEAST CORNER THEREOF, SAID NORTH LINE MONUMENTED AT THE WEST TERMINUS BY A FOUND 3.25" ALUMINUM CAP STAMPED "DREXEL BARRELL & CO. T16S R65W E 1/16 S5 S8 1985 LS 17664" AND MONUMENTED AT THE EAST TERMINUS BY A FOUND #6 REBAR WITH A 3.25" ALUMINUM CAP STAMPED "DREXEL BARRELL & CO. T16S R65W S5 S4 S8 S9 2007 PLS 29413", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE WEST LINE OF SAID NE 1/4 OF THE NE 1/4 AND THE EASTERLY LINE OF THE JIMMY CAMP ROAD ANNEXATION, THE PLAT THEREOF RECORDED UNDER RECEPTION NO. 205167019 OF THE RECORDS OF EL PASO COUNTY COLORADO, S01°08'40"E, 238.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID WEST AND EASTERLY LINES, S01°08'40"E, 235.00 FEET; THENCE ALONG THE NORTH LINE OF THE HIGH SCHOOL NORTH PROPERTY ADDITION ANNEXATION, THE PLAT THEREOF RECORDED UNDER RECEPTION NO. 206712392 OF THE RECORDS OF EL PASO COUNTY, AND THE NORTH LINE OF SCHOOL DISTRICT 8 FILING NO. 3, THE PLAT THEREOF RECORDED UNDER RECEPTION NO. 207712679 OF THE RECORDS OF EL PASO COUNTY, N88°36'26"E, 257.85 FEET TO THE WESTERLY LINE OF SONADOR RANCH TOWNHOMES ANNEXATION, THE PLAT THEREOF RECORDED UNDER RECEPTION NO. 207712680 OF THE RECORDS OF EL PASO COUNTY;

THENCE NORTHERLY AND WESTERLY ALONG SAID SONADOR RANCH TOWNHOMES ANNEXATION THE FOLLOWING TWO (2) COURSES:

1. N01°23'34"W, 235.00 FEET;
2. S88°36'26"W, 256.83 FEET TO THE WEST LINE OF THE NE 1/4 OF THE NE 1/4 OF SECTION 8 AND THE AND THE EASTERLY LINE OF SAID JIMMY CAMP ROAD ANNEXATION AND THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED TRACT CONTAINS 60,475 SQUARE FEET, MORE OR LESS.

