



**CITY COUNCIL AGENDA**  
**November 28, 2023, 6:00 P.M.**  
**116 Main St., Fountain**  
**Register to attend virtually @**  
**[www.fountaincolorado.org](http://www.fountaincolorado.org)**

- 1) **Call to Order**
- 2) **Pledge of Allegiance**
- 3) **Roll Call**
- 4.1) **Presentations**
  - Kingdom Builders Family Life Center (Lisa Jenkins, Founder/CEO) 15 minutes
  - Just Serve volunteer service options (Tamara Farris) 10 minute (PPT presentation)
- 4.2) **Board/Commission/Committee**
  - Appointment of Steven Foster and Reappointment of Bryan Johnson to the Personnel Grievance 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 November 14, 2023, City Council Meeting Minutes (S. Huffman)
- 8) **Old Business**
  - A. Second 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.)
- 9) **New Business**
  - A. Consideration Of Items Removed From The Consent Agenda

**B.** Resolution 23-057, Resolution To Approve Mutual Termination Of A Second Amended And Restated Intergovernmental Agreement Regarding The El Paso County Emergency Services Authority By And Between El Paso County, Colorado, And The City Of Fountain, Colorado (T. Johnson)

**10) City Council Agenda Requests**

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

**11) Announcement of Executive Sessions**

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

**NEXT REGULAR COUNCIL MEETING  
December 12, 2023**



# Regular City Council Meeting

## Appointment – 4B

Personnel Grievance Board  
appointments

November 28, 2023

### Summary Information

Title:

**Appointment of Steven Foster and Reappointment of Bryan Johnson to the Personnel Grievance Board**

Initiator : Silvia Huffman, City Clerk

Presenter: Silvia Huffman, City Clerk

Legal Review:  Yes  No

Council Action

Council Information

Report to Council

#### Summary Overview and List of Attachments:

The City Clerk has received 1 application for 1 regular position on the Personnel Grievance Board.

A Personnel Grievance Board member and an alternate member shall be appointed by the City Council. Whenever there are no members of the Personnel Board, the terms of the newly appointed members shall be one, two, and three years, respectively, and thereafter as terms expire all appointments shall be made for three years. Both regular and alternate members shall be subject to removal from office for just cause by a majority vote of the City Council.

Staff recommends setting terms as follows:

Steve Foster– 1 Year Term

Bryan Johnson – 2 Year Term

Attachments: Applications

### Background Information

On May 22, 2012 City Council approved Ordinance No. 1568 on second reading. The Ordinance stated the City Council determines that it is appropriate modify Chapter 2.12 to assist in recruiting members for the City of Fountain Personnel Board, to provide for staggered terms for the City of Fountain Personnel Board

### Recommendation

Approve appointment of Mr. Steve Foster and reappointment of Mr. Bryan Johnson to the Personnel Grievance Board.

### Proposed Motion



# Regular City Council Meeting

**Consent –7A**  
Council Meeting Minutes

**November 28, 2023**

## Summary Information

Title:

**APPROVAL OF THE NOVEMBER 14, 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 November 14, 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**  
**November 14, 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**

**4 (2) Board/Commission/Committee Appointments**

- **Appointment Of One Regular Member And One Alternate Member To The Park And Recreation Advisory Board (S. Huffman)**

Deputy City Clerk Carneal announced Member Clements has turned in his resignation from the Park and Recreation Advisory Board with a remaining 4 year term ending in June of 2026. She stated there were three applications received and all applicants are present at the meeting.

Mayor Thompson thanked Mr. Clements for his service to the Board. Applicants Keri Hosterman, and Tina O'Brian introduced themselves to the Council.

Council Member Hinton made a motion to appoint Ms. Hosterman to the remaining 4-year term on the Park and Recreation Advisory Board, seconded by Council Member Duncan. All members voted (6-1); the motion carried. Council Member Rick voting no.

**5) Correspondence, Comments and Ex-Officio Reports**

City Manager Trainor shared the great outcome of the Trunk or Treat and announced the upcoming Tree Lighting event.

Deputy City Manager Evans stated that Street Supervisor McDonald has secured a bridge grant for the storm damage. He shared that there is a required match that has not been budgeted. He will be coming before the Council for that request in the future.

Police Chief Cristiani stated that they will be appearing before a judge for Officer Becerra on November 15, 2023. He also attended the soft grand opening of the new Fountain Fort Carson High School (FFCHS) Arena and shared what a great facility it is.

