



CITY COUNCIL AGENDA
November 14, 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**
- 4.2) **Board/Commission/Committee**
 - Appointment Of One Regular Member And One Alternate Member To The Park And Recreation Advisory Board (S. Huffman)
- 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 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 October 24, 2023, City Council Meeting Minutes (S. Huffman)
 - B. Request By The City Council To Reschedule The Regular City Council Meeting Dates For December 2023. (S. Huffman)
 - C. Resolution 23-052, A Resolution Of The City Of Fountain Regarding A Partial Settlement Of The PFAS Litigation (T. Johnson)
- 8) **Old Business**
 - A. Discussion Of Amendments To Ordinance 1739 For Public To Be Heard Speaking Time. (Council Member Duncan est.5 Min)
- 9) **New Business**
 - A. Consideration Of Items Removed From The Consent Agenda

- B. First Reading of Ordinance No. 1795, An Ordinance Amending Section 2.02.140 Of The Fountain Municipal Code Regarding The Manner In Which To Address City Council. (T. Johnson est. 5 min.)
- C. Resolution No. 23-053, A Resolution of The City Council Of The City Of Fountain, Colorado Awarding the Indiana Avenue Construction Contract to Native Sun Construction. To Provide Professional Road Services for the New Road Construction of Indiana Ave (US Highway 85/87 to Old Pueblo Road) Within the City of Fountain and Other Matters In Connection Therewith.
- D. Resolution No. 23-054, A Resolution of The City Council Of The City Of Fountain, Colorado Awarding The Indiana Avenue Construction Project Management Contract to Wilson and Company. To Provide Professional Project Management for the Construction Project of Building Indiana Ave (US Highway 85/87 to Old Pueblo Road) Within the City And Other Matters In Connection Therewith.
- E. **Public Hearing** And First Reading Of Ordinance No 1794 Setting Appropriations For The Funds, Offices, And Departments Of The City Of Fountain, Colorado For The Fiscal Year 2024 Beginning January 1, 2024. (J. Lewis est. 30 min.)

10) City Council Agenda Requests

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

11) Announcement of Executive Sessions

- Pursuant to C.R.S. Section 24-6-402(4) for the Purpose of Review, Approval, and Amendment of Executive Session Minutes
- Pursuant to C.R.S. Section 24-6-402(4)(b) for the purpose of receiving legal advice on specific legal questions.

12) Adjourn

FOLLOWING THE ADJOURNMENT OF THE REGULAR CITY COUNCIL MEETING THE CITY COUNCIL SHALL RECONVENE AS THE EX OFFICIO BOARD OF DIRECTORS OF THE FOUNTAIN GENERAL IMPROVEMENT DISTRICT NO. 1 FOR ACTION ON THE FOLLOWING ITEMS:

- A. **Public Hearing** And Resolution 23-055GID1, A Resolution Adopting A Budget For Fountain General Improvement District No. 1 For Fiscal Year (FY) 2024, Assessing A Levy On Taxable Property, And Providing For Certifying A Levy To El Paso County

FOLLOWING THE ADJOURNMENT OF THE REGULAR CITY COUNCIL MEETING THE CITY COUNCIL SHALL RECONVENE AS THE EX OFFICIO BOARD OF DIRECTORS OF THE FOUNTAIN GENERAL IMPROVEMENT DISTRICT NO. 2 FOR ACTION ON THE FOLLOWING ITEMS:

- A. **Public Hearing** And Resolution No. 23-056GID2, A Resolution Adopting A Budget For Fountain General Improvement District No. 2 For Fiscal Year (FY) 2024 Assessing A Levy On Taxable Property, And Providing For Certifying A Levy To El Paso County

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

**NEXT REGULAR COUNCIL MEETING
November 28, 2023**



Regular City Council Meeting

Appointment – 4B

Appoint Members to Park Board

November 14, 2023

Summary Information

Title:

APPOINTMENT OF ONE REGULAR MEMBER AND ONE ALTERNATE MEMBER TO THE PARK AND RECREATION ADVISORY BOARD

Initiator : City Clerk Huffman

Presenter: Deputy City Clerk

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

Park Board Vice-Chair Clements has submitted his resignation from the Park Board.

The Park Board Currently has one regular and one alternate position available.

Should the Council decide to appoint the incumbent alternate, that would create 2 alternate positions.

The regular position will be for the remainder of a 4-year term ending June 2026

Attachments: Applications

Background Information

3 applications have been received from Ms. Tina O’Brian (incumbent alternate), Ms. Kerie Hosterman, and Mr. Kenneth Hosterman.

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

Proposed Motion



Regular City Council Meeting

Consent –7A
Council Meeting Minutes

November 14, 2023

Summary Information

Title:

APPROVAL OF THE OCTOBER 24, 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 October 24, 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
October 24, 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 via Zoom
Council Member Applegate
Council Member Duncan
Council Member Cory
Council Member Hinton

4 (1) Presentations

Provide Years of Service Plaque to former Police Chief Chris Heberer

City Manager Trainor presented former Police Chief Heberer with a plaque of appreciation.

Mr. Heberer thanked Council, staff and citizens for their support. He briefed the council on his adventures since retirement. The council thanked Mr. Heberer for his guidance and leadership.

4 (2) Board/Commission/Committee Appointments

Appoint One Regular Member To The Planning Commission

Planning Supervisor Martinez reported that staff received an application for Planning Commission from Mr. Kalanikaimakani Liana.

Mr. Liana stated that he would like to support the community through service on the Planning Commission.

Council Member Duncan made a motion to appoint Mr. Liana to a 4-year term on the Planning Commission, seconded by Council Member Cory. All members voted yes (7-0); the motion carried.

5) Correspondence, Comments and Ex-Officio Reports

Mr. Steve Schleiker, El Paso County Clerk and Recorder announced that the County discovered an error in which all ballots contained the name of the Ward 2 candidate were mailed to all Fountain voters. To remedy this error, any votes cast for the Ward 2 candidate that were cast from residents of Ward 1 and 3 will not be counted.

Mr. Schleiker also reported that advancement had been made to cameras near ballot boxes and the partnership with Experian that allows for information needed to determine if a voter still resides at the address on file.

Connie Whisenhunt asked how the mistake was made and what the accountability.

Mr. Schleiker stated that there is no harm to the voter or the municipality and will ensure that those votes are not counted.

Discussion was held regarding place of record and information from Experian and how it was used.

City Manager Trainor announced the upcoming Trunk or Treat event.

City Attorney Johnson reported that Assistant Attorney Kate Parker has resigned and is recruiting for her replacement.

Police Chief Cristiani stated that the department is working on mitigating break-in crimes in the Cumberland Green subdivision and will have an update soon.

Finance Director Lewis gave a presentation on restricted and unrestricted funds within the budget. This presentation will be available to the public on the City's website.

City Clerk Huffman reported that the City Council dates in December are suggested to be changed to the 2nd and 3rd Tuesday of the month, the 12th and 19th, due to the holiday. She will bring this recommendation to Council at its next meeting.

Council Member Hinton reported on the new Housing Authority Director Ashley Reeder.

Council Member Applegate noted that after his Council term is over this November, the Council will need to appoint a representative to the PPRBD board.

Council Member Duncan announced the drug take back day and gave information. She attended the safe families for children in crisis event and gave information and statistics on the impact on the city's residents. She noted that she attended an event at the school to educate students on democracy. She then reminded all to turn in their ballots. She asked for the community to keep Tom Downing in their prayers.

Mayor Thompson noted she was at the PPACG meeting and was in gridlock traffic, she asked resident to consider their actions during times like these and use their best judgement. She attended the Ft. Carson summit.

Council Member Rick announced that the American Legion Post #38 will host a Veterans Day celebration on November 11th at 11 A.M.

6) Public to be Heard

Liz Rosenbaum, resident, reported on a recent event that she hosted and thanked the Police Department for responding to a harassment during this event. She updated the Council on the events that took place during this meet-up. She stated that she anticipates holding this event again next year but may change the location to Metcalfe Park.

7) Consent Agenda

- A. Approval Of The October 10, 2023 City Council Meeting Minutes**
- B. Resolution 23-047, A Resolution To Approve The 2024 Operating Plan And Budget For The Norris/Apple tree Business Improvement District.**
- C. Resolution 23-048, A Resolution To Approve The 2024 Operating Plan And Budget For The Riverbend Crossing Business Improvement District.**
- D. Approval Of Amendment To City Manager Employment Agreement**
- E. Resolution 23-049, A Resolution Authorizing The City Manager To Disburse The Contingency Funds Included In The 2021 Energy Performance Contract.**

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

8) Old Business

- A. Second 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**

Planning Supervisor Martinez gave an overview of this ordinance and stated there have been no changes since first reading.

Council Member Applegate made a motion to approve Ordinance 1792 on second reading, seconded by Council Member Duncan. All members voted yes (7-0); the motion carried.

- B. Second 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**

Planning Supervisor Martinez gave an overview of this ordinance and stated there have been no changes since first reading.

Council Member Duncan made a motion to approve Ordinance 1793 on second reading, seconded by Council Member Hinton. All members voted yes (7-0); the motion carried.

- C. Second 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**

Planning Supervisor Martinez gave an overview of this ordinance and stated there have been no changes since first reading.

Council Member Hinton made a motion to approve Ordinance 1794 on second reading, seconded by Mayor Pro Tem Estes. All members voted yes (7-0); the motion carried.

9) New Business

- A. Consideration Of Items Removed From The Consent Agenda**

There were no items removed.

B. Resolution 23-050, Resolution Of The City Of Fountain Opposing Proposition HH, An Undue Limitation On Municipal Budgets And Local Control Of Property Tax Relief

Mayor Thompson stated the reasons that had been discussed by Council as to the position of opposition.

She read the resolution into record.

Council Member Cory made a motion to approve Resolution 23-050, seconded by Council Member Rick. All members voted yes (7-0); the motion carried.

C. Resolution No. 23-051, A Resolution Of The City Council Of The City Of Fountain, Colorado Adopting The Amended City Of Fountain Code Of Conduct For Elected Officials

City Clerk Huffman reported that the council had discussed some changes they would like to see within the Code of Conduct. The changes have been addressed in this document.

Mayor Thompson read each of the changes for public information. She noted that under the Public Hearing section of the Code of Conduct it states that the public would have 3 minutes to speak, however, other sections that have been amended states 5 minutes.

It was the consensus that the section under public hearing be consistent with the public speaking for items on the agenda to reflect 5 minutes.

Mayor Pro Tem Estes stated that she had done some research and supplied documentation on the standard speaking times within other municipalities.

Council Member Duncan stated that a discussion item was supposed to be on this agenda for the public to be heard speaking time.

City Clerk Huffman apologized for not adding this item and suggested that a discussion and proposed Ordinance be added to the next regular agenda.

Council Member Cory made a motion to approve Resolution 23-051 as amended, seconded by Council Member Applegate. All members voted yes (7-0); the motion carried.

10) City Council Agenda Requests

Council Member Hinton requested a discussion and proposed Ordinance for an amendment to the public to be heard time allowance.

11) Announcement of Executive Sessions

City Clerk Huffman requested the following executive sessions:

Pursuant to C.R.S. Section 24-6-402(4) for the purpose of review, approval, and amendment of executive session minutes and;

Pursuant to C.R.S. Section 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators.

Mayor Pro Tem Estes made a motion to hold the executive sessions as requested, seconded by Council Member Hinton. All member voted yes (7-0); the motion carried.

Council Member Rick stated he would not be present for the executive session.

12) Adjourn

There being no further business, Mayor Thompson declared the meeting adjourned at 7:50 P.M.

City Clerk

Mayor



Regular City Council Meeting

Consent –7B

Meeting date change

November 14, 2023

Summary Information

Title:

REQUEST BY THE CITY COUNCIL TO RESCHEDULE THE REGULAR CITY COUNCIL MEETING DATES FOR DECEMBER 2023.

Initiator : City Clerk

Presenter: Silvia Huffman, City Clerk

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

At the request of Council, the regular meeting date of December 26, 2023 shall be rescheduled to December 19, 2023.