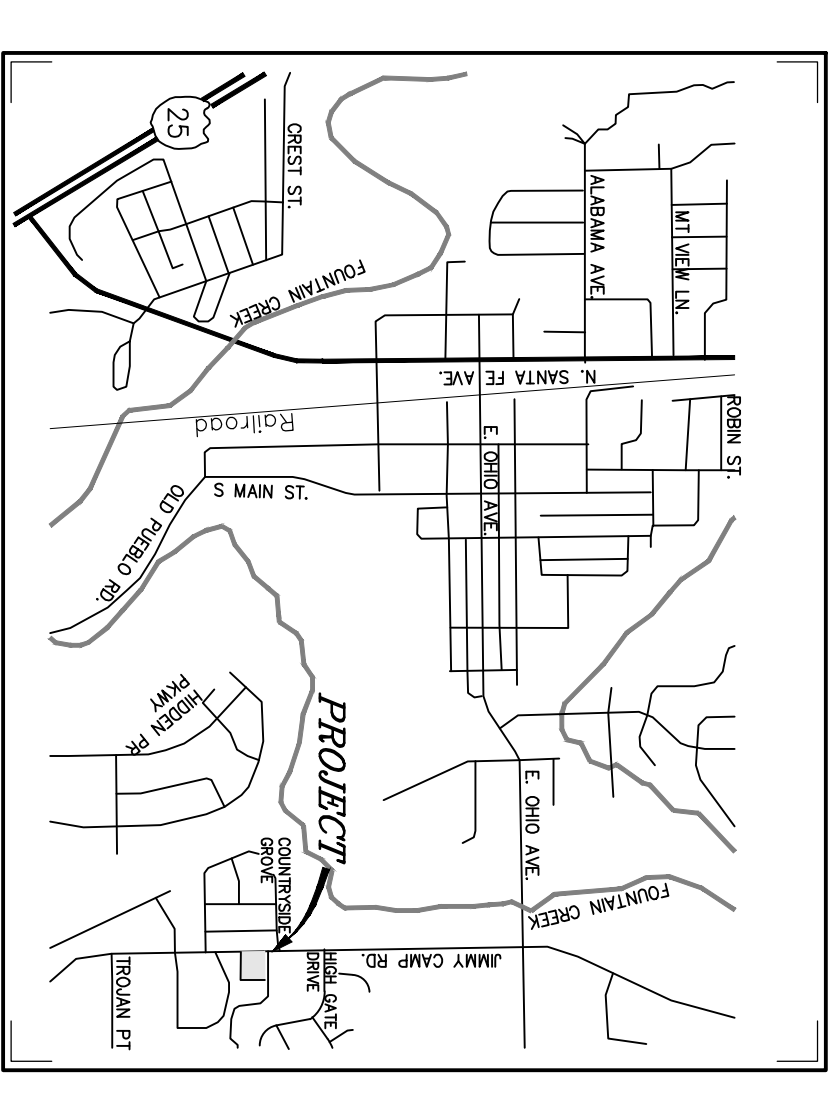
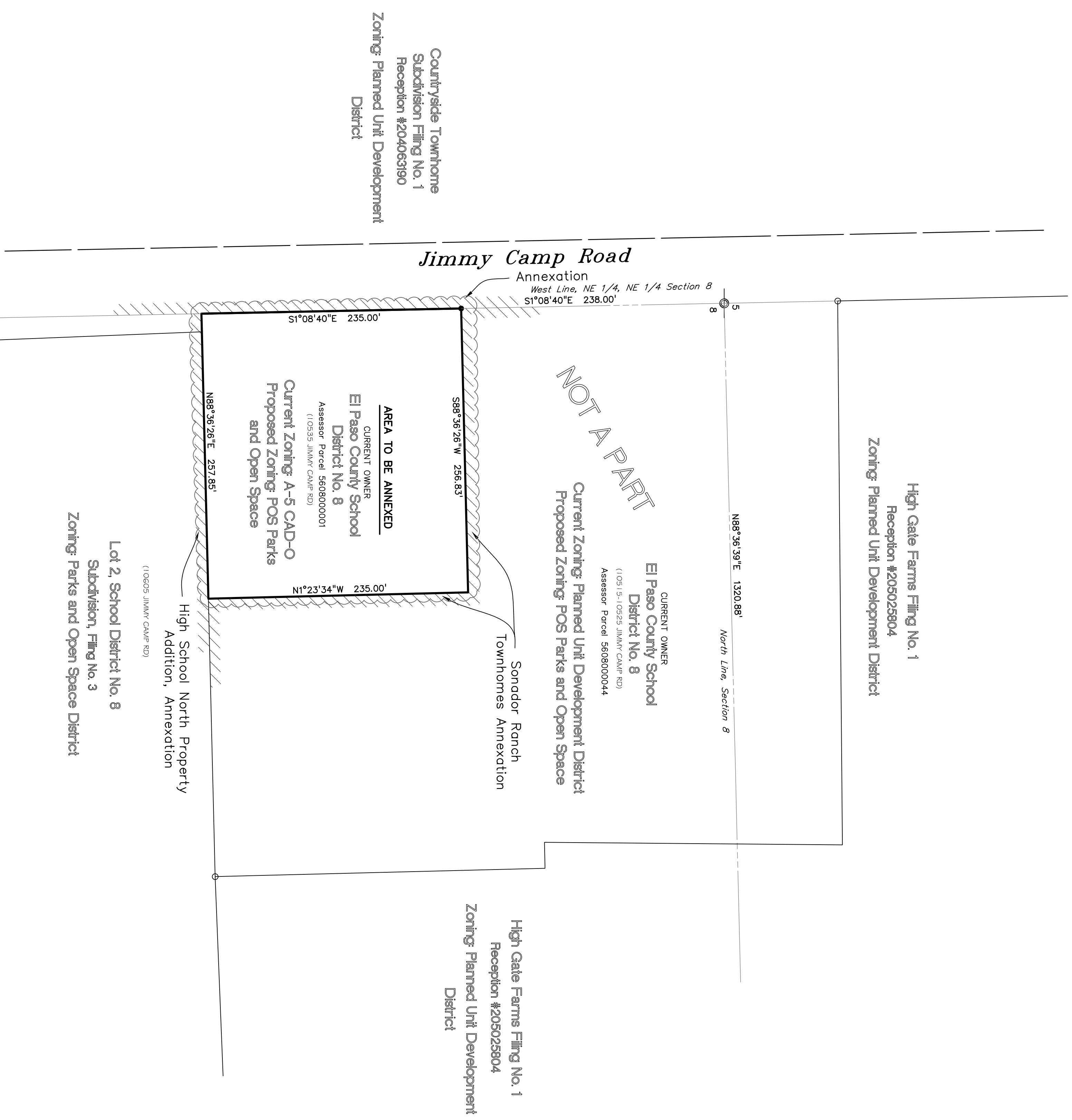
I, JOHN C. DAY, A PROFESSIONAL LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.

JOHN C. DAY PLS 29413
FOR AND ON BEHALF OF
DREXEL, BARRELL & CO.
3 SOUTH 7TH STREET
COLORADO SPRINGS, COLORADO 80905
719-260-0887

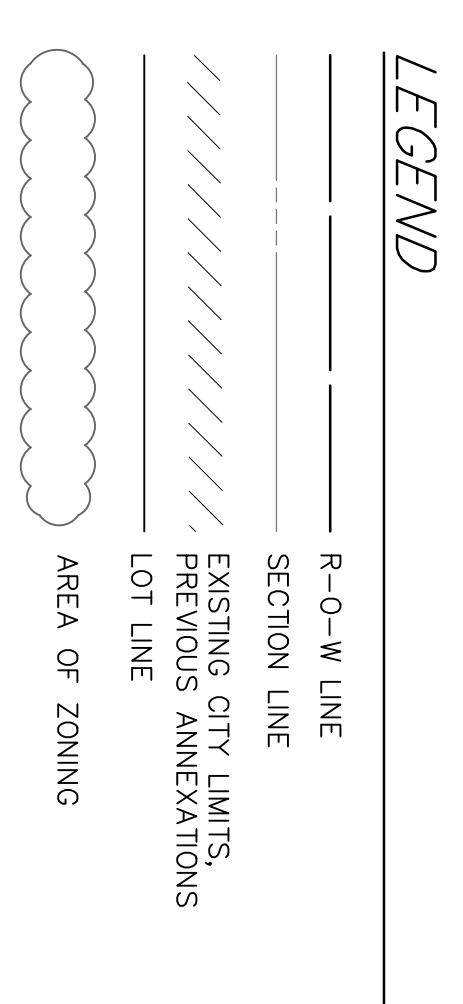
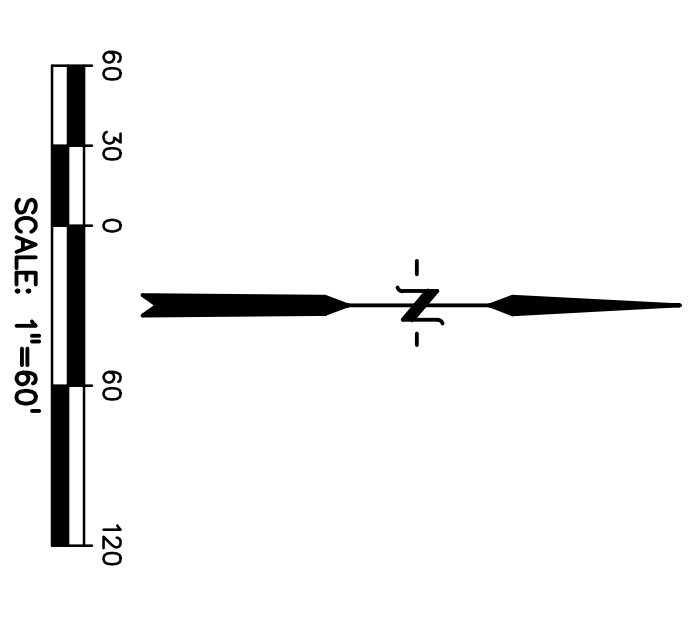