Council Member Rick thanked all involved in the Veteran's Day event at the American Legion. He also acknowledged Public Information Officer Schneider, for keeping the Council and Citizens informed.

Mayor Pro Tem Estes also shared her attendance and appreciation for the Veteran's Day event. She stated that it was very well attended.

Council Member Duncan announced her attendance and gratitude for the Veteran's Day event. She also reminded everyone to shop small in our community for Small Business Saturday.

Mayor Thompson also attended the Veteran's Day Event, and the ribbon cutting for the FFCHS Arena. She thanked all the candidates that ran for open positions on the Council and congratulated those that won. She attended the PPACG meeting and reported that we will be hearing more about the Pikes Peak Passenger Rail that was created approximately 3 years ago by a ballot measure. She stated that there could be a tax initiative on the ballot next fall. She is aware of the number of trains and traffic this could bring to our city. She continues to express the concerns that it will bring to our city.

## **6) Public to be Heard**

Al Stovall, resident, inquired about the decorating for Christmas before Thanksgiving. Mayor Thompson explained that the annual tree lighting event is traditionally the Friday before Thanksgiving, so it is in preparation for that.

Rick Clements, resident, expressed his concerns with the failure of the ballot measure for joining Pikes Peak Rural Transportation Authority (PPRTA) and the money we are giving away. He sees where we do not want to raise our taxes but why are willing to give away what we do collect.

John Langley, American Legion 38, shared about the Veteran's Day event and thanked all involved. He also announced the upcoming events at the Legion that are open to the public.

Steve Foster, resident, inquired about the next steps moving forward after the PPRTA ballot question failed.

Jerry Schramek, resident, stated that the roads need repairs and PPRTA should continue to be sought after.

## **7) Consent Agenda**

- 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)**

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

## **8) Old Business**

**A. Discussion Of Amendments To Ordinance 1739 For Public To Be Heard Speaking Time. (Council Member Duncan est.5 Min)**

Council Member Duncan requested a discussion on the speaking time limit for Public to Be Heard. Council Members expressed their stand on increasing the time from 3 minutes to 5 minutes.

**9) New Business**

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

There were no items removed.

**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.)**

City Attorney Johnson explained the request was made and discussion was just held under Old Business to consider the speaking time limit for Public To Be Heard from 3 minutes to 5 minutes. He explained that this would be a change to the City Code.

Mayor Thompson read the Ordinance into the record.

Al Lender, resident, stated that the agenda does not state that a person must complete a card prior to speaking.

Council Member Rick made a motion to approve Ordinance 1795 on first reading, seconded by Council Member Hinton. All members voted (6-1); the motion carried. Council Member Applegate voting no.

**B. 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.**

Deputy City Manager Evans reported that the Indiana Avenue project has been in the making from the 2009 Moving Fountain Forward initiative. He shared after completing a two-bid process, Native Sun Construction has been chosen to construct the intersection from Highway 85/87 to Old Pueblo Road to include a lighted intersection at Indiana and highway 85/87. The plans have been reviewed and approved by the Colorado Department Of Transportation (CDOT) and the Federal Highway Administration because Highway 85/87 is a state highway. He stated that most funds to construct are coming from grants.

Mayor Thompson clarified that some refer to Moving Fountain Forward as the quiet zone, and that the funds from that initiative did not have enough to cover the cost and that the cost has greatly increased.

Residents asked for clarification on traffic flow from the interstate, and the decision to close the crossing on Illinois Ave. Mr. Evans explained that the intent is to make traffic flow to the south smoother without going all the way through town. He also explained that the railroad gets to decide where traffic crosses their property and tracks.

Council Member Rick stated that closing Illinois Avenue will minimize the traffic in front of the school.

Council Member Applegate explained that the initiative was very specific on the projects the monies could be spent on.

Council Member Cory confirmed that the installation of the lighted intersection would be overseen by CDOT and improve the safety of that intersection.

Council Member Duncan asked to add the ballot measure to the website and the timeline that got us to this point for the citizens. Mr. Evens confirmed that it is on our social media and will move to the forefront for the public.

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

**C. 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.**

Deputy City Manager Evans explained any new road work being done in our city requires a geotechnical engineer for the project inspecting their work throughout the completion. We are making every effort that we can to complete better roads, and this is a cost to the developer. Wilson and Company has been selected and is as our voice on the Indiana Avenue project.