Background Information

City Charter states in part:

Section 2.7- The city council shall meet regularly at least twice each month at a day and hour to be fixed by the rules of the Council.

If approved this shall serve as official notification to the public of the date change.

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

N/A

Proposed Motion



Regular City Council Meeting

Consent – 7C

PFOS Settlement

November 14, 2023

Summary Information

Title:

RESOLUTION 23-052, A RESOLUTION OF THE CITY OF FOUNTAIN REGARDING A PARTIAL SETTLEMENT OF THE PFAS LITIGATION

Initiator: Troy Johnson, City Attorney

Council Action

Presenter: Troy Johnson, City Attorney

Council Information

Legal Review: Yes No

Report to Council

Summary Overview and List of Attachments:

Previous Action by City Council:

Background Information

The City has participated as Plaintiff in a multi-district litigation (MDL) for water providers across the country that have been impacted by PFOS contamination caused by the AFFF foam.

Recently, the MDL has settled with two of the defendants for their role in the manufacturing of AFFF. While the City has the option of opting out of the settlement and proceeding against DuPont and 3M, this resolution authorizes counsel to participate and pursue settlement funds.

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 Resolution 23-XX



RESOLUTION 23-052

A RESOLUTION OF THE CITY OF FOUNTAIN REGARDING A PARTIAL SETTLEMENT OF THE PFAS LITIGATION

WHEREAS, the City of Fountain has engaged in a Multi-District PFAS litigation against manufacturers of AFFF that has contaminated ground water in the City; and

WHEREAS, the City desires to participate in two partial settlements of the pending PFAS litigation as it relates to DuPont (and entities related to DuPont) and 3M.

NOW, THEREFORE, BE IT RESOLVED, that Council approves proceeding with the settlement agreements with DuPont (and entities related to DuPont) and 3M and hereby authorizes and instructs retained legal counsel not to opt out of either settlement and to take all necessary steps for the City of Fountain to participate in the claims process associated with each settlement.

BE IT FURTHER RESOLVED, that the Council authorizes the City Manager and the City Clerk to execute any and all documents in furtherance of the same.

PASSED AND ADOPTED by the City Council of the City of Fountain, Colorado, this 14th day of November 2023.

CITY OF FOUNTAIN, COLORADO

Sharon Thompson, Mayor

ATTEST:

Silvia Huffman, City Clerk



Regular City Council Meeting

Old Business –8A

Discussion on Public to be Heard time

November 14,
2023

Summary Information

Title:

Discussion Of Amendments To Ordinance 1739 For Public To Be Heard Speaking Time.

Initiator : Council Member Duncan

Presenter: Council Member Duncan and Council Member Hinton

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

Previous Action by City Council:

Attachment: Ordinance 1739

Background Information

Council Member Duncan and Council Member Hinton requested discussion on amending Ordinance 1739 to address the time for public to be heard when addressing the 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

Proposed Motion

ORDINANCE NO. 1739

AN ORDINANCE AMENDING SECTION 2.02.140 OF THE FOUNTAIN MUNICIPAL CODE REGARDING THE MANNER IN WHICH TO ADDRESS CITY COUNCIL

WHEREAS, Section 2.02.104 of Ordinance No. 1433 gives citizens the ability to address City Council directly to express opinions about issues not on the agenda; and

WHEREAS, recently the City of Fountain began live streaming all City Council meetings as a courtesy to the community in order to more effectively provide information; and

WHEREAS, in order to protect citizens and their personal information, the requirement to state their address before directing comments to City Council is being removed.

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

Section 1. Section 2.02.140 of Ordinance No. 1433 is hereby further amended to read as follows:

2.02.140 Manner of Addressing Council-Time Limit. Each person wishing to address the City Council at the Public to be Heard section to express opinions about issues not on the agenda shall sign up in person at the City Council Chambers, beginning fifteen (15) minutes prior to the scheduled time on the day of the meeting with the City Clerk or the Deputy City Clerk. Each person addressing the Council shall step to the microphone, shall give **only** his or her name ~~and address~~ in an audible tone of voice for the records, and unless further time is granted by the Presiding Officer, shall limit the address to three (3) minutes. The total limit for public input is thirty (30) minutes unless further time is granted by the Presiding Officer. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked of a Council Member except through the Presiding Officer.

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

Introduced, read by title and passed this _____ day of _____, 2019, by the City Council, City of Fountain, Colorado, signed by the Mayor, and ordered published by title with a summary written by the City Clerk together with a statement that the ordinance is available for public inspection and acquisition in the office of the City Clerk in the El Paso County Advertiser and News, a newspaper of general circulation in the City of Fountain, Colorado.

Gabriel P. Ortega, Mayor

ATTEST:

Silvia Huffman, City Clerk

Introduced, read by title, and passed on second and final reading on the _____ day of _____, 2019, and ordered published by title in the El Paso County Advertiser and News, a newspaper of general circulation in the City of Fountain, Colorado, in accordance with the City Charter.

Gabriel P. Ortega, Mayor

ATTEST:

Silvia Huffman, City Clerk



Regular City Council Meeting

New Business –9A

Items removed from Consent Agenda

November 14, 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

Ordinance No. 1795

November 14, 2023

Summary Information

Title:

FIRST READING OF ORDINANCE 1795, AN ORDINANCE AMENDING SECTION 2.02.140 OF THE FOUNTAIN MUNICIPAL CODE REGARDING THE MANNER IN WHICH TO ADDRESS CITY COUNCIL.

Initiator: City Council

Presenter: Troy Johnson, City Attorney

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

The purpose of this Ordinance is to extend the time for the public to address the Council on items not on the agenda from 3 to 5 minutes.

Previous Action by City Council: Ordinance 1433, which established the manner of addressing Council; and 1739, which removed the requirement of stating an address.

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 makes no recommendation.

Proposed Motion

“I move to approve Ordinance 1795 on First Reading.”

ORDINANCE NO. 1795

AN ORDINANCE AMENDING SECTION 2.02.140 OF THE FOUNTAIN MUNICIPAL CODE REGARDING THE MANNER IN WHICH TO ADDRESS CITY COUNCIL

WHEREAS, Section 2.02.104 of Ordinance No. 1433 gives citizens the ability to address City Council directly to express opinions about issues not on the agenda; and

WHEREAS, the City Council desires to increase the time allotted for citizens to address the Council from three minutes to five minutes.

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

Section 1. Section 2.02.140 of Ordinance No. 1433 is hereby further amended to read as follows:

2.02.140 Manner of Addressing Council-Time Limit. Each person wishing to address the City Council at the Public to be Heard section to express opinions about issues not on the agenda shall sign up in person at the City Council Chambers, beginning fifteen (15) minutes prior to the scheduled time on the day of the meeting with the City Clerk or the Deputy City Clerk. Each person addressing the Council shall step to the microphone, shall give only his or her name in an audible tone of voice for the records, and unless further time is granted by the Presiding Officer, shall limit the address to **five** ~~three~~ (35) minutes. The total limit for public input is thirty (30) minutes unless further time is granted by the Presiding Officer. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked of a Council Member except through the Presiding Officer.

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

Introduced, read by title and passed this ____ day of _____, 2023, by the City Council, City of Fountain, Colorado, signed by the Mayor, and ordered published by title with a summary written by the City Clerk together with a statement that the ordinance is available for public inspection and acquisition in the office of the City Clerk in the Colorado Springs Gazette, a newspaper of general circulation in the City of Fountain, Colorado.

Sharon Thompson, Mayor

ATTEST:

Silvia Huffman, City Clerk

Introduced, read by title, and passed on second and final reading on the _____ day of _____, 2023, and ordered published by title in the Colorado Springs Gazette, a newspaper of general circulation in the City of Fountain, Colorado, in accordance with the City Charter.

Sharon Thompson, Mayor

ATTEST:

Silvia Huffman, City Clerk



Regular
City Council Meeting

New Business-9C

November 14, 2023

Title:

RESOLUTION NO. 23-053, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN, COLORADO AWARDING THE INDIANA AVENUE CONSTRUCTION CONTRACT TO NATIVE SUN CONSTRUCTION. TO PROVIDE NEW ROAD CONSTRUCTION OF INDIANA AVE (US HIGHWAY 85/87 TO OLD PUEBLO ROAD) WITHIN THE CITY OF FOUNTAIN AND OTHER MATTERS IN CONNECTION THEREWITH.

Initiator: Deputy City Manager Todd Evans

Presenter: City Engineer Ben Sheets

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

The purpose of this action item is for the Council to Approve the Indiana Avenue Construction Contract to Native Sun Construction.

Total Contract Sum Not to Exceed: \$2,281,201.01

Attachments: Native Sun Construction Contract.

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 Resolution 23-053 the Indiana Ave Construction Contract to Native Sun Construction. To Provide Professional Road Construction Services for the New Road Construction Project of Building Indiana Avenue (Hwy 85/87 to Old Pueblo Road) Total Contract Sum not to Exceed: \$2,281,201.01



RESOLUTION 23-053

RESOLUTION NO. 23-053, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN, COLORADO AWARDING THE INDIANA AVENUE CONSTRUCTION CONTRACT TO NATIVE SUN CONSTRUCTION. TO PROVIDE NEW ROAD CONSTRUCTION OF INDIANA AVE (US HIGHWAY 85/87 TO OLD PUEBLO ROAD) WITHIN THE CITY OF FOUNTAIN AND OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City wishes to close Illinois Avenue across Burlington Northern Santa Fe owned property between US Highway 85/87 and Race Street and make roadway improvements to Indiana Avenue between US Highway 85/87 and Old Pueblo Road.

WHEREAS, the City conducted a competitive public bidding process for the Indiana Avenue Improvements Project with 4 bids received October 2, 2023, and upon review has identified Native Sun Construction to be the lowest responsible bidder; and

WHEREAS, the City Council of the City of Fountain desires to conduct the Indiana Avenue Improvements in the 2024 calendar year.

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

1. The Mayor, City Manager or other representatives of the City delegated by the Mayor or City Manager are hereby authorized to execute the Construction Contract with Native Sun Construction for the Indiana Avenue Improvements project at a Contract amount of \$2,281,201.01.
2. The above authorization extends to the related documents necessary to achieve the identified and approved construction elements.

Done this _____ day of _____, 2023.

Sharon Thompson, Mayor

ATTEST:

Silvia Huffman, City Clerk

**City of Fountain
Contracts & Procurement Division**

CONSTRUCTION CONTRACT

CONTRACT NUMBER: 23-001A

SUBJECT MATTER: Construction of Indiana Ave / Illinois Ave Railroad Crossing Improvements

CITY DEPARTMENT: Public Works

CONTRACTOR: **Native Sun Construction**
3107 W. Colorado Ave,
#312
Colorado Springs, CO
80904
Phone: (719) 413-4685
FAX: N/A

EFFECTIVE DATE:

EXPIRATION DATE:

THIS CONTRACT, entered into on the date set forth below, is made by and between the **CITY OF FOUNTAIN COUNCIL MEMBERS, COLORADO** (“**CITY**”) and **Native Sun Construction** (“**CONTRACTOR**”).

WHEREAS, a bid/proposal has been received by the **CITY** for the construction of the project, and it has been recommended that a contract for said project be made and entered into with the above-named **CONTRACTOR** under the above stated contract number; and

WHEREAS, the **CONTRACTOR** is willing, qualified and able to perform all of the contract work in accordance with the contract documents and its bid; and

WHEREAS, the **CITY** desires to purchase and receive from **CONTRACTOR** all materials, labor, equipment and supplies necessary or incidental to the project described in **Appendix A**; and

WHEREAS, **CONTRACTOR** is an individual or entity qualified and able to provide the type of labor and materials required for the project described in **Appendix A**; and

WHEREAS, the parties to this **CONTRACT** desire to reduce to written terms the manner and conditions under which labor and materials will be provided and compensated.

NOW, THEREFORE, in consideration of the above, in consideration of the compensation to be paid the **CONTRACTOR**, and in accordance with the mutual terms, conditions, requirements and obligations set forth in this **CONTRACT**, the **CITY** and **CONTRACTOR** agree as follows:

SECTION 1. SCOPE OF WORK

The **CITY** agrees to retain **CONTRACTOR** and **CONTRACTOR** agrees to furnish all labor, tools and materials necessary to complete the project described in **Appendix A**.