ZONING EXHIBIT FOR SCHOOL DISTRICT 8 ARENA ACCESS

A TRACT OF LAND BEING LOCATED IN SECTION 8, TOWNSHIP 16 SOUTH, RANGE 65 WEST OF THE SIXTH P.M. CITY OF FOUNTAIN, EL PASO COUNTY, COLORADO



Vicinity Map
NOT TO SCALE



- NOTES**
1. ALL ZONING & OWNER INFORMATION HEREBY PER EL PASO COUNTY ASSESSORS WEB SITE, DATED JANUARY 27, 2023.
 2. ASSESSOR PARCEL 5608000001 (ADDRESS 10535 JIMMY CAMP ROAD) TO BE ZONED PER THIS EXHIBIT.

Drexel, Barrell & Co. Engineers/Surveyors
 3 SOUTH 7TH STREET, COLORADO SPRINGS, CO 80905 (719) 260-0887
 1376 MINERS DRIVE, SUITE 107, LAVERGNE, CO 80056 (303) 442-4388

Revisions - Date	Date	Drawn By	Job No.
	6/28/2023	SC/AVC	20416-20
		Checked By	Drawing No.
		JCD	20416-20 ZONING



Regular City Council Meeting

New Business –9E

School District No. 8 Arena Access
Rezone PUD to POS

October 10, 2023

Summary Information

Title:

PUBLIC HEARING AND FIRST READING OF ORDINANCE 1794, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FOUNTAIN, COLORADO FROM PLANNED UNIT DEVELOPMENT (PUD) TO PARKS AND OPEN SPACE (POS) DISTRICT FOR PROPERTY LOCATED AT 10515-10525 JIMMY CAMP ROAD, AND HEREINAFTER MORE SPECIFICALLY DESCRIBED IN EXHIBIT A AND EXHIBIT B

Initiator: Kristy Martinez, Planning Manager

Presenter: Kristy Martinez, Planning Manager

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

A request to amend the official zoning map of the City of Fountain to the Parks and Open Space (POS) District.

Attachments:

Vicinity Map

Ordinance 1794

Background Information

This is a request to rezone approximately 5.01 acres located at 10515-10525 Jimmy Camp Road from the Planned Unit Development (PUD) District to the Parks and Open Space (POS) District for Fountain Fort Carson School District No. 8. This parcel was initially zoned PUD in 2007 for a proposed townhome development known as Sonador Ranch.

The District acquired this parcel in 2018 and has been vacant for some time. The District initially intended to use this parcel for connectivity of the private internal roadway known as Trojan Point. The District has since acquired the parcel to the south which will provide better connectivity and alignment for the roadway. The District does not have any future plans at this time for development of this parcel. The request to rezone the parcel to the POS district is consistent with other land owned by the School District.

Surrounding Land Uses and Zoning:

North	Single Family Residential	PUD (Planned Unit Development) District
South	Vacant Land	A-5 CAD-0 (unincorporated El Paso County)*
East	Single Family Residential	PUD (Planned Unit Development) District
West	Countryside Townhomes	PUD (Planned Unit Development) District

*This parcel is being considered for annexation and initial zoning to the POS district.

Services: Water, Electric and Fire protection is provided by the City of Fountain. Natural gas is provided by Black Hills Energy and wastewater would be provided by the Fountain Sanitation District.

Comprehensive Development Plan: The Land Use Plan within the *Fountain Comprehensive Development Plan* recommends Single Family Residential for this property. The rezone request is not consistent with the Future Land Use Plan; however, staff is supportive of the deviation as public schools are permitted in all zone districts.

Public Notice: At least fifteen (15) days prior to the City Council public hearing, the property was posted and property owners of record within four hundred feet (400') were notified and a public notice was published in the

Gazette. Staff is not aware of any opposition.

Staff Findings: Pursuant to Section 17.24.050 of the Fountain Municipal Code, initial zoning requests are processed in the same manner of a rezone and are subject to the following review criteria:

1. The request is consistent with the overall development plan of the property, if applicable, and the Fountain Comprehensive Development Plan.
2. The request is compatible with the surrounding zoning and land uses.
3. There has been a material change in the character or conditions of the neighborhood or in the city generally, such that the request would be in the public interest and consistent with the change.
4. The property was previously zoned in error.

