



CITY COUNCIL AGENDA
February 13, 2024, 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

- Moment of silence for Mrs. Wanda Cabello
- 2024 Applicant Award: DCI Community Challenge Program (K. Bailey est. 10 mins)

4.2) Board/Commission/Committee

5) Correspondence, Comments and Ex-Officio Reports

6) Public to be Heard

Citizens may address the Council on items that are not on the agenda. Council may not be able to provide an immediate answer but will direct staff to follow up. Out of respect for the Council and others in attendance, please limit your comments to five (5) 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 January 23, 2024, City Council Meeting Minutes (S. Huffman)

8) Old Business

- A.** Second Reading Of Ordinance 1797, An Ordinance Establishing New Sections To Chapter 1.12 (General Penalty) Within Title 1 (General Provisions) Of The Fountain Municipal Code, Establishing A Right To Trial By Jury And Exemptions Thereto (T. Johnson 10 minutes)
- B.** Second Reading Of Ordinance 1798, An Ordinance Repealing And Reordaining Chapter 10.04 (Model Traffic Code) Of Title 10 (Vehicles And Traffic) Of The Fountain Municipal Code And Adopting By Reference With Changes The 2020 Edition Of The "Model Traffic Code For Colorado, Revised 2020" And Making Other Changes Related To Traffic (T. Johnson 10 minutes)

9) New Business

- A.** Consideration Of Items Removed From The Consent Agenda
- B.** Council Discussion on How To Fund Road Projects, Based On Public Feedback During 11/14 Council Meeting. Requested by Mayor Pro Tem Rick (Gordon Rick)
- C.** Resolution 24-004 A Resolution Of The City Council Of The City Of Fountain, Colorado Awarding The Wayfinding Signage System Plan To Michael Baker International Within The City Of Fountain And Matters In Connection Therewith. (D15 Strategic Objective) (K.Bailey est. 15 min.)

10) City Council Agenda Requests

11) Announcement of Executive Session

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 If consent to the closed Executive Session is not given, the items may be discussed in open session or withdrawn from consideration.

PURPOSE OF THE EXECUTIVE SESSION:

- Pursuant to C.R.S. Section 24-6-402(4) for the Purpose of Review, Approval, and Amendment of Executive Session Minutes
- Pursuant to C.R.S. Section 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators regarding a cell tower lease.
- 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 regarding City property lease.
- Pursuant to C.R.S. Section 24-6-402(4)(b) for the purpose of receiving legal advice on specific legal questions regarding an intent to file a lawsuit.

12) Adjourn

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

**NEXT REGULAR COUNCIL MEETING
February 27, 2024**



Regular City Council Meeting

Consent –7A

Council Meeting Minutes

February 13, 2024

Summary Information

Title:

APPROVAL OF THE JANUARY 23, 2024, CITY COUNCIL MEETING MINUTES

Initiator: City Clerk Huffman

Presenter: City Clerk Huffman

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

The attached minutes were compiled as the result of the January 23, 2024, City Council Meeting Minutes

Attachments: Above Referenced Meeting Minutes

Background Information

Strategic Plan Priority (if applicable):

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

Recommendation

Staff recommends approval.

Proposed Motion

Motion to approve shall be included under the consent agenda.

CITY COUNCIL MEETING
January 23, 2024

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 Rick

Council Member Estes

Council Member Herzberg

Council Member Applegate

Council Member Hinton

Council Member Duncan

4 (1) Presentations

Recognize Lowell “Luke” Kennedy nomination for MCC driver appreciation 2023.

Rosa McCormick and Summer Earthsong, Transit, introduced Mr. Kennedy as Transit’s 2023 Driver of the year and noted his dedication and hard work with the city.

4 (2) Board/Commission/Committee Appointments

5) Correspondence, Comments and Ex-Officio Reports

City Attorney Johnson introduced Assistant City Attorney Grace Wilson and Deputy City Engineer Abha Dwivedy.

Council Member Duncan provided information on an upcoming homebuyer class, legislative sessions, and due date for FASFA forms for students.

Council Member Applegate noted his attendance at the PPRBD meeting and received information on the outstanding work Officer Cornella has been doing.

Council Member Rick reported that he and Council Member Hinton attended a meeting with the residents of the Villas at Mesa Ridge. He noted the management company will be hiring a local structural engineering company and once they determine the issues, they will create a plan for repair. He asked that once the City receives a copy of the plan, report to Council. He reminded residents that property tax bills were mailed late due to new legislature decisions; however this did not delay when taxes are due. He then reported he met with Fire and Code Enforcement personnel to discuss existing ordinances. That meeting decided that there would not be any recommendations to change ordinances regarding the storage of propane and it also opened the opportunity for Council to tour the city and view the most common Code

Enforcement calls for service. Staff will provide a presentation to Council on this to allow the public to give feedback. He reviewed statistics on the current backlog of Code calls.

Mayor Thompson reported that she was reelected as Chair for PPACG. She attended the railyard oversight meeting. She also noted the legislative sessions have begun and if anyone wants information on any bills, you can conduct a word search on their website. She also attended the online meeting with Mt. Carmel, and they had a group called Porchlight friends that offers help to those needing non-medical help and offers a program that would help friends or family check on friends or family.

6) Public to be Heard

Sam Fortune, resident, reviewed slides of locations within the city that he believes to have code violations. He also reviewed photos of his property stating that he does not believe there are violations.

Al Lender, resident, stated that the VFW will be hosting a drag show and feels that exploitation of children is unacceptable and hopes City Council will say something about this.

Connie Whisenhunt, resident, reported that the issue has been resolved but wanted to bring it to the attention of Council. She stated that there was a board vacancy listed for the Housing Department and after she applied, was told that the posting was a mistake. She also stated that at the last meeting, Mayor Pro Tem Rick made comments to which a resident was not able to respond to.

Mayor Thompson stated that City Attorney Johnson requested to remove item 7B from the consent agenda for further discussion.