SECTION 2. CONTRACTOR'S RESPONSIBILITIES

2.1 **CONTRACTOR** shall adhere to all terms and conditions set forth in **Appendix C and Appendix E**, the General Conditions of the Contract and the FHWA Form 1273 attached to this **CONTRACT** and incorporated by reference.

2.2 All issues or questions of **CONTRACTOR** about this **CONTRACT** arising during the terms of this **CONTRACT** shall be addressed to the designated CITY Representative identified in Section 3 below.

2.3 **CONTRACTOR** shall attend meetings and submit reports, plans, drawings and specifications as required in **Appendix A** and shall be reasonably available to the CITY Representative to respond to any issues that may arise during the term of this **CONTRACT**.

CONTRACT NO.
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2.4 All employees, agents, representatives and subcontractors of **CONTRACTOR** who will have significant responsibility for performance of this **CONTRACT** shall be identified to and be subject to approval by the CITY representative prior to the commencement of any work by these individuals.

2.5 **CONTRACTOR** shall perform all work under this **CONTRACT** in a good workmanlike manner and in accordance with generally recognized practices and standards of the construction industry and to the reasonable satisfaction of the **CITY**.

2.6 **CONTRACTOR** represents, warrants and covenants that the prices, charges and/or fees set forth in this **CONTRACT** (on the whole) are at least as favorable as the prices, charges and/or fees **CONTRACTOR** charges (on the whole) to other of its customers or clients for the same or substantially similar products or services provided under the same or substantially similar circumstances, terms and conditions.

2.7 If **CONTRACTOR** agrees or contracts with other customers or clients similarly situated during the term of this **CONTRACT**, and offers or agrees to financial terms more favorable than those set forth herein (on the whole), **CONTRACTOR** hereby agrees that it will reduce the prices, charges and/or fees charged to the **CITY** with respect to the products or services hereunder to the most favorable rates received by those other customers or clients.

SECTION 3. CITY'S RESPONSIBILITIES

3.1 The **CITY** agrees to compensate **CONTRACTOR** as set forth in Section 5 below for labor and materials supplied in accordance with this **CONTRACT**.

3.2 The CITY Representative is (**NAME, TITLE, DEPARTMENT, TELEPHONE NUMBER, EXTENSION**). The CITY Representative shall have authority to transmit instructions, receive information and documents and resolve any issues arising out of the performance of this **CONTRACT**. The CITY Representative shall provide **CONTRACTOR** with the identity of an alternate contact person in the event the CITY Representative is unavailable to respond to **CONTRACTOR'S** inquiries.

SECTION 4. TIME OF PERFORMANCE AND DELAY

Time is of the essence for this **CONTRACT**. **CONTRACTOR'S** time of performance shall commence as stated in the General Conditions of Contract unless the time of performance is extended by mutual written agreement of the parties or the **CONTRACT** is otherwise terminated in accordance with Section 13 below, or until the expiration date specified on the first page of this **CONTRACT**, whichever comes first.

SECTION 5. COMPENSATION

5.1 The **CITY** agrees to pay the **CONTRACTOR** for the completion of all of the work as required by the Contract Documents, and the **CONTRACTOR** agrees to accept as its full and only compensation, subject to any additions and deletions pursuant to any change orders or other provisions of the Contract Documents satisfactory performance of services under this **CONTRACT** in the following amount and per the following purchase order number:

TOTAL CONTRACT SUM NOT TO EXCEED:

\$2,281,201.01

Two Million two hundred eighty one thousand two

hundred one and 01/100 DOLLARS PURCHASE

ORDER # _____

Retainage on work performed during the term of the Contract Progress Payments and the Final Payment to the **CONTRACTOR** are dealt with in Article VIII of the General Conditions of the Contract.

The amount and terms of compensation referenced above shall not be modified except in accordance with Section 17 below. If a resolution of the problem cannot be achieved, the dispute will be resolved in accordance with Article XVIII of the General Conditions of the Contract. During the term of any dispute resolution, payment of **CONTRACTOR'S** invoice or statement may be withheld by the **CITY**.

5.2 Unless otherwise agreed upon in writing by the **CITY, CONTRACTOR** shall be solely responsible for compensation of third parties, including subcontractors, consultants and suppliers, which are retained at the request of

CONTRACT NO.
SUBJECT:

CONTRACTOR to perform this **CONTRACT**. Such third parties shall not be considered third-party beneficiaries to this **CONTRACT**.

5.3 No payment made under this **CONTRACT** shall be conclusive evidence of the performance of this **CONTRACT**, either in whole or in part, and no payment, including final payment, shall be construed to be a consent on the part of the **CITY** to accept unsatisfactory or deficient work.

SECTION 6. FUNDING AVAILABILITY

6.1 The **CITY** has appropriated adequate funds to pay for labor and materials supplied in accordance with this **CONTRACT** for fiscal year 2023/24. This amount is equal to or in excess of the contract sum of this **CONTRACT**.

6.2 Financial obligations of the **CITY** payable after the current fiscal year are contingent on appropriation or budgeting of funds for those obligations. Should the performance of this **CONTRACT** continue past the current fiscal year, the **CITY** shall notify **CONTRACTOR** in writing that sufficient funds are available for continuance of **CONTRACTOR'S** performance under this **CONTRACT** into the new fiscal year. Unless **CONTRACTOR** is notified in writing of availability of funds prior to the end of the current fiscal year, **CONTRACTOR** shall not commence any work in the new fiscal year for which a new appropriation is required to make payment.

6.3 Any renewal of this **CONTRACT** is contingent upon available funding and satisfactory performance by the **CONTRACTOR**, as determined by the **CITY**. It shall be the **CONTRACTOR'S** responsibility to provide the **CITY** representative (with a copy to the Contracts & Procurement Division) all requested **CONTRACT** changes and/or price adjustments at least 90 days prior to the expiration of the **CONTRACT** or **CONTRACT** renewal date. After review by the **CITY** of the **CONTRACTOR'S** requested changes or price adjustments, the **CITY** will enter into negotiations with the **CONTRACTOR** to determine if the requested contract changes and/or price adjustments are acceptable to the **CITY**. Negotiations must be completed 90 days prior to expiration of the **CONTRACT** or **CONTRACT** renewal date. Failure of the **CITY** and the **CONTRACTOR** to agree upon the terms and conditions for the renewal may result in resolicitation of the goods or services covered by the original **CONTRACT**. Continued performance by the **CONTRACTOR** outside of the **CONTRACT** term will be at the **CONTRACTOR'S** risk.

SECTION 7. INDEPENDENT CONTRACTOR

CONTRACTOR is rendering services as an independent contractor, not as an employee, and shall be accountable to the **CITY** for the ultimate results of its actions, but shall not be subject to the direct supervision and control of the **CITY**, except as otherwise provided herein. Neither **CONTRACTOR** nor any agent, employee, or servant of **CONTRACTOR** shall be or shall be deemed to be an employee, agent, or servant of the **CITY**. **CONTRACTOR** shall pay when due all required employment taxes and income tax withholding, shall provide and keep in force worker's compensation (and show proof of such insurance) and unemployment compensation insurance in the amounts required by law, and shall be solely and entirely responsible for its acts and the acts of its agents, employees, servants and the subcontractors, during the performance of this **CONTRACT**.

SECTION 8. INSURANCE

8.1 During the entire term of this **CONTRACT**, **CONTRACTOR** shall maintain, at its own expense, insurance in the amounts and classification identified in **Appendix C**.

8.2 In addition to certificates of insurance, the **CONTRACTOR** shall also furnish a copy of its insurance policy to the **CITY** Contracts & Procurement Division Manager ("**MANAGER**") prior to the performance of this **CONTRACT**. The **CITY** shall be named as an additional insured on all policies of liability insurance.

SECTION 9. INDEMNIFICATION

To the extent authorized by law, the **CONTRACTOR** shall defend, indemnify and hold the **CITY** free and harmless from and against any and all liabilities, demands, claims, damages, suits, judgments and decrees, and Court awards including costs, expenses and attorneys' fees, on account of injuries to or death of any person or persons or damage to any property arising out of or related to the **CONTRACTOR'S** intentional or negligent acts, errors or omissions or that of its agents, officers, servants and employees, subcontractors or assignees, whether contractual or otherwise, during the performance of this **CONTRACT** and pursuant to its terms. Nothing in this section shall be deemed to waive or otherwise limit the defenses available to the **CITY** pursuant to the Colorado Governmental Immunity Act or otherwise provided by law.

SECTION 10. AUDIT AND INSPECTION

CONTRACT NO.
SUBJECT:

10.1 **CONTRACTOR** shall at all times during the term of this **CONTRACT** maintain such books and records as shall sufficiently and properly reflect all direct costs of any nature in the performance of this **CONTRACT**, and shall utilize such bookkeeping procedures and practices as will reflect these costs. Books and records shall be subject, at any reasonable time, to inspection, audit or copying by Federal, State or CITY personnel, or such independent auditors or accountants as are designated by the **CITY**.

10.2 **CONTRACTOR** shall permit the CITY Representative or other authorized Federal, State or CITY personnel, at any reasonable time, to inspect, transcribe or copy any and all data, notes, records, documents and files of the work **CONTRACTOR** is performing in relation to this **CONTRACT**.

SECTION 11. OWNERSHIP

11.1 All data, plans, reports, notes and documents provided to or prepared by **CONTRACTOR** in performance of this **CONTRACT** shall become the property of the **CITY** upon payment under this **CONTRACT**, and shall be delivered to the CITY Representative.

11.2 Except as provided in Section 10 above, all such documents shall remain confidential and shall not be made available by **CONTRACTOR** to any individual or entity without the consent of the CITY Representative.

11.3 If the **CONTRACTOR** deems any documents submitted by **CONTRACTOR** to the **CITY** under this **CONTRACT** confidential business data, trade secrets, or data not otherwise subject to public disclosure, **CONTRACTOR** shall clearly mark the documents as "Confidential" prior to delivering or making them available to the **CITY**. If the **CITY** receives a request for the production or disclosure of documents so marked, it will decline disclosure and notify the **CONTRACTOR** of such request; *provided, however*, that if any action is commenced against the **CITY** under the Colorado Public (Open) Records Act or otherwise seeking to compel production or disclosure of the documents, **CONTRACTOR** or any other person asserting the confidentiality privilege of such documents shall immediately intervene in such action, and whether or not such intervention is permitted, shall defend, indemnify and hold **CITY** harmless from any costs, damages, penalties or other consequences of **CITY'S** refusal to disclose or produce such documents.

SECTION 12. DISPUTES

12.1 Any dispute concerning the performance of this **CONTRACT** that is not resolved by mutual agreement of the parties shall be resolved in the manner described in Article XVIII. Disputes & Litigation of the General Conditions of the Contract.

12.2 **CONTRACTOR** shall not cease performance of this **CONTRACT** during the term of the dispute resolution process unless the parties mutually agree in writing that performance may be suspended.

SECTION 13. SUSPENSION AND TERMINATION

Suspension and termination of the **CONTRACT** shall be dealt with as described in Articles VII and XV respectively of the General Conditions of the Contract.

SECTION 14. RIGHTS OF THIRD PARTIES

This **CONTRACT** does not and shall not be deemed to confer on any third party the right to the performance of or proceeds under this **CONTRACT**, to claim any damages or to bring any legal action or other proceeding against the **CITY** or **CONTRACTOR** for any breach or other failure to perform this **CONTRACT**.

SECTION 15. ASSIGNMENT/SUBCONTRACTS

CONTRACTOR shall not assign its interest in this **CONTRACT** or subcontract any of the work to be performed under this **CONTRACT** without the prior written consent of the **CITY**.

SECTION 16. APPLICABLE LAW

The laws rules and regulations of the State of Colorado and El Paso County shall be applicable in the enforcement, interpretation and execution of this contract. The parties to this contract understand and agree that, in the event of any litigation that may arise under this contract, jurisdiction and venue shall lie in the Fourth Judicial District of El Paso County, Colorado.