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

**D. Public Hearing And First Reading Of Ordinance No 1796 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.)**

Deputy Finance Director Dail stated all required publication for the public hearing have been met. The City has developed and proposed the Fiscal Year 2024 budget as part of the two year 2023-2024 biennial budget. The following initial proposed budget includes revenues and departmental expenditures by Fund and in total for 2024. She reviewed each fund and shared anticipated projections and expenditures.

Mayor Thompson gave an update on the legislative process of the bill in discussion.

City Manager Trainor stated that the second reading would be at the December 12, 2023 meeting.

Connie Wisenhunt, resident inquired about the community outreach that was referenced. Utility Director Blankenship shared about the Lighten the Load program and invited Ms. Wisenhunt to visit with him for more details.

Michael Brower, resident, asked if past and present budgets could be accessed. Mr. Trainor explained that they are available on our website, but they are not very interactive, and we are working on a new program to help correct this.

Council Member Applegate made a motion to approve Ordinance 1796 on first reading, seconded by Council Member Duncan. All members voted yes (7-0); the motion carried.

**10) City Council Agenda Requests**

Council Member Rick requested a discussion on how to move forward with the road funding and agreed to add it to the first meeting in December.

Council Member Duncan requested a presentation for Kingdom Builder Family Life Center.



Council Member Hinton requested a presentation for Just Serve.

**11) Announcement of Executive Sessions**

Deputy City Clerk Carneal 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)(b) for the purpose of receiving legal advice on specific legal questions.

Council Member Hinton made a motion to hold the executive sessions as requested, seconded by Council Member Rick. All members voted yes (7-0); the motion carried.

**12) Adjourn**

There being no further business, Mayor Thompson declared the meeting adjourned at 7:35 P.M.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor



# Regular City Council Meeting

## Old Business -8A

Ordinance No. 1795

November 28, 2023

### Summary Information

Title:

**SECOND 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

Council Action

Presenter: Troy Johnson, City Attorney

Council Information

Legal Review:  Yes  No

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 Second 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 14<sup>th</sup> day of November, 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.

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Sharon Thompson, Mayor

ATTEST:

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Joney Carneal, Deputy City Clerk

Introduced, read by title, and passed on second and final reading on the 28<sup>th</sup> day of November, 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.

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Sharon Thompson, Mayor

ATTEST:

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Joney Carneal, Deputy City Clerk



# Regular City Council Meeting

## New Business –9A

Items removed from Consent Agenda

November 28, 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

ESA Dissolution

November 28, 2023

### Summary Information

Title:

**RESOLUTION 23-057, A RESOLUTION TO APPROVE MUTUAL TERMINATION OF A SECOND AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT REGARDING THE EL PASO COUNTY EMERGENCY SERVICES AUTHORITY BY AND BETWEEN EL PASO COUNTY, COLORADO, AND THE CITY OF FOUNTAIN, COLORADO**

Initiator: ESA Board

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 item is for City Council to formally approve dissolution of the El Paso County Emergency Services Authority ("ESA").

### Background Information

2018: El Paso County and Fountain enter into Resolution approving IGA regarding the El Paso County Emergency Services Authority.

August 21<sup>st</sup>, 2023: ESA Board approves Resolution 23-01, attached, recommending dissolution of the ESA.

Strategic Plan Priority (if applicable):

**Transportation Infrastructure**

**Telecommunications Technology and Capabilities.**

**Distribution of Public Safety Resources**

**Improve the Availability of Venues Which Support Community Activities**

### Recommendation

Staff recommends the approval of the resolution.

### Proposed Motion

"I move to approve Resolution 23-057."



**RESOLUTION 23-057**

**RESOLUTION TO APPROVE MUTUAL TERMINATION OF A SECOND AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT REGARDING THE EL PASO COUNTY EMERGENCY SERVICES AUTHORITY BY AND BETWEEN EL PASO COUNTY, COLORADO, AND THE CITY OF FOUNTAIN, COLORADO**

**WHEREAS**, Part 2 of Article 1 of Title 29, Colorado Revised Statutes encourages and authorizes governmental entities to enter into intergovernmental agreements and Section 12.1 of Article XII of the Fountain City Charter authorizes the City Council to enter into cooperative arrangements with governmental units, and

**WHEREAS**, the El Paso County Emergency Services Authority (“ESA”) exists by virtue of an intergovernmental agreement between El Paso County, State of Colorado, and the City of Fountain which currently operates under the Second Amended and Restated Intergovernmental Agreement Regarding the El Paso County Emergency Services Authority (the “IGA”) dated October 23, 2018, recorded in the El Paso County Clerk and Recorder’s Office at reception no. 219040938; and

**WHEREAS**, on August 21, 2023, the ESA approved ESA Resolution 23-01 which recommended dissolution of the ESA to both the City Council of the City of Fountain and to the El Paso County Board of County Commissioners and said Resolution is attached hereto as Exhibit A; and

**WHEREAS**, consistent with the ESA’s recommendations, the Board does now desire to approve a Mutual Termination Agreement to the IGA as set forth in Exhibit B.