7) Consent Agenda

- A. Approval Of the January 9, 2024, City Council Meeting Minutes**
- B. Resolution 24-002, A Resolution To Approve A Memorandum Of Understanding Between The City Of Fountain And Colorado State Patrol Regarding Areas Of Responsibility (T. Johnson)**
- C. Resolution No. 24-003, A Resolution Authorizing The 2024 Contract For Animal Control Services Between The City Of Fountain And The Humane Society Of The Pikes Peak Region (T. Johnson)**
- D. Approval Of 2024 School Fees In Lieu Of Land Dedication 2024 (K. Martinez)**

Mayor Pro Tem Rick made a motion to approve the consent agenda without item 7B, seconded by Council Member Hinton. All members voted yes (7-0); the motion carried.

8) Old Business

There was no old business to be heard.

9) New Business

A. Consideration Of Items Removed From The Consent Agenda

7B. Resolution 24-002, A Resolution To Approve A Memorandum Of Understanding Between The City Of Fountain And Colorado State Patrol Regarding Areas Of Responsibility

City Attorney Johnson stated that the most current agreement has a date change from 2020 that was provided, to the correct year of 2023 and updated signatures.

Council Member Applegate made a motion to approve Resolution 24-002, seconded by Council Member Duncan. All members voted yes (7-0); the motion carried.

B. First Reading Of Ordinance 1797, An Ordinance Establishing New Sections To Chapter 1.12 (General Penalty) Within Title 1 (General Provisions) Of The Fountain Municipal Code, Establishing A Right To Trial By Jury And Exemptions Thereto

City Attorney Johnson stated that previously, any violation of Fountain Municipal Code was punishable by up to a year in jail and a fine of not more than \$2,650. This includes charges like 1-4 mph Speeding, not having a dog on a leash, weeds, parking, etc. Colorado law grants a defendant facing the possibility of jail the right to a trial by jury. This Ordinance would eliminate the possibility of jail for certain offenses and thereby not require a jury trial. Instead, it would only require a trial to the Court, where the judge acts as fact finder instead of a jury.

Some more serious charges that have an equivalent state statute that carries jail, are not included and any defendant charged would still have the right to a trial by jury.

Mayor Pro Tem Rick asked if a defendant would like to appeal the decision and what would be the process.

City Attorney Johnson stated they could appeal the decision to the El Paso District Court. He then gave some examples of charges that would not be subject to jail time.

Council Member Duncan made a motion to approve ordinance 1797 on first reading, seconded by Council Member Hinton. All members voted yes (7-0); the motion carried.

C. First Reading Of Ordinance 1798, An Ordinance Repealing And Reordaining Chapter 10.04 (Model Traffic Code) Of Title 10 (Vehicles And Traffic) Of The Fountain Municipal Code And Adopting By Reference With Changes The 2020 Edition Of The “Model Traffic Code For Colorado, Revised 2020” And Making Other Changes Related To Traffic

City Attorney Johnson stated that in 2020, the state updated its Model Traffic Code. The city had previously adopted the 2010 version and is seeking to adopt by reference the most updated version of the code.

Commander Racine reported that this updated version allows for Fountain to write violations that can be heard in our municipal court rather than writing them to El Paso County.

Council Member Duncan asked about the truck route provision and clarification of the parking of RVs or trailers on public versus private property.

Commander Racine gave answers and examples for clarification.

Council Member Hinton made a motion to approve ordinance 1798 on first reading, seconded by Council Member Duncan. All members voted yes (7-0); the motion carried.

10) City Council Agenda Requests

There were no requests.

11) Announcement of Executive Sessions

12) Adjourn

There being no further business, Mayor Thompson declared the meeting adjourned at 6:56 P.M.

City Clerk

Mayor



Regular City Council Meeting

Old Business –8A

Ordinance No. 1797

February 13, 2024

Summary Information

Title:

SECOND READING OF ORDINANCE 1797, AN ORDINANCE ESTABLISHING NEW SECTIONS TO CHAPTER 1.12 (GENERAL PENALTY) WITHIN TITLE 1 (GENERAL PROVISIONS) OF THE FOUNTAIN MUNICIPAL CODE, ESTABLISHING A RIGHT TO TRIAL BY JURY AND EXEMPTIONS THERETO

Initiator: Troy Johnson, City Attorney

Presenter: Troy Johnson, City Attorney

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

This Ordinance specifies which violations of Fountain Municipal Code are subject to possible jail time and, in turn, which violations invoke a Defendant’s right to a trial by jury.

Background Information

Previously, any violation of Fountain Municipal Code was punishable by up to a year in jail and a fine of not more than \$2,650. This includes charges like 1-4 mph Speeding, not having a dog on a leash, weeds, parking, etc. Colorado law grants a defendant facing the possibility of jail the right to a trial by jury. This Ordinance would eliminate the possibility of jail for certain offenses and thereby not require a jury trial. Instead, it would only require a trial to the Court, where the judge acts as fact finder instead of a jury.

Some more serious charges that have an equivalent state statute that carries jail, are not included and any defendant charged would still have the right to a trial by jury.

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 makes no recommendation.

Proposed Motion

“I move to approve Ordinance 1797 on Second Reading.”

ORDINANCE NO. 1797

AN ORDINANCE ESTABLISHING NEW SECTIONS TO CHAPTER 1.12 (GENERAL PENALTY) WITHIN TITLE 1 (GENERAL PROVISIONS) OF THE FOUNTAIN MUNICIPAL CODE, ESTABLISHING A RIGHT TO TRIAL BY JURY AND EXEMPTIONS THERETO

WHEREAS, the City of Fountain operates a municipal court which is vested with jurisdiction as conferred by the Ordinances of the City; and

WHEREAS, the City of Fountain desires to set forth the expectations for municipal defendants regarding their right to a trial by jury; and

WHEREAS, the City of Fountain recognizes that certain municipal violations lack severity or a level of concern to warrant any period of imprisonment; and

WHEREAS, the City desires to exempt certain municipal violations from a possible sentence of confinement, and additionally thereby eliminating the need and right of a trial by jury in those instances.