SECTION 17. CHANGES OR MODIFICATIONS

CONTRACT NO.
SUBJECT:

No modification, amendment, notation, change or other alteration of this **CONTRACT** shall be valid unless mutually agreed by the parties in writing and executed as an addendum to this **CONTRACT**.

SECTION 18. JOINT VENTURE

If the **CONTRACTOR** is a Joint Venture, the partners to the Joint Venture shall be jointly and severally liable to the **CITY** for the performance of all duties and obligations of the **CONTRACTOR** which are set forth in the Contract.

SECTION 19. SEVERABILITY

If any section, subsection, clause or phrase of this **CONTRACT** is, for any reason, held to be invalid, such holding shall not affect the validity of the remaining portions of this **CONTRACT**.

SECTION 20. COMPLIANCE WITH LAWS

At all times during the performance of this **CONTRACT**, **CONTRACTOR** shall strictly observe and conform to all applicable federal, state and local laws, rules, regulations and orders that have been or may hereafter be established.

20.1 Federal Immigration Law Compliance: The **CONTRACTOR** certifies that the **CONTRACTOR** has complied with the United States Immigration and Control Act of 1986. All persons employed by the **CONTRACTOR** for performance of this **CONTRACT** have completed and signed Form I-9 verifying their identities and authorization for employment.

Illegal Aliens: Public Contracts for Services. CRS 8-17.5-101 and 102, and Public Law 208, 104th Congress, as amended and expanded in Public Law 156, 108th Congress, as amended.

CONTRACTOR certifies that the **CONTRACTOR** shall comply with the provisions of CRS 8-17.5-101 et seq. **CONTRACTOR** shall not knowingly employ or contract with an illegal alien to perform work under this contract or enter into a contract with a subcontractor that fails to certify to the **CONTRACTOR** that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this **CONTRACT**. **CONTRACTOR** represents, warrants, and agrees that it (i) has confirmed or attempted to confirm the employment eligibility of all employees who are newly hired for employment in the United States through participation in the basic pilot program administered by the Social Security Administration and Department of Homeland Security, and (ii) otherwise will comply with the requirements of CRS 8-17.5-102(2)(b). The **Contractor** is prohibited from using either the e-verify program or the Colorado Department of Labor and Employment program procedures to undertake pre-employment screening of job applications while the services are being performed under this **CONTRACT**. If the **CONTRACTOR** obtains actual knowledge that a subcontractor performing work under this **CONTRACT** knowingly employs or contracts with an illegal alien, the contractor shall notify the subcontractor and the **CITY** within three days that the **CONTRACTOR** has actual knowledge that the subcontractor is employing or contracting with an illegal alien and shall terminate the subcontract with the subcontractor if within three days of receiving this notice the subcontractor does not stop employing or contracting with the illegal alien; except that the **CONTRACTOR** shall not terminate the contract with the subcontractor if during such three days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien. The **CONTRACTOR** shall comply with all reasonable requests made in the course of an investigation under CRS 8-17.5-102 by the Colorado Department of Labor and Employment. If the **CONTRACTOR** fails to comply with any requirement of this provision or CRS 8-17.5-101 et seq., the **CITY** may terminate this contract for breach and the **CONTRACTOR** shall be liable for actual and consequential damages to the **CITY**.

SECTION 21. CONFLICT OF TERMS IN THE CONTRACT DOCUMENTS

In the event there is found any conflict in any of the terms between the **CITY'S** contract documents and the **CONTRACTOR'S** contract documents, the parties understand and agree that the terms contained in the **CITY'S** contract documents shall be controlling and shall take precedence over any conflicting terms found in the contract documents.

Further, if there are any conflicting terms as between the **CITY'S** contract and the **CITY'S** Purchase Order or any other **CITY** documents which are included as a part of the contract documents, those terms which the **CITY** deems most favorable toward the protection of the **CITY** and the goals of the **CONTRACT** shall be deemed to control and take precedence over any conflicting contract terms. The conflicting contract terms may be deleted at the **CITY'S** sole discretion.

In the event that one of the **CITY'S** contract documents contains a word, statement, or clause which is not contained in any other of the **CITY'S** contract documents nor in those of the **CONTRACTOR'S** contract documents, the parties understand and agree that such word, statement or clause shall be included as a part of the contract terms at the sole discretion of the **CITY**.

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Finally, in the event that there is found in the **CONTRACTOR'S** contract documents a word, statement or clause not contained in the **CITY'S** contract documents and which the **CITY**, in its sole discretion, wishes to delete from the contract terms, the parties understand and agree that the **CITY** shall have the discretion to include or delete such word, statement or clause from the contract terms.

SECTION 22. ENTIRE CONTRACT

This **CONTRACT**, including attached **Appendices**, constitutes the entire understanding of the parties. At the time of execution of this **CONTRACT**, there are no other terms, conditions, requirements or obligations affecting this **CONTRACT** which are not specifically set forth herein.

SECTION 23. APPENDICES

The following appendices are attached to and made a part of this **CONTRACT**:

- Appendix A: **IFB NO.: 23-001A**
- Appendix B: **CONTRACTOR'S RESPONSE**
- Appendix C: **GENERAL CONDITIONS OF CONTRACT**
- Appendix D: **INSURANCE CERTIFICATES**

IN WITNESS WHEREOF, the parties hereto have executed this **CONTRACT** on the _____ day of _____, 2023.

**CITY OF FOUNTAIN Council Members
FOUNTAIN, COLORADO**

(CONTRACTOR)

BY: _____

BY: _____

MAYOR

AUTHORIZED REPRESENTATIVE

ATTEST:

APPROVED AS TO FORM:

BY: _____

BY: _____

CITY CLERK AND RECORDER

OFFICE OF THE CITY ATTORNEY



Regular City Council Meeting

New Business-9D

November 14, 2023

Summary Information

Title:

RESOLUTION NO. 23-054, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN, COLORADO AWARDING THE INDIANA AVENUE CONSTRUCTION PROJECT MANAGEMENT CONTRACT TO WILSON AND COMPANY. TO PROVIDE PROFESSIONAL PROJECT MANAGEMENT FOR THE CONSTRUCTION PROJECT OF BUILDING INDIANA AVE (US HIGHWAY 85/87 TO OLD PUEBLO ROAD) WITHIN THE CITY AND OTHER MATTERS IN CONNECTION THEREWITH.

Initiator: Deputy City Manager Todd Evans

Presenter: City Engineer Ben Sheets

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

The purpose of this action item is for the Council to Approve the Indiana Avenue Construction Project Management Contract Award to Wilson and Company.

Services Include construction administration and inspection. The details can be found in the contract documents.

TOTAL CONTRACT SUM NOT TO EXCEED: \$526,500.00.

Attachments: 2023 Wilson and Company Project Management Contract.

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 Resolution 23-054, Indiana Road Construction Project Management Project Contract Award to Wilson and Company not to exceed: \$526,500.00.



RESOLUTION 22-054

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN, COLORADO AWARDED THE INDIANA AVENUE CONSTRUCTION PROJECT MANAGEMENT CONTRACT TO WILSON AND COMPANY. TO PROVIDE PROFESSIONAL PROJECT MANAGEMENT FOR THE CONSTRUCTION OF BUILDING INDIANA AVE (US HIGHWAY 85/87 TO OLD PUEBLO ROAD) WITHIN THE CITY AND OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City wishes to close Illinois Avenue across Burlington Northern Santa Fe owned property between US Highway 85/87 and Race Street and make roadway improvements to Indiana Avenue between US Highway 85/87 and Old Pueblo Road.

WHEREAS, pursuant to the City's Financial Policies 4.2.10 staff has retained an Engineering firm, Wilson, and Company to award this contract and is the most qualified to work on this project; and

WHEREAS, the City Council of the City of Fountain desires to conduct the Indiana Avenue Improvements in the 2024 calendar year.

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

1. The Mayor, City Manager or other representatives of the City delegated by the Mayor or City Manager are hereby authorized to execute the Project Management Contract with Wilson and Company for the Indiana Avenue Improvements project at a Contract amount of \$526,500.
2. The above authorization extends to the related documents necessary to achieve the identified and approved construction elements.

Done this 14th day of November, 2023.

Sharon Thompson, Mayor

ATTEST:

Silvia Huffman, City Clerk

October 18, 2023

Ben Sheets - City Engineer
City of Fountain
116 South Main Street
Fountain, CO 80817

Subject: Task Order #01 – Construction Administration / Inspection Activities for the City of Fountain’s US 85 / Indiana Ave Improvements Project

Dear Mr. Sheets:

Thank you for selecting Wilson & Company for Construction Administration / Inspection Activities for the City of Fountain’s US 85 / Indiana Ave Improvements Project. Attached to this letter is the Scope of Work and Fee estimate.

This work will be performed under the requirements of the City of Fountain Public Works On-Call contract.

Compensation:

The Total Contract will be a time and Materials not to exceed amount of **\$526,500.00.**

Timeline for Completion of Project:

The estimated time period for the work described in this scope of work is 10 months (October 2023 – July 2024). The time period is based upon a 200 working day construction contract.

Billing Terms:

Wilson & Company will submit monthly invoices for the work performed for approval and payment by the City of Fountain.


All project billing will be sent to:

Ben Sheets - City Engineer
City of Fountain
116 South Main Street
Fountain, CO 80817

If you consent to the scope of work, compensation, schedule and billing terms outlined above please sign return by email for scott.asher@wilsonco.com.

If you have any questions, you may contact Scott Asher at 719-302-6743 or scott.asher@wilsonco.com.

Sincerely,
WILSON & COMPANY


Scott Waterman, PE
Vice President

10/18/2023

Acceptance:

On behalf of the City of Fountain, I am authorized to agree to and accept the terms and conditions of this Agreement as outlined above, and hereby authorize Wilson & Company to proceed.

City of Fountain

Name of Client: _____

Title: _____

Date: _____

Project Work Plan & Scope of Services – for Construction Administration / Inspection Activities for the City of Fountain’s US 85 / Indiana Ave Improvements Project.**Project Understanding**

- This Federal-Aid project is a phased plan improvement project that improves the motorist and pedestrian/bicyclists connectivity from the permanent extension of Indiana Ave to US 85 crossing the BNSF Railroad Tracks. The new railroad crossing improvements on Indiana Ave will replace the existing railroad crossing on Illinois Ave which will ultimately be abandoned at the completion of the project.
- Construction will require BNSF Railway coordination for the crossing improvements that will be installed by the railroad company, US 85 Traffic Signalization, roadway and drainage improvements that will ultimately connect Main Street (AKA Old Pueblo Road) to US 85.
- The contractor selection / Invitation for Bid (IFB) is to be issued in late April 2023 with an expected construction start of early June 2023. This is a 200 Working Day project for construction.
- All project documentation and inspection to comply with the City of Fountain’s requirements which is a combination of the City of Colorado Springs and CDOT Specifications for Road and Bridge Construction.

Post Award and Construction Related Services

Wilson & Company will provide Part-Time Construction Management / Full-Time Inspection / and Part-Time Materials Testing Services for the City of Fountain on the US 85 / Indiana Ave Improvements Project which will comply with the CDOT Local Agency Manual for Federal-Aid Bidding, Construction Management Services, and Project Final Closeout.

Active day-to-day administration of this contract will be delegated to:

Ben Sheets, PE, City Engineer
116 South Main Street
Fountain, Colorado 80817

GENERAL REQUIREMENTS**WORK DURATION**

The time period for the work described in this scope of work is approximately 200 Working Days plus 10-days at the beginning and end of project for start-up and Project Closeout. Work may be required night or day, on weekends, on holidays, on a split shift basis, or when requested by the City Engineer.

UDBE PARTICIPATION / GOAL REQUIREMENTS

Wilson & Company is working with CDOT Local Agency Staff to get the UDBE Percentage requirement and OJT Training Hours to be established for both the Construction Contractors and Construction Management teams services. Most likely CDOT may waive UDBE Percentage requirements for the Construction Management component of this Federal-Aid project.