**NOW, THEREFORE BE IT RESOLVED**, that the City Council of the City of Fountain does hereby approve the Mutual Termination Agreement attached.

**PASSED AND ADOPTED** by the City Council of the City of Fountain, Colorado, this 28<sup>th</sup> day of November 2023.

CITY OF FOUNTAIN, COLORADO

\_\_\_\_\_  
Sharon Thompson, Mayor

ATTEST:

\_\_\_\_\_  
Joney Carneal, Deputy City Clerk

**MUTUAL TERMINATION OF SECOND AMENDED AND RESTATED  
INTERGOVERNMENTAL AGREEMENT REGARDING THE EL PASO COUNTY  
EMERGENCY SERVICES AUTHORITY  
(BOCC Resolution 18-390)  
(Fountain Resolution 18-044)**

THIS MUTUAL TERMINATION AGREEMENT (“Termination Agreement”) is entered into by and between the CITY OF FOUNTAIN, a Colorado home rule city and municipal corporation (“Fountain”), and EL PASO COUNTY, STATE OF COLORADO (“County”), collectively referred to as the “Parties” with an effective date upon execution by both Parties.

**RECITALS**

WHEREAS, the El Paso County Emergency Services Authority (“ESA”) exists by virtue of an intergovernmental agreement between El Paso County, State of Colorado, and the City of Fountain which currently operates under the Second Amended and Restated Intergovernmental Agreement Regarding the El Paso County Emergency Services Authority (the “IGA”) dated October 23, 2018, recorded in the El Paso County Clerk and Recorder’s Office at reception no. 219040938; and

WHEREAS, the ESA, on August 21, 2023, passed ESA Resolution 23-01, which unanimously recommended dissolution of the ESA to both the City of Fountain and the El Paso County Board of County Commissioners; and

WHEREAS, the ESA staff desires to wind down the ESA by December of 2023 to more efficiently dissolve the agency with less potential costs; and

WHEREAS, pursuant to Article Eight of the IGA, the IGA may be terminated and the ESA may be dissolved; and

WHEREAS, the Parties desire to waive the unilateral six month written notice as set forth under Article 8.1(A), to the extent necessary, and instead desire to both express their intent that the IGA be terminated and the ESA be dissolved in accord with Article Eight of the IGA immediately.

NOW THEREFORE, in consideration of the aforementioned recitals, the Parties agree as follows:

1. That effective upon signature of both Parties to this Termination Agreement, the IGA shall be terminated and the ESA be dissolved in accord with Article Eight of the IGA.
2. That pursuant to Article 8.3 of the IGA, any assets contributed by the Parties shall be returned to the Party that contributed said asset, with any other assets not so claimed by Fountain to become property of the County.



3. That pursuant to Article 8.4 of the IGA, the ESA shall wind-up and liquidate any remaining assets of the ESA, and upon payment of any due and owing invoices, debts, and expenses, the remaining fund balance of the ESA shall be split evenly between the Parties.

EL PASO COUNTY, COLORADO

By: \_\_\_\_\_  
Cami Bremer, Chair  
Board of County Commissioners  
El Paso County

ATTEST:

By \_\_\_\_\_  
El Paso County Clerk and Recorder

CITY OF FOUNTAIN, COLORADO

By: \_\_\_\_\_  
Sharon Thompson, Mayor  
City of Fountain

ATTEST:

By: \_\_\_\_\_  
Fountain City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Steven Klaffky  
County Attorney's Office

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Troy Johnson  
City Attorney's Office

RESOLUTION NO. 23-01

EL PASO COUNTY EMERGENCY SERVICES AUTHORITY

**RESOLUTION TO RECOMMEND DISSOLUTION OF THE EL PASO COUNTY  
EMERGENCY SERVICES AUTHORITY**

WHEREAS, the El Paso County Emergency Services Authority (“ESA”) exists by virtue of an intergovernmental agreement between El Paso County, State of Colorado, and the City of Fountain which currently operates under the Second Amended and Restated Intergovernmental Agreement Regarding the El Paso County Emergency Services Authority (the “IGA”) dated October 23, 2018, recorded in the El Paso County Clerk and Recorder’s Office at reception no. 219040938; and