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

Section 1. Title 1 (General Provisions), is hereby amended, adding Sections to Chapter 1.12 (General Penalty) to the Fountain Municipal Code, attached hereto.

Section 2. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severability. If any section, paragraph, sentence, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance.

Section 4. 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 this 23rd day of January, 2024, 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 Colorado Springs Gazette, a newspaper of general circulation in the City of Fountain.

Sharon Thompson, Mayor

ATTEST:

Silvia Huffman, City Clerk

Introduced, read by title, and passed on second and final reading on the 13th day of February, 2024, 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

TITLE 1 (GENERAL PROVISIONS)

CHAPTER 12.12 GENERAL PENALTY

Sec. 1.12.040. – Right to Trial by Jury

In any action before the Municipal Court in which the Defendant thereto is entitled to a jury trial by the Constitution or the general laws of the State of Colorado, the Defendant shall have a jury upon request. The jury shall consist of three (3) jurors unless a greater number, not to exceed six (6), is requested by the Defendant.

Sec. 1.12.050. - Right To Trial By Jury; Waiver, Fee.

A Defendant waives the right to a jury trial under this Section unless, within twenty-one (21) days after arraignment or entry of a plea, the Defendant files with the Municipal Court a written jury demand and simultaneously tenders to the Municipal Court a jury fee established by Colorado State statute or Court rule, unless the fee is waived by the Municipal Court judge due to the indigence of the Defendant. If the action is dismissed or the Defendant is acquitted of the charge, or if the Defendant, having paid the jury fee, files with the Court a written waiver of the jury trial at least twenty-one (21) days before the scheduled trial date, the jury fee shall be refunded.

Sec. 1.12.060. - Right To Trial By Jury; Advisement.

At the time of arraignment for any offense, the Municipal Court Judge shall advise the Defendant of the Defendant's rights and responsibilities as to trial by jury.

Sec. 1.12.070. - Right To Trial By Jury; Jail; Exceptions.

The election of jury trial is hereby eliminated relating to the following sections of this Code, identified in Sub-Sections A, B, C, and D below and violations of the following sections of this Code shall not be punishable by imprisonment, but shall be punishable by a fine not to exceed one thousand dollars (\$2,650.00), by a sentence of unsupervised probation, or by a combination of such fine and sentence of unsupervised probation.

A. TRAFFIC

Section 10.04.050(A) of the Fountain Municipal Court for the following Model Traffic Code sections and/or subsections:

1. Section 201-240 – Equipment
2. Section 501-512 – Size-Weight-Mode
3. Section 603 – Obedience to Official Traffic Control Devices
4. Section 604 – Traffic Control Signal Legend
5. Section 605 – Flashing Signals
6. Section 605-615 – Signals-Signs-Markings
7. Section 701-713 – Rights-of-Way
8. Section 801-808 – Pedestrians
9. Section 901-903 – Turning-Stopping

10. Section 1001-1013 – 1101 – Speed Regulations as follows:
 - i. 1101(2)(h) – 1 to 4 miles per hour over the posted speed limit
 - ii. 1101(2)(h) – 5 to 9 miles per hour over the posted speed limit
 - iii. 1101(2)(h) – 10-19 miles per hour over the posted speed limit
11. Section 1201-1211 – Parking
12. Section 1402 – Careless Driving
13. Section 1403-1408; 1411-1412; 1415 – Other Offenses
14. Section 1409 – Compulsory Insurance
15. Section 1501-1504 – Motorcycles
16. Section 1803 – Abandonment of Motor Vehicles – Public Property
17. Section 1901-1904 – School Bus Requirements

B. ANIMALS

1. Section 6.04.050 – Animals kept on premises, sanitary requirements
2. Section 6.04.060 – Duty to Restrain
3. Section 6.04.100 – Specific Animals Prohibited
4. Section 6.04.110 – 6.04.140 – Exotic Animals – Permit Required – Application for Permit, Denial, Revocation of Permit, Failure to Obtain Permit - Impoundment
5. Section 6.04.150 – Noisy Pets or Animals Prohibited
6. Section 6.04.180 – Unlawful Sale or Display
7. Section 6.08.010 – 6.08.060 – Regulation of Dogs and Cats, Inoculation and License Fee – Dogs and Cats
8. Section 6.08.080 – License Tags to be attached to collar
9. Section 6.08.090 – 6.08.100 – Unlawful sale or display of cats or dogs in public places or by a pet store (Section 6.08.160 – Penalties needs to be revised.)
10. Section 6.12.010 – 6.12.040 – Regulation of hoofed animal

C. CODE

1. 8.04 – Pertaining to Weeds and Refuse
2. 8.08 – Nuisances
3. 8.12 – Property Maintenance Code for Non-Owner Occupied Housing and Non-Residential Buildings
4. 8.20 – Junk, Junkyards and Junk Vehicles
5. 8.24 – Alarms
6. Title 17 – Zoning

D. OTHER OFFENSES – NON-TRAFFIC

1. Section 9.24.050 – Parking motor vehicles on private property
2. Section 9.24.060 – Unlicensed or unregistered vehicles on property of another
3. Section 9.24.074 – Camping on public property prohibited
4. Section 9.24.090 – 9.24.120 – Littering prohibited
5. Section 9.52.020 – Noise prohibited generally
6. Chapter 9.56 – Offenses by or Against Minors
7. Section 10.12.010 – Authority to impound vehicle

8. Section 10.12.020 – Illegal parking



Regular City Council Meeting

Old Business –8B

Ordinance No. 1798

February 13, 2024

Summary Information

Title:

SECOND READING OF ORDINANCE 1798, AN ORDINANCE REPEALING AND REORDAINING CHAPTER 10.04 (MODEL TRAFFIC CODE) OF TITLE 10 (VEHICLES AND TRAFFIC) OF THE FOUNTAIN MUNICIPAL CODE AND ADOPTING BY REFERENCE WITH CHANGES THE 2020 EDITION OF THE “MODEL TRAFFIC CODE FOR COLORADO, REVISED 2020” AND MAKING OTHER CHANGES RELATED TO TRAFFIC

Initiator: Troy Johnson, City Attorney

Presenter: Troy Johnson, City Attorney

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

This Ordinance adopts by reference the Colorado Model Traffic Code (MTC) that was updated in 2020.