AUTHORIZATION TO PROCEED

Work shall not commence until the written Notice to Proceed is received by the consultant, and shall be completed within the allotted time specified. Time charged shall be exclusive of time lost for:

- Reviews and Approvals
- Responses/Direction from City of Fountain

ROUTINE REPORTING AND BILLING

The consultant shall provide the following on a routine basis:

- Coordination of all contract activities by the Consultants Project Manager
- Periodic reports and billings required by the City of Fountain

All project billing should be sent to:

Ben Sheets, PE
City Engineer
116 South Main Street
Fountain, Colorado 80817

PROJECT STANDARDS

All construction management and inspection, shall be in accordance with the latest versions of the City of Colorado Springs and Colorado Department of Transportation's Standard Specifications for Road & Bridge Construction, CDOT Local Agency Manual, the Supplemental Specifications, CDOT Construction Manual, Field Materials Manual, Colorado Department of

Transportation Inspector's Checklist, applicable M & S standards, CDOT Survey Manual, and the plans and specifications currently in use when the construction project is advertised or revised under advertisement.

All consultant construction observation and testing activities performed shall be as authorized by the City Engineer.

LABOR, MATERIALS, AND EQUIPMENT

The consultant shall furnish all personnel, materials, equipment, and transportation required to perform the work. Personnel qualifications and staffing levels for the project shall be subject to the approval of the City Engineer.

The consultant's work shall be under the direction of, and shall be reviewed, by a Professional Engineer in Responsible Charge, registered in the State of Colorado. The Professional Engineer shall be available to review work, resolve problems, and make decisions in a timely manner as requested by the City Engineer and must be experienced and competent in road and bridge construction observation and materials testing.

Personnel provided by the consultant who do not meet all of the specified requirements, or who fail to perform their work in an acceptable manner, shall be removed from the project when determined and directed by the City Engineer.

INITIAL PROJECT MEETING

The Consultant and Owner project personnel shall meet to coordinate and schedule the required work and identify the responsibilities of all project personnel. The consultant shall complete all work in accordance with their approved schedule or as approved by the City Engineer.

STATUS OF THE PROJECT

The consultant shall monitor the status of the project and advise the City Engineer of any potential for supplementing the contract. Failure to monitor contract status and provide timely notification may result in discontinuing the consultant services on the project.

A. SERVICES AFTER BID LETTING

Wilson & Company will participate in all project meetings such as the Pre-Construction Conference, conducting weekly progress meetings, and other coordination meetings such as utility relocations required for commencement and duration of construction.

B. CONSTRUCTION RELATED SERVICES

Wilson & Company will provide the City of Fountain with the following personnel: (1) part-

time Construction Project Manager experienced in all aspects of Bridge/Roadway Construction approximately 16-Hours per week during the 200 Working Days plus 10-days start-up and closeout on top of the 200 working days for a total of 220-Days: (1) full-time project inspector approximately 9-Hours per day for the 220 Working Days, and Part-Time Materials Testing Technician estimated at 24-Hours per week for 44-weeks = 1176 Hours plus Lab and Federal Documentation Support.

The Wilson & Company mileage has been built into our hourly rate for both project CM team members.

The Local Agency Construction Management / Inspection Activities that will be provided as needed, but not limited to as follows:

- Coordination of all construction contract activities
- Review / Approve, give comments, and acknowledge completeness of required submittals resulting from but not limited to:
 - Method of Handling Traffic
 - Progress Schedule
 - Method Statements
- Provide the following documentation, reports and billings on a routine basis:
 - Weekly and monthly reports and billings required by the City of Fountain
 - Organize and maintain project files with dissemination to necessary project shareholders
 - Monitoring of project contractor for fulfillment of contract plans and specifications
 - Securing all project submittal documentation from the contractor and provide status logs from project delivery through document finalization
 - Anticipating project problems, coordinating with the designer, and direct solutions to the City Engineer
- Preparing and transmitting weekly updates of construction activities to the City Engineer (Due the following Monday after the weeks activities)
- Conduct weekly progress meetings with the owner, contractor, subcontractors, utilities, CDOT and other interested parties
- Obtain and log shop drawings and data submitted by the construction contractor and suppliers for general conformance with the intent of the specifications. Disseminate to owner, project design staff for review and approval. Inform and obtain concurrence as needed from the City Engineer while keeping relative documentation for project records.
- Maintaining accurate notes reflecting actual construction details to be used in preparation of Design Consultant generated "As-Constructed" plans for Finals Documentation and review of contractor's As-Constructed drawings requiring necessary corrections/modifications
- Communicating with adjacent landowners as required resolving issues that arise due to construction.
- Monitoring compliance with and taking appropriate action to preserve safety on the project

for all workers and the traveling public in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) and project Method of Handling Traffic (MHT)

- Initial, special, and final inspections of work in progress including interim and final measurements
- Notifying contractors, project manager/owner of non-compliance with the contract plans and specifications in writing
- Performance of special tests, inspections, or monitoring which are required to fulfill the intent of the City of Fountain's specified inspection program
- Preparation of inspection documentation for generation of monthly interim estimates or review of contractor's invoice with the contractor and concur for progress payments. Wilson & Company will recommend payment / approval in accordance with prescribed City procedures
- Coordinate materials testing efforts with the City's provided geotechnical subcontractor
- Submittal of standard documentation reports such as a daily diary and inspector's progress reports for quantity verification.
- Preparation of routine correspondence to the contractor, City Engineer, Utilities, including weekly construction activities report
- Providing liaison role for communication between designer / contractor field crews
- Preparing punch lists of uncompleted work, non-conformance reports, and deficiency notices
- Log contractors' and suppliers' requests for information, submittals, change notices, claims, and correspondence and disseminate accordingly
- Recommendation of Substantial Completion and Final Acceptance
- Develop and disseminate Final Project Acceptance Letter
- Prepare all project documentation for submittal of Project Finals Documentation
- Miscellaneous related duties as requested by the City Engineer

DOCUMENTATION

Consultant personnel shall utilize standard CDOT construction forms to ensure compliance with the project requirements. CDOT's Form 103 will be utilized to record daily construction activities. The contents of this diary shall be brief and accurate statements of progress and conditions encountered during the prosecution of the work. Editorial comments are not to be incorporated in the diaries or on any written correspondence applicable to the project. A copy of the daily diary shall be available to the City Engineer within one working day of its origination date.

CONSTRUCTION MATERIALS TESTING REQUIREMENTS

The Consultant's field testing/inspecting technician shall maintain a daily diary for each day the technician performs work on the project. They may use CDOT's Form 103-Project Diary, or a form approved by the City Engineer utilizing the same criterion stated for the construction observer.

Test results, sample submittals, and inspection documentation transmitted for CDOT / City of Fountain Finals Documentation shall be recorded on appropriate CDOT forms. The Consultant may use CDOT worksheets or worksheets approved by the City Engineer. The consultant shall furnish the Project Manager with original copies of all worksheets and test results on a daily basis. The Consultant's work shall be under the direction of, and shall be reviewed, stamped, and signed by a Professional Engineer registered in the State of Colorado. The only work to be stamped will be the summary sheets (CDOT Forms 6, 9, 58, 69, 212, 250, and 554). The Professional Engineer shall be available to review work, resolve problems, and make decisions in a timely manner as requested by the City Engineer, and must be experienced and competent in road and bridge construction materials testing and inspections.

The Consultant material testing technician assigned to the project shall have a minimum of two years of experience in each specialty field that is being tested (soils, aggregates, asphalt paving, concrete), and shall have the following CDOT qualifications:

- For pay items involving soils or other non-HBP and non-concrete materials, personnel must possess a NICET Level II Certificate and WAQTC in Soils Testing or satisfactorily complete a CDOT approved course in materials
- To operate a nuclear device, personnel must be certified as required by their license, issued by the Colorado Department of Public Health and Environment (CDPHE). Nuclear devices must be calibrated using CDOT standard blocks.
- For pay items relating to HBP, personnel taking samples and conducting compaction tests must have a level A certification from LabCAT
- Personnel conducting plant material control tests must have a Level B certification from LabCAT
- Personnel determining asphalt mixture volumetrics and strength characteristics must have a Level C certification from LabCAT
- For pay items relating to concrete, personnel must be ACI certified as a Concrete Field Testing Technician Grade I

Engineering Estimate Summary Form					
Company	Estimated By	Date	Rev	Sht	of
Wilson & Company	STA	10/18/2023	0	1	3
Task Description			Discipline		
Part-time Constr. Administration, Full-time Inspection Services, Part-time Mate			Roadway		
Hours and Labor Charges					
Item	Code	Personnel Category	Rate	Hours	Salary Labor
1	PM	Project Manager (Norwood/Asher)	\$250.00	60	\$15,000.00
2	CM	CM Manager (Smith)	\$170.00	800	\$136,000.00
17	ADM	Project Assistant	\$130.00	24	\$3,120.00
18	CI	Construction Inspector	\$110.00	1,600	\$176,000.00
			Subtotals	2,484	\$330,120.00
			Multiplier		1.00
			subtotal (Labor Cost)		\$330,120.00
Other Direct Cost (ODC)					
			Travel and Living		\$0.00
Errata			Communications and Shipping		\$0.00
Composite Rate \$132.90			Project Office / Supplies		\$0.00
			CAD Equipment/Computers/Software		\$0.00
ODC Rate \$10.00			Reproduction		\$0.00
			Other (see Form C)		\$0.00
Doc Count 0			subtotal (ODC Cost)		\$24,840.00
			subtotal (Vendor Cost)		\$171,513.00
Hours / Document #DIV/0!			TOTAL COST		\$526,473.00

Estimate ODC/Vendor Detail Sheet

Company Wilson & Company	Estimated By	Date 10/18/2023	Rev 0	Sht 3	of 3
Task Description Part-time Constr. Administration, Full-time Inspection Services, Part-time Materials Testing			Discipline Roadway		

Other Direct Expenses

Description	Unit cost	Quantity	Additional	Lump Sum Cost	Subtotals
CM Vehicles	\$10.00 per month	2,484 Hours			\$24,840.00
Plane tickets @	per trip	trips			\$0.00
Hotel @	per night	nights			\$0.00
Meals	per day	days			\$0.00
Tolls and Parking	per day	days		Lump Sum	\$0.00
Per Diem	Per Week	Weeks			\$0.00
Temp Housing	Per Month	Months			\$0.00
Relocation	Each				\$0.00
Rental Car	per day	days			\$0.00
Other					\$0.00
Subtotal Travel					\$24,840.00
Telephone	Per Month	Months			\$0.00
Express mail	Per Month	Months			\$0.00
Postage/Freight	Per Month	Months			\$0.00
Other					\$0.00
Subtotal Communications/Shipping					\$0.00
Space Rental	Per Month	Months			\$0.00
Utilities	Per Month				\$0.00
Supplies	Per MH				\$0.00
Furniture				Lump Sum	\$0.00
Equipment Rental	Per Month	Months			\$0.00
Mobilization/Demobilization				Lump Sum	\$0.00
Maintenance	Per Month	Months			\$0.00
Other					\$0.00
Subtotal Project Office					\$0.00
CADD time	Per Hour	Hours			\$0.00
Personal Computers	Each				\$0.00
CAD Software	Each				\$0.00
Other Software	Each				\$0.00
Printers	Each				\$0.00
Other	Each				\$0.00
Subtotal CAD /Computer					\$0.00
Plotting	per foot	plots			\$0.00
Reproductions, 8 1/2x11 @	per copy	copies			\$0.00
Reproductions, 11x17 @	per copy	copies			\$0.00
Reproductions, Drawings @	per copy	copies			\$0.00
Outside Reproduction	per set			0	\$0.00
Covers & Tabs					\$0.00
Subtotal Reproduction					\$0.00
					\$0.00
Reference manuals	\$0.00 per Each	0 manuals			\$0.00
					\$0.00
					\$0.00
Sub Total Other					\$0.00
Sub Total Direct Expenses					\$24,840.00
Vendors / Professional Services					
Name	Description of work				Amount
Vivid Engineering Group, Inc.	QA Construction Materials Testing				\$171,513.00
					\$0.00
Total for Vendors					\$171,513.00



Regular City Council Meeting

New Business –9E

2024 Budget Ordinance 1794

November 14, 2023

Summary Information

Title:

PUBLIC HEARING AND FIRST READING OF ORDINANCE NO 1794 SETTING APPROPRIATIONS FOR THE FUNDS, OFFICES, AND DEPARTMENTS OF THE CITY OF FOUNTAIN, COLORADO FOR THE FISCAL YEAR 2024 BEGINNING JANUARY 1, 2024

Initiator : John Lewis, Finance Director

Presenter: John Lewis, Finance Director and Shawna Dail, Deputy Finance Director

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

A public hearing is required prior to adoption of the FY 2024 annual budget. Notice of Public Hearing for November 14, 2023, was published in the October 20, 2023 edition of the Colorado Springs Gazette, a newspaper of general circulation in accordance with City Charter.