WHEREAS, the ESA recently approved a Mutual Termination with American Medical Response, Inc. (“AMR”) concerning the ESA’s existing contract with AMR for ground ambulance transport services; and

WHEREAS, El Paso County, Colorado will be the main contracting entity with AMR going forward which will provide continuous ground ambulatory transport services to certain unincorporated areas of El Paso County; and

WHEREAS, additionally, many fire districts which previously were reliant on the ESA have since began operating their own transport services, or have worked with other jurisdictions to provide such services, and have not relied primarily upon the ESA; and

WHEREAS, given these developments, the ESA Board supports dissolution of the ESA and recommends to the City Council of Fountain, and the Board of County Commissioners of El Paso County, that they mutually agree to terminate the IGA to wind down the ESA and ultimately dissolve it pursuant to the terms of the IGA.


NOW, THEREFORE BE IT RESOLVED, that the ESA Board hereby expresses its intent and recommendation to both El Paso County and the City of Fountain that the IGA be terminated, and the ESA be dissolved.

BE IT FURTHER RESOLVED, that the Pikes Peak Regional Office of Emergency Management, by and through its staff, is hereby delegated the authority on behalf of the Board to take any necessary actions to wind down the ESA, to include, but not be limited to, closing any bank accounts, closing insurance coverage, paying any outstanding invoices or debts, sending any appropriate notices, approval of final meeting minutes, and any audits, and that Mr. Ed Dills, as Chair to the ESA, by hereby appointed and authorized on behalf of the Board to sign and execute any necessary documents related thereto.

DONE THIS 21<sup>st</sup> day of August, 2023, at Colorado Springs, Colorado.

ATTEST:

EL PASO COUNTY EMERGENCY SERVICES  
AUTHORITY

By:  MD  
Julie Kiley, MD, Secretary

By:   
Ed Dills, Chair

**Economic Development Commission**  
**October 9, 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 5:33 pm. Commissioners present included Vice Chair (VC) Dan Osinski, Phyllis Baez, 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**

Chair Small presented for approval the September 11, 2023, meeting minutes. Baez motioned for approval, seconded by Davis, and passed unanimously by the board.

**OLD ITEMS**

Arts Month 2023

EDD Bailey referenced the calendar of events flyer on the table to highlight the month of October, as to the Nightmare on Mainstreet/Oh My Gourd! which spotlights local talent and select businesses who provided \$250 each in sponsorship contributions. She noted this is the first event in Olde Town to attain fundraising sponsorships by the businesses which also bring additional foot traffic to the community's epicenter. Next on the event's calendar is Trunk or Treat and the Mayor's Tree Lighting ceremony to encourage the Commissioners and families to attend these in support of the Olde Town business district.

Proposition 123 – Affordable Housing Financing Program

EDS Shull provided a brief recap of Proposition 123 legislation and OPT-in considerations of the program for a Commission debrief; prefacing City Administration requested Economic Development to perform an affordable housing baseline assessment as a gauge in a determination approach for the State of CO program. Shull referenced the Baseline Assessment FAQ; whereby detailing the formula variables, the baseline quotients, and the comparison of the 3-year housing goal attainment forecasts. These factors were derived using three different scenarios with adjusted variables for sales availability rates and area median income (AMI). In conclusion, the city's total gap in affordable housing units (AHU) range between 1116 (minimum) and 1207 (maximum), with a 9% mandate goal to deliver approximately 100-109 units over the program term minimum units' attainment per an Opt-in of the program.

ED Shull outlined a couple of the auxiliary considerations as it pertains to Proposition 123:

- Fountain Housing Authority, Director vacancy, whom is designated as the City Champion on AHU
- Market Rate Only defined housing stock pipeline forecast, per City Planning Overview
- EPC's BoCC and Planning abstained from participation by Nov 1, 2023 Opt-in deadline in September
- State Opt-in terms of conditions do allow for a 2-year (2025) or 1-year (2026) cycles of eligibility by a municipality to engage in the program

As an alternative approach, staff completed a local initiatives analysis of funding as currently available in the market, and as such has identified Five Tiers established in a non-competitive means to support any AHU housing project seeking to develop within the City of Fountain. Bottomline is the City already has access to matching capital to support

AHU at the local level, the only caveat is there are no means currently established per transitional homelessness housing, which for the City of Fountain is not a need of consideration at this time.