Previous Action by Council:

Ordinance 1571 – Adoption of 2010 MTC

Ordinance 1675 – Establishing Truck Routes

Ordinance 1685 – RV Parking

Background Information

In 2020, the state updated its Model Traffic Code. The City had previously adopted the 2010 version and is seeking to adopt by reference the most updated version of the code.

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 makes no recommendation.

Proposed Motion

“I move to approve Ordinance 1798 on second reading.”

ORDINANCE NO. 1798

AN ORDINANCE REPEALING AND REORDAINING CHAPTER 10.04 (MODEL TRAFFIC CODE) OF TITLE 10 (VEHICLES AND TRAFFIC) OF THE FOUNTAIN MUNICIPAL CODE AND ADOPTING BY REFERENCE WITH CHANGES THE 2020 EDITION OF THE “MODEL TRAFFIC CODE FOR COLORADO, REVISED 2020” AND MAKING OTHER CHANGES RELATED TO TRAFFIC

WHEREAS, the City Council of the City of Fountain has determined that it is in the best interests of the residents of the City of Fountain to adopt by reference the 2020 Edition of the “Model Traffic Code For Colorado, Revised 2020”; and

WHEREAS, the 2010 edition of the “Model Traffic Code for Municipalities” was adopted by Ordinance 1571 and codified as Chapter 10.04 (Model Traffic Code) with certain specified additions or modifications, and

WHEREAS, Ordinance 1675 and 1685 further amended Chapter 10.04, the contents of which are integrated into this ordinance; and

WHEREAS, the City desires to adopt the 2020 edition of the Model Traffic Code for Colorado, Revised 2020 with certain changes identified below.

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

Section 1. The recitals set forth in the whereas clauses are adopted as findings in support of this ordinance.

Section 2. Chapter 10.04 (Model Traffic Code) of Title 10 (Vehicles and Traffic) of the Fountain Municipal Code is hereby repealed and reordained to read as follows:

Sec. 10.04.010 – Adoption.

Pursuant to Part 2 of Article 16 of Title 31, C.R.S., as amended, and Section 6.9 of the Home Rule Charter of the City of Fountain, Colorado there is hereby adopted by reference the 2020 edition of the “Model Traffic Code for Colorado, Revised 2020” including the Definitions set forth in the appendix as the Model Traffic Code promulgated and published by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 2829 W. Howard Pl. Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City. The purpose of the Model Traffic Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state. One (1) copy of the Model Traffic Code adopted herein is now filed in the City Clerk’s office of the City of Fountain, Colorado, and may be inspected during regular business hours.

Sec. 10.04.020 – Additions or Modifications.

The Model Traffic Code adopted in section 10.04.010 of this Chapter is subject to the following additions or modifications:

- A. Part 17, Penalties and Procedures of the adopted Model Traffic Code is declared to be inapplicable and is therefore expressly deleted in its entirety.
- B. Subsection (3) of section 116 of the adopted Model Traffic Code is deleted and replaced with the following: “A violation of this section is a violation of section 10.04.050 of the Fountain Municipal Code.”
- C. Subsection (5) of section 116 of the adopted Model Traffic Code is deleted and is replaced with the following: “No driver in a motor vehicle shall be cited for a violation of this section unless such a driver was stopped by a law enforcement officer for an alleged violation of other provisions of the adopted Model Traffic Code.”
- D. The phrase “a traffic infraction” in section 501 of the adopted Model Traffic Code is deleted and is replaced by the phrase “a violation of section 10.04.050 of the Fountain Municipal Code.”
- E. The phrase “a traffic infraction or misdemeanor traffic offense” in subsection (10) of section 1101 of the adopted Model Traffic Code is deleted and is replaced by the phrase “a violation of section 10.04.050 of the Fountain Municipal Code.”
- F. The phrase “section 235 (1) (a)” in subsection (1.5) of section 225 of the adopted Model Traffic Code is deleted and is replaced by the phrase “section 42-4-235 (1) (a) C.R.S.”
- G. Pursuant to subsection (3) of section 106 of the adopted Model Traffic Code, the following relating to the operation of trucks applies within the City of Fountain:
 - 1. It shall be unlawful to operate a truck on a City right-of-way that is not designated as a truck route. This prohibition does not apply to a truck that is not on a truck route if the driver establishes that the truck is on duty.
 - 2. It shall be unlawful to park a truck on a City right-of-way unless signs authorizing truck parking are posted on the right-of-way, except that a truck may park on a City right-of-way that is not posted for truck parking if the driver establishes that the truck is on duty. There is a rebuttable presumption that a truck parked for more than four hours is not on duty.
 - 3. The term “truck” means a:
 - a. Motor vehicle with a gross vehicle weight rating (GVWR) of more than 26,000 pounds that is designed to transport goods or to provide a service,

- b. Truck-tractor; or
 - c. Semi-trailer.
4. For purposes of this Subsection G, a truck is on duty if it is:
- a. In the process of delivering or picking up goods,
 - b. Providing a service of the type for which the truck was manufactured;
or
 - c. Is in route to or from where it will be garaged or serviced.

Notwithstanding the above, a truck is on duty only if is at a point that is the shortest distance between the duty point and the nearest truck route.