Attached you will find the Ordinance and Exhibit A by Fund of the FY 2024 budget.

Attachment: Ordinance 1794 with Exhibit A

Background Information

A biennial budget document was prepared for the FY 2023-2024 budget. State Statute and the City Charter require that an annual budget be adopted. The ordinance being considered is for the FY 2024 Budget.

City staff has been meeting for the past several months to review the FY 2024 budget in order to recommend any revisions from the initial 2024 budget included within the 2023-2024 Biennial Budget. Work sessions were held between staff and City Council on June 13th and October 5th, to review recommended revisions and receive guidance from the City Council on their recommendations for the FY 2024 budget.

Notice of the 2024 Budget Public Hearing for the October 24, 2023, City Council meeting was published in the October 20, 2023 edition of the Colorado Springs Gazette, a newspaper of general circulation in accordance with the City Charter.

A brief presentation summarizing the FY 2024 budget will be made during the Public Hearing.

Recommendation

Staff recommends approving Ordinance 1794 On first reading.

Proposed Motion

"I move to approve first reading of Ordinance No. 1794"

ORDINANCE NO. 1794

**AN ORDINANCE SETTING APPROPRIATIONS FOR THE CITY OF FOUNTAIN,
COLORADO FOR FISCAL YEAR 2024**

WHEREAS, the City Council formally met on June 13th and October 5th to review and discuss the 2024 Budget Policy Setting including current and future talking points for the 2024 Budget; and

WHEREAS, the City Staff led by Finance Director John Lewis and Deputy Finance Director Shawna Dail of the City of Fountain, Colorado held meetings throughout the months of June, July and August 2023 to review the Fiscal Year (FY) 2024 budget data approved in the FY 2023-FY 2024 Biennial Budget document to determine and present any recommended changes to the FY 2024 budget to City Council; and

WHEREAS, the City Council of the City of Fountain, Colorado held public budget work sessions on June 13th and October 5th to review the recommendations of staff related to the proposed FY 2024 budget; and

WHEREAS, the City Council of the City of Fountain, Colorado held a public hearing on October 24, 2023 concerning the proposed FY 2024 budget; and

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

Section 1. The City of Fountain, Colorado appropriates for FY 2024 for all City Funds the sums of money specified in Appendix A out of all taxes, fees, charges, and other revenues received by the City and out of the surplus, if any, remaining at the end of the FY 2023 to meet the expenses, debt retirement, and capital expenditures necessary or appropriate for the performance of the duties and the exercise of the powers of the City during the FY 2024.

Section 2. A mill levy of 10.239 on all taxable property in the City of Fountain, Colorado, that based on current State legislation variables, is temporarily reduced by 2 mills to 8.239 mills in 2023 for collection in FY 2024 is affirmed and approved.

Section 3. In addition to the mill levy specified in Section 2, a mill levy of 6.1 restricted for certain public safety expenditures on all taxable property in the City of Fountain, Colorado, in 2023 for collection in FY 2024 is affirmed and approved.

Section 4. In addition to the mill levy specified in Section 2, a mill levy of 4.94 on all taxable property within the Heritage Special Improvement Maintenance District in 2023 for collection in FY 2024 is affirmed and approved.

Section 5. This ordinance shall be in full force and effect from and after its passage and publication as provided by the City Charter.

Introduced, read by title, and passed on first reading, this 14th day of November 2023, by City Council and ordered to be published by title in the Colorado Springs Gazette, with a summary written by the City Clerk, and with a statement that the ordinance is available for public inspection and acquisition in the office of the City Clerk, 116 South Main Street, Fountain, Colorado 80817.

Sharon Thompson, Mayor

ATTEST:

Silvia Huffman, City Clerk

Introduced, read by title, and passed on Second reading, this 28th day of November 2023, by City Council and ordered to be published by title in the Colorado Springs Gazette, with a summary written by the City Clerk, and with a statement that the ordinance is available for public inspection and acquisition in the office of the City Clerk, 116 South Main Street, Fountain, Colorado 80817.

Sharon Thompson, Mayor

ATTEST:

Silvia Huffman, City Clerk

EXHIBIT A

FY 2024 BUDGET

The City has developed and proposed the Fiscal Year 2024 budget as part of the two year 2023-2024 biennial budget. After two work session meetings with City Council on June 13th and October 5th, 2023, related to the 2024 Budget, and after several months of meetings with staff, the following initial proposed budget is presented to Council at first reading of the budget resolution. It is anticipated that City Council may make additional recommendations at the November 14th Public Hearing and then this EXHIBIT A will be revised for the 2nd and final hearing of the FY 2024 Budget Ordinance.

This Exhibit A includes:

- I. Revenues and departmental expenditures by Fund and in total for 2024 in a column labeled: "1st reading Proposed Budget 2024"
- II. Additional columns for Council approved adjustments upon the first reading and for the "Final Proposed Budget 2024" to be included with the 2nd reading of the FY 2024 Budget Ordinance.

EXHIBIT A I.

	1st Reading Proposed Budget 2024	1st Reading Adjustments	Final Proposed Budget 2024
<u>GENERAL FUND</u>			
<u>Revenue</u>			
Property Taxes	\$ 5,060,000	-	-
Specific Ownership Tax	310,000	-	-
Sales Tax	17,850,000	-	-
Use Tax	1,900,000	-	-
Franchise Tax	1,805,500	-	-
Licenses And Permits	178,100	-	-
Intergovernmental Revenue	2,662,219	-	-
Charges For Services	1,423,432	-	-
Fines And Court Costs	495,300	-	-
Interest Income	475,000	-	-
Miscellaneous	360,299	-	-
Transfer From Other Funds	1,593,605	-	-
Capital Lease Proceeds	192,271	-	-
Total Revenues	34,305,726	-	-
<u>Expense by Department</u>			
City Council	80,030	-	-
Court	236,485	-	-
Economic Development	3,458,649	-	-
Administration	2,627,528	-	-
Technology Services	2,529,780	-	-
Planning	709,090	-	-
Public Works	644,790	-	-
Police	11,380,126	-	-
Fire	5,352,430	-	-
Communications	17,350	-	-
Streets	2,196,555	-	-
Building Maintenance	745,590	-	-
Neighborhood Services	626,827	-	-
Cemetery	34,750	-	-
Parks	1,062,821	-	-
Community Outreach	59,600	-	-
Recreation	433,335	-	-
Fleet	819,170	-	-
Debt Service	999,465	-	-
Transfer To Other Funds	-	-	-
Total Expenses	\$ 34,014,371	\$ -	\$ -
Revenue less Expenses	\$ 291,355	\$ -	\$ -
Increase (Decrease) in Unassigned Reserves	\$ 291,355	\$ -	\$ -

WATER FUND**Revenue and Other Financing Sources**

Operating Revenue	\$ 10,641,204	-	-
Investment Earnings	33,500	-	-
Development Proceeds	423,543	-	-
Intergovernmental Revenue	1,000,000	-	-
Other Operating Income	99,250	-	-
Total Revenue and Other Financing Sources	12,197,497	-	-

Expenditures

Salaries and Benefits	3,703,635	-	-
Materials and Supplies	742,025	-	-
Purchased Services	5,048,501	-	-
Fixed Charges	168,730	-	-
Transfers to Other Funds	542,145	-	-
Lease Expense	83,700	-	-
Capital Expenditures	1,409,741	-	-
Total Expenditures	\$ 11,698,477	-	-
Revenue less Expenses	\$ 499,020	-	-
Increase (Decrease) in Net Position Before Bond Principal and Depreciation	\$ 499,020	-	-

ELECTRIC FUND**Revenues and Other Financing Sources**

Charges for Service	28,657,392	-	-
Development Fees	115,000	-	-
Interest Income	50,000	-	-
Grants	2,025,404	-	-
Miscellaneous	472,300	-	-
Total Revenue and Other Financing Sources	31,320,096	-	-

Expenditures

Salaries and Benefits	7,024,560	-	-
Materials and Supplies	845,215	-	-
Purchased Services	21,246,367	-	-
Fixed Charges	367,110	-	-
Leases	162,226	-	-
Transfers to Other Funds	850,660	-	-
Capital Expenditures	1,242,407	-	-
Total Expenditures	\$ 31,738,545	-	-
Revenue less Expenses	\$ (418,449)	-	-
Increase (Decrease) in Net Position Before Bond Principal and Depreciation	\$ (418,449)	-	-

	2024 Forecast	2024 Proposed	1st Reading	Final Proposed	Transfer
	Revenue	Expenses	Adjustments	Budget 2024	To (From) Reserves
-					
Ambulance	\$ 2,354,000	\$ 2,591,555	\$ -	\$ -	\$ (237,555)
Drainage	51,290	200,000	0	0	(148,710)
Conservation Trust	313,150	348,800	0	0	(35,650)
Heritage Maint. Dist.	136,000	269,000	0	0	(133,000)
Volunteer Fire	1,500	0	0	0	1,500
GID # 1	217,000	0	0	0	217,000
GID # 2	177,000	0	0	0	177,000
Insurance	4,421,000	5,277,300	0	0	(856,300)
Vol. Fire Pension	15,000	22,800	0	0	(7,800)
Public Transportation	1,450,000	1,699,838	0	0	(249,838)
Street Resurfacing	835,000	763,000	0	0	72,000
Street Capital Improvements	15,000	0	0	0	15,000
Total All Other Funds	\$9,985,940	\$11,172,293	\$0	\$0	(\$1,186,353)
				0	
Grand Total All Funds	\$87,809,259	\$88,623,686	\$0	\$0	(\$814,427)



Regular City Council Meeting

GID1 –A
Fountain GID No. 1 2024 Budget

November 14, 2023

Summary Information

Title:
PUBLIC HEARING AND RESOLUTION 23-055GID NO. 1 ADOPTING A BUDGET FOR FOUNTAIN GENERAL IMPROVEMENT DISTRICT NO. 1 FOR FISCAL YEAR (FY) 2024, ASSESSING A LEVY ON TAXABLE PROPERTY, AND PROVIDING FOR CERTIFYING A LEVY TO EL PASO COUNTY.

Initiator: John Lewis, Finance Director	<input checked="" type="checkbox"/> Council Action
Presenter: John Lewis, Finance Director, Shawna Dail, Deputy Finance Director	<input type="checkbox"/> Council Information
Legal Review: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Report to Council

Summary Overview and List of Attachments:
Open the Public Hearing; the Resolution approves a 2024 budget, assesses a levy of 12 mills on property, and directs the City Clerk to certify the mill levy to El Paso County for GID #1.

Attachment: Resolution 23-055GID No. 1

Background Information

In September 2007 Council, established the Fountain General Improvement District No. 1 consisting of land annexed after the District was formed and property already in the City if a petition by the owners to join the District is approved.

The District was created to provide capital assets necessary because of growth in areas annexed into the City. The first \$1.7 million generated by the District, increased by 6 percent annually, must be used for “life safety improvements,” which means, generally, fire and police stations and related capital equipment. Additional revenue can be used for other purposes. Under the enabling GID statute, the City Council sits as the *ex officio* Board of Directors of the District.

The District can collect tax revenue in 2024 if the Board has a public hearing, adopts a budget, assesses a mill levy on taxable property, and assures that the mill levy is certified to El Paso County no later than December 15, 2023. The proposed resolution provides for all three of those actions.