After reviewing the application for rezone request Staff concludes that the application meets the minimum development requirements of the PUD zone district and is consistent with criteria 2.

Planning Commission Action: On July 6, 2023, the City of Fountain Planning Commission voted 4 to 0 to recommend approval of the rezone request from PUD District to the POS District.

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

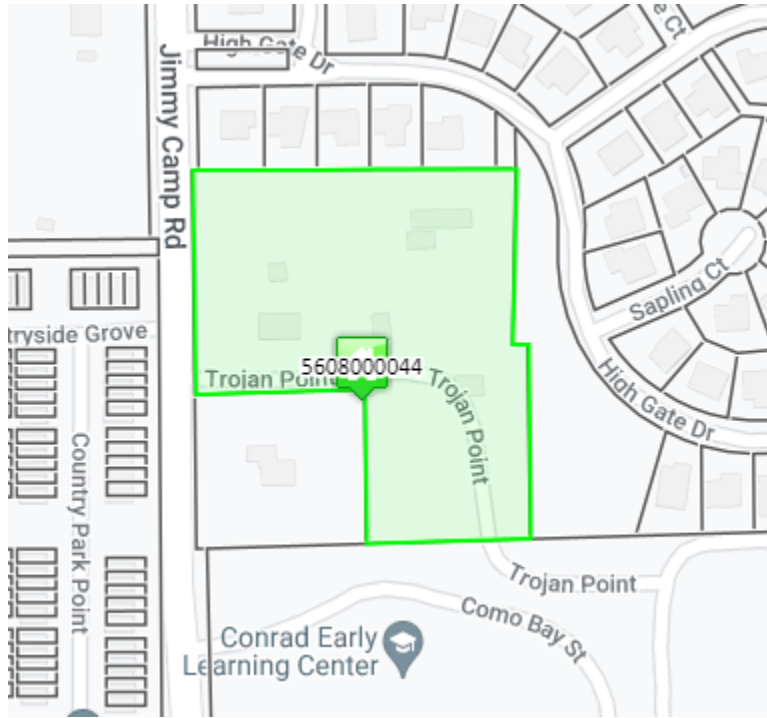
Recommendation

Staff does not oppose the approval of the first reading of Ordinance 1794.

Proposed Motion

I Motion to Approve Ordinance 1794, on first reading.

VICINITY MAP



ORDINANCE NO. 1794

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FOUNTAIN, COLORADO FROM PLANNED UNIT DEVELOPMENT (PUD) TO PARKS AND OPEN SPACE (POS) DISTRICT FOR PROPERTY LOCATED AT 10515-10525 JIMMY CAMP ROAD, AND HEREINAFTER MORE SPECIFICALLY DESCRIBED IN EXHIBIT A AND EXHIBIT B

WHEREAS, El Paso County School District No. 8, owner of the real property legally described in Exhibit A attached hereto (Property), also known as 10515-10525 Jimmy Camp Road, has made application for the Property to be rezoned from the Planned Unit Development (PUD) District to the Parks and Open Space (POS) District as described and provided for in the City of Fountain Municipal Code; and

WHEREAS, on July 6, 2023 the Planning Commission of the City of Fountain conducted a public hearing on, and considered all applicable evidence with respect to, the proposed rezoning of the Property, and recommended to the City Council of the City of Fountain by a vote of 4 to 0 that the Property be rezoned from PUD to the POS District; and

WHEREAS, a public hearing by the City Council of the City of Fountain to consider the rezoning request to the POS district for the Property was duly noticed in accordance with section 17.20.080 of the Fountain Municipal Code; and

WHEREAS, after conducting a public hearing on, and considering all applicable evidence with respect to, the rezone request for the Property, the City Council of the City of Fountain finds that such POS zoning request meets the minimum development requirements and regulations and that the request is compatible with the zoning and land uses surrounding the Property, in accordance with the review criteria set forth in section 17.24.050 of the Fountain Municipal Code.

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

Section 1. The Official Zoning Map of the City of Fountain is hereby amended by rezoning the Property described in Exhibit A and Exhibit B attached here to and incorporated by reference herein to POS District pursuant to the Municipal Code of the City of Fountain.

Section 2. The previously approved Sonador Ranch Townhomes Overall Development Plan (2007) is hereby deemed obsolete and no longer valid.

Section 3. This ordinance shall be in full force and effect from and after its passage and publication as provided by the City Charter.

PROJECT 20416-20
JUNE 28, 2023

LEGAL DESCRIPTION – RE-ZONING

A TRACT OF LAND BEING LOCATED IN SECTIONS 5 AND 8, TOWNSHIP 16 SOUTH, RANGE 65 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF EL PASO, STATE OF COLORADO, SAID BEING TRACT FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NE 1/4 OF THE NE 1/4 OF SAID SECTION 8, FROM WHENCE THE NORTH LINE OF SECTION 8 BEARS N88°36'39"E, 1320.88 FEET, TO THE NORTHEAST CORNER THEREOF, SAID NORTH LINE MONUMENTED AT THE WEST TERMINUS BY A FOUND 3.25" ALUMINUM CAP STAMPED "DREXEL BARRELL & CO. T16S R65W E 1/16 S5 S8 1985 LS 17664" AND MONUMENTED AT THE EAST TERMINUS BY A FOUND #6 REBAR WITH A 3.25" ALUMINUM CAP STAMPED "DREXEL BARRELL & CO. T16S R65W S5 S4 S8 S9 2007 PLS 29413", WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE WEST LINE OF SAID NE 1/4 OF THE NE 1/4, N01°09'41"W, 102.71 FEET TO THE SOUTHWEST CORNER OF HIGH GATE FARMS FILING NO. 1, THE PLAT THEREOF RECORDED UNDER RECEPTION NO. 208025804 OF THE RECORDS OF EL PASO COUNTY, COLORADO; THENCE ALONG THE SOUTHERLY AND WESTERLY LINES OF SAID HIGH GATE FARMS FILING NO. 1 THE FOLLOWING FOUR (4) COURSES:

1. N89°29'30"E, 492.00 FEET;
2. S00°28'46"W, 269.63 FEET;
3. N88°53'52"E, 23.45 FEET;
4. S01°26'47"E, 298.51 FEET TO THE NORTH LINE OF SCHOOL DISTRICT NO. 8 FILING NO. 3, THE PLAT THEREOF RECORDED UNDER RECEPTION NO. 207712679 OF THE RECORDS OF EL PASO COUNTY, COLORADO;

THENCE ALONG THE NORTH LINE OF SAID SCHOOL DISTRICT NO. 8 FILING NO. 3, S88°36'26"W, 251.47 FEET;

THENCE N01°23'34"W, 235.00 FEET; THENCE S88°36'26"W, 256.83 FEET TO THE WEST LINE OF THE NE 1/4 OF THE NE 1/4 OF SECTION 8; THENCE ALONG SAID WEST LINE, N01°08'40"W, 238.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE-DESCRIBED TRACT CONTAINS 224,794 SQUARE FEET, MORE OR LESS.

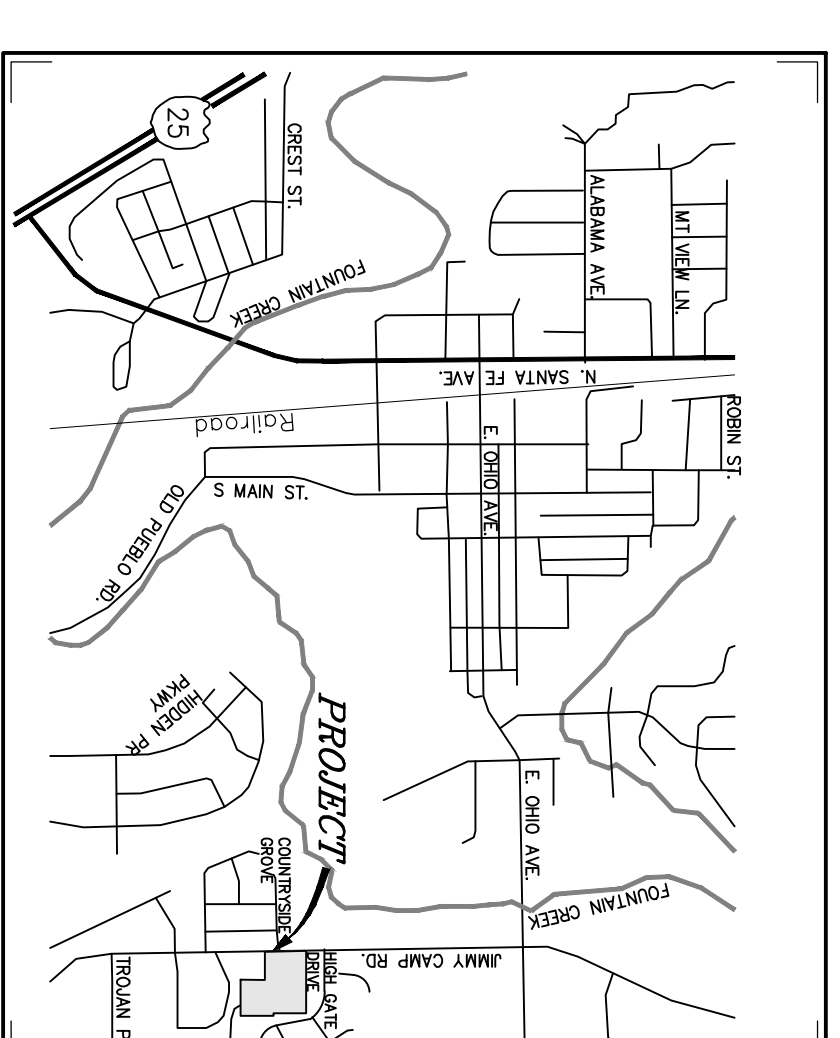
I, JOHN C. DAY, A PROFESSIONAL LAND SURVEYOR, LICENSED IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING.

JOHN C. DAY PLS 29413
FOR AND ON BEHALF OF
DREXEL, BARRELL & CO.
3 SOUTH 7TH STREET
COLORADO SPRINGS, COLORADO 80905
719-260-0887