5. The City Engineer shall:
- a. Designate truck routes,
 - b. Assure that the truck routes are appropriately marked,
 - c. Make maps publicly available showing the truck routes; and
 - d. Where truck parking is permitted on City rights-of-way, post appropriate signs.
6. For purposes of this Subsection G, "City right-of-way" means a publicly maintained way if the way is open to the use by the public for purposes of vehicular travel. The term includes a way declared to be a public highway by the law of the state.

H. Subsection 1202 of the state model traffic code is hereby amended by deleting subsection 1202(2) and replacing it with the following:

1. No "specialized vehicle," as defined herein, may be parked or stored on public property or in the public right-of-way for more than 72 hours in one location in any one week period, regardless of whether the owner of the specialized vehicle is also the owner or occupant of the abutting parcel. The fact that the specialized vehicle is moved along the same right-of-way, moved for the primary purpose of avoiding the 72-hour limitation, or moved away for any period of fewer than 24 hours, shall be ignored when determining whether or not a specialized vehicle has remained parked for 72 hours or more.
2. The term "specialized vehicle," as used in this section, includes the following motorized and non-motorized vehicles: food carts, vans adapted for commercial purposes, buses, boats, boat trailers, motor homes, travel trailers, fifth wheel trailers, camping trailers, recreational park trailers, multipurpose trailers, truck campers, horse trailers, utility trailers, house trailers, and any other similar type vehicles intended for specialized use. The definitions of all terms used in this subsection which are set forth in C.R.S. §§ 24-32-902 and 42-1-102 are hereby incorporated as if restated herein.
3. Nothing in this section shall permit an activity or condition that is restricted or

prohibited by this section 10.04.020.

4. Any person who violates any provision of this section commits a violation of section 10.04.050 of the Fountain Municipal Code.

Sec. 10.04.030 – Application.

This Chapter shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of the City the use of which the City has jurisdiction and authority to regulate. The provisions of sections 1401, 1402, 1413, and part 16 of the adopted Model Traffic Code respectively concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout the City.

Sec. 10.04.040 – Interpretation.

This chapter shall be so interpreted and construed as to effectuate its general purpose to conform to the state's uniform system for the regulation of vehicles and traffic. Article and section headings of this Chapter and the adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

Sec. 10.04.050 Violation – Penalty.

The following penalties, herewith set forth in full, shall apply to this Chapter.

- A. It shall be unlawful to violate any of provision of this Chapter or any provision of the adopted Model Traffic Code.
- B. Every person convicted of a violation of any provisions stated or adopted in this Chapter shall be punished by a fine not exceeding One Thousand Dollars (\$2,650.00) or by imprisonment for not more than one year, or by both such fine and imprisonment, subject to any limitations of § 1.12.070 of the Fountain Municipal Code.
- C. The penalty and surcharge imposed for any traffic violation is doubled if the violation occurs within a school zone or within a maintenance, repair or construction zone. School zone means an area that is designated as a school zone and has signs posted indicating that penalties will be doubled. A maintenance, repair or construction zone means an area that is designated as a maintenance, repair or construction zone and has signs posted indicating that penalties will be doubled.

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

Introduced, read by title, and passed this 23rd day of January, 2024, 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, in accordance with the City Charter.

Sharon Thompson, Mayor

ATTEST:

Silvia Huffman, City Clerk

Introduced, read by title, and passed on second and final reading on the 13th day of February, 2024, signed by the Mayor 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 –9A

Items removed from Consent Agenda

February 13, 2024

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

Discussion

February 13, 2024

Summary Information

Title:

Council Discussion - How to Fund Road Projects, Based On Public Feedback During 11/14 Council Meeting

Initiator : Mayor Pro Tem Rick

Presenter: N/A

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

Previous Action by City Council:

Mayor Pro Tem Rick requested discussion on this topic.

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

Proposed Motion



Regular City Council Meeting

New Business –9C

WFSSP Contract Award

February 13, 2024

Summary Information

Title:

RESOLUTION NO. 24-004, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN, COLORADO AWARDING THE WAYFINDING SIGNAGE SYSTEM PLAN TO MICHAEL BAKER INTERNATIONAL WITHIN THE CITY OF FOUNTAIN AND MATTERS IN CONNECTION THEREWITH.

Initiator : Kimberly Bailey

Presenter: Nate Shull

Legal Review: Yes No

Council Action

Council Information

Report to Council

Summary Overview and List of Attachments:

The City Council of the City of Fountain desires to complete the Wayfinding Signage System Plan (WFSSP) in the 2024 calendar year, as dictated in Strategic Objective D15 under the Economic Development Department. As part of COVID economic resiliency, the City desires to increase awareness of community points of interest and business corridors as part of improved city infrastructure to meet future community needs. The City Economic Development department conducted a competitive public bidding process for the Wayfinding Signage System Plan with four bids received January 17, 2024, and upon Steering Committee evaluation review has identified and recommends Michael Baker International to complete the Plan.

Previous Action by City Council:

Adoption of Strategic Objective D15

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 City Council adoption of Resolution 24-004 on behalf of the Wayfinding Signage System Plan

Proposed Motion

Staff recommends City Council adoption of Resolution 24-004



RESOLUTION 24-004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN, COLORADO AWARDING THE WAYFINDING SIGNAGE SYSTEM PLAN TO MICHAEL BAKER INTERNATIONAL WITHIN THE CITY OF FOUNTAIN AND MATTERS IN CONNECTION THEREWITH.

WHEREAS, as part of COVID resiliency measures, the City desires to increase awareness of community points of interest and business corridors as part of improved city infrastructure to meet future community needs; and

WHEREAS, the City desires to develop and publish an updated directional signage plan along the Highway 85/87 Urban Renewal Area (URA) Business Corridor; and

WHEREAS, the City conducted a competitive public bidding process for the Wayfinding Signage System Plan with four bids received January 17, 2024, and upon Steering Committee evaluation review has identified and recommends Michael Baker International; and

WHEREAS, the Fountain Urban Renewal Authority (FURA) is providing a matching pledge in the amount of \$30,000 on behalf of the Wayfinding Signage System Plan; and

WHEREAS, the City Council of the City of Fountain desires to complete the Wayfinding Signage System Plan in the 2024 calendar year, as dictated in Strategic Objective D15.