The budget in Attachment 1 presents the actual revenue for 2021 and 2022, the 2023 proposed budget, and the proposed FY 2024 budget that may be appropriated by Council. This information is presented to comply with the Local Government Budget Law of Colorado, 29-1-103, C.R.S.
No expenditures are contemplated in 2024.

Recommendation

Approval of the attached Resolution No 23-055GID 1.

Proposed Motion

“I move to approve Resolution No. 23-055GID 1.”



RESOLUTION 23-055GID1

A RESOLUTION ADOPTING A BUDGET FOR FOUNTAIN GENERAL IMPROVEMENT DISTRICT NO. 1 FOR FISCAL YEAR (FY) 2024, ASSESSING A LEVY ON TAXABLE PROPERTY, AND PROVIDING FOR CERTIFYING A LEVY TO EI PASO COUNTY

WHEREAS, the City Manager prepared a proposed budget for fiscal year 2024 for the Fountain General Improvement District No.1 (District); and

WHEREAS, notice of a public hearing to be held on November 14, 2023 City Council in its capacity as Ex Officio Board of Directors of the District was published according to law and the notice stated that the proposed budget was available for inspection in the office of the City Clerk as Ex Officio Secretary of the District and that interested electors of the District could file objections to the proposed budget; and

WHEREAS, the City Council in its capacity as Ex Officio Board of Directors of the District held a public hearing on November 14th, 2023 to consider adoption of the FY 2024 budget; and

WHEREAS, the budget provides for proposed expenditures that are not in excess of anticipated revenues and existing reserves, as required by 29-1-103, C.R.S.; and

WHEREAS, the establishing ordinance authorizes a levy on taxable property not to exceed 12 mills; and

WHEREAS, the City Council in its capacity as Ex Officio Board of Directors of the District approves the annual budget for the District for FY 2024.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL IN ITS CAPACITY AS EX OFFICIO BOARD OF DIRECTORS OF THE DISTRICT:

1. The budget for FY 2024, as set forth in Attachment 1, is adopted.
2. A levy of 12 mills on all taxable property within the District is assessed for collection in 2024 and the City Clerk, as Ex Officio Secretary of the District, is authorized and directed to certify that levy to the Board of County Commissioners for El Paso County Colorado on or before December 15, 2023.

3. The Mayor, in her capacity as Ex Officio Presiding Officer of the District, is authorized to sign this Resolution on behalf of the District.

4. This Resolution shall be of full force and effect after its approval by the City Council in its capacity as Ex Officio Board of Directors of the District.

Done this 14th day of November, 2023.

CITY OF FOUNTAIN, COLORADO

Mayor as Ex Officio Presiding Officer of
the District

ATTEST:

City Clerk as Ex Officio Secretary of
the District

Attachment 1

	2021 ACTUAL	2022 ACTUAL	2023 Proposed Budget	2024 Proposed Budget
PROPERTY TAXES	78,982	169,621	150,000	184,000
SPECIFIC OWNERSHIP TAX	12,444	13,973	12,000	13,000
INTEREST INCOME	466	3,943	3,000	20,000
TOTAL REVENUES	91,892	187,537	165,000	217,000
EXPENSES	-	-	-	-
TOTAL	-	-	-	-
Revenues less (-)Expenses	91,892	187,537	165,000	217,000
BEGINNING FUND BALANCE	911,561	1,003,453	1,190,990	1,355,990
ENDING FUND BALANCE	1,003,453	1,190,990	1,355,990	1,572,990



Regular City Council Meeting

GID2 –A
Fountain GID No. 2 2024 Budget

November 14, 2023

Summary Information

Title:

PUBLIC HEARING AND RESOLUTION NO. 23-056GID2, A RESOLUTION ADOPTING A BUDGET FOR FOUNTAIN GENERAL IMPROVEMENT DISTRICT NO. 2 FOR FISCAL YEAR (FY) 2024 ASSESSING A LEVY ON TAXABLE PROPERTY, AND PROVIDING FOR CERTIFYING A LEVY TO EL PASO COUNTY

Initiator : John Lewis, Finance Director

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

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

Open the Public Hearing; the Resolution approves a 2024 budget, assesses a levy of 10 mills on property, and directs the City Clerk to certify the mill levy to El Paso County for GID #2.

Attachment: Resolution 23-056GID2

Background Information

In August 2012 Council approved an ordinance establishing the Fountain General Improvement District No. 2. The purpose of the District is to transfer some of the costs of developing property to the District. To achieve this purpose, Council approved an ordinance that would exempt property in the District from: (1) the City’s service expansion fee, (2) twenty percent of the water tap fee, (3) the plot plan review fee, and (4) the Residential Construction Evaluation Study Surcharge. The establishing ordinance authorized a levy of up to ten mills on property and ratified a TABOR election. Under the enabling GID statute, Council sits as the *ex officio* Board of Directors of the District.

The District can collect property tax revenue in FY 2024 if the Board has a public hearing, adopts a budget, assess a mill levy on taxable property, and assures that the mill levy is certified to El Paso County not later than December 15, 2023. The proposed resolution provides for all of these actions.

The budget in Attachment 1 presents the actual revenue and expenses for 2021 and 2022, the FY 2023 budget, and the proposed FY 2024 budget. This information is presented to comply with the Local Government Budget Law of Colorado, 29-1-103, C.R.S.

No expenditures are contemplated in 2024.

Recommendation

Approval of the attached Resolution No. 23-056GID2.

Proposed Motion

“I move approval of Resolution 23-056GID2.”



RESOLUTION 23-056GID2

A RESOLUTION ADOPTING A BUDGET FOR FOUNTAIN GENERAL IMPROVEMENT DISTRICT NO. 2 FOR FISCAL YEAR (FY) 2024, ASSESSING A LEVY ON TAXABLE PROPERTY, AND PROVIDING FOR CERTIFYING A LEVY TO EL PASO COUNTY

WHEREAS, the City Manager prepared a proposed budget for fiscal year 2024 for the Fountain General Improvement District No.2 (District); and

WHEREAS, notice of a public hearing to be held on November 14th, 2023 by City Council in its capacity as Ex Officio Board of Directors of the District was published according to law and the notice stated that the proposed budget was available for inspection in the office of the City Clerk as Ex Officio Secretary of the District and that interested electors of the District could file objections to the proposed budget; and

WHEREAS, the City Council in its capacity as Ex Officio Board of Directors of the District held a public hearing on November 14th, 2023 to consider adoption of the FY 2024 budget; and

WHEREAS, the budget provides for proposed expenditures that are not in excess of anticipated revenues and existing reserves, as required by 29-1-103, C.R.S.; and

WHEREAS, the establishing ordinance authorizes a levy on taxable property not to exceed 10 mills; and

WHEREAS, the City Council in its capacity as Ex Officio Board of Directors of the District approves the annual budget for the District for FY 2024.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL IN ITS CAPACITY AS EX OFFICIO BOARD OF DIRECTORS OF THE DISTRICT:

1. The budget for FY 2024, as set forth in Attachment 1, is adopted.
2. A levy of 10 mills on all taxable property within the District is assessed for collection in 2024 and the City Clerk, as Ex Officio Secretary of the District, is authorized and directed to certify that levy to the Board of County Commissioners for El Paso County Colorado on or before December 15, 2023.

3. The Mayor, in her capacity as Ex Officio Presiding Officer of the District, is authorized to sign this Resolution on behalf of the District.
4. This Resolution shall be in full force and effect after its approval by the City Council in its capacity as Ex Officio Board of Directors of the District.

Done this 14th day of November, 2023.

CITY OF FOUNTAIN, COLORADO

Mayor as Ex Officio Presiding Officer of
the District

ATTEST:

City Clerk as Ex Officio Secretary of
the District

Attachment 1

			2023 Proposed Budget	2024 Proposed Budget
REVENUES	2021 ACTUAL	2022 ACTUAL		
PROPERTY TAXES	95,476	126,552	126,000	148,000
SPECIFIC OWNERSHIP TAX	11,377	13,008	8,000	9,000
INTEREST INCOME	661	3,075	2,000	20,000
TOTAL REVENUES	107,514	142,635	136,000	177,000
EXPENSES	-	-	-	-
TOTAL	-	-	-	-
Revenues less (-)Expenses	107,514	142,635	136,000	177,000
BEGINNING FUND BALANCE	30,998	138,512	281,147	417,147
ENDING FUND BALANCE	138,512	281,147	417,147	594,147

Economic Development Commission
August 14, 2023

General Meeting Minutes

(COVID Social Distancing Protocols and Unvaccinated Masks in Effect)

Commissioner Flowers called a regular monthly meeting of the Economic Development Commission to order at 5:33 pm. Commissioners present included Vice Chair (VC) Dan Osinski, Mercedes Davis, and Terrence Diaz. Staff in attendance included, Economic Development Director (EDD) Kimberly Bailey and Economic Development Specialist (EDS) Nate Shull.

APPROVAL OF MINUTES

Commissioner Flowers presented for approval the June 12, 2023 meeting minutes. Commissioner Davis motioned for approval, seconded by Diaz, and passed unanimously by the board.

NEW ITEMS

Renew EDC Welcome Letter per Business District

EDD Bailey explained the purpose and intent of the department's welcome letter relative to prospective commercial development within the city's five business district corridors. The education welcome letter, per business district, is an item that needs to be reviewed for current standards of development intent with a rebound in commercial development activity in light of a transitioning COVID economic recovery; as the letters are disseminated via the City Planning department. She referenced tonight's sample is specific to the Olde Town district. Commissioner Flowers tabled the matter for further review and discussion at the September EDC meeting, due to no follow up questions of engagement and/or a lack of full attendance during the August EDC.

UPDATES

Development Updates

EDD Bailey shared an update on the traffic signal under construction at the intersection of Marksheffel Rd and Mesa Ridge Parkway, clarifying that the project is under El Paso County jurisdiction and currently no activation date has been announced. Per City Streets department, El Paso County is expected to issue a courtesy notice or press release regarding the signalization date.

EDD Bailey then introduced a site schematic of the upcoming roadwork to commence at the Indiana Ave/ Illinois Ave/ HWY US85/ and BNSF railroad crossing zone, located in the Olde Town district. A City Public Works presentation packet was shared which emphasized the complexity of the project and its numerous stakeholders/partners under the Moving Fountain Forward, Quiet Zone initiative. She noted the significance of this project per the Olde Town Revitalization Plan as a critical piece for continuity with future economic development and Olde Town District efforts. EDS Shull mentioned that a neighborhood informational meeting will be held on Thursday, August 17 to provide further details on the project and to answer any questions from the public.

EDD Bailey provided a brief overview of commercial business development transpiring within the City. The Watermark Apartments at Mesa Ridge has begun grading and roadwork with an aerial view photo shared, noting specific road closures around the area. Tropical Smoothie Café is completing interior tenant finishes and PPRBD permitting within the former liquor store footprint in the Mesa Ridge Shopping Center, while Luchals Restaurant is backfilling the former Sarge's Grill within the N. HWY 85/87 and Fontaine Blvd location.

EPA Brownfield Coalition Partners Grant

EDD Bailey provided a recap of the due-diligence site assessments achieved through the 3YR EPA Brownfield Coalition Assessment Grant; whereby noting the various public and private site participants which received either technical assistance, environmental testing, and/or clean up reporting. She referenced a geographic location map of all sites, stating all funds have been appropriated with final reporting being coordinated with the Stantec Consultant and Colorado Springs Administration teams to close out the 3YR grant program by the end of September 2023.

COMMISSIONER COMMENTARY TIME

Olde Town

- Davis noted her positive takeaways from the August 4th Small Business Recognition and Celebration event, including the presence of multiple business representatives (particularly women/minority owned), strong communication material graphics, and an insightful recap of ongoing projects within the Olde Town district
- Flowers piggybacked on the event's success and supported future networking events within the district.

Small Business Advocacy

- Flowers mentioned the upcoming Chamber-run Fall Festival themed "Blues-n-BBQ" event. He noted that the Chamber is putting together a panel of politicians to come speak to its membership as part of a lunch-and-learn at the Fall Festival.