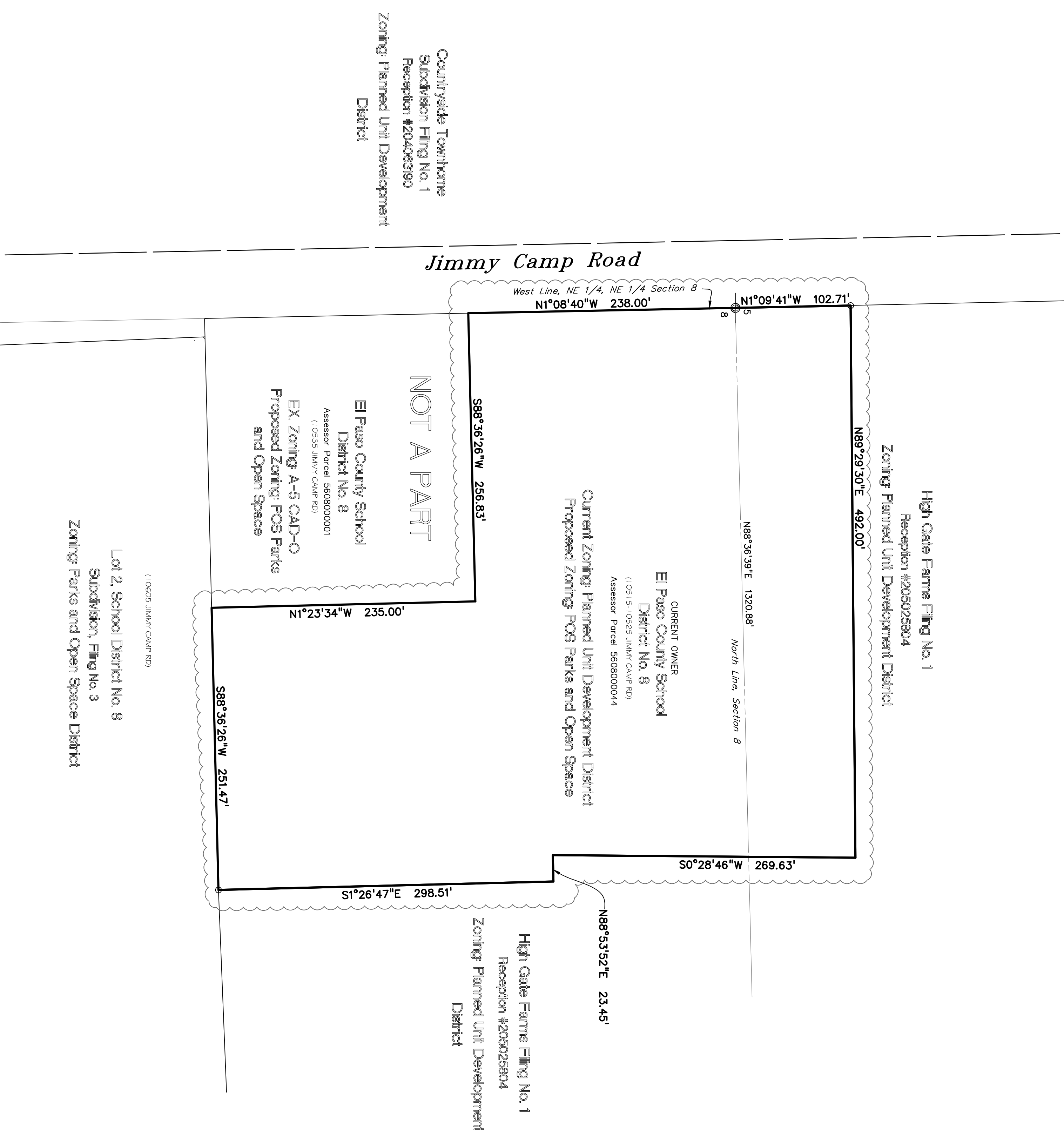


RE-ZONING EXHIBIT FOR SCHOOL DISTRICT 8 ARENA ACCESS

A TRACT OF LAND BEING LOCATED IN SECTION 8, TOWNSHIP 16 SOUTH, RANGE 65 WEST OF THE SIXTH P.M. EL PASO COUNTY, COLORADO



Vicinity Map
NOT TO SCALE



Countryside Townhome
Subdivision Filing No. 1
Reception #204083190
Zoning: Planned Unit Development
District

NOT A PART

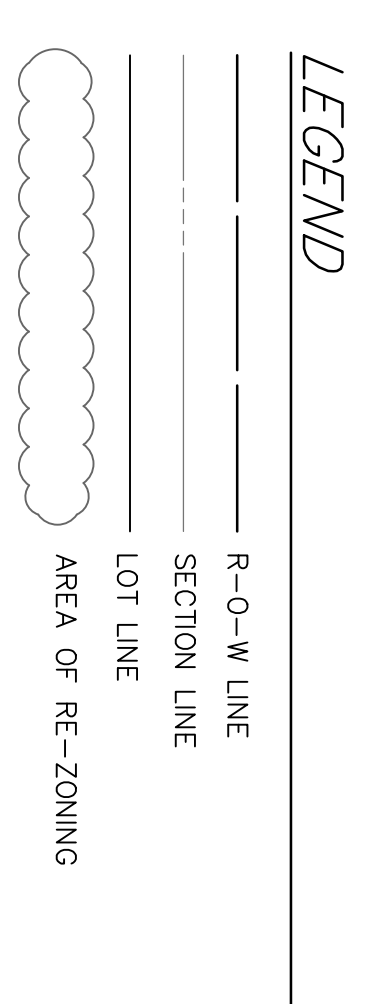
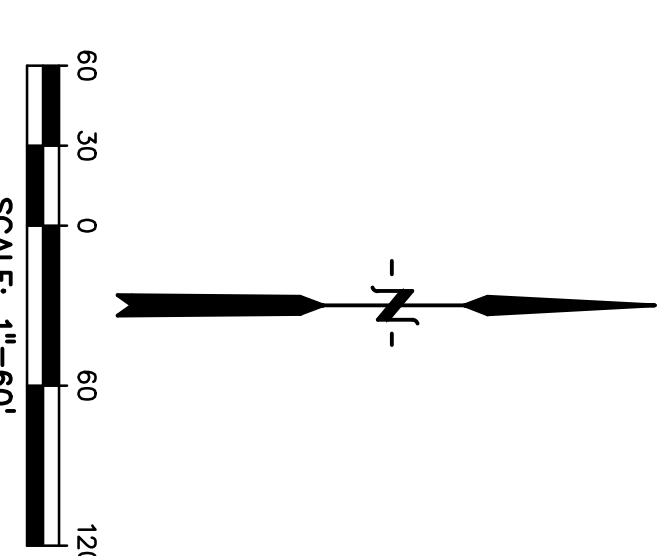
El Paso County School
District No. 8
Assessor Parcel: 5608000001
(10525 JIMMY CAMP RD)
EX Zoning: A-5 CAD-O
Proposed Zoning: POS Parks
and Open Space