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 Consultant Contract with Michael Baker International for the Wayfinding Signage System Plan project at a Contract amount of \$80,000.00.
2. The above authorization extends to the related documents necessary to achieve the identified and approved construction elements.

Done this 13th day of February 2024.

Sharon Thompson, Mayor

ATTEST:

Silvia Huffman, City Clerk



City of Fountain

PROFESSIONAL SERVICES AGREEMENT

This Contract entered into ___ day of February, 2024, by and between the City of Fountain, Colorado, a home rule City and municipal corporation (“City”), and Michael Baker International, Inc. (“Contractor”), a professional design engineering firm as an independent Contractor.

RECITALS

- The City desires to engage with the Contractor to provide professional services for design of a Wayfinding Signage System Plan (“Project”); and
- Contractor is a professional design engineering firm located at 165 South Union Boulevard Suite 1000, Lakewood CO, 80228 who can provide such services.
- In consideration of the following terms, conditions and covenants, it is agreed as follows:

GENERAL PROVISIONS

1. REPRESENTATIVES OF THE PARTIES AND SERVICE OF NOTICE. The representatives of the parties who are primarily responsible for the administration of the Contract, and to whom formal notice, demands and communications shall be given, are as follows:

- a. The principal representative / Project Manager of the City shall be:
Nate Shull, Economic Development Specialist
City of Fountain
116 South Main Street
Fountain, CO 80817
(719) 393-4949
- b. The principal representative of the Contractor shall be:
Kristin Cypher, Project Manager
165 S. Union Blvd, Suite 1000
Lakewood, CO 80228
(720) 280-4349
- c. Formal notices, demands and communications to be given hereunder by either party shall be made in writing and may be affected by personal delivery or by mail.
- d. If the name of the principal representative designated to receive the notices, demands or communications, or the address of such person, is changed, written notice shall be given within five (5) working days.



City of Fountain

PROFESSIONAL SERVICES AGREEMENT

2. **RETENTION.** The City retains and employs Contractor to act as such for City to perform such services as may be requested of it by the City. Contractor accepts and agrees to render such services as Contractor on the terms and conditions herein stated.
3. **SCOPE OF SERVICES.** The scope of such services is set forth in the attached Project Timeline, which is made Exhibit “A” to this Contract. Any amendment or modification, as referenced in the project management plan thereto shall be attached and labeled as Addendum “A” and agreed to by both parties in writing.
4. **COMPENSATION.** The City agrees to pay Contractor for the above-stated services, as set forth in the aforementioned attached Exhibit “A”. Contractor agrees that fees for services shall not exceed the stipulated project budget breakdown in Exhibit “A”.
 - a. The City shall expense no more than \$50,000 towards the project budget and is the primary client under the professional services agreement.
 - b. The Fountain Urban Renewal Authority under a sperate resolution, Exhibit “B”, shall provide a matching pledge to expense no more than \$30,000 towards the project budget.
5. **TERM.** The term of this Contract shall commence on the date this Contract is entered into as set forth above and shall expire upon final approval and execution of deliverables or no later than March 31, 2025. Any extensions to this Contract shall be agreed upon by both parties.
6. **INDEPENDENT CONTRACTOR.** Contractor is acting an independent Contractor and not as an agent, partner, joint venture or employee of the City. As such, Contractor shall have no power or authority to incur any debt, obligation or liability on behalf of City. Further, Contractor is not entitled to any benefit typically associated with an employee such as medical, sick leave, vacation benefit, or the like.
 - a. The City acknowledges that Contractor intends to subcontract at least a portion of the services to AdLight Group and City hereby approves of such subcontracting arrangement.
7. **INDEMNITY.** Contractor agrees that the Contractor shall indemnify, the City, its officers, and employees, from and against third party direct loss, damage, injuries, claims, cause or causes of action, , to the extent arising directly out of Contractor’s negligent acts, errors, or omissions in its performance of the services under this Agreement. Contractor further agrees to pay any judgment which may be obtained as a result of the Contractor’s negligent acts, errors, or omissions in its performance of the services under this Agreement. In accord with the restrictions of the City Charter and Colorado Constitution, nothing in this Contract shall be construed as, or is intended to create, any indemnification or holding harmless of the



City of Fountain
PROFESSIONAL SERVICES AGREEMENT

Contractor by the City. In no event shall Contractor's total liability for indemnity under this Section exceed Contractor's pro-rata share of all fault causing any injury or loss.

8. **OWNERSHIP OF WORK PRODUCT.** Upon Contractor's receipt of final payment, all reports, documents or other written material developed by Contractor exclusively in the performance of this Contract shall be and remain the property of City without restriction or limitation upon its use or dissemination by City. Such material shall not be the subject of a copyright application by Contractor. Any re-use by City of any such materials on any project other than the project for which they were prepared or any modification of any such materials shall be at the sole risk of City unless City compensates Contractor for such use and City shall indemnify and hold harmless Contractor from all claims, damages, losses, and expenses, including reasonable attorneys' fees, arising out of or resulting therefrom.
9. **CONFIDENTIALITY.** Employees of Contractor in the course of their duties may have access to financial, accounting, statistical, and personnel data of private individuals and employees of City. Contractor covenants that all data, documents, discussion, or other information developed or received by Contractor or provided for performance of this Contract are deemed confidential and shall not be disclosed by Contractor without written authorization by City. City shall grant such authorization if disclosure is required by law. All City data shall be returned to City upon the termination of this Contract. Contractor's covenant under this Section shall survive the termination of this Contract.
10. **TERMINATION; BREACH OF TERMS AND CONDITIONS.**

In the event that either materially defaults on any of its obligations under this Agreement, the non-defaulting party shall provide written notice of such default and defaulting party shall have no less than ten (10) business days from receipt of notice to cure such default. Should defaulting party fail to cure within the time period, non-defaulting party may terminate this Agreement for cause upon written notice.