Business Development/Policy

- VC Osinski explained he is working to get a meeting scheduled with new Colorado Springs Mayor Yemi Mobalade to talk business development and policy at the regional perspective.

Real Estate Market

- VC Osinski mentioned interest rates are still rather high and thus home inventory saw a slight uptick (as people aren't buying as many homes). Overall, there is more optimism within the real estate field going into the final quarter of this year with a large influx of new rental units coming online which may soften demand.

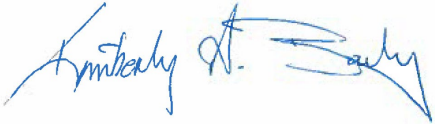
Military

- James mentioned the Air Force Academy's welcome back ceremony for its cadets hosted by the Chaplin Corps. He also noted the Air Force's recent budget cuts which have negatively impacted its staff capacities and have resulted in paycheck delays.
- EDS Shull noted his takeaways from the recent CSCEDC event gathering to celebrate the announcement of Space Command in the region, including the positive economic impact that it will have on both primary and secondary employment within the region.

ANNOUNCEMENTS

- PPACG 2050 Long Range TMP– [Public Survey](#)
- Neighborhood informational meeting - Indiana Avenue & BNSF Crossing Improvements
 - Thu, Aug 17, 6:00 PM – 7:30 PM Fountain City Hall Council Chambers
- Upcoming Community Events
 - Sept 4 – Labor Day Festival "Blues and BBQ"
 - Sept 19 – Community Night in the Park, Metcalfe Park 4-7pm
 - Sept 30 – Sun, Oct 8 – Creek Week CleanUp
- Future Guest Speakers
 - September 11th: Phil Martinez, Executive Director, American Red Cross Colorado Springs/Southeastern Colorado - Ready Rating Business Continuity Program
 - November 13th: Brandon Eldridge, Executive Director, Pikes Peak Small Business Development Center
 - February 12th: Alli Schuch, Executive Director, Fountain Creek Watershed District
- S. Powers Blvd Extension Project, final disclosure reporting (*FALL 2023*)

VC Chair Osinski asked if there was further business. No further topics were brought forth by subsequent board members; therefore, Flowers motioned to adjourn, seconded by Davis, passed unanimously at 6:18pm.

Handwritten signature in blue ink that reads "Kimberly A. Bailey".

Kimberly Bailey

09/11/23

Date

**Economic Development Commission
September 11, 2023**

General Meeting Minutes

(COVID Social Distancing Protocols and Unvaccinated Masks in Effect)

Chair Small called a regular monthly meeting of the Economic Development Commission to order at 5:31 pm. Commissioners present included Vice Chair (VC) Dan Osinski, James Flowers, Wandaleen Thomas, and Phyllis Baez. Staff in attendance included, Economic Development Director (EDD) Kimberly Bailey and Economic Development Specialist (EDS) Nate Shull.

APPROVAL OF MINUTES

Chair Small presented for approval the August 14, 2023 meeting minutes. Commissioner Thomas motioned for approval, seconded by Commissioner Flowers, and passed unanimously by the board.

INTRODUCTIONS

Phil Martinez, Executive Director, American Red Cross Colorado Springs/Southeastern Colorado - Ready Rating Business Continuity Program

EDS Shull stated that Mr. Martinez would not be giving a presentation as planned due to his deployment to Florida to assist in field recovery efforts in the aftermath of hurricane Idalia. The presentation will be rescheduled for a future EDC meeting date with more details to follow.

OLD ITEMS

Renew EDC Welcome Letter per Business District

EDS Shull explained the purpose and intent of the department's welcome letter relative to prospective commercial development within the city's various business district corridors, citing Old Town District as the letter of example being presented. EDD Bailey clarified the measure was implemented pre-COVID, during the Welch and Downing chairman eras as an educational tool and messaging to developer interest in the City. Staff asked the board to provide feedback.

- VC Osinski noted that while informative the letter is too text heavy and lacks visuals. He recommended simplifying the content and adding some images. Chair Small concurred with VC Osinski's perspective.
- Flowers suggested incorporating language around outside organizational support for business corridor revitalization (e.g. Chamber of Commerce).

EDS Shull offered to revise the letter per the feedback received and present at a subsequent EDC meeting.

NEW ITEMS

Arts Month 2023

EDS Shull provided a background on the 3-year history of the Arts Month program in the City. ArtsMonth is a legacy program hosted by the Cultural Office of the Pikes Peak Region (COPPeR) and under the guidance of its new Executive Director Angela Seals, the program's offering of direct funding has been discontinued as of 2023 program; whereby the EDC would provide a match of funding for the City of Fountain. EDD Bailey elaborated the program is now being chaired by the Fountain Up's non-profit association and requested if the EDC board may match up to \$500 as originally planned and budgeted towards the community's arts enrichment for the Olde Town business corridor.

Chair Small noted that as long as these funds were already budgeted for 2023 and a need is still demonstrated, he echoed continued support by the EDC; all other Commissioners present expressed a shared consensus.

EDD Bailey noted that staff will proceed accordingly and report back as needed with the EDC on this October host month program.

Proposition 123 – Affordable Housing Financing Program

EDS Shull introduced Proposition 123, the state’s most recent adopted legislative program. As noted the language of the Proposition, the program allocates 0.1% of state income tax revenue to affordable housing programs that may be offered to eligible entities throughout Colorado. 40% of funds go to Department of Local Affairs (DOLA)/Department of Housing (DOH) and 60% go to Office of Economic Development and International Trade (OEDIT)/Colorado Housing and Finance Authority (CHFA). DOLA administers the affordable housing support fund, which includes funding for home ownership, homelessness, and local government planning grants, while OEDIT administers the affordable housing financing fund, which includes funding for land banking, equity, and concessionary debt.

EDS Shull clarified that the funding for this program is apportioned in 3-year cycles, the first tranche being between 2024 and 2026. In order for eligible entities to receive funding, a local government must first “opt in” (a.k.a file for commitment) with DOLA which includes establishing a baseline number of affordable housing units for the specific jurisdiction from which 9% (of those units) must be achieved within 3 years. EDD Bailey explained that the EcoDev department is not traditionally tasked with housing measures, but has been requested to chair this assignment to evaluate the program at the City level and to work with City Planning and the Fountain Housing Authority; whereby to present an opt-in conditions of recommendation as to the program’s six tiers of funding which may aid future affordable residential development potential and the direct correlation between household rooftops and business development attraction.

Chair Small inquired as to the EDC’s role moving forward, to request further explanation. ED Bailey noted that based on further staff due diligence assessment of the Prop 123 program, there would be further in-house discussion with City Planning Department and the City Manager as to a final baseline estimate and a recommendation of findings. ED may present to City Council the opt-in determination of the program; and if a favorable recommendation is given, an EDC Letter of Support may accompany a formal resolution with the City. She prefaced that staff will come back in the October meeting to present the baseline findings and recommendation for final review with the EDC on this matter.

Update to D13 Strategic Objective

EDD Bailey presented the department’s request to reallocate funding dedicated under Strategic Objective D13 to a new recommended Strategic Objective, D15. Strategic Objective D13 tasked the department to complete an update to the City Economic Development Strategic Plan. While the objective is still in high regard to complete, it is unable to be accomplished based on the lack of completion of precursor actions that must first transpire, among which include: lack of an updated Comprehensive Land Use Development Plan, lack of a completed regional Comprehensive Economic Development Strategy (CEDS), and a lack of additional funding allocation by City Council to cover the full cost of a Plan revision. As such, EDD Bailey will be presenting an opportunity to City Council whereby requesting a substitution to implement Strategic Objective D15 which would apportion those funds to the development of a Wayfinding, Signage, and Branding Campaign to support the business community corridors of the City. She provided further detail of the goals and objectives of D15 recommendation and asked the EDC to share their voice of support (or opposition) and to present any questions or concerns.

The Commissioners expressed a unanimous voice of support and overall beneficial value that the Campaign will bear forth on behalf of the business community corridors with regards to the recommendation of action in 2024. ED Bailey thanked the Commissioners and will report back on the City Council determination of the request D15 Strategic Objective.

UPDATES

UCCS Economic Forum Recap

EDS Shull relayed highlights from the UCCS Economic Forum event which transpired on September 7, to which he and VC Osinski attended. Highlight topics from the event included: Global and national economic outlook, southeastern

Colorado economic outlook, regional partnership economic programming, and affordable housing. Key speakers included: Eve Lieberman, Executive Director of OEDIT, and Bill Craighead, Ph.D, Director for UCCS College of Business.

Monthly Economic Dashboard Report (August)

EDS Shull referenced two Economic Dashboard reports for August, as furnished by the data providers UCCS College of Business and Data Driven Economic Strategies (DDES). He noted that much of the content in the former report was abridged and had been provided in greater detail by Dr. Craighead at the UCCS Economic Forum. Chair Harville mentioned the need to pay attention to the Federal Government’s adjustment to interest rates in the coming months.

Woodman Hall Phase III construction

EDD Bailey shared a presentation on the status of the historic 1905 Woodman Hall renovation activities to be provided by FURA during the September 12 City Council public meeting. Content highlights included: the timeline of the building’s historic and adaptive reuse, the site and building improvements conducted since purchase by the Fountain Urban Renewal Authority in 2018, the multiple community engagement efforts with various city and partner stakeholders, and the future objectives/next steps towards tenant fulfillment of the first and second floors. She concluded by detailing the third phase of work on the property which is to commence in the next few weeks and continue through February, 2024.

EDS Shull followed by mentioning the department’s pursuance of an equity capital campaign application as eligible to public entities under the Pikes Peak Enterprise Zone Contribution Project program to co-fund additional interior and exterior improvements beyond the latest scope of work. The application is due to El Paso County administration by November for the State of Colorado’s EDC review approval in January 2024.

COMMISSIONER COMMENTARY TIME

Olde Town

- Thomas mentioned concerns expressed from the public for properties in Olde Town that have overgrown weeds.
- Thomas shared that she had put an offer down and will soon be closing on 102 N. Santa Fe as the new location for her business, WT Military Cuts.

Small Business Advocacy

- James noted how successful the Fall Festival/ “Blues-n-BBQ” event turned out and thanked all businesses who signed up and partook in the event.
- James mentioned the restructuring taking place around the Fountain Chamber of Commerce.

Business Development/Policy

- N/A at this time

Real Estate Market

- N/A at this time; as general commentary was shared during the UCCS Economic Forum item.

Military

- Baez shared the Fort Carson Prescribed Burn Announcement as previously distributed via email.

ANNOUNCEMENTS

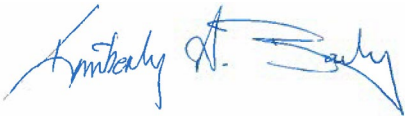
- Upcoming Community Events
 - Sept 7 – UCCS Economic Forum, Ent Center for the Arts
 - Sept 19 – Community Night in the Park, Metcalfe Park
 - Sept 30 – Sun, Oct 8 – Creek Week CleanUp, Locations TBD

- Oct 13 – Nightmare on Main Street / Oh My Gourd!, the Lawn at City Hall
- I. Nov 7 – [PPRTA Ballot Measure](#)

EDD Bailey shared that City Council may motion to place proposed ballot language of the request for Fountain to join the Pikes Peak Rural Transportation Authority (PPRTA) on this upcoming November ballot. She referenced a map identifying the boundaries of the PPRTA and the exclusion areas which collect the tax but lacks equitable representation and tax collections back to the City. She explained once a measure is approved by City Council that individuals must be directed to the City’s educational PPRTA website page to gain further understanding of the ballot measure and that City staff and Boards of Commissions are precluded from advertising or eliciting advice on the subject matter.

VC Osinski mentioned a small business opportunity to participate in a “Give Back Community” Podcast hosting through his business relationships. If anyone is interested to learn more to please contact him directly for more information.

Chair Small asked if there was further business. No further topics were brought forth by subsequent board members; therefore, Thomas motioned to adjourn, seconded by Flowers, passed unanimously at 6:58 pm.



Kimberly Bailey

10/09/23

Date