CURRENT OWNER
El Paso County School
District No. 8
(105151-10525 JIMMY CAMP RD)
Assessor Parcel: 5608000044

Current Zoning: Planned Unit Development District
Proposed Zoning: POS Parks and Open Space

High Gate Farms Filing No. 1
Reception #205025804
Zoning: Planned Unit Development
District

Lot 2, School District No. 8
Subdivision, Filing No. 3
Zoning: Parks and Open Space District



NOTES

1. ALL ZONING & OWNER INFORMATION HEREON PER EL PASO COUNTY ASSESSORS WEB SITE, DATED JANUARY 27, 2023.
2. ASSESSOR PARCEL 5608000044 (ADDRESSES 10515-10525 JIMMY CAMP ROAD) TO BE RE-ZONED PER THIS EXHIBIT.

Drexel, Barrell & Co. Engineers/Surveyors
3 SOUTH 7TH STREET, COLORADO SPRINGS, CO 80905 (719) 260-0887
1376 MINERS DRIVE, SUITE 107, LAVERGNE, CO 80806 (303) 442-4388

Revisions - Date	Date	Drawn By	Job No.
	6/28/2023	SC/AVC	20416-20
		Checked By	Drawing No.
		JCD	20416-20REZONING

Scale: 1" = 60'

FOUNTAIN URBAN RENEWAL AUTHORITY

August 15, 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, Dixie Snyder, and Tamera Estes. 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 June 20, 2023 General Meeting Minutes
- No July 18, 2023 General Meeting Minutes (due to lack of quorum)
- Ratify the July 18, 2023 Accounts Payable
- Ratify the July 18, 2023 Monthly Financials Report
- Approval of August 15, 2023 Accounts Payable
- Approval of August 15, 2023 Monthly Financials Report

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

UPDATES

Real Estate

US85 Pad Site Update

ED Bailey mentioned the WPS broker was working thru 60-90 due diligence negotiations with a former prospect of interest and working with ED Bailey on behalf of the Authority's preferred interests of development. WPS anticipate providing a heartier update and contract(s) disclosure review by the September general board meeting. The board expressed support for next steps among the parties with disclosure for future review and discussion by the Authority.

Woodman Hall

Tenant Expansion Space Notice

ED Bailey mentioned she has received an update from the Yoga Tenant on the Expansion Space of her lease; under the Sub-Lease Clause of the Lease, the Tenant has procured a licensed massage therapist partner with an effective date of August 1st. The obligation of Rent still resides with the primary Yoga Tenant and the sub lease tenant pays the primary directly.

ED Bailey advised a new tenant has signed a 1YR Lease for 273SF in Unit C, with an effective date of October 15, 2023. The Life Healing and Wellness Tenant is a budding entrepreneur and a co-relation of our primary Yoga Tenant. The health+wellness practitioner plan for the 2nd FL seems to be coming together with a 500SF Unit D remaining for occupancy and to be available as of March 2024.

Exterior Bathroom Variance Hearing

ED Bailey informed the board that staff has received notice of the exterior bathroom variance hearing, August 30, 2023 @ 1pm in City Hall Chambers. The team is ready to present its Property Conditions Criteria and Case of Need, co-presenters will include TDG Architecture and BHFS Legal and for the board to expect billable hours for this hearing procedures related to the PH III renovations of the historic property.

Chair Aragon briefly mentioned the prior impacts on Tenants/Clientele during PH II RENO and for staff to re-enforce with Nunn G.C. and its sub-contractors to be more cognizant of some/all impacts during PH III RENO and to seek creative mitigation procedures on behalf of mutual parties' needs of use/access during construction.

August 22, 2023 City Council Community Update

ED Bailey referenced a PPT presentation which will be relayed during the August 22, 2023 City Council session, to share a community update of information related as to the journey with the historic Woodman Hall property and the PH III RENO to commence and roll out on premises during September 2023 – February 2024. Bailey invited the board members to join in with the technical talent team for this public presentation; Chair Aragon expressed he would be present with the team.

As part of the presentation, Bailey advised she is planning to include a brief statement on the El Paso County (EPC), Enterprise Zone Community Contribution Program as a means to generate equity capital for the as foreseen continual property improvements related to the procurement of Small Business Ground Floor tenant(s), future operational upgrades, and aesthetic niceties of the Vision board; which lie beyond the PH III RENO scope of work investments. The statement will include a request for a City Council Letter of Support for the application, along with two other LOS as required under the program guidelines. ED Bailey and CLA Bartow stated this was a direction intent by the Authority to pursue equity capital vs debt for future property improvement needs/conditions and a line item within the forthcoming 2024 draft budget. They asked the board if they are still committed to pursue such designation status with the County/State and for staff to steward resources on behalf of an application submittal on or about November 2023 timeframe. The board members share continual voice of support and expressed appreciation for seeking creative capital funding for the property.