EDS Shull paused to allow for a general round of commentary or questions by the Commissioners, to include:

- (Chair Small) – How do we know our housing need and diversity of housing in the market?
  - EDD Bailey stated the City has been in a fortunate position as a regional suburban market to naturally attract private housing developers. However, with the escalation in housing pricing and short supply of stock due to COVID, this legislation program really provided a means for the City to look deep at the type of housing and to determine the missing gap of AHU per the baseline assessment.
  - In addition, she shared the to-be appointed incoming Fountain Housing Authority Director will champion this effort forward and work collaboratively with city departments towards AHU attainment.
- (Chair Small) – Does the County need to engage with the program for the City to Opt-in?
  - EDD Bailey stated that there is no dependent relationship as to the opt-in requirements, however El Paso County would be an integral partner in helping reduce the funding gap between current market-based housing prices and estimated affordable housing prices if they had chosen to Opt-in.
- (VC Osinski) – How to assure AHU remains perennially and affordable for subsequent generations and City housing stock?
  - EDD Bailey suggested that provisions can be written into public/private financial agreements as well as an executed recorded deed of trust which effectively binds the subject property to a specific price or limits the annual increase in rents by a certain percentage to preserve affordable housing stock.
- (Davis) – What if City does Opt-in and we do not achieve the quotient of units within the 3Yrs?
  - EDS Shull clarified that the jurisdiction is effectively banned from filing for commitment for one year (i.e. the 4<sup>th</sup> year) after the 3-year cycle concludes.

Upon listening to feedback of the commission and staff, Chair Small motioned for a recommendation and approval to Abstain from Proposition 123 AHU Opt-in Program at this time with yearly evaluation by the City EDC, seconded by Davis, and passed unanimously by the board. In closing, EDD Bailey commented this approach will allow the City to evaluate performance and/or alterations of the State's program and preserves our opportunity to reconsider engagement at future cycles of eligibility, ie: 2-year (2025) or 1-year (2026) or beyond. The AHU Baseline Assessment as presented is fixed and will not change, therefore any recommendation of future engagement in Proposition 123 will be steward by the required number of units as identified and the to-be appointed new Director of the Fountain Housing Authority in their working relationship with city departmental staff.

#### Strategic Objective D15; Wayfinding and Signage Campaign

EDD Bailey provided a status brief as it pertains to the proposed Strategic Objective D15 as introduced last month. The D15 is to develop and steward an updated directional wayfinding and signage campaign along the Highway 85/87 Urban Renewal Area (URA), which naturally includes the following business corridors of N. US85, Mesa Ridge, Olde Town, and Gateway. During the September 12<sup>th</sup> City Council session, the department proposed an amendment to the City Strategic Plan to include the D15 campaign on behalf of small business economies. As such, she affirmed City Council's unanimous approval of the new D15 Strategic Objective and thanked the EDC for their voice of business advocacy in support of the request. EDD followed by delineating between the Wayfinding, Signage, and Branding components of the campaign, as well as, the RFP process for accomplishing the Strategic Objective D15 and noting specific milestone dates for stewarding the campaign, gravitating quality business engagement, and obtaining a final document deliverable for the City.

## NEW ITEMS

### Enterprise Zone Tax Credit Program

EDS Shull referenced a draft memorandum to be distributed to Fountain's business members residing in the Pikes Peak Enterprise Zone Tax Credit boundary and program eligibility. The program applies to underperforming or unserved areas in the County and encourages business investment within the area (i.e. the Pikes Peak Enterprise Zone, or PPEZ) and offers various tax credits on eligible expenses and activities of businesses. These include but are not limited to equipment purchases, qualified training expenses, vacant building rehabilitation, and new job openings. He emphasized that businesses should pre-certify with El Paso County by January 1, 2024, to claim the maximum eligible credits for the upcoming new tax year. Shull concluded by encouraging the Commissioners to spread the word about the program to any of their immediate business connections or guide them to Economic Development staff for further assistance.