In the event of termination of this Contract by either party, the City shall pay Contractor in full for all services and reimbursable costs *to date* incurred by Contractor for the work Contractor is engaged in at the time of termination, and in accordance with the payment provisions of this Contract. Further, either party shall have the rights to all remedies and damages which are provided by law.

11. **ASSIGNMENT AND SUBCONTRACTING.** Neither party shall assign or subcontract the rights or responsibilities under this Contract without the express, written consent of the other party, which may be withheld for any reason or for no reason.
12. **STANDARD.** Contractor agrees that the services to be rendered pursuant to this Contract shall be performed in a professional, diligent, and workmanlike manner customary for the standards provided by an experienced and competent professional organization rendering the



City of Fountain

PROFESSIONAL SERVICES AGREEMENT

same or similar services in the same locality as the project. Contractor shall re-perform any services which are not in conformity with standards. The Contractor will be relieved of its obligation to re-perform non-conforming services if the City does not notify Contractor within 180 days after the completion of the non-conforming service. Compensation for Contractor to re-perform said services shall be subject to the approval of the City, but in no event shall such compensation exceed the actual cost of services. Contractor agrees to comply with applicable federal, state, and local environmental, safety and health laws, regulations, and ordinances.

- a. All invoices shall be submitted to the City by the 15th of the month, as due, with a 45-day terms of payment allowance.
- b. All change order proceedings shall be per a 10-day written notification to the City for review, consideration, and/or acceptance to execute any such matters which may occur thru the services contract; as additional costs borne upon the project budget breakdown.

13. LIMITATION OF LIABILITY. Except as hereinafter provided in respect of personal injury or property damage, the foregoing Section 12 are the Contractor's entire responsibilities and the City's exclusive remedies for service rendered or to be rendered hereunder, and no other warranties, guarantees, liabilities, or obligations are to be implied. To the fullest extent permitted by law, the City agrees to limit Contractor's liability to the City and to all other contractors or subcontractors on the project for any and all injuries, claims, losses, expenses or damages whatsoever arising out of or in any way related to the project or this Agreement from any cause or causes including but not limited to Contractor's negligent acts, errors, omissions, strict liability, breach of contract, or breach of warranty, such that the total aggregate of liability of Contractor to all those named shall not exceed \$80,000 or the total fee for Contractor's services rendered in the project, whichever is greater. To the extent that this limitation of liability conflicts with any other provision(s) of this Agreement or any Task Orders associated therewith, said provision(s) shall be considered amended to whatever extent required to make such provision(s) consistent with this provision.

14. RESOLUTION OF DISPUTES.

Disputes regarding the interpretation or application of any provisions of this Contract shall, to the extent reasonably feasible, be resolved through good faith negotiations between the parties and may include formal or informal mediation.

15. FORCE MAJEURE. The respective duties and obligations of the parties hereunder shall be suspended while, and so long as, performance hereto is prevented or impeded by strikes, disturbances, riots, fire, severe weather, government action, war acts, acts of God, or any other cause similar or dissimilar to the foregoing which are beyond the control of the party from whom the affected performance was due.



City of Fountain
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16. **NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY.** In the performance of this Contract, Contractor shall not discriminate against any employee, subcontractor, or applicant for employment because of race, color, creed, religion, sex, marital status, national origin, ancestry, age, physical or mental handicap, medical condition, or sexual orientation. Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated equally during their employment; without regard to their race, color, creed, religion, sex, marital status, national origin, ancestry, age, physical or mental handicap, medical condition, or sexual orientation.
17. **PROHIBITION OF HIRING ILLEGAL ALIENS.** The Contractor hereby certifies that the Contractor does not knowingly employ or contract with an illegal alien and that the contractor has participated or attempted to participate in the basic pilot program in order to verify that the Contractor does not employ any illegal aliens. "Basic pilot program" means the basic pilot employment verification program created in Public Law 208, 104th Congress, as amended, and expanded in Public Law 156, 108th Congress, as amended, that is administered by the United States Department of Homeland Security.
18. **SEVERABILITY.** If any provision of this Contract is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions nevertheless will continue in full force and effect without being impaired or invalidated in any way.
19. **GOVERNING LAW.** This Contract shall be governed by, and construed in accordance with, laws of the State of Colorado. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the County of El Paso. In the event of litigation in a U.S. District Court, exclusive venue shall lie in the District of Colorado.
20. **COUNTERPARTS.** This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which shall constitute but one and the same instrument.
21. **WAIVER OF CONSEQUENTIAL DAMAGES.** In no event shall either Contractor or the City have any claim or right against the other, whether in contract, warranty, tort (including negligence), strict liability or otherwise, for any special, indirect, incidental, or consequential damages or any kind or nature whatsoever, such as but not limited to loss of revenue, loss of profits on revenue, loss of customers or contracts, loss of use of equipment or loss of data, work interruption, increased cost of work or cost of any financing, howsoever caused, even if same were reasonably foreseeable.
22. **CONSTRUCTION MEANS.** Contractor shall not be responsible for construction means, methods, techniques, sequences or procedures of construction contractors, or the safety precautions and programs incident thereto, and shall not be responsible for such contractors' failure to perform work in accordance with the contract documents.



City of Fountain
PROFESSIONAL SERVICES AGREEMENT

23. **ESTIMATES.** Any estimates provided for cost of construction, financing, and acquisition of land and rights-of-way shall be made in accordance with good engineering practice and procedure. It is understood, however, that Contractor has no control over construction costs, competitive bidding and market conditions, nor over costs of financing, acquisition of land or rights-of-way, and Contractor does not guarantee the accuracy of such cost estimates as compared to actual cost or contractors' bids.