Transportation Improvements

ED Bailey provided a highlight of recent transportation projects underway for the board's general knowledge:

- Marksheffel Road and Mesa Road Parkway a new, inactive signal interchange has been installed on behalf of traffic management and public safety. The transportation improvement project is under the jurisdiction of El Paso County with an unknown signal activation status; when notice is received staff will share additional information.
- Illinois/Indiana Avenue roadway re-configuration transportation improvement project has been issued to a contractor by the City and to transpire between September 2023-Fall 2024. Per the site plan rendering shared with the Authority, Illinois Ave will be a permanent roadway closure to reduce district traffic congestion, youth school safety, and allow for The Blast Site Pedestrian Mobility Corridor Master Plan; with a new Indiana Ave right-of-way roadway and lighted intersection connection at HWY US85.

NEW ITEMS

US85 Gateway Master Plan

ED Bailey provided a gentle reminder of the clock term remaining under the 2008 US85 Gateway Master Plan, as adopted by City Council and the foundational premise of the Fountain Urban Renewal Authority. Per State of CO Statue, once an Urban Renewal Authority is established it has a 25YR operations and TIFF financing pledge to steward elements as identified in the Master Plan; the clock term remaining is 10YRs.

ED Bailey and CLA Bartow shared that the US85 URA represents the operational general revenues for FURA and at the time of clock expiration the Authority is required to provide a briefing on the Master Plan, the gains which have been achieved, and the residual efforts to be pursued further. The Authority may seek to request a New 25YR Term and Conditions establishment; however, the TIFF formula also resets at such time and a new blight study is to be performed for adoption by City Council.

With this awareness perspective, ED Bailey introduced the concept of a 2024 Wayfinding and Signage Campaign for the US85 URA in resource and a pledge match partnership with the City's Economic Development department. The Campaign will include the entire US85 URA – ie: Gateway, Olde Town, Mesa Ridge, and N. US85 business corridors which is a holistic program for the URA boundaries and community. It is also a direct action item extract of recommendation featured in the 2014 Olde Town Revitalization Summary, 2017 THK Town Design+Aesthetics Guidelines, 2020 Ohio Avenue Placemaking Program, and to-be released 2023 The Blast Site Pedestrian Mobility Corridor EPA Study. The 2024 budget line item is a 40/60 pledge request, representing \$30,000 for FURA in a program cost partnership of \$50,000 City budget. Bailey asked for feedback on the proposal as a means to demonstrate holistic US85 URA coverage area focused improvement of the Gateway Master Plan. The board shared voices of support and enthusiasm on the opportunity to escalate prior FURA plans, which includes the 2017, 2022, and 2023 project initiatives in the URA. The board recommended the 2024 budget line item inclusion and requested a recap of the former Master Plans' project initiatives during an upcoming general board meeting Agenda; staff agreed to coordinate accordingly.

FINANCE

INDI Bank Loan and 5Star REFI

CLA Bartow presented a Loan Terms and Conditions Statement to the board for review and general discussion; whereby a recommendation to REFI the INDI Bank Loan with our new banking affiliate 5Star. ED Bailey mentioned former Greg Welch board member served as INDI Bank point of contact and since his untimely death in 2022, the Authority has received zero service by INDIE bank and a severe lack of a quality banking relationship. It's in the best interest of the board to identify a new banking relationship as a partner to steward the Authority's goals, such as 5Star. The board provided general commentary on the interest rate and term options of the Loan Conditions. ED Bailey mentioned further disclosure of details as to 5Star will require a current appraisal on the property at an approximate cost of \$4,000, as well as, additional BHFS legal services. VC McMaster motion for CLA to finalize 5Star negotiations and ED Bailey to finalize an appraisal, whereby to re-present final loan documentation for Authority review and approval, second by Snyder, and the motion passed unanimously by the Board.

TDG Architect Quality Control Contract

ED Bailey presented a PH III RENO services contract by TDG Architect for \$18,000 to ensure architectural design conformity with the site plan improvements; this is the same contract as executed under PH II RENO,

with the addition of Civil Engineer and Structural Engineer site inspection costs due to the expansive southwall Window Storefront and Exterior Restroom Addition to the property. VC McMaster motioned for service contract approval as presented, second by Snyder, and the motion passed unanimously by the Board.

DCI Membership and TIF Summit

AA Shull provided his introduction to the board and a new membership platform on urban renewal services and training as offered by the Downtown Colorado Inc. (DCI) organization for their consideration. The annual fee of \$475 provides for up to 10 attendees to their unlimited educational and training sessions; with the annual TIF Summit transpiring on October 26, 2023 in Pueblo. ED Bailey spoke highly of DCI, as the City is a long-term member of the organization, whereby DCI has recently adjusted its membership programs for more benefits to be derived through its urban renewal services that could aid our board members and an appropriate ask of budget consideration by the Authority. VC McMaster motioned for approval as denoted, second by Estes, and the motion passed unanimously by the Board.

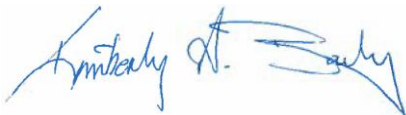
Check Signing

As approved on consent, A/P checks were signed totaling \$30,030.70.

ANNOUNCEMENTS

1. 2022 Annual Report (published online)
2. Community Night in the Park @ Metcalfe Park (September 19th, 4-7pm)
3. September 19, 2023 general meeting conflicts and reschedule options
 - i. ED Bailey shared that multiple staff have a conflict on the September 19th meeting date and requested a reschedule among the board. The board held a general discussion and motioned to move the general board meeting to transpire on September 28, 2028 from 6-9pm, the motion passed unanimously by the board and staff will handle public notifications.

Chair Aragon asked if there was any further business. No further topics were brought forth by board members; therefore, Chair Aragon motioned to adjourn, second by Estes, passed unanimously by the board at 7:42pm.



Kimberly Bailey, Executive Director

9.28.23

Date