### CSCEDC DC Fly-in and Committee Engagement

EDD Bailey shared highlights from her attendance of the Colorado Springs Chamber and Economic Development Commission DC Fly-in event, focusing on communications around business and economic policy matters with delegates representing the Pikes Peak Region. She spoke to CSCEDC's emphasis on committee engagement and encouraged the Commissioners to consider joining any number of select committees of their choosing. To learn more about the committees, please visit <https://docs.google.com/forms/d/e/1FAIpQLScZe0ltZCdUVckXV6XjbZ4vn4zrXkoRYsV30PuWPaxA-woXsg/viewform>

## UPDATES

### Comprehensive Economic Development Strategy

EDD Bailey referenced the up-n-coming Comprehensive Economic Development Strategy (CEDS) regional deliverable as championed by Pikes Peak Area Council of Governments (PPACG) as a precursor activity to the City completing a revision of its own Economic Strategic Plan. The CEDS is a multi-regional effort covering El Paso, Teller, and Park counties focusing on economic strategic guidance for the region and preservation of economic vitality characteristics. She noted that the PPACG board of directors will be previewing the draft version of the CEDS and that a 30-day public comment period will be launched in November as part of the effort. Staff will keep the EDC apprised of the public commentary release and encouraged the Commissioners to learn more about CEDS and provide comments.

### Monthly Economic Dashboard Report (October)

EDS Shull referenced the two Economic Dashboard reports for October, as furnished by the data providers UCCS College of Business and Data Driven Economic Strategies. Shull noted his observations from the reports, namely the avoidance of a federal shutdown and the continued high interest rates impacting new housing stock/sales. EDD Bailey noted the uptick in automobile purchases and airport enplanements are strong sectors of the report. The board shared further commentary centered around the lack of available childcare and the strain still evident on low to moderate income families.

## COMMISSIONER COMMENTARY TIME

### Olde Town

- N/A at this time

### Small Business Advocacy

- N/A at this time

Business Development/Policy

- N/A at this time

Real Estate Market

- VC Osinski mentioned interest rates are continuing to go up, slowing down home purchasing by individuals. However, there are no economic indicators of adverse effects based on this outcome.
- Davis noted that local home prices are down slightly, and the VA loan interest rates are currently around 7.7%

Military

- N/A at this time

**ANNOUNCEMENTS**

- EDCC Drive, Lead, Succeed Conference Grand Junction, CO (October 18-20)
- Upcoming Community Events
  - Oct 13 – Nightmare on Main Street / Oh My Gourd!, the Lawn at City Hall (2:00 PM to 7:00 PM)
  - Oct 27 – Trunk-or-Treat, the Lawn at City Hall (5:00 PM to 7:00 PM)
- Future Guest Speaker
  - November 13th: Brandon Eldridge, Exec Director, Pikes Peak Small Business Development Center
- South Powers Boulevard Extension Report (Year End 2023)
- [PPRTA Ballot Measure](#) (November 2023)

In closing, Chair Small formally announced his EDC resignation sharing that his family has decided to move back to Michigan to be closer to their grandparents and a new grandchild. He shared his deep love and appreciation for the Fountain community, thanking the Commission for all the support over the years and wishing everyone goodness going into the next year. As the board expressed sorrow and happiness for Chair Small journey, EDD Bailey thanked him for his above and beyond service with the EDC and especially during the times of COVID to provide leadership and aide to small businesses' recovery and resiliency programs.

Chair Small asked if there was further business. No further topics were brought forth by subsequent board members; therefore, Baez motioned to adjourn, seconded by Diaz, passed unanimously at 6:38 pm.



\_\_\_\_\_  
Kimberly Bailey

11/13/23

\_\_\_\_\_  
Date

## FOUNTAIN URBAN RENEWAL AUTHORITY

October 21, 2023

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

### General Board Meeting Minutes

Chair Aragon called a regular monthly meeting of the Fountain Urban Renewal Authority to order at 6:02pm. Commissioners present included Vice Chair (VC) McMaster, Leslie Louzon-Keller, Logan Broz, and Tamera Estes. Additional attendees included: CliftonLarsonAllen (CLA) Carrie Bartow and FURA Executive Director (ED) Kimberly Bailey.

#### CONSENT AGENDA

The following Consent Agenda items were presented for approval:

- Approval of September 28, 2023 General Meeting Minutes
- Approval of October 21, 2023 Accounts Payable
- Approval of October 21, 2023 Monthly Financials Report

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

#### NEW ITEMS

##### Enterprise Zone, Community Contribution Program

ED Bailey mentioned the ongoing deliverable, as instructed by the board to staff, is currently underway with the El Paso County Administrator. The deliverable is formally known as the Enterprise Zone Community Contribution Program (EZ-CCP) which deems the Woodman Hall property as eligible for an equity campaign designation under the program; the allowance is established by the State of Colorado Economic Development Commission per an EZ-CCP application process by the County Administrator. Staff are finalizing the application, and a draft review will be provided to the Authority by early November.