24. **WAIVER OF CONSEQUENTIAL DAMAGES.** In no event shall either Contractor or the City have any claim or right against the other, whether in contract, warranty, tort (including negligence), strict liability or otherwise, for any special, indirect, incidental, or consequential damages or any kind or nature whatsoever, such as but not limited to loss of revenue, loss of profits on revenue, loss of customers or contracts, loss of use of equipment or loss of data, work interruption, increased cost of work or cost of any financing, howsoever caused, even if same were reasonably foreseeable.

25. **IN WITNESS WHEREOF** this Contract is entered into by the parties hereto on the dates set forth below.

THE CITY OF FOUNTAIN

By: _____

Title: City Manager

Date

ATTEST:

CONTRACTOR

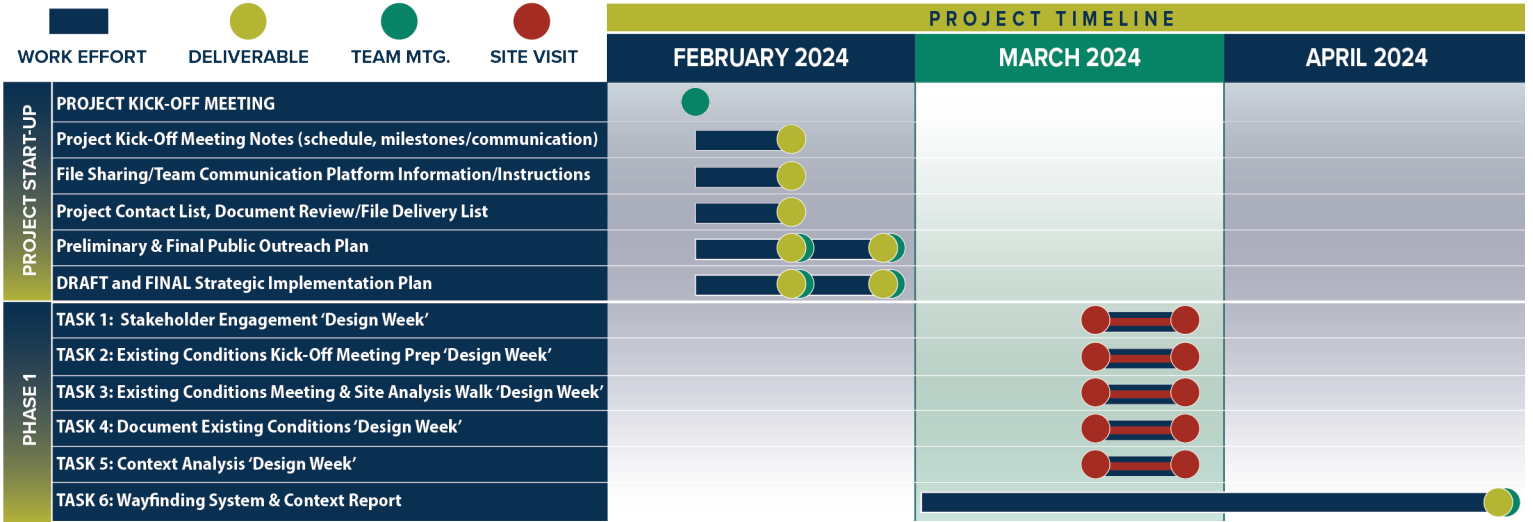
By: _____

Title: _____

Date

Project Timeline

EXHIBIT A



Number & Breakdown of Public Engagement Sessions

Community Workshop/Outreach Stations - 2 events planned (can include multiple outreach stations throughout the City)

Design Week - 1 planned (multiple stakeholder engagements and locations planned for this week, including kick-off meetings with the Steering Committee and City Boards/Commissions)

Stand-Alone Team Meetings - 30 biweekly team/stakeholder group meetings planned throughout the project (these meetings also include City Board/Commission updates, Business District Working Committee/Focus Groups and Steering Committee Sessions, and all team meetings called out on the project timeline above)

Project Budget Breakdown

Project Start-Up: \$5,000 (38 hours)

Phase 1: \$30,000 (200 hours)

Phase 2: \$25,000 (196 hours)

Phase 3: \$20,000 (126 hours)

NOTE: Hours reflect an average of team rates, and also include overhead administrative support across all project phases

RESOLUTION 24-_01_

A RESOLUTION AUTHORIZING THE MATCHING PLEDGE UNDER THE CITY OF FOUNTAIN, COLORADO WAYFINDING SIGNAGE SYSTEM PLAN

WHEREAS, the Fountain Urban Renewal Authority (the “Authority”) has authorized to engage with the City of Fountain (the “City”) dated August 15, 2023, regarding a \$30,000 matching pledge commitment and made a part hereof (the “Commitment”) in its 2024 budget; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE FOUNTAIN URBAN RENEWAL AUTHORITY, AS FOLLOWS:

Section 1. The City desires to develop and publish an updated directional signage plan along the Highway 85/87 Urban Renewal Area (URA) Business Corridor; and

Section 2. The Authority 2024 budget line item is a Commitment of \$30,000 towards a Wayfinding Signage System Plan (the “Plan”) partnership to a \$50,000 City budget appropriation; and

Section 3. The Plan has been referenced as an action item recommendation under the 2017 THK Town Design Aesthetics plan, 2022 Ohio Placemaking plan, and 2023 The Blast Urban Greenway plan within the Olde Town District of the Highway 85/87 URA; and

Section 4. The City conducted a competitive public bidding process for the Plan with four bids received January 17, 2024, and upon Steering committee evaluation review has identified and recommends Michael Baker International; and

Section 5. The City has adopted Resolution 24-004 to award the Plan to Michael Baker International on February 13, 2024; and

Section 6. This Resolution is adopted and shall take effect immediately on its adoption

FOUNTAIN URBAN RENEWAL
AUTHORITY

ATTEST:

By _____
Chair

By _____
Secretary/Executive Director