##### Accessibility Law for Colorado Government Compliance

ED Bailey generally referenced [HB21-1110](#) which has an effective date of July 1, 2024 for all Colorado Government Authorities to come into compliance per State Law. The HB stipulated standards for accessibility technology for persons with disabilities as it relates to all technology, hardware, and software, that is both public-facing and internal-facing. This technology includes but is not limited to websites, applications, kiosks, digital signage, documents, video, audio, and third-party tools. Regulations state that all website content and/or reports, publications, etc. by a government authority must be formatted for access and readability parameters for disability citizens. Bailey mentioned FURA will need to comply with such and is seeking directional guidance from CoF staff in information technology and marketing communications as leading the HB compliance process for the municipality; FURA staff will act accordingly.

#### FINANCE

##### 2024 Budget Draft

ED Bailey and CLA Bartow reintroduced a summary of the goals and objectives received per the Authority's vision and mission guidelines in the preparation and financial balance attainment with regards to the budget draft as presented, to include items outlined below:



- Woodman Hall (WH) Adaptive ReUse Capital Infrastructure
  - Notice: The Loan REFI and Equity Loan is presented in full capacity, which is not the intent. The loan provides for a contingency of capital on behalf of WH improvements, due to the historical integrity of the building and possible unknowns which may occur during reconstruction. The budget demonstrates full capacity for financial balance.
- US85 URA Wayfinding and Signage Campaign on behalf of directional awareness which would represent a holistic program to include the Gateway, Olde Town, Mesa Ridge, and N. US85 business district corridors per a 40/60 pledge allocation of funds.
- Charter Oak URA received a formal request of FURA as a to-be identified “applicant” under a 2024 DOLA/LOMA State of CO matching funds application, in correlation to a larger 2024 FRA CRISI grant being spearheaded by the regional COS counterpart; in relation to the [Southern Colorado Rail Park](#) regional initiative. ED Bailey emphasized the following conditions:
  - FURA is a TABOR exempt classification Authority under State Statue CO; whereby there are no impacts to its general revenues and CLA administrative fees would be procured through the matching grant funds (as awarded)
  - FURA is an IF/WHEN on the DOLA/LOMA as the FRA CRISI award is a prerequisite; however, the future budget should address the funding alternative situation of the regional P3 stakeholders if such efforts do come to fruition and necessitate FURA applicant position.
- General Revenues are forecasted to increase significantly due to the recent Property Tax Assessments and the INFILL new retailer sales tax generation, with a conservative value as stipulated.
  - NOTICE: If the current legislation known as Proposition HH ballot measure passes in November, there will need to be some adjustments per the legislation and the general revenues may lag in collection due to implementation measures of the bill.
- CLA Bartow provided a general overview of the tranches as outlined in the 2024 budget proposal.

In closing, it was noted that the 2024 budget proposed is the most simplified budget of recent times, as the Authority has a clear direction on missions, financial alignment, and post-COVID revenue forecasts, which all contribute to a solid footing in budget planning. There were no additional questions posed by the board, therefore, the board reached a consensus and advised staff to proceed forth with items as presented and to schedule the Public Hearing as required by State Statue. Per board member and staff availabilities, the Public Hearing and general board meeting has been scheduled to transpire on November 16<sup>th</sup> @ 6pm, with a series of public notifications to transpire by staff.

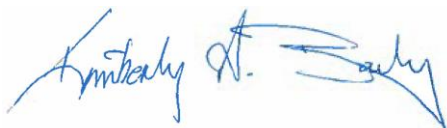
Check Signing

As approved on consent, A/P checks were signed totaling \$87,168.31.

**ANNOUNCEMENTS**

1. Olde Town Seasonal Events Flyer
2. DCI Membership and TIF Training Session *(October 26, 2023)*
3. Board/Quorums/ Public Hearing *(Nov/Dec 2023)*
4. PPTRA Ballot Measure *(Nov 7, 2023)*

Chair Aragon asked if there was any further business. No further topics were brought forth by board members; therefore, VC McMaster motioned to adjourn, second by Estes, passed unanimously by the board at 6:33pm.



\_\_\_\_\_  
Kimberly Bailey, Executive Director

\_\_\_\_\_  
11.16.23  